

## Quality and Ethics Standards

### Overview

In its Mission Statement, swissstaffing guarantees its marketplace partners

*transparency, certainty, quality and professionalism*

in the services provided by its members, whose work is guided by clearly articulated policies and standards.

swissstaffing has committed itself to requiring its members to exceed quality standards imposed by relevant laws. Membership in swissstaffing must signal to commercial partners a guarantee that services provided will be of this higher standard. To this effect, swissstaffing has established its own quality standards to guarantee that its members carry out their business ethically according to high professional industry standards and in a way that embeds an ethos of mutual respect within the association.

These standards of quality are binding for all members, as well as their branches, associated companies and franchisees. Infractions are sanctioned by means of an internal process. Members commit themselves accept arbitration decisions and to take the necessary remedial measures without delay.

The relevant procedural rules and sanctions are detailed in an association regulation.

In business documents and external communications, swissstaffing members publicly reference their membership in an appropriate fashion. In cases where a procedure considering withdrawal of AVG/LSE (Federal Employment Services Act) authorization has been opened against a member, the member will refrain from public communication of its swissstaffing membership status until a definitive resolution of the procedure has been reached.

By being guided by these principles, swissstaffing makes a meaningful contribution toward improving the industry's image.

## **Professional Standards**

The professional standards govern member work practices and are meant to guarantee the quality of their service offerings.

### **a) Membership**

swissstaffing members that offer the below-noted services fulfill the legal qualifications for personnel placement and/or staff leasing. They have had AVG/LSE (Federal Employment Services Act) authorization for at least two years and respect the rules set out by OR/CO (Swiss Code of Obligations), ArG/Ltr (Swiss Federal Labor Act for Industry, Commerce and Trade) and relevant collective bargaining agreements, in particular the CBA Staff Leasing.

Interested parties whose membership applications are pending may attend association events. They do not have voting or election rights, but otherwise have the same rights and obligations as swissstaffing members.

Membership is granted to the top manager of the membership company. Admission to the association is agreed after a thorough review of the company's headquarters and several of its branch offices, as well as all associated companies and franchisees.

### **b) Training**

swissstaffing members require their employees to be qualified to work in the placement field:

- An agency manager must have completed, at least, a professional apprenticeship and five years of training and work experience in the relevant service sector.
- Employees must have completed, at least, a professional apprenticeship or several years of professional experience in the relevant service sector.
- The manager is responsible for providing training for employees and for ensuring the standards are maintained.

### **c) Procedures**

swissstaffing members work according to their own clearly-defined procedures. These must be verifiable, consistent, not personalized and documented. The following minimum requirements must be maintained:

## Search Orders

- The job opening is verified. The job requirements are known, as well as the business's products or services and management style.
- The client is in possession of an order confirmation outlining the scope of the job and the Terms and Conditions.
- Candidates are reviewed and receive notification of either acceptance or rejection.
- Written minutes covering key points of meetings with candidates are kept on file.
- With the agreement of the candidate, an information file is sent to the client.
- The candidate accepts that references will be required.
- The client and the candidate are kept informed on the progress of the search.
- The process is administratively correct and conforms with the search order and with the Terms and Conditions. Dossiers of candidates who have not been hired must be returned to them or, with their agreement, kept on file. Requirements of data protection law in respect to keeping confidential documents are respected in their entirety.

## Placements

- The job opening is verified. The business's profile and the required skills are known.
- The client is in possession of the relevant Terms and Conditions.
- A meeting with the candidate has taken place, where the job has been discussed. Written minutes covering the meeting's key points are kept on file.
- With the agreement of the candidate, an information file is sent to the client.
- The candidate accepts that references will be required.
- Dossiers of candidates who have not been hired must be returned to them or, with their agreement, kept on file. Requirements of data protection law in respect to keeping confidential documents are respected in their entirety.

## Staff Leasing

- The job opening is verified. The business's profile and the required skills are known.
- The client is in possession of an order confirmation outlining the scope of the job and the Terms and Conditions.
- A meeting with the candidate has taken place, where the job has been discussed. Written minutes covering the meeting's key points are kept on file.
- There is a standard employment contract as well as a job-specific contract which governs the particular post, particularly:
  - Description of the work to be done
  - The place of work, as well as the start and finish dates and the notice period
  - Salary and benefits, including deductions, expenses and payment dates
  - Insurance (premiums and benefits)
  - Special benefits for special situations such as military service, maternity leave, etc.
  - Working hours
  - Any special arrangements
- Salary deductions must be administered correctly in compliance with law (payment of wages conforming to SUVA (Swiss Accident Insurance Fund). BVG/LPP occupational pension regulations must be respected, with salaries and social deductions accrued, retained and disbursed accordingly.
- With the agreement of the candidate, an information file is sent to the client.
- The candidate accepts that references will be required.
- The search process is administratively correct and handled in compliance with confirmation of the order and with the Terms and Conditions.
- Dossiers of candidates who have not been hired must be returned to them or, with their agreement, kept on file. Requirements of data protection law in respect to keeping confidential documents are respected in their entirety.

### **Outplacement Orders**

- Outplacement orders will only be accepted by companies or by candidates whose employment elsewhere has been terminated.
- A consultant may not deal with personal individual outplacement or recruitment orders.
- The consultant is aware of the details that brought about the termination.
- There is a written contract with the client giving the order which includes details on the scope of the assignment and Terms and Conditions.
- Adequate infrastructure support is available to the candidate.
- The client is kept informed on the progress of the outplacement search, with the confidentiality of personal information always assured.
- Written minutes of meetings are kept on file.
- The search process is administratively correct and handled in compliance with confirmation of the order and with the Terms and Conditions. Requirements of data protection law in respect to keeping confidential documents are respected in their entirety.

### **d) Information**

swissstaffing members support the association in its efforts to establish a transparent information policy both externally and internally. They provide information and data requested by the association and approved by the General Assembly in an unbiased manner. As such, swissstaffing members make available the documents necessary to permit data collection, for example to respond to the interests of the media or government authorities or for internal use.

### **e) Financial Obligations of Members**

Members of swissstaffing fulfill their contractual, financial and social security obligations in a timely fashion. Infractions result in exclusion from the association and notification to the relevant authorities.

### **f) General Terms and Conditions**

As a minimum, the following must be specified:

#### **For search orders:**

- Scope of benefits
- Terms and Conditions
- Third-party costs
- Duration
- Termination
- Hiring after the contract expires (safeguard clause)
- Warranty

#### **For placements:**

- Fees
- Warranty

**For temp orders**

- Scope
- Obligation to supervise the respective assignment
- Conditions and fees
- Wage and working hours consistent with the CBA Staff Leasing and other relevant CBAs according to Art. 20 AVG/LSE (Federal Employment Services Act)
- Recording of hourly timetables
- Termination
- Try and Hire
- Liability in the event of a non-start
- Order changes (in writing)

**For outplacement orders**

- Scope
- Terms and Conditions
- Duration

**g) Audits**

Members agree to external monitoring with respect to professional standards – either at the time of admission to the association or through periodic subsequent audits – and to submit the necessary information. Members will implement recommendations made by the auditor within the specified deadline. Non-implementation of the recommendations is considered an infraction of the association's Professional Standards and is referred to the Quality and Ethics Commission by the auditor.

A number of audit questionnaires are available to help members prepare for an audit:

**▪ Admission Audit**

A company requesting membership must undergo an admission audit which reviews, notably, professional criteria. The candidate cannot be granted membership without passing the audit. The team responsible for conducting the audit refers the results to the Director of Quality and Ethics, who then proposes either acceptance or refusal of the admission request to the Board.

For businesses with one to five branches, the headquarters is normally inspected. For businesses with six to ten branches, one of the branches will be inspected in addition to the headquarters. For businesses with 11 to 15 branches, a second branch will be audited, etc.

**▪ Follow-up Audit**

A follow-up audit takes place after three years.

**▪ ISO**

A relevant administrative procedure covers businesses certified to ISO standards.

## **Ethics Standards**

Ethics standards govern the behavior of members among themselves and vis-à-vis marketplace partners. The ethics standards have been formulated specifically for association membership, but are meant to be integral to the way member members carry out their business day-to-day and should be a part of their own internal codes of conduct.

### **a) Fair Play and Transparent Communication**

swissstaffing members commit themselves to comply with local regulations in their labor contracts as well as with standard industry practice in respect to wages and working hours, and also with minimum wage provisions of the CBA Staff Leasing and other relevant CBAs. Members of swissstaffing do not engage in wage dumping.

Members refrain from engaging in unfair competition in the market and among themselves.

Members maintain a policy of full transparency when hiring personnel away from another swissstaffing member, ie:

- Members hiring personnel away from another swissstaffing company must inform the other company as soon as possible about the planned transfer. In turn, this company must advise its personnel of any resulting employment consequences in accordance with labor law.
- Members hiring personnel away from another member respect relevant labor law and make every effort to maintain at least the same salary and social security levels the transferred personnel had previously.

swissstaffing members do not poach personnel consultants from other association members with unfair methods.

Members only use non-compete clauses in their work contracts with moderation.

Members exchange complete and accurate information between themselves concerning candidates or employees

### **b) Public Relations**

swissstaffing takes appropriate steps to promote the industry's image before the public.

Members of swissstaffing are committed to not doing anything that would damage the image of the industry.

Members notify the Quality and Ethics Commission of verifiable infractions of the quality standards by either association members or third parties.

Decisions made by the Quality and Ethics Commission in the case of such infractions are anonymous. Expulsions are generally published in the association's newsletter.

## **Procedures and Sanctions**

### **a) Procedures**

- **Filing complaints:**  
Members or the association can file complaints via the governing bodies.
- **Quality and Ethics Commission Responsibility:**  
The handling of complaints is the responsibility of the Quality and Ethics Commission. Complaints should be addressed to the commission in care of the Secretariat.
- **Complainant:**  
The complaint must be submitted in writing and explained in detail. Supporting documentation and proof must be submitted at the same time.
- **Defendant:**  
The Quality and Ethics Commission sends to the defendant the complaint as well as all supporting documentation and proof within 30 days. The defendant has 30 days from the time he or she was made aware of the complaint to submit a response in writing accompanied by supporting documents and proof.
- **First hearing:**  
The Quality and Ethics Commission can invite both parties to a detailed meeting, the objective of which is to find a solution by mutual consent.
- **Second hearing:**  
If it is not possible to reach a decision during the first hearing, the two parties have 10 days to produce additional documentation or proof to be taken into account during a second meeting.
- **Unjustified absence:**  
If one of the parties is absent from the hearing without justification or if a defendant does not respond within the required deadline, the Quality and Ethics Commission makes its judgment based on the materials at its disposal
- **Decision:**  
The Quality and Ethics Commission renders its judgment within 30 days and sends a well-reasoned and fully-explained decision in writing to both parties.

- **Recourse:**  
The parties may enter into arbitration within 30 days in order to appeal the decision of the Quality and Ethics Commission. In accordance with the Articles of Association, the decision of the arbitrator is final and cannot be reversed.
- **Costs:**  
The losing party must assume all costs incurred.

## **b) Sanctions**

- Infractions of quality and ethics standards can incur fines up to CHF 20,000.
- Minor infractions of quality and ethics standards can be addressed by a written warning or a fine of up to CHF 1,000.
- In the case of multiple infractions of a serious nature by a swissstaffing member, the Quality and Ethics Commission can request expulsion of the member in question.
- If a swissstaffing member ignores a decision by the Quality and Ethics Commission, the commission, in accordance with procedure, can request expulsion of the member in question.
- After expulsion from the association, a swissstaffing member must wait at least two years before requesting re-admission. The Quality and Ethics Commission reviews the re-admission request in light of amends having been made and sanctions pronounced at the time of expulsion. Based on this review, the commission formulates a well-reasoned request for re-admission or refusal to the Board.

## **c) Entry into Force**

The Quality and Ethics standards enter into force at the time they are accepted by the swissstaffing General Assembly.

October 30, 2018