



# HR Record Retention Requirements – Switzerland

Switzerland			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>EMPLOYMENT RECORDS</b>			
Contracts (new hire agreements, severance, etc.)	Maximum 5 years (10 years in certain cases)	From employee termination	Art. 127 and Art. 128 Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations) (Obligationenrecht, OR)
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Maximum 5 years (10 years in certain cases)	From employee termination	Art. 127 and Art. 128 Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations) (Obligationenrecht, OR); Labor law regulation; Art. 72 para. 3 of the Order 1 to the Working Act
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	Maximum 5 years (10 years in certain cases)	From employee termination	Art. 127 and Art. 128 Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations) (Obligationenrecht, OR)
Data and personnel files	Minimum: Generally duration of employment contract or duration as reasonably requested;  Maximum 5 years (10 years in certain cases)	From employee termination	Art. 127 and Art. 128 Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations) (Obligationenrecht, OR)
Government verification records (work papers, immigration, eligibility to work, etc.)	Minimum 10 years (15 years for tax documents);  Maximum duration of company's life	From employee termination	Tax laws; Social security legislation; Public laws on immigration

# UKG HR COMPLIANCE ASSIST

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>EMPLOYMENT RECORDS (continued)</b>			
Collective bargaining/union	Duration of company's life	N/A	Best practice based on Civil Procedure Code; Expiry of limitation period for claims
Background checks and drug tests	Hired employees: Duration of employment contract;  Applicants who are not hired: Do not retain (except in case of potential litigation). Maximum is 10 years	Employees: Date of hire;  Applicants who are not hired: From date of decision	Best Practice based on Data Protection laws
Acknowledgements, policy agreements and required notices	Duration of the company's life	N/A	Best practice based on Civil Procedure Code; Expiry of limitation period for claims
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Minimum duration of employment contract. No retention in case the employee is not hired (except in case of potential litigation for limited period). Maximum 10 years	Employees: From date of hire;  Applicants who are not hired: From date of decision	Art. 127, Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations) (Obligationenrecht, OR)
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	N/A, generally not authorized in Switzerland	N/A	N/A

# UKG HR COMPLIANCE ASSIST

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>EMPLOYMENT RECORDS (continued)</b>			
Miscellaneous 1	<p>Registration of work and rest periods (in appropriate format) for professional drivers:</p> <p>Minimum 2 years;</p> <p>Maximum 5 years (10 years in certain cases)</p>	End of calendar year	<p>Art. 23, Sec. 3 Ordinance on Work and Rest Periods of Professional Drivers of Light Vehicles for Transportation of Passengers and Heavy Cars (Verordnung über die Arbeits- und Ruhezeit der berufsmässigen Fžhrer von leichten Personentransportfahrzeugen und schweren Personenwagen, ARV 2);</p> <p>Art. 127, Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations) (Obligationenrecht, OR)</p>
<b>BENEFIT/PENSION/EQUITY RECORDS</b>			
Benefits (plan documents, enrollment records)	<p>Minimum duration of employment contract;</p> <p>Maximum duration of company's life</p>	From employee termination	<p>Art. 127, Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations) (Obligationenrecht, OR); expiry of the limitation period for claims arising from the employment contract; Best practice based on Data Protection laws</p>

# UKG HR COMPLIANCE ASSIST

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>BENEFIT/PENSION/EQUITY RECORDS (continued)</b>			
Pension and retirement records	10 years	From end of obligation to perform pension benefits	Art. 27j, Ordinance on Occupational Retirement, Survivors' and Disability Pensions (Verordnung über die berufliche Alters-, Hinterlassenen- und Invalidenvorsorge, BVV 2)
Equity records	Maximum 5 years (10 years in certain cases)	From employee termination	Art. 127 and Art. 128 Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations) (Obligationenrecht, OR)
<b>PAYROLL/WAGE/TAX RECORDS</b>			
Payroll and wage data (payslips, etc.)	Minimum 10 years; Maximum 15 years	End of calendar year in which record was created	Art. 958f Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations) (Obligationenrecht, OR), tax laws
Tax records	Minimum 10 years; Maximum 15 years	End of calendar year in which record was created	Art. 958f Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations) (Obligationenrecht, OR), tax laws
<b>MEDICAL/SAFETY/LEAVE RECORDS</b>			
Leave (family, medical, etc.)	Maximum 5 years	From employee termination	Art. 128, The Code of Obligations
Injury and illness incident reports	Maximum 10 years; limitation for personal injuries is 20 years	From employee termination	Arts. 60 and 127, The Code of Obligations

# UKG HR COMPLIANCE ASSIST

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>MEDICAL/SAFETY/LEAVE RECORDS (continued)</b>			
Medical records	Maximum 10 years; limitation for personal injuries is 20 years	From employee termination	Arts. 60 and 127, The Code of Obligations
Hazardous material and other exposure records	Minimum 10 years; Maximum 40 years	From last use of material or last exposure	Art. 13, Sec. 2 and 3 Ordinance on the Protection of Workers from Risks related to Exposure to Biological Agents at Work (Verordnung über den Schutz der Arbeitnehmerinnen und Arbeitnehmer vor Gefährdung durch Mikroorganismen, SAMV)
Miscellaneous 1	Floor plans: Duration of company's life	N/A	Civil Procedure Code. expiry of the limitation period for claims
Miscellaneous 2	Administration concerning measurements of radioactive substances and the results of these measurements: Duration of company's life;  Maximum 40 years after end of company's life	end of company life	Art. 13, Sec. 2 and 3 Ordinance on the Protection of Workers from Risks related to Exposure to Biological Agents at Work (Verordnung über den Schutz der Arbeitnehmerinnen und Arbeitnehmer vor Gefährdung durch Mikroorganismen, SAMV) in conjunction with Radiation Protection Ordinance (Strahlenschutzverordnung, StSV)

# UKG HR COMPLIANCE ASSIST

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
<b>MEDICAL/SAFETY/LEAVE RECORDS (continued)</b>			
Miscellaneous 3	Records of radiation: Duration of company's life, Maximum 40 years	Miscellaneous 3	Art. 13, Sec. 2 and 3 Ordinance on the Protection of Workers from Risks related to Exposure to Biological Agents at Work (Verordnung über den Schutz der Arbeitnehmerinnen und Arbeitnehmer vor Gefährdung durch Mikroorganismen, SAMV) in conjunction with Radiation Protection Ordinance (Strahlenschutzverordnung, StSV)

Last updated May 2023.

DISCLAIMER: The information contained in this document is for general information purposes only and is not intended to be a source for legal, tax, or any other professional advice and should not be relied upon as such. This information is not intended to create, and the receipt of it by the reader does not constitute, an attorney-client relationship. All legal or tax questions or concerns should be directed to your legal counsel or tax consultant. Laws and regulations may change and UKG Inc. ("UKG") cannot guarantee that all the information in this document is accurate, current or complete. UKG MAKES NO REPRESENTATION OR WARRANTIES WITH RESPECT TO THE ACCURACY OR COMPLETENESS OF THE DOCUMENT OR THE INFORMATION OR CONTENT CONTAINED HEREIN AND SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES INCLUDING BUT NOT LIMITED TO ANY EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY, SUITABILITY, OR COMPLETENESS OF THIS INFORMATION. TO THE EXTENT PERMITTED UNDER APPLICABLE LAW, NEITHER UKG, NOR ITS AGENTS, OFFICERS, EMPLOYEES, SUBSIDIARIES, OR AFFILIATES, ARE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES (INCLUDING PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, LOSS OF USE OR PROFITS, OR BUSINESS INTERRUPTION), EVEN IF THE UKG HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, ON ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, STRICT LIABILITY, OR TORT, ARISING IN ANY WAY OUT OF THE USE OF OR INABILITY TO USE THIS INFORMATION. This document and the content are proprietary and confidential information of UKG. No part of this document or its content may be reproduced in any form, or by any means, or distributed to any third party without the prior written consent of UKG © 2022 UKG Inc. All rights reserved.