

# Switzerland

## Preserving individual debtor's human dignity in distress

### 1. Monthly income

Adults	Single person	With 2 dependent children
Minimum wage for a full-time employee (if it exists): Name:	There is no minimum wage in Switzerland	N/a
Median income per capita 2016	Gross: 6'502.-	N/a

Poverty threshold	Net: 2'247.-	Net: 2 adults and 2 children <14yo: 3'981.- 1 adult and 2 children <14yo: 3'456.-
Minimum solidarity allowance for an adult without income	Net: 986.- (SKOS Directives)	Net: 2 adults and 2 children <14yo: 2'110.- 1 adult and 2 children <14yo: 1'834.-

Elderly people	Single person	Couple
Minimum pension for a former employee (full career)	Net: 1'185.- (Maximum: Net: 2'370.-)	Maximum (no minimum available): Net: 3'555.-
Average pension per capita (all types of pensions) – Median not average – equivalence income	Gross: 5'725.-	N/a
Minimum solidarity allowance for elderly people with no or very limited pension	N/a	N/a

#### Additional information:

It is important to note that in Switzerland, the gross income does not include taxes and health insurance. The average monthly price of the basic health insurance was CHF 477.90 in 2019 (this number only covers the monthly rate, but neither the 10% costs participation, nor the retained amount (franchise/Selbstbehalt), which can amount up to 2'500.- per year.

### Source for: “Median income per capita” (2016)

<https://www.bfs.admin.ch/bfs/en/home/statistics/catalogues-databases/press-releases.assetdetail.5226939.html>

The average total income per capita per month amounts: 6'486.- (total income = income from employment + property income + transfer income) :

(<https://www.bfs.admin.ch/bfsstatic/dam/assets/6546007/master> )

The median equivalised disposable income per month, however, amounts: 4'138.-:

(<https://www.bfs.admin.ch/bfsstatic/dam/assets/3742124/master>)

If you'd want to have figures based on the type of household, you'd have to use the gross income per type of household (no median available depending on household). Here are the numbers for 2012-2014:

- Single person: gross average income: 6'280.-
- One parent household with 2 children: gross average income 8'500.-
- Couple with 2 children: 13'644

(<https://www.bfs.admin.ch/bfsstatic/dam/assets/1400581/master> Tab 21 und 13 )

### Source for: “Poverty threshold”

Please note that statistics in Switzerland are based on the absolute concept, whereas European countries mostly use the relative concept. Let us know should you wish further information in this respect.

BFS, Erhebung über die Einkommen und Lebensbedingungen (SILC) 2016, Version 24.1.2018.

### Source for: « Minimum solidarity allowance for an adult without income”

Please note that these numbers (986.-, 1'834.- and 2'110.-) only cover the basic amount (Grundbetrag SKOS/montant de base CSIAS). In addition, the social care system covers a reasonable amount for the rent as well as health insurance costs. In particular cases, it can also cover other expenses, such as integration expenses. Please also note that these numbers are based on guidelines and can vary from a region to another.

[https://skos.ch/fileadmin/user\\_upload/skos\\_main/public/pdf/grundlagen\\_und\\_positionen/grundlagen\\_und\\_studien/2015\\_Die\\_Armutsgrenze\\_der\\_SKOS-d.pdf](https://skos.ch/fileadmin/user_upload/skos_main/public/pdf/grundlagen_und_positionen/grundlagen_und_studien/2015_Die_Armutsgrenze_der_SKOS-d.pdf)

### Source for: “Minimum pension for a former employee (full career)”: only AHV (first pillar), complementary assistance (Ergänzungsleistungen/prestations complémentaires) not included

<https://www.ahv-iv.ch/p/3.01.d>

### Source for “Average pension per capita” (all type of pension”: this number is a median equivalence income based on a 2015 survey.

<https://www.bfs.admin.ch/bfs/de/home/statistiken/soziale-sicherheit/berichterstattung-altersvorsorge/indikatoren-altersvorsorge/finanzielle-aspekte-alterssicherung.assetdetail.5267849.html>

### Source for: “Minimum solidarity allowance for elderly people with no or very limited pension”

No solidarity allowance for elderly people, only minimum pension and, if required, complementary assistance based on the difference between pension/income available and actual expenses. For further information regarding the claims to the latter, please see below link:

<https://www.ahv-iv.ch/p/5.01.d>

## 2. Garnishment of funds in bank accounts

This concerns the seizure of funds directly from the bank account of the debtor, as a result of a court ruling or equivalent procedure.

Unseizable funds	No fix amount available (single person)	
Unseizable income/goods	Description	Designation
(Summary according to Art. 92 LP/SchKG)	<ol style="list-style-type: none"><li>1. Items for the debtor's personal use, religious items and domestic animals</li><li>2. Tools that are necessary for the pursuit of the debtor's profession</li></ol>	<ol style="list-style-type: none"><li>1. Les objets réservés à l'usage personnel du débiteur, les objets religieux et les animaux domestiques ;</li></ol>

	<ol style="list-style-type: none"> <li>3. Two months' food product and combustible or the equivalent in cash</li> <li>4. Special allowances for sickness, indigence, decease, etc...</li> <li>5. Compensation for moral damage</li> <li>6. First pillar pensions (basic elderly and survivor pensions), allowances for disability, complementary allowances to the elderly and disability pensions, as well as family allowances</li> <li>7. Claims for (not yet due) pension benefits (in capital, second and third pillar).</li> </ol>	<ol style="list-style-type: none"> <li>2. les outils nécessaires au débiteur pour l'exercice de leur profession;</li> <li>3. les denrées alimentaires et le combustible pour deux mois ou l'argent liquide indispensables pour les acquérir;</li> <li>4. les prestations d'assistance et subsides en cas de maladie, d'indigence, de décès, etc.;</li> <li>5. les indemnités à titre de réparation morale ;</li> <li>6. les rentes de l'assurance-vieillesse et survivants ou de l'assurance-invalidité, les prestations complémentaires à l'assurance-vieillesse, survivants et invalidité et les allocations familiales;</li> <li>7. les droits aux prestations de prévoyance et de libre passage non encore exigibles.</li> </ol>
<p>Partly seizable income</p> <p>To the extent that it exceeds the minimum subsistence level</p> <p>(Art. 93 LP/SchKG)</p>	<p>Seizable for one year, renewable:</p> <p>Any sort of work-related income, usufruct, life annuity, as well as alimonies, compensation for loss of income, and particularly not unseizable pensions and allowances according to Art. 92 SchKG/LP, can be seized to the extent they exceed the minimum subsistence level.</p> <p>All the examples given in the Danish example are considered partly seizable income in Switzerland (net salary such as daily allowances for sickness, maternity and accidents at work, extra allowance for overtime, additional allowances paid in the event of partial unemployment, temporary part-time, holiday Allowance, Honorarium, Commission on Profits/Bonus, tips, voluntary retirement allowance, unemployment benefits).</p>	<p>Saisie pour une année, renouvelable :</p> <p>Tous les revenus du travail, les usufruits et leurs produits, les rentes viagères, de même que les contributions d'entretien, les pensions et prestations de toutes sortes qui sont destinés à couvrir une perte de gain ou une prétention découlant du droit d'entretien, en particulier les rentes et les indemnités en capital qui ne sont pas insaisissables en vertu de l'art. 92, peuvent être saisis, déduction faite de ce que le préposé estime indispensable au débiteur et à sa famille.</p>
Income that can be fully seized	Every income can be seized within the limits of the minimum subsistence level and the unseizable goods (Art. 92 SchKG/LP).	

**Additional information:**

The Federal debt enforcement and bankruptcy act (SchKG (in German) or LP (in French)).

In Switzerland, the principles regarding the seizure of funds directly from the bank account of the debtor and the seizure on wages directly by the debtor's employer are governed by the same

proceeding, where the minimum subsistence level (Existenzminimum/Minimum vital) is calculated by a bailiff according to Art. 92 and 93 SchKG/LP, the related guidelines and to case law. Any amount exceeding the minimum subsistence level will be seized by the bailiff to cover the summoned debt, be it on a bank account or directly by an employer. There is no court ruling regarding the minimum subsistence level, mostly totally left at the own bailiff's appreciation.

**3. Seizures on wages and from third parties**

This concerns seizures made directly by the debtor's employer from their employee's wages, following a court ruling or equivalent procedure. The same type of seizure may be made with other third parties.

Unseizable amount	The minimum subsistence level for a single person usually includes: <ul style="list-style-type: none"> <li>- Basic amount of 1'200.- covering food products, basic care and telecommunications</li> <li>- A reasonable rent (accepted amount varying depending on the region)</li> <li>- Basic health insurance (based on evidence that paid)</li> <li>- Professional expenses (transports and meals at work)</li> <li>- Taxes are not included in the minimum subsistence level, which results in overindebtedness as soon as a wage is collected during a certain period of time.</li> </ul>			
Seizable amounts (single person)	Income range	Monthly income	Percentage portion that can be seized	Maximum amount that can be seized per month
	1	n/a		
	2	n/a		
	3	n/a		
	4	n/a		
	5	n/a		
	6	n/a		
	7	n/a		

**Additional information:**

The amounts (income, allowances, compensations, etc...) exceeding the minimum subsistence level can be fully seized directly by the employer through an official/state proceeding (Betreibungsverfahren/procedure de poursuite).

**4. Additional rules for the protection of debtors**

As part of an amicable debt mediation procedure or of a personal bankruptcy procedure, some additional protection rules exist in some countries, such as:

- The freezing of the recovery costs and default interest;
- The freezing of recovery procedures (made by registered mail or through a bailiff);
- The possibility for the debt advisor or the judge to lower or increase the protected amounts;
- The possibility of choosing other methods or calculation rules to determine the remaining income.

If similar rules exist in your country, it would be very useful to describe them.

In the context of the debtors' protection, the large discretionary power of the bailiffs (Betreibungsbeamten/huissiers) in calculating the minimum subsistence level (minimum vital, Existenzminimum) is worth being mentioned. The bailiff's calculation of the minimum subsistence level can be revised thanks to a not much used procedure (Art. 19-22 LP/SchKG) in individual cases. Generally, the Courts tend to confirm the bailiffs' discretionary power.

Furthermore, personal bankruptcy procedures, as well as an amicable rehabilitation procedure are possible measures to stop or suspend debt collection procedures. The legislator is currently considering legal improvements in this field.

The (summoned) debt can always be examined via an ordinary civil proceeding, which can also result in suspending/freezing the official debt collection proceeding. However, in most of the case, the lack of money won't allow access to legal counsel/barrister, necessary for such civil procedures.

The Swiss system allows the creditors to introduce a (very effective) debt collection proceeding absent of any control whatsoever of the debt claim by an official person, be it a bailiff or a judge. However, the debtor, to the extent that he is aware that the requested sum is not due, which is mostly not the case for recovery costs, has the possibility to oppose (partially or totally) to the debt collection within 10 days to the continuation of the debt collection procedure, and thus to the retention of his salary. If then the creditor persists in collecting the sum, he can request a judge to decide whether the sum (including recovery costs) is due, or not. If the creditor doesn't bring the case to court, the debt collection proceeding is frozen.

Do you accept we include your name, or the name of your organisation, in the list of respondents that will be included in the final report?		YES	NO
		X	
Personal name	Rausan Noori		
Name of the organisation	Caritas Schweiz		