

Federal Accident Insurance Act (LAA)

of March 20, 1981 (Status on January 1, 2021)

The Federal Assembly of the Swiss Confederation, having regard to arts. 110, par. 1, let. a, and 117, al. 1, of the Constitution^{1,2} having regard to the message from the Federal Council of August 18, 1976,³ stopped:

Title 14 Applicability of the LPGA

Art. 1

1 The provisions of the federal law of October 6, 2000 on the general part of social insurance law (LPGA)⁵ apply to accident insurance, unless this law expressly derogates from the LPGA.

2 They do not apply to the following areas:

- a. the law governing activities in the medical field and rates (art. 53 to 57);
- abis.6 ancillary activities (art. 67a) of the Swiss National Insurance Fund in the event of accidents (CNA);
- b. registration of accident insurers (art. 68);
- c. the procedure governing monetary disputes between insurers (art. 78a);
- d.7 procedures for recognizing training courses and granting training certificates (art. 82a).

RO 1982 1676

1 RS 101 2

New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO 2016 4375; FF 2008 4877, 2014 7691).

3 FF 1976 III 143 4

Introduced by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO 2002 3371; FF 1991 II 181 888, 1994 V 897, 1999 4168).

5 RS 830.1

⁶ Introduced by ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO 2016 4941; FF 2008 4877, 2014 7691).

⁷ Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO 2016 4375; FF 2008 4877, 2014 7691).

Title 1a8 Insured persons

Chapter 1 Compulsory insurance

Art. 1a9 Insured

1 The following are compulsory insured in accordance with this law:

has. workers employed in Switzerland, including home workers, apprentices, trainees, volunteers as well as people working in trade schools or sheltered workshops;

b. persons who meet the conditions referred to in art. 8 of the law of June 25, 1982 on unemployment insurance (LACI)¹⁰ or who receive compensation under art. 29 LACI (unemployed people).¹¹

2 The Federal Council may extend compulsory insurance to persons whose situation is similar to that which would result from an employment contract. It may exempt certain people from compulsory insurance, in particular members of the family of the head of the company who collaborate in it, people employed irregularly as well as people benefiting from privileges, immunities and facilities. referred to in art. 2, par. 2, of the law of June 22, 2007 on the host State^{12.13}

Art. 2 Champ d'application territorial

1 Workers posted abroad, for a limited period, by an employer in Switzerland remain insured.

2 Workers posted to Switzerland, for a limited period, by an employer abroad are not insured.

3 The Federal Council may issue other requirements, in particular for workers in transport companies and for those in public administrations.

Art. 3 Start, end and suspension of insurance

1 The insurance produces its effects from the day the employment relationship begins or from the moment the right to salary arises, but in any case from the moment the worker takes the road to go to work. For unemployed people, it produces its effects from the day these people meet the conditions for the first time.

8 Formerly tit. 1.

9 Formerly art. 1.

10 RS **837.0**

11 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

12 RS **192.12**

13 New content according to annex ch. II 12 of the L of June 22, 2007 on the host State, in force since Jan. 1, 2008 (RO **2007** 6637; FF **2006** 7603).

referred to in art. 8 LACI14 or receive compensation for the first time under art. 29 LACI.15

2 The insurance ceases to produce its effects at the end of the 31st day following the day on which the right to at least half-salary ends; for unemployed persons, it ceases to produce its effects at the end of the 31st day following the day on which they last fulfilled the conditions referred to in art. 8 LACI or receive compensation for the last time under art. 29 LACI.16

3 The insurer must offer the insured the possibility of extending the insurance by a maximum of six months by special agreement.17

4 Insurance is suspended when the insured is subject to military insurance or foreign compulsory accident insurance.

5 The Federal Council regulates the remuneration and replacement benefits which must be considered as salary as well as the form and content of the agreements on the extension of insurance.18

Chapter 2 Optional insurance

Art. 4 Faculty of ensuring

1 Persons carrying out an independent gainful activity and domiciled in Switzerland, as well as members of their family who collaborate in the company, can be insured on an optional basis, if they are not insured on a compulsory basis.

2 Employers without gainful activity who only employ domestic workers cannot take out optional insurance.

Art. 5 Terms

1 The provisions on compulsory insurance apply by analogy to optional insurance.

2 The Federal Council issues additional regulations on optional insurance. It regulates in particular membership, resignation and exclusion as well as the calculation of bonuses.

14 RS 837.0

15 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO 2016 4375; FF 2008 4877, 2014 7691).

16 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO 2016 4375; FF 2008 4877, 2014 7691).

17 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO 2016 4375; FF 2008 4877, 2014 7691).

18 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO 2016 4375; FF 2008 4877, 2014 7691).

Title 2 Purpose of insurance

Art. 6 General

1 Unless this law provides otherwise, insurance benefits are granted in the event of an occupational accident, a non-occupational accident and an occupational illness.

2 The insurance also provides benefits for the following bodily injuries, provided they are not primarily due to wear and tear or illness:

- has. fractures; b.
- joint dislocations; vs. meniscus tears; d.
- muscle tears; e. muscle strains; f.
- tendon tears; g. ligament injuries;
- h. damage to the eardrum.¹⁹

3 The insurance also allocates its benefits for injuries caused to the insured victim of an accident during medical treatment (art. 10).

Art. 7 Professional accidents

1 Accidents (art. 4 LPGA20) of which the insured is the victim are deemed to be professional accidents in the following cases:²¹

- has. when he carries out work on the orders of his employer or in his interest; b. during a work interruption, as well as before or after work, when he is rightfully at the workplace or in the danger zone linked to his professional activity.

2 Accidents which occur on the route that the insured must take to get to or from work are also deemed to be occupational accidents for part-time workers whose working hours do not reach a minimum which will be fixed by the Federal Council.

¹⁹ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

²⁰ RS **830.1**

²¹ New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

3 The Federal Council may provide another definition of occupational accident for economic sectors, in particular agriculture and small crafts, which present particular forms of exploitation.

Art. 8 Non-professional accidents

1 All accidents (art. 4 LPGA22) which are not professional accidents are deemed to be non-professional accidents.²³

2 Part-time workers within the meaning of art. 7, par. 2, are not insured against non-professional accidents.

Art. 9 Occupational illnesses 1

Occupational illnesses are deemed to be illnesses (art. 3 LPGA24) due exclusively or predominantly, in the exercise of professional activity, to harmful substances or to certain work.²⁵ The Federal Council establishes the list of these substances as well as that of these works and the conditions they cause.

2 Other illnesses which it is proven to have been caused exclusively or in a clearly preponderant manner by the exercise of professional activity are also deemed to be occupational diseases.

3 Unless otherwise provided, an occupational disease is considered an occupational accident from the day it occurs. An occupational disease is deemed to have been declared as soon as the affected person must undergo medical treatment for the first time or is incapable of working (art. 6 LPGA).²⁶

Title 3 Insurance benefits

Chapter 1 Care benefits and reimbursement of expenses

Art. 10 Medical treatment

1 The insured person has the right to appropriate medical treatment for injuries resulting from the accident, namely:

22 RS **830.1**

23 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

24 RS **830.1**

25 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

26 New content of the sentence according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

a.27 to outpatient treatment provided by the doctor, dentist or, upon their prescription, by paramedical personnel as well as by the chiropractor, as well as to outpatient treatment provided in a hospital;

b. medications and tests ordered by the doctor or dentist; c.28 to treatment, food and accommodation in the common division of a hospital;

d. complementary cures and bath cures prescribed by the doctor; e. means and devices used for healing.

2 The insured person can freely choose his doctor, his dentist, his chiropractor, his pharmacy and the hospital or health establishment in which he wishes to receive treatment.²⁹

3 The Federal Council may define the services obligatorily payable by the insurance and limit the coverage of treatment costs abroad. It may set the conditions that the insured must meet to be entitled to home assistance and care.³⁰

Art. 11 Auxiliary means 1

The insured person is entitled to auxiliary means intended to compensate for bodily injury or loss of a function. The Federal Council establishes the list of these auxiliary means.

2 The auxiliary means are of a simple and adequate model. The insurer hands them over in full ownership or on loan.

Art. 12 Material damage The

insured is entitled to compensation for damage caused by an accident to objects which replace, morphologically or functionally, a part of the body. The costs of replacing glasses, hearing aids and dental prostheses are only covered if the bodily injury requires treatment.

27 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

28 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

29 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

30 New content of the sentence according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

Art. 13 Travel, transportation and rescue costs

- 1 Travel, transport and rescue costs are reimbursed, to the extent necessary.
- 2 The Federal Council may limit the reimbursement of expenses abroad.

Art. 14 Transportation costs of the body and funeral costs

- 1 The costs required to transport the body of a deceased person to the place where it is to be buried are reimbursed. The Federal Council may limit the reimbursement of transport costs abroad.
- 2 Burial costs are reimbursed to the extent that they do not exceed seven times the maximum amount of the insured daily earnings.

Chapter 2 Cash benefits**Section 1 Guaranteed gain****Art. 15**

- 1 Daily allowances and annuities are calculated based on the insured earnings.
 - 2 The last salary that the insured received before the accident is deemed to be the insured earnings for the calculation of daily benefits; The salary that the insured person earned during the year preceding the accident is decisive for the calculation of pensions.
 - 3 When the Federal Council sets the maximum amount of the insured gain within the meaning of art. 18 LPGA31, it designates ancillary earnings and replacement benefits which are part of it.32 In doing so, it ensures that, as a general rule, at least 92%, but not more than 96% of insured workers are covered for the full gain.
- It lays down requirements on the insured gain taken into consideration in special cases, in particular:

- has. when the insured person is entitled to daily benefits for a long period
nalières;
- b. in the event of occupational illness; vs.
when the insured does not earn, or not yet, the usual salary in his profession
sion;
- d. when the insured person is irregularly employed.

31 RS 830.1

- 32 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

Section 2 Daily allowance

Art. 16 Right

- 1 The insured who is totally or partially incapable of working (art. 6 LPGA33) following an accident is entitled to daily compensation.³⁴
- 2 The right to daily compensation begins on the third day following that of the accident. It expires as soon as the insured person has regained his or her full working capacity, as soon as a pension is paid or as soon as the insured person dies.
- 3 The daily allowance from accident insurance is not allocated if there is a right to a daily allowance from disability insurance or to a maternity or paternity allowance according to the law of September 25, 1952 on allowances for loss of earnings^{35,36}
- 4 Daily allowance is paid to unemployed persons notwithstanding waiting periods (art. 18, al. 1, LACI37) or days of suspension (art. 30 LACI).³⁸

Art. 17 Amount

- 1 The daily allowance corresponds, in the event of total incapacity for work (art. 6 LPGA39), to 80% of the insured earnings.⁴⁰ If the incapacity for work is only partial, the daily allowance is reduced accordingly .
- 2 For unemployed people, the daily allowance corresponds to the net unemployment insurance allowance referred to in arts. 22 and 22a LACI⁴¹, calculated per calendar day.⁴²
- 3 ...⁴³

33 RS **830.1**

34 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

35 RS **834.1**

36 New content according to annex ch. 3 of the FL of September 27, 2019, in force since January 1, 2021 (RO **2020** 4689; FF **2019** 3309 3743).

37 RS **837.0**

38 Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

39 RS **830.1**

40 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

41 RS **837.0**

42 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

43 Repealed by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), with effect from Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

Section 3 Disability pension

Art. 18 Disability

1 If the insured person is at least 10% disabled (art. 8 LPGA44) as a result of an accident, he is entitled to a disability pension, provided that the accident occurred before the ordinary age of the insured person. retirement.45

2 The Federal Council regulates the assessment of the degree of disability in special cases. He may on this occasion deviate from art. 16 LPGA.46

Art. 19 Birth and extinction of the right

1 The right to a pension arises as soon as there is no longer reason to expect a significant improvement in the insured person's condition from the continuation of medical treatment and any rehabilitation measures for the insured person disability insurance were completed. The right to medical treatment and daily allowances ceases as soon as the right to a pension arises. ...47.

2 The right to the annuity expires when it is replaced in full by a capital indemnity, when it is redeemed or when the insured dies. ...48.

3 The Federal Council issues detailed regulations on the emergence of the right to pensions when a significant improvement in the insured person's condition can no longer be expected from the continuation of medical treatment, but the decision of the insurance company disability with regard to vocational rehabilitation occurs later.

Art. 20 Amount

1 The disability pension amounts to 80% of the insured earnings, in the event of total disability; if the disability is only partial, the pension is reduced accordingly.

2 If the insured person is entitled to a disability insurance pension or an old-age and survivors' insurance pension, a supplementary pension is allocated to him or her; this corresponds, in derogation to art. 69 LPGA49, to the difference between 90% of the insured earnings and the pension from disability insurance or old-age and survivors' insurance,

44 RS **830.1**

45 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

46 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

47 Sentence repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

48 Sentence repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

49 RS **830.1**

but at most the amount provided for total or partial disability.⁵⁰ The supplementary pension is fixed when the benefits mentioned are in competition for the first time and is only adapted when there is a modification of the pension shares of disability insurance or old-age and survivors' insurance granted for family members.

2bis Para. 2 is also applicable when the insured person is entitled to a pension of the same nature provided by foreign social insurance.⁵¹

2ter When the insured reaches ordinary retirement age, the disability pension referred to in para. 1 and the supplementary pension referred to in para. 2, including inflation allowances, are reduced as follows, in derogation from art. 69 LPGA, for each full year between the day he turned 45 and the day the accident was

occurred:

has. for a disability rate of 40% or more: 2 percentage points, but not more than 40%;

b. for a disability rate below 40%: 1 percentage point, but by 20% at most.⁵²

2quater For the consequences of relapses and late after-effects, the reductions provided for in para. 2ter also apply if the accident occurred before the insured reached the age of 45, provided that the incapacity for work linked to relapses or late after-effects occurred after the insured reached the age of 45. age 60.⁵³

3 The Federal Council issues detailed regulations, in particular on the calculation of supplementary pensions in special cases.

Art. 21 Medical treatment after the pension has been determined

1 When the annuity has been fixed, benefits for care and reimbursement of expenses (art. 10 to 13) are granted to the beneficiary in the following cases:

has. when he suffers from an occupational disease; b.

when he suffers from a relapse or late after-effects and medical measures would significantly improve his earning capacity or prevent a significant reduction in it;

vs. when he needs long-term treatment and care to maintain his residual earning capacity;

⁵⁰ New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

⁵¹ Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

⁵² Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691). See also the disp. trans. of this mod. at the end of the text.

⁵³ Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

- d. when he has an incapacity to earn and medical measures would significantly improve his state of health or prevent it from suffering a significant deterioration.

2 The insurer may order the resumption of medical treatment. ...54.

3 In the event of a relapse and late after-effects and, likewise, if the insurer orders the resumption of medical treatment, the beneficiary of the pension may claim not only the pension, but also healthcare benefits and reimbursement of costs (art. 10 to 13).⁵⁵ If the person concerned's earnings decrease during this period, they are entitled to a daily allowance, the amount of which is calculated on the basis of the last earnings made before the new medical treatment.

Art. 2256 Pension review

In derogation from art. 17, par. 1, LPGA⁵⁷, the pension can no longer be revised from the month in which the beneficiary receives an AVS old-age pension, but at the latest when he or she reaches the retirement age set in art. 21 of the federal law of December 20, 1946 on old-age and survivors' insurance⁵⁸.

Art. 23 Capital compensation

1 When it can be deduced from the nature of the accident and the behavior of the insured that the latter will recover his earning capacity if he receives a single compensation, the benefits cease to be allocated and the insured receives capital compensation of a maximum amount of three times the insured annual earnings.

2 Exceptionally, a capital compensation may be allocated while a reduced pension continues to be paid.

Section 4 Compensation for breach of integrity

Art. 24 Right

1 If, as a result of the accident, the insured person suffers significant and lasting damage to his physical, mental or psychological integrity, he is entitled to fair compensation for damage to his integrity.⁵⁹

54 Sentence repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

55 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

56 New content according to annex ch. 4 of the Act of June 17, 2011 (Improvement of implementation), in force since Jan. 1, 2012 (RO **2011** 4745; FF **2011** 519).

57 RS **830.1**

58 RS **831.10**

59 New content according to annex ch. 5 of the FL of March 21, 2003 (4th revision AI), in force since Jan. 1, 2004 (RO **2003** 3837; FF **2001** 3045).

2 The compensation is fixed at the same time as the disability pension or, if the insured person cannot claim a pension, when the medical treatment is completed. The Federal Council may set the birth of the right at another time in special cases, in particular in the event of harm to health linked to the inhalation of asbestos fibers.⁶⁰

Art. 25 Amount

1 Compensation for breach of integrity is awarded in the form of a capital benefit. It must not exceed the maximum amount of the annual insured gain at the time of the accident and is scaled according to the seriousness of the damage to integrity.

2 The Federal Council issues detailed regulations on the calculation of compensation.

Section 5 Allocation pour impotent

Art. 26 Right

1 In the event of impotence (art. 9 LPGA61), the insured person is entitled to an allowance for impotence.⁶²

2 ...⁶³

Art. 27 Amount

The helplessness allowance is set according to the degree of helplessness. Its monthly amount reaches at least twice the maximum insured daily salary and at most six times this. Art. 22 is applicable by analogy to the revision of the allowance for the helpless (art. 17 LPGA64).⁶⁵

Section 6 Survivors' pensions

Art. 28 General

When the insured dies as a result of the accident, the surviving spouse and children are entitled to survivors' pensions.

⁶⁰ Sentence introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

⁶¹ RS **830.1**

⁶² New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

⁶³ Repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

⁶⁴ RS **830.1**

⁶⁵ New content of the sentence according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

Art. 29 Right of the surviving spouse 1

The surviving spouse is entitled to a pension or capital compensation.

2...66

3 The surviving spouse is entitled to a pension when, on the death of his or her spouse, he or she has children entitled to a pension or lives in a common household with other children to whom this death gives right to a pension or when he is at least two-thirds disabled or becomes so within two years following the death of the spouse. The widow is also entitled to a pension when, on the death of her husband, she has children who are no longer entitled to a pension or if she has completed her 45th year; she is entitled to capital compensation when she does not meet the conditions for granting a pension.

4 The divorced spouse is assimilated to the widow or widower when the insured victim of the accident was required to provide support towards him.

5...67

6 The right to a pension arises the month following the death of the insured person or when the surviving spouse becomes at least two-thirds disabled. It is extinguished by remarriage or death of the beneficiary or by redemption of the annuity. ...68.

Art. 30 Children's rights

1 The children of the deceased insured person are entitled to an orphan's pension. If they have lost one of their parents, they are entitled to an orphan's pension; if both parents are dead or if the surviving parent subsequently dies or if filiation existed only with regard to the deceased insured, they are entitled to an orphan's pension.

2 The Federal Council issues detailed regulations on the right to pensions for foster children and in cases where the deceased insured person was required to pay alimony.

3 The right to a pension begins the month following the death of the insured person or that of the surviving parent. It ends upon completion of the 18th year, by the death of the orphan or by the redemption of the pension.⁶⁹ For children who are in apprenticeship or studies, the right to the pension lasts until the end of apprenticeship or studies, but at the latest until the age of 25. ...70.

66 Repealed by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), with effect from Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

67 Repealed by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), with effect from Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

68 Sentence repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

69 New content of the sentence according to ch. II 6 of the LF of October 7, 1994, in force since 1st janv. 1996 (RO **1995** 1126; FF **1993** I 1093).

70 Sentence repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

Art. 31 Amount of pensions

1 Survivors' pensions are, as a percentage of the insured earnings: for widows and widowers: 40%, for maternal orphans: 15%, for maternal orphans: 25%.

In the event of a competition of several survivors at most 70% in total.

2 The survivor's pension paid to the divorced spouse amounts to 20% of the insured earnings, but at most the maintenance contribution which is due.

3 Pensions are proportionally reduced when they represent more than 70% of the insured earnings for the surviving spouse and children or more than 90% when there is also a pension for the divorced spouse. The extinction of the pension of one of these survivors benefits the others, proportionally and within the limits of their rights.

4 If survivors are entitled to pensions from old-age and survivors' insurance or disability insurance, the accident insurance grants them a supplementary pension the amount of which corresponds, in derogation from art. 69 LPG A71 to the difference between 90% of the insured earnings and the pension from old-age and survivors' insurance or disability insurance, but at most to the amount provided for in para. 1.72 The supplementary pension allocated to the divorced spouse corresponds to the difference between the alimony due and the old-age and survivors' insurance pension, but at most the amount provided for in para. 2. The supplementary pension is fixed at the time when the aforementioned pensions compete for the first time and is only adapted to possible changes in the circle of beneficiaries entitled to old-age and survivors' insurance or insurance pensions. -disability.

4bis Para. 4 is also applicable when the insured person is entitled to a pension of the same nature provided by foreign social insurance.⁷³

5 The Federal Council issues detailed regulations on the calculation of supplementary pensions as well as pensions for fatherless and maternal orphans when the parents were both insured.

Art. 32 Amount of capital compensation

The capital compensation allocated to the widow or divorced wife corresponds to: a.

when the marriage lasted less than a year, at the simple amount, b. when the marriage lasted at least one year but less than five years, three
ple,

vs. when the marriage lasted more than five years, at five times the annual annuity.

71 RS 830.1

72 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

73 Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

Art. 33 Rebirth of the surviving spouse's right to a pension If the

surviving spouse's right is extinguished by remarriage and if this new union is dissolved by divorce or annulment less than ten years after its conclusion, the right to a pension is reborn the following month.

Section 7 Adaptation of annuities to rising prices**Art. 34**

1 Beneficiaries of disability and survivors' pensions receive allowances to compensate for the increase in prices. These are an integral part of the annuity.

2 The Federal Council sets the allocations based on the Swiss consumer price index. The pensions are adapted to the same term as the old-age and survivors' insurance pensions.⁷⁴

Section 8 Redemption of annuities**Art. 35**

1 The insurer may repurchase at any time, at the value it has at the time of repurchase, a disability or survivor's pension when its monthly amount does not reach half of the maximum insured daily earnings. Survivors' pensions are counted at their total amount. In other cases, the redemption of the annuity can only take place with the consent of the beneficiary and if it is clear that his interests are safeguarded in the long term.

2 The redemption of the annuity extinguishes the rights arising from the accident. However, if the disability attributable to the accident increases to a significant extent after the pension is purchased, the insured person may claim a disability pension corresponding to this increase. However, if the disability attributable to the accident increases to a significant extent after the purchase of the pension, the insured person may claim a disability pension corresponding to this increase.⁷⁵ The purchase of a pension disability has no effect on the right to a survivors' pension.

⁷⁴ New content according to Ch. I of the LF of December 13 1991, in force since Jan. 1, 1992 (RO **1992** 1327; FF **1991** I 193).

⁷⁵ Sentence introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

Chapter 3

Reduction and refusal of insurance benefits for special reasons⁷⁶

Art. 36 Competition of various causes of damage⁷⁷

1 Care benefits, reimbursement of costs as well as daily allowances and helplessness allowances are not reduced when the damage to health is only partially attributable to the accident.

2 Disability pensions, compensation for damage to integrity as well as survivors' pensions are reduced equitably when the damage to health or death is only partially attributable to the accident. However, in reducing pensions, previous states which did not affect earning capacity will not be taken into account.

Art. 37 Fault of the insured

1 If the insured person intentionally caused the injury to health or death, no insurance benefit is awarded, except compensation for funeral expenses.

2 If the insured caused the accident through serious negligence, the daily compensation paid during the first two years following the accident is, in derogation from art. 21, par. 1, LPGA⁷⁸, reduced in non-professional accident insurance. The reduction cannot, however, exceed half of the amount of benefits when the insured must, at the time of the accident, provide for the maintenance of relatives to whom his death would entitle him to survivors' pensions.⁷⁹

3 If the insured caused the accident by committing, unintentionally, a crime or misdemeanor, cash benefits may, in derogation from art. 21, par. 1, LPGA, be reduced or, in particularly serious cases, refused. If the insured must, at the time of the accident, provide for the maintenance of relatives to whom his death would entitle him to a survivors' pension, the cash benefits are reduced by no more than half. If he dies as a result of the accident, cash benefits for survivors may, in derogation from art. 21, par. 2, LPGA, also be reduced by more than half.⁸⁰

⁷⁶ New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

⁷⁷ Introduced by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

⁷⁸ RS **830.1**

⁷⁹ New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

⁸⁰ New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

Art. 3881**Art. 3982**

Extraordinary dangers and reckless undertakings

The Federal Council may designate extraordinary dangers and reckless undertakings which motivate in non-occupational accident insurance the refusal of all benefits or the reduction of cash benefits. The regulation of cases of refusal or reduction may deviate from art. 21, par. 1 to 3, LPGA83.

Art. 40 and 4184**Art. 4285**

Extent of subrogation

In the event of subrogation within the meaning of arts. 72 to 75 LPGA86, art. 73, par. 2, LPGA, is also applicable if the reduction is made in accordance with art. 37, par. 2 and 3, or 39 of this law, to the extent that the reduction was made because the accident was caused by the fault of the insured.

Art. 43 and 4487**Chapter 488 Setting and Allocation of Benefits****Section 1****Reporting of the accident****Art. 45**

Accident reporting

1 The insured worker must immediately notify his employer or the insurer of any accident which requires medical treatment or causes incapacity for work.
If the insured dies as a result of the accident, this obligation falls on the survivors who are entitled to benefits.

81 Repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO 2002 3371; FF 1991 II 181 888, 1994 V 897, 1999 4168).

82 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO 2002 3371; FF 1991 II 181 888, 1994 V 897, 1999 4168).

83 RS 830.1

84 Repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO 2002 3371; FF 1991 II 181 888, 1994 V 897, 1999 4168).

85 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO 2002 3371; FF 1991 II 181 888, 1994 V 897, 1999 4168).

86 RS 830.1

87 Repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO 2002 3371; FF 1991 II 181 888, 1994 V 897, 1999 4168).

88 Formerly chap. 5.

2 The employer must notify the insurer without delay as soon as he learns that an insured person in his company has been the victim of an accident which requires medical treatment or causes incapacity for work (art. 6 LPGA89) or death .90

2bis The unemployed person must immediately notify the competent unemployment insurance body or their accident insurer when they are the victim of an accident. If the insured dies as a result of the accident, this obligation falls on the survivors entitled to benefits.91

3 The insured person exercising an independent gainful activity must notify the insurer without delay of any accident which requires medical treatment or causes incapacity for work. If the insured dies as a result of the accident, this obligation falls on the survivors entitled to benefits.

Art. 46 Late declaration of the accident

1 The inexcusable delay in notification of accident, due to the insured or his survivors, may result, if it results in significant complications for the insurer, in a deprivation of at most half of the cash benefits for the time preceding the notice.

2 The insurer may reduce any benefit by half if, as a result of an inexcusable delay due to the insured or his survivors, he has not been notified within three months of the accident or death of the insured; he may refuse the service when a false accident report has been intentionally given to him.

3 If the employer inexcusably fails to report the accident, he may be held responsible by the insurer for the resulting financial consequences.

Art. 4792 Autopsy

The Federal Council determines the conditions under which the insurer may order, in the event of the death of the insured, an autopsy or a similar measure. The autopsy cannot be ordered if the close relatives object or if it is contrary to a declaration of the deceased.

89 RS **830.1**

90 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

91 Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

92 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

Section 2 Allocation of benefits

Art. 48 Appropriate treatment

1 The insurer may take the measures required for the appropriate treatment of the insured, taking into account fairly the interests of the insured and his or her loved ones.

2 ...93

Art. 4994 Payment of daily allowances

Insurers can entrust the payment of daily allowances to the employer.

Art. 5095 Compensation of benefits

Claims arising from this law and claims for restitution of pensions and daily allowances from old-age and survivors' insurance, disability insurance, military insurance, unemployment insurance and Health insurance, as well as supplementary benefits to old-age, survivors' and disability insurance can be offset with accrued benefits.

...

Art. 51 and 5296

93 Repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO 2002 3371; FF 1991 II 181 888, 1994 V 897, 1999 4168).

94 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO 2002 3371; FF 1991 II 181 888, 1994 V 897, 1999 4168).

95 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO 2002 3371; FF 1991 II 181 888, 1994 V 897, 1999 4168).

96 Repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO 2002 3371; FF 1991 II 181 888, 1994 V 897, 1999 4168).

Title 4

Law governing activities in the medical field and prices

Chapter 1

People working in the medical field and hospitals⁹⁷

Art. 5398 Qualifications

1 Are deemed to be doctors, dentists, chiropractors and pharmacists within the meaning of this law, persons who meet the conditions set out in the law of June 23, 2006 on medical professions⁹⁹ for the exercise of these professions as a private economic activity under their own professional responsibility. Doctors authorized by a canton to dispense medicines are treated as pharmacists within the limits of this authorization.

2 The Federal Council regulates the conditions under which hospitals and health establishments, paramedical personnel, laboratories and transport and rescue companies may carry out an activity at the expense of accident insurance.

Art. 54 Limitations of treatment

When treating insured persons, prescribing or providing them with medications, prescribing or applying treatment or carrying out analyses, those who practice at the expense of the accident insurance must limit themselves to what is required by the purpose of treatment.

Art. 54a¹⁰⁰ Duty of information of the service provider

The service provider provides the insurer with a detailed and understandable invoice. He also sends him all the necessary information so that he can decide on the right to benefits and verify the calculation of the remuneration and the economic nature of the service.

Art. 55¹⁰¹ Exclusion

If, for serious reasons, an insurer contests the right of a person carrying out an activity in the medical field, a laboratory, a hospital or a health establishment to treat the insured, to prescribe or provide them with medication ,

⁹⁷ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

⁹⁸ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

⁹⁹ RS **811.11**

¹⁰⁰ Introduced by ch. I of the FL of June 23, 2000, in force since Jan. 1 , 2001 (RO **2000** 2760; FF **2000** 219).

¹⁰¹ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

to prescribe or apply treatments or carry out analyses, it is up to the arbitral tribunal (art. 57) to pronounce the exclusion and set its duration.

Chapter 2 Collaboration and pricing

Art. 56

1 Insurers may enter into agreements with persons carrying out an activity in the medical field, paramedical personnel, hospitals, health establishments and transport or rescue companies in order to regulate their collaboration and set rates. 102 They can entrust the treatment of policyholders only to the signatories of these agreements. Anyone who meets the conditions set out in the outpatient sector can join these conventions.103 104

2 The Federal Council ensures coordination with the tariff regulations of other branches of social insurance and can declare them applicable. It regulates the reimbursement due to insured persons who go to a non-approved hospital.105

3 In the absence of an agreement, the Federal Council issues the necessary regulations after consulting the parties.

4 Taxes must be the same for all accident insurance policyholders.

Chapter 3 Disputes

Art. 57

1 Disputes between insurers and persons carrying out an activity in the medical field, laboratories, hospitals, health establishments and transport or rescue companies are judged by an arbitration tribunal whose jurisdiction extends to the entire canton.106

2 The competent court is that of the canton in which the permanent installation of one of these persons or one of these establishments is located.

102 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

103 New content of the sentence according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

104 See also art. 1 of the O of September 17, 1986 on the rates of hospital establishments and cure in accident insurance (RO **1986** 1525).

105 New content of the sentence according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

106 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

3 The cantons designate the arbitral tribunal and establish the procedure. Unless the case has already been submitted to a conciliation body provided for by agreement, the arbitration court cannot be seized without a prior conciliation procedure. The arbitral tribunal consists of a neutral president and representatives of the parties in equal numbers.

4 The judgments contain the reasons given and an indication of legal remedies and are communicated in writing to the parties.

5 Judgments rendered by the arbitral tribunal may be appealed before the Federal Court, in accordance with the law of June 17, 2005 on the Federal Court^{107.108}

Title 5 Organisation

Chapter 1 Insurers

Section 1 General

Art. 58109 Categories of insurers

Accident insurance is managed, depending on the categories of insured, by the CNA or by other authorized insurers and by a supplementary fund managed by them.

Art. 59 Basis of the insurance relationship 1

The insurance relationship with the CNA is based on the law in compulsory insurance, on an agreement in optional insurance. The employer is required to notify the CNA, within fourteen days, of the opening or cessation of operation of a company whose workers are subject to compulsory insurance.

2 The insurance relationship with other insurers is based on a contract concluded between the employer or the person carrying out an independent gainful activity and the insurer or on membership in a fund resulting from employment relationships.

3 If a worker subject to compulsory insurance is not insured at the time an accident occurs, the supplementary fund grants him the legal insurance benefits.
rance.

107 RS **173.110**

108 Introduced by annex ch. 111 of the L of June 17, 2005 on the TAF, in force since Jan. 1 , 2007 (RO **2006** 2197 1069; FF **2001** 4000).

109 New content according to ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

Art. 59a110 Model Contract

1 The insurers designated in art. 68 jointly establish a standard contract containing the clauses which must appear in any insurance contract.

2 The standard contract must in particular provide that insured companies may, in the event of an increase in the net premium rate or the percentage of the premium supplement intended for administrative costs, terminate the contract within 30 days of receipt of notification from the insurer. Insurers must communicate increases to insured companies at least two months before the end of the financial year.

3 Insurers submit the standard contract for approval by the Federal Council. In the absence of a sufficient standard contract, the Federal Council determines the elements which must appear in any contract.

Art. 60111 Consultation of employers' and workers' organizations

The CNA consults interested employers' and workers' organizations on the setting of premium rates and their tiering into risk communities.

Art. 60a112 AVS insured number

The CNA, insurers registered according to art. 68, par. 2, and third parties involved in the application of this law are authorized to systematically use the AVS insured number for the accomplishment of their legal tasks, in accordance with the federal law of December 20, 1946 on old-age insurance, survivors and disability¹¹³.

Section 2 Swiss national accident insurance fund**Art. 61** Legal situation

1 The CNA is an autonomous establishment under public law with legal personality having its headquarters in Lucerne. The CNA is registered in the commercial register.¹¹⁴

2 The CNA practices insurance according to the principle of mutuality.

110 Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

111 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

112 Introduced by annex ch. 12 of the Act of June 23, 2006 (New AVS insured number), in force since December 1 . 2007 (RO **2007** 5259; FF **2006** 515).

113 RS **831.10**

114 New content according to ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

3 The CNA is subject to the high supervision of the Confederation, exercised by the Federal Council. Its organizational regulations, its annual report and its annual accounts are subject to the approval of the Federal Council.¹¹⁵

Art. 62116 Organs

The organs of the CNA are:

has. the CNA Council; b. The
direction; vs. the
auditor.

Art. 63117 CNA Council

1 The CNA council is composed of:

has. sixteen representatives of workers insured with the CNA; b. of sixteen
representatives of employers who employ insured workers
with the CNA; vs. of
eight representatives of the Confederation.

2 The Federal Council appoints the members of the CNA council for a period of four years. It takes into account a balanced representation of the country's regions, professional categories and sexes. Employers' organizations and workers' organizations can propose candidates to the Federal Council. The Federal Council may dismiss a member of the CNA council at any time for just cause.

3 Art. 6a, para. 1 to 5, of the law of March 24, 2000 on the personnel of the Confederation (LPers)¹¹⁸ applies by analogy to the fees of the members of the council of the CNA as well as to the other contractual conditions agreed with these persons. The Federal Council approves the regulation on the fees of CNA council members.

4 Members of the CNA council leave the council no later than the end of the calendar year in which they reach the age of 70.

5 The council of the CNA constitutes itself, and it elects its president and its two vice-presidents, as well as its commissions, in particular the commission of the council of the CNA. In particular, it fulfills the following tasks:

¹¹⁵ New content according to ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

¹¹⁶ New content according to ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

¹¹⁷ New content according to ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

¹¹⁸ RS **172.220.1**

- a. it determines the strategic objectives, the principles applicable to the setting of bonuses and the personnel policy of the CNA;
- b. it adopts the organizational regulations before submitting them for approval to the Federal Council; he decides on the personnel
- c. regulations;
- d. it approves accounting standards and sets premium rates;
- ii.a. he appoints and dismisses the audit body; it adopts the
- f. annual report and the annual accounts before submitting them for approval to the Federal Council and it decides on the allocation of surplus revenue;
- g. he appoints and dismisses the members of the management, including its president; h. it adopts the budget for operating costs, the financial plan and the principles accounting principles;
- i. he organizes the internal audit and appoints, supervises and dismisses the responsible actuary;
- k. he exercises supervision over the management, including its president, to verify in particular that it complies with the legislation as well as the relevant regulations and instructions, and that it properly manages the company; it guarantees an appropriate internal control system and risk management; mr. he gives discharge to
- l. management.

6 The CNA Council Commission prepares the files for the attention of the CNA Council. The CNA council may, in the organizational regulations, delegate to the CNA council commission the task of setting the premium rates referred to in para. 5, let. d, as well as the tasks referred to in para. 5, let. l to m. Other duties of the CNA Council cannot be delegated.

Art. 64119 Direction

1 The management manages the affairs of the CNA and represents it; it can appoint proxy holders and other commercial agents.

2 Members of management cannot be part of the CNA council. They are committed in accordance with the Code of Obligations (CO)120. Their salary and other contractual conditions are governed by art. 6a, para. 1 to 5, LPers121, which applies by analogy.

119 New content according to ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO 2016 4941; FF 2008 4877, 2014 7691).

120 RS 220

121 RS 172.220.1

Art. 64a122 Duties of diligence and fidelity

1 The members of the CNA board and management carry out their duties diligently and defend the interests of the CNA faithfully. The CNA council takes the necessary organizational measures to ensure the defense of the interests of the CNA and to avoid conflicts of interest.

2 As part of the duties of diligence and fidelity, all members of the organs of the CNA are required to communicate their links of interest to the organ which appointed.

3 During their mandate, the members of the CNA bodies communicate without delay any modification of their links of interest.

4 The CNA council provides information on the interests of its members as part of its annual report.

Art. 64b123 Auditor 1 The CNA

is required to submit its annual accounts to the ordinary audit of an auditor within the meaning of art. 727 CO124. The audit body also verifies that the provisions relating to the financing system set out in art. 90 are respected.

2 The auditor is appointed for a period of no more than three years. His mandate is renewable.

Art. 64c125 Responsibility

1 The members of the bodies as well as the people responsible for management and revision are liable for any damage they intentionally or negligently cause to the CNA.

2 The right of the CNA to require a member of its organs or a person responsible for management and review to repair the damage caused expires five years from the day on which the CNA was aware of the damage as well as of the person liable for compensation, but in any case ten years from the day on which the harmful event occurred or ceased.126

3 Disputes concerning the liability of members of bodies or persons responsible for management and revision fall to the civil courts.

122 Introduced by ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

123 Introduced by ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

124 RS **220**

125 Introduced by ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

126 New content according to annex ch. 23 of the FL of June 15, 2018 (Revision of the law of prescription), in force since Jan. 1, 2020 (RO **2018** 5343; FF **2014** 221).

Art. 65127 Presentation of accounts 1

The accounts of the CNA are established in such a way as to present the state of assets, finances and income in separate sections.

2 The accounts are established according to the principles of importance, intelligibility, permanence and presentation of the gross product and are based on generally recognized standards, subject to specific provisions relating to social insurance law.

3 The rules for entry in the balance sheet and valuation arising from accounting principles must be explained.

Art. 65a128 Responsible actuary

1 Arts. 23 and 24 of the law of December 17, 2004 on insurance supervision¹²⁹ are applicable to the status and tasks of the responsible actuary.

2 The additional provisions issued by the Federal Department of Finance under the Insurance Supervision Act regarding the tasks of the responsible actuary and the content of the report he is required to prepare apply.

Art. 65b130 Personnel**1 CNA staff are hired in accordance with CO131.**

2 The CNA council sets the remuneration, additional benefits and other contractual conditions in the personnel regulations. Art. 6a, para. 1 to 5, LPers¹³² applies by analogy.

3 The staff is affiliated to the CNA pension fund.

Art. 65c133 Taxes

The CNA is subject to tax for the commercial services it provides, subject to art. 80 LPG¹³⁴.

¹²⁷ New content according to ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

¹²⁸ Introduced by ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

¹²⁹ RS **961.01**

¹³⁰ Introduced by ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

¹³¹ RS **220**

¹³² RS **172.220.1**

¹³³ Introduced by ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

¹³⁴ RS **830.1**

Art. 66 Area of expertise¹³⁵

1 Workers in the following companies and administrations are compulsory insured with the CNA:

- a. 136 industrial companies referred to in art. 5 of the law of March 13, 1964 on labor (LTR)¹³⁷;
 - b. companies in the construction, installation and pipe-laying industry; vs. companies whose activity is the exploitation of earth bark components stay;
 - d. logging operations; e. 138
- companies that work with machines in metal, wood, cork, synthetic materials, stone or glass, and foundries, with the exception of the sales companies mentioned below, insofar as they do not do not manufacture the products they transform themselves:
- 1. optical stores, 2. jewelry stores, 3. sporting goods stores, without edge sharpening machines or floor sanders, 4. radio or television equipment stores, without construction antennas,
 - 5. interior decoration stores, without flooring and installation work carpentry;
 - f. companies which produce, use in large quantities or have in storage in large quantities flammable or explosive materials or those which could cause occupational diseases (art. 9, al. 1);
 - g. communications and transport companies and companies that are in re-direct relationship with the transport industry;
 - h. commercial businesses which have large quantities of heavy goods in storage and which use mechanical installations;
 - i. slaughterhouses using machines; k.
- companies that manufacture beverages;
- l. electricity, gas and water distribution companies as well as garbage removal and water purification companies;

¹³⁵ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

¹³⁶ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

¹³⁷ RS **822.11**

¹³⁸ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

mr. companies engaged in the technical preparation, management or supervision of the work mentioned in letters b to l; not. trade

schools and sheltered workshops; o. temporary

employment companies; p. federal

administration, companies and establishments of the Confederation; q. public administration services of cantons, municipalities and public law corporations, to the extent that they carry out work mentioned in let. b to m.

2 The Federal Council designates in detail the companies subject to compulsory insurance and defines the field of activity of the CNA for workers:

has. auxiliary or accessory businesses of businesses subject to insurance mandatory rancidity;

b. of businesses of which only auxiliary or accessory businesses are targeted to para.

1; vs. mixed enterprises; d.

employed by persons who, to a large extent, carry out work referred to in para. 1, let. b to m, without the criteria of a company being met.

3 The Federal Council may exempt from the obligation to take out insurance with the CNA for workers in companies attached to the private accident insurance institution of a professional association when this institution guarantees equal coverage. Such exemptions will be granted in particular when they serve to safeguard the life and effectiveness of an already existing insurance institution. 3bis Unemployed people are insured with the CNA. The Federal Council

determines the competent insurer in the event of intermediate earnings, partial unemployment and measures relating to the labor market.139

4 The CNA manages the optional insurance of employers whose workers are compulsory insured with it as well as that of family members collaborating in the business of these employers (art. 4 and 5). The Federal Council may authorize the CNA to provide optional insurance to persons carrying out an independent lucrative activity who exercise one of the professions referred to above but do not employ a worker.

Art. 67140 Military insurance management

1 If the Federal Council transfers the management of military insurance to the CNA under art. 81, par. 2, of the federal law of June 19, 1992 on military insurance

139 Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

140 New content according to ch. I 2 of the LF of March 18, 2005 on the transfer to the CNA of the management of military insurance, in force since July 1, 2005 (RO **2005** 2881; FF **2004** 2659).

(LAM)141, the CNA manages military insurance as a full-fledged social insurance with separate accounting.

2 The CNA organizes the military insurance in such a way that it can carry out its tasks in accordance with the LAM and that the establishment of annual reports and statistics according to art. 77 LPG142 is guaranteed.

Art. 67a143 Accessory activities

1 In addition to the activities incumbent on it by law, the CNA may carry out, on an ancillary basis, activities in the following areas: a. management of rehabilitation

clinics; b. handling claims for third parties; vs. the

development of security products and the sale of

these products; d. advice and training in the field of health promotion in

business.

2 Ancillary activities must:

has. be compatible with the tasks falling under the public authority which fall to the CNA in the execution of the provisions on the prevention of occupational accidents and illnesses set out in art. 85, par. 1;

b. be self-financed.

3 Ancillary activities are carried out by service centers attached to the CNA or by public limited companies within the meaning of CO144, the majority of the capital and votes of which are held by the CNA.

4 When ancillary activities are carried out by service centers, the CNA must keep a separate account for each of these centers. Surpluses or losses will be recorded as assets or liabilities in a separate reserve of the CNA.

Section 3 Other insurers

Art. 68 Categories and registration in the register

1 Persons whom the CNA does not have the competence to insure must, in accordance with this law, be insured against accidents by one of the companies designated below:

141 RS **833.1**

142 RS **830.1**

143 Introduced by ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

144 RS **220**

a.145 private insurance companies subject to the law of December 17, 2004 on insurance supervision (LSA); b. public accident

insurance funds;

c.146 health insurance funds within the meaning of the federal law of March 18, 1994 on health insurance disease¹⁴⁷.

2 Insurers who wish to participate in the management of compulsory accident insurance must register in a register kept by the Federal Office of Public Health¹⁴⁸. This register is public.¹⁴⁹

Art. 69 Choice of insurer

The employer must ensure that the workers he employs are insured with one of the insurers designated in art. 68. Workers have the right to participate in the choice of insurer.

Art. 70 Field of activity

1 Insurers are required to provide at least the insurance benefits provided for in this Act to persons insured on a compulsory or optional basis.

2 Health insurers may provide insurance for medical treatment, including material damage, travel, transport and emergency costs as well as insurance for daily allowance. They are required to enter into an agreement regulating their collaboration with the insurer who provides other insurance services.¹⁵⁰

3 The insurers designated in art. 68 may delegate claims management to the CNA or to a third party. This delegation must be approved by the Federal Financial Market Supervisory Authority if it is given by an insurer designated in art. 68, par. 1, let. a, and by the Federal Office of Public Health if it is given by an insurer referred to in art. 68, par. 1, let c.¹⁵¹

¹⁴⁵ New content according to annex ch. II 5 of the L of December 17 2004 on insurance supervision, in force since Jan. 1 , 2006 (RO **2005** 5269; FF **2003** 3353).

¹⁴⁶ New content according to annex ch. 4 of the Act of March 18, 1994 on health insurance, in force since Jan. 1 , 1996 (RO **1995** 1328 1367 art. 1 al. 1; FF **1992** I 77).

¹⁴⁷ RS **832.10**

¹⁴⁸ The designation of the administrative unit was adapted in application of art. 16 para. 3 of the O of November 17, 2004 on official publications (RO **2004** 4937). He was given this mod. throughout the text.

¹⁴⁹ See also art. 2 of the O of September 20, 1982 on the implementation and introduction of the L on accident insurance (RO **1982** 1724).

¹⁵⁰ See also art. 2 of the O of September 20, 1982 on the implementation and introduction of the L on accident insurance (RO **1982** 1724).

¹⁵¹ Introduced by ch. I of the Act of September 25, 2015 (Organization and ancillary activities of the CNA), in force since January 1, 2017 (RO **2016** 4941; FF **2008** 4877, **2014** 7691).

Art. 71152 Limited tax exemption

In derogation from art. 80, par. 1, LPGA153, insurers are only exempt from direct federal, cantonal and municipal taxes for the amounts they allocate to mathematical reserves, only to the extent that these serve exclusively to guarantee rights based on this law.

Section 4 Supplementary fund**Art. 72** Creation

1 The insurers designated in art. 68 create a supplementary fund in the form of a foundation. The foundation board is composed equally of representatives of insurers and employers' and workers' organizations. The founding act and the regulations must be submitted for approval to the Federal Council.

2 These insurers are required to transfer a portion of the accident insurance premiums to the supplementary fund. This share is calculated so that the supplementary fund can finance all expenses which are not covered by direct revenue and constitute suitable reserves for long-term benefits.

3 The Federal Council creates the supplementary fund if the insurers have not done so. It issues the necessary regulations if the insurers cannot agree on the management of the fund.¹⁵⁴

Art. 73 Field of activity

1 The supplementary fund allocates legal insurance benefits to workers who are victims of an accident that the CNA does not have the competence to insure and who have not been insured by their employer. The negligent employer pays the special bonuses to the fund (art. 95). It also covers the costs relating to the legal services of the insurers designated in art. 68 who became insolvent.

2 The supplementary fund assigns to an insurer employers who, despite summons, have not insured their workers or who have not found a new insurer.¹⁵⁵

2bis Para. 2 does not apply to employers who exclusively employ workers whose remuneration is of minimal importance within the meaning of art. 14, par. 5, of the federal law of December 20, 1946 on old-age and survivors' insurance^{156,157}

¹⁵² New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

¹⁵³ RS **830.1**

¹⁵⁴ See also art. 4 of the O of September 20, 1982 on the implementation and introduction of the L on accident insurance (RO **1982** 1724).

¹⁵⁵ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

¹⁵⁶ RS **831.10**

¹⁵⁷ Introduced by annex ch. 7 of the L of June 17, 2005 on undeclared work, in force since Jan. 1, 2008 (RO **2007** 359; FF **2002** 3371).

2ter The supplementary fund carries out the tasks entrusted to it under arts. 78 and 90, paras. 4.158

3 The Federal Council may entrust the supplementary fund with tasks which do not fall within the scope of activity of other insurers.

Art. 74159

Section 5 Common provisions

Art. 75160 Right of public administrations to choose their insurer

1 During a period set by the Federal Council, the cantons, districts, circles, communes and other public law corporations may choose, for their staff who are not already insured with the CNA, between the latter and the one of the insurers designated in art. 68.

2 Administrations and companies forming a unit are insured with the same insurer.

Art. 76 Change of insurer 1 The

Federal Council examines at the end of each five-year period, spontaneously or at the joint request of employers' and workers' organizations and after having heard the insurers previously competent, whether it seems appropriate to change the attribution of categories of companies or professions to the CNA or to the insurers designated in art. 68.

2 The new allocation takes effect two years at the earliest after the entry into force of the ordinance of the Federal Council or the amendment to the law.

Art. 77 Obligation of insurers to allocate benefits

1 In the event of an occupational accident, it is the responsibility of the insurer with whom the work was insured at the time the accident occurred to award benefits. In the event of occupational illness, the insurer with whom the worker was insured at the time when his health was last endangered by harmful substances or certain work or by the exercise of a professional activity must grant the benefits.

158 Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

159 Repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

160 See also art. 3 of the O of September 20, 1982 on the implementation and introduction of the L on accident insurance (RO **1982** 1724).

2 In the event of a non-occupational accident, it is the responsibility of the insurer with whom the victim of the accident was also ultimately insured against occupational accidents to award the benefits.

3 The Federal Council issues regulations on the obligation to grant benefits and on the collaboration of insurers:

has. for insured persons who work for several employers; b. when a new accident occurs, particularly in the event of loss of an organ
par or other changes in the degree of disability;

vs. in the event of the death of both parents;

d. when the cause of an occupational disease has arisen in several companies under various insurers.

Art. 78161 Major disasters

1 When a damaging event occurs which is likely in all likelihood to result, for all the insurers designated in art. 68, the payment of insurance benefits exceeding the volume of net premiums of the previous year for the compulsory insurance branches (large loss), the various insurers regularly communicate to the supplementary fund (art. 72) an estimate of the cost total loss and inform him of the payments made.

2 Events which occur at distinct times and places constitute only one major loss if they are due to the same cause.

Art. 78a162 Disputes

The Federal Office of Public Health rules on financial disputes between insurers.

Chapter 2 Monitoring

Art. 79 Tasks of the Confederation

1 The supervisory authorities (art. 76 LPGA163) ensure uniform application of the law. To this end, they may request information from insurers. They take the necessary measures to remedy shortcomings and ensure in particular that the statistics are established in a uniform manner in order to be able to

161 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

162 Introduced by annex ch. 21 of the O of February 3 1993 on the authorities whose decisions can be referred to the TF or the TFA, in force since Jan. 1 , 1994 (RO **1993** 901).

163 RS **830.1**

be used in particular for the establishment of actuarial bases, for the calculation of premiums and for the prevention of accidents and occupational diseases.¹⁶⁴

2 The insurers designated in art. 68 may be deprived of the right to take out compulsory accident insurance if they have seriously breached the legal requirements.

3 The supplementary fund is placed under the supervision of the Confederation (art. 84 of the civil code¹⁶⁵).

4 Special provisions on the supervision of insurers are reserved.

Art. 80 Tasks of the cantons

The cantons inform employers of their obligation to insure workers and ensure that this obligation is respected. They may instruct their old-age and survivors' insurance compensation funds to collaborate in monitoring compliance with the said obligation.

Title 6 Accident prevention

Chapter 1 Prevention of occupational accidents and illnesses

Section 1 Champ d'application

Art. 81

1 The regulations on the prevention of occupational accidents and illnesses apply to all companies whose workers carry out work in Switzerland.¹⁶⁶

2 The Federal Council may limit or exclude the application of these requirements for certain categories of companies or workers.

Section 2 Obligations of employers and workers

Art. 82 General rules

1 The employer is required to take, to prevent occupational accidents and illnesses, all measures which experience has demonstrated to be necessary, which the state of the art allows for application and which are adapted to the given conditions.

2 The employer must have workers collaborate in measures to prevent occupational accidents and illnesses.

¹⁶⁴ New content according to ch. I of O of Ass. fed. of June 21, 2002, in force since Jan 1st 2003 (RO **2002** 3453; FF **2002** 763).

¹⁶⁵ RS **210**

¹⁶⁶ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

3 Workers are required to assist the employer in the application of regulations on the prevention of occupational accidents and illnesses. In particular, they must use personal protective equipment and correctly use safety devices and refrain from removing or modifying them without authorization from the employer.

Art. 82a167 Work presenting particular dangers 1 If the social partners so request, the Federal Council may make the execution of work presenting particular dangers dependent on the obligation to have a training certificate.

2 The Federal Council regulates training and the recognition of training courses after consulting the Federal Coordination Commission for Safety at Work (Coordination Commission).

Art. 83 Implementation requirements

1 After consulting the employers' and workers' organizations directly concerned, the Federal Council issues regulations on technical, medical and other measures intended to prevent occupational accidents and illnesses in companies. It determines who is responsible for the costs of these measures.

2 The Federal Council regulates the cooperation of occupational physicians and other occupational safety specialists in companies.

Art. 84 Competences of the executing bodies

1 After hearing the employer and the insured persons directly concerned, the enforcement bodies may order certain measures aimed at preventing occupational accidents and illnesses. The employer must allow these bodies access to all premises and workplaces of the company and authorize them to carry out checks and take samples.

2 The enforcement bodies may exclude insured persons who are particularly exposed to occupational accidents and illnesses from work that would put them in danger. The Federal Council settles the question of compensation to be paid to insured persons who, following their exclusion from the activity they previously exercised, suffer considerable prejudice in their advancement and cannot claim other benefits. insurance.168

167 Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

168 New content of the sentence according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

Section 3 Execution

Art. 85 Skill and coordination

1 The executive bodies of the LTr¹⁶⁹ and the CNA execute the requirements on the prevention of occupational accidents and illnesses.¹⁷⁰ The Federal Council regulates the competence of the executive bodies and their collaboration. It takes into account their material and technical possibilities as well as their personnel resources.

2 The Federal Council appoints the coordination commission which includes:

has. three representatives of insurers (one representative of the CNA and two representatives agents of the insurers designated in art. 68);

b. eight representatives of the executing bodies (three representatives of the CNA, two representatives of the federal bodies implementing the LTr and three representatives of the cantonal bodies implementing the LTr);

vs. two employer representatives; d. two

worker representatives.¹⁷¹

2bis The Federal Council appoints a representative of the CNA as president.¹⁷²

3 The coordination commission demarcates the different areas of execution, insofar as the Federal Council has not issued provisions; it ensures the uniform application, in companies, of requirements on the prevention of occupational accidents and illnesses. It may propose to the Federal Council to issue such regulations and authorize the CNA to conclude, with qualified organizations, contracts concerning certain special execution tasks in the field of prevention of occupational accidents and illnesses.¹⁷³

4 The decisions of the coordination commission are binding on insurers and labor law enforcement bodies.

5 The Federal Council monitors the activity of the coordination commission (art. 76 LPGA¹⁷⁴).¹⁷⁵

169 RS **822.11**

170 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

171 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

172 Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

173 New content of the sentence according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

174 RS **830.1**

175 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

Art. 86 Administrative constraint measures

1 The cantons grant mutual legal assistance for the execution of decisions taken by the enforcement bodies and which have been enforced, as well as measures which must be ordered immediately.

2 When non-compliance with safety regulations seriously endangers the life and health of workers, the cantonal authority prohibits the use of premises or installations and, in particularly serious cases, closes the company until that the danger is averted; she can order the seizure of substances and objects.

Section 4 Financement¹⁷⁶**Art. 87** Premium supplement¹⁷⁷

1 The Federal Council sets, on a proposal from the coordination commission, the premium supplement intended for the prevention of occupational accidents and illnesses. It may, after hearing the coordination commission, totally or partially release certain categories of companies from paying this supplement.

2 The premium supplement is collected by insurers and managed by the CNA, which maintains a separate account for this purpose; this account is subject to approval by the Federal Council.

3 The premium supplement is used to cover costs arising from the activity carried out by the bodies responsible for preventing accidents and occupational illnesses. The Federal Council settles questions of detail.

Art. 87a¹⁷⁸ Contributions from foreign companies

1 Foreign companies whose workers are not subject to compulsory insurance under this Act must pay accident prevention contributions.

2 The amount of contributions must be set so as to be equivalent to the premium supplement levied under art. 87 for comparable companies.

3 The Federal Council regulates the procedure for collecting contributions.

¹⁷⁶ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

¹⁷⁷ Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

¹⁷⁸ Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

Chapter 2 Prevention of non-occupational accidents

Art. 88 Encouraging the prevention of non-professional accidents

1 The CNA and other insurers encourage the prevention of non-professional accidents. They jointly manage an institution which contributes, through information and general safety measures, to the prevention of non-professional accidents and which coordinates efforts of the same nature.

2 The Federal Council sets, on a proposal from insurers, the amount of the premium supplement allocated to the prevention of non-professional accidents.

3 Insurers are required to use the proceeds from premium supplements to promote the prevention of non-occupational accidents.

Title 7 Accounts and financing¹⁷⁹

Chapter 1 Accounts¹⁸⁰

Art. 89 ...¹⁸¹

1 Uniform accounting standards must be applied in the management of accident insurance. The Federal Council issues the directives.

2 Insurers keep a separate account: a. for

compulsory insurance against occupational accidents and illnesses
nelles;

b. for compulsory insurance against non-occupational accidents; vs. for optional
insurance (art. 4 and 5).

2bis The CNA also maintains a separate account for accident insurance for unemployed people.¹⁸²

3 Each of the branches referred to in al. 2 and 2bis must provide for its own financing.¹⁸³

4 The accounting year is the calendar year.

¹⁷⁹ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

¹⁸⁰ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

¹⁸¹ Repealed by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), with effect from Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

¹⁸² Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

¹⁸³ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

Chapter 1a Financing¹⁸⁴

Art. 90¹⁸⁵ Financing short-term benefits and annuities

1 To finance daily allowances, healthcare costs, other short-term insurance benefits and disability and survivors' pensions, insurers apply the needs coverage system.¹⁸⁶

2 Insurers apply the capitalization system to finance disability and survivors' pensions as well as disability allowances, as soon as they are fixed. The cover capital must be sufficient to cover all rights to pensions, without inflation allowances.

3 To finance the additional annuity cover capital required following a change in the accounting standards approved by the Federal Council, insurers constitute provisions. Reserves must be established to compensate for fluctuations in operating results. The Federal Council issues directives to this effect.

4 In the event of a major loss, a compensation fund intended to finance the loss burden exceeding the major loss threshold within the meaning of art. 78 is created with the supplementary fund. This compensation fund is funded from the year following its creation by a premium supplement per branch of insurance. The premium supplement is set by the supplementary fund so that all current claims costs can be covered. This supplement is collected by the insurers designated in art. 68 and managed by the supplementary fund. This reimburses the various insurers for the cost of claims exceeding the threshold in question. The Federal Council regulates the modalities.

Art. 90a¹⁸⁷ Financing of inflation allowances by insurers designated in art. 68, par. 1, let. a, and by the supplementary fund

1 The insurers designated in art. 68, par. 1, let. a, and the supplementary fund constitute an association within the meaning of the civil code¹⁸⁸, intended to guarantee in the long term the financing of increase allowances (art. 34) for the insurance of professional and non-professional accidents. All insurers designated in art. 68, par. 1, let. a, and the supplementary fund are required to affiliate with this association.

2 Members of the association are required to establish their own separate provisions in order to finance the inflation allowances.

¹⁸⁴ Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

¹⁸⁵ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

¹⁸⁶ See also provisions. trans. mod. Sep 25, 2015 at the end of the text.

¹⁸⁷ Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).
See also the disp. trans. of this mod. at the end of the text.

¹⁸⁸ RS **210**

3 The separate provisions are financed by:

- a. excess interest on annuity cover capital;
- b. shares of interest income on provisions for disability and survivor benefits; shares of interest income on provisions
- c. for processing costs and daily allowances;
- d. compensation payments between members; interest income
- e. on separate provisions; premium supplements for
- f. inflation allowances not covered by excess interest.

4 The association sets by decision and for all members the unit shares of interest income on provisions as well as the unit premium supplements for inflation allowances within the meaning of art. 92, par. 1, which are not covered. Premium supplements are levied when positive interest surpluses, the share of interest income on provisions and interest income on separate provisions are not sufficient to guarantee the financing of the capitalized inflation allowances which have been decided .

5 If the balance of the separate provisions of one or more members is negative at the end of an accounting year, the association fixes the necessary compensatory payments between the members. Members with a positive balance are required to make compensatory payments according to the terms set out in the association's statutes and its regulations.

6 The terms and conditions are regulated in the statutes and in the regulations of the association. The Federal Council approves the statutes and regulations.

7 If the association is not established, the Federal Council issues the necessary regulations.

Art. 90b189 Financing of inflation allowances by the CNA and the insurers designated in art. 68, par. 1, let. b

The price increase allowances paid by the CNA and the insurers designated in art. 68, par. 1, let. b, are financed by interest surpluses and, to the extent that these are not sufficient, according to the system of distribution of expenses.

189 Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO 2016 4375; FF 2008 4877, 2014 7691).

Art. 90c190 Financing of inflation allowances for unemployed people 1 To guarantee the financing of

inflation allowances for unemployed people, the CNA constitutes separate provisions.

2 These separate provisions are financed by:

has. excess interest on unemployed insurance cover capital; b. the return on capital constituting the provisions;

vs. any contributions from the insurance compensation fund

unemployment.

3 If the Federal Council sets an inflation allowance, the CNA deducts the required additional cover capital from the provisions. If the provisions are not sufficient to constitute the capital necessary to finance the inflation allowances, the additional resources required are financed by contributions from the unemployment insurance compensation fund.

4 The CNA sets the contributions to be paid by the unemployment insurance compensation fund. It first consults the Supervisory Commission of the Unemployment Insurance Compensation Fund.

Art. 90d191 Financing the adaptation of allowances for the helpless The financing

of the adaptation of allowances for the helpless following the increase in the maximum amount of insured earnings is governed for the insurance of professional and non-professional accidents by the same rules than those which apply to the financing of inflation allowances.

For insurers designated in art. 68, par. 1, let. a, and the supplementary fund, the modalities are regulated in the statutes and in the regulations of the association in accordance with art. 90a, para. 1.

Chapter 2 Bounties

Art. 91 Obligation to pay premiums

1 Premiums for compulsory insurance against occupational accidents and illnesses are the responsibility of the employer.

2 Premiums for compulsory insurance against non-occupational accidents are the responsibility of the worker. Contrary agreements in favor of the worker are reserved.

190 Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

191 Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691). See also the disp. trans. of this mod. at the end of the text.

3 The employer owes all the premiums. He deducts the worker's share from his salary. This deduction can only be made, for a salary period, from the salary of this period or the period which immediately follows. Any agreement to the contrary to the disadvantage of the worker is void.

4 Unemployment insurance owes all of the premiums of unemployed people. It deducts the share owed by these people under art. 22a, para. 4, LAC1192 of their unemployment benefits. If unemployed people participate in temporary employment programs, work placements or training measures, the unemployment insurance compensation body pays premiums to the CNA for the risks they run during these activities.¹⁹³

Art. 92194 Setting premiums 1

Insurers set premiums as a percentage of the insured profit. These consist of a net premium corresponding to the risk and premium supplements intended for administrative costs, costs for the prevention of accidents and occupational illnesses, and inflation allowances which are not financed by surpluses. interest and possible funding of a compensation fund in the event of a major disaster. Insurers may charge a minimum premium for compulsory insurance of occupational accidents and non-occupational accidents, independent of the risk covered; the Federal Council sets the upper limit of minimum premiums.¹⁹⁵

2 For the purpose of setting premiums for occupational accident insurance, companies are classified in one of the premium rate classes and, within these classes, in one of the degrees provided; the classification takes into account the nature of the companies and their specific conditions, in particular the risk of accidents and the state of prevention measures. The workers of a company can be classified by group, in different classes and degrees.

3 In the event of a violation of the regulations relating to the prevention of accidents and occupational illnesses, companies can at any time and retroactively be classified in a higher degree of risk.

4 The change of type of company and the modification of its specific conditions must be announced within fourteen days to the competent insurer. If the changes are significant, the insurer may modify the classification of the company in the classes and degrees of the premium rate, if necessary with retroactive effect.

5 On the basis of experience acquired in terms of risks, the insurer may, on its own initiative or at the request of business leaders, modify the classification

192 RS 837.0

193 Introduced by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

194 See also art. 7 of the O of September 20, 1982 on the implementation and introduction of the L on accident insurance (RO **1982** 1724).

195 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

of companies determined in the classes and degrees of the premium rate, with effect at the start of the accounting year.

6 For the purpose of setting premiums for non-occupational accident insurance, policyholders can be divided into rate classes. However, premiums cannot be scaled according to the sex of the insured persons.¹⁹⁶

7 The premium supplement intended for administrative costs must cover ordinary expenses resulting from the practice of accident insurance. The Federal Council may set the maximum rates of this supplement. It determines the deadline for modifying premium rates and for redistributing companies into classes and degrees. It lays down provisions on the calculation of premiums in special cases, in particular for optional insured persons and for those who are insured with a recognized health fund.¹⁹⁷

Art. 93 Collection of bonuses 1

The employer must regularly draw up a salary statement giving, for each worker, exact information on the mode of employment, salary, number and dates of working days. It provides the insurer, upon request, with additional information concerning everything of interest to insurance and allows it to consult salary statements as well as supporting documents.

2 The insurer assesses in advance the amount of premiums for an entire annual financial year and brings it to the attention of the employer. In the event of a significant change, premiums may be adapted during the year.

3 Premiums for each annual financial year are payable in advance. With an appropriate increase, the employer or the optionally insured person can spread the payment of premiums by half-yearly or quarterly periods. 4 At the end of the

annual financial year, the amount of the premiums is definitively calculated by the insurer based on the actual total salaries. If the salary statement does not provide reliable information, the insurer uses other means of information and the employer loses the right to contest the amount set. Insufficiency or excess of the amount paid gives rise to additional collection, restitution or compensation. Additional payments must be paid within the month following notification of the statement.

5 The Federal Council issues regulations on increases in the event of installment payments or when the payment deadline has not been respected, on salary statements, their revision and conservation, as well as on the statement of bonuses. It ensures the coordination of the provisions concerning the definition of the insured income in accident insurance and in other branches of social insurance.

¹⁹⁶ New content according to ch. I of the FL of June 18, 1993, in force since Jan. 1, 1994 (RO **1993** 3136; FF **1993** I 757).

¹⁹⁷ New content according to ch. I of the FL of Oct. 8, 2004, in force since Jan. 1, 2006 (RO **2005** 5259; FF **2003** 5443 5536).

6 It may, in return for compensation, instruct the cantonal old-age and survivors' insurance compensation funds to collect premiums and assume other tasks within the framework of compulsory accident insurance.

7 It may issue special provisions for small businesses and households.

Art. 94198 Ranking of companies and policyholders in premium rates

In derogation from art. 49 LPG199, the insurers designated in art. 68 are not required to render a decision on the initial classification of companies and insured persons in premium rates nor on the modification of this classification, except in the cases referred to in art. 92, par. 3.

Art. 95 Special bonuses

1 If the employer has not insured its workers, has not announced to the CNA the opening of its business or, in any other way, has evaded its obligation to pay the premiums, the CNA or the supplementary fund collects from him, for the duration of his omission, but for five years at most, special premiums amounting to the amount of the premiums due. This amount is doubled when, in an inexcusable manner, the employer has evaded the obligation to insure its workers or pay premiums. In the event of repeat offenses on the part of the employer, the special bonuses may be in the amount of three to ten times that of the premiums due. When the amount of special premiums amounts to the simple amount of premiums due, default interest is charged. The employer cannot deduct special bonuses from workers' salaries.

1bis The employer who exclusively employs workers whose remuneration is of minimal importance within the meaning of art. 14, par. 5, of the federal law of December 20, 1946 on old-age and survivors' insurance²⁰⁰ is only required to pay special premiums in the event of insured accidents. Para. 1, 2nd and 3rd sentences, is not applicable.²⁰¹

2 The CNA and the supplementary fund inform each other about decisions concerning special bonuses.

¹⁹⁸ New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

¹⁹⁹ RS **830.1**

²⁰⁰ RS **831.10**

²⁰¹ Introduced by annex ch. 7 of the L of June 17, 2005 on undeclared work, in force since Jan. 1, 2008 (RO **2007** 359; FF **2002** 3371).

Title 8 Miscellaneous

Chapter 1

Data processing and communication, administrative assistance²⁰²

Art. 96²⁰³ Processing of personal data

The bodies responsible for applying this law, controlling or monitoring its execution are authorized to process and have processed personal data, including sensitive data and personality profiles, which are necessary for them to carry out the tasks assigned to them by this law, in particular to:²⁰⁴

- has. calculate and collect premiums; b.
- establish the right to benefits, calculate them, allocate them and coordinate them with those of other social insurances;
- vs. monitor the application of the provisions on the prevention of accidents and professional diseases;
- d. assert a recourse claim against the responsible third party; e. monitor the execution of this Act; f. establish statistics; g.²⁰⁵
- assign or verify the AVS insured number.

Art. 97²⁰⁶ Data communication

1 To the extent that no overriding private interest opposes it, the bodies responsible for applying this law or for controlling or supervising its application may communicate data, in derogation from art. 33 LPGA²⁰⁷:

- has. to other bodies responsible for applying this law or for controlling or supervising its execution, when they are necessary for the accomplishment of the tasks assigned to them by this law;
- b. to the bodies of another social insurance, when, in derogation from art. 32, par. 2, LPGA, the obligation to communicate them results from a federal law; bbis.²⁰⁸ to the bodies of another social insurance, with a view to assigning or verifying the AVS insured number;

²⁰² New content according to ch. I of O of Ass. fed. of June 21, 2002, in force since Jan 1st 2003 (RO **2002** 3453; FF **2002** 763).

²⁰³ Formerly art. 97a. Introduced by ch. I of the Federal Act of June 23, 2000, in force since on Jan. 1 , 2001 (RO **2000** 2760; FF **2000** 219).

²⁰⁴ New content according to ch. 12 of the annex to the Federal Act of June 23, 2006 (New AVS insured number), in force since December 1 . 2007 (RO **2007** 5259; FF **2006** 515).

²⁰⁵ Introduced by annex ch. 12 of the Act of June 23, 2006 (New AVS insured number), in force since December 1 . 2007 (RO **2007** 5259; FF **2006** 515).

²⁰⁶ New content according to ch. I of O of Ass. fed. of June 21, 2002, in force since Jan 1st 2003 (RO **2002** 3453; FF **2002** 763).

²⁰⁷ RS **830.1**

²⁰⁸ Introduced by annex ch. 12 of the Act of June 23, 2006 (New AVS insured number), in force since December 1 . 2007 (RO **2007** 5259; FF **2006** 515).

- vs. to the competent authorities in matters of withholding tax, in accordance with arts. 88 and 100 of the federal law of December 14, 1990 on direct federal tax²⁰⁹ and the corresponding cantonal provisions;
- d. to the authorities responsible for applying the federal law of June 12, 1959 on the tax for exemption from the obligation to serve²¹⁰, in accordance with art. 24 of the said law;
- e. to the federal statistics bodies, in accordance with the law of October 9, 1992 on federal statistics²¹¹;
- f. to the bodies implementing the federal law of March 19, 1976 on the safety of technical installations and devices²¹², the law of March 21, 1969 on toxic substances²¹³, the federal law of October 7, 1983 on the protection of environment²¹⁴ and the order of June 22, 1994 on radiation protection²¹⁵, when the data are necessary for the accomplishment of the tasks assigned to them by these legislative acts; to the responsible institution, under art. 88, par.
- g. 1, to promote the prevention of non-professional accidents, when necessary for the accomplishment of this task;
- h. to the criminal investigation authorities, when it comes to denouncing or preventing a crime;
- hbis.²¹⁶ to the Federal Intelligence Service (SRC) or to the cantonal security bodies for its benefit, when there is a concrete threat to internal or external security within the meaning of art. 19, par. 2, of the federal law of September 25, 2015 on intelligence²¹⁷;
- i. in specific cases and upon written and reasoned request:
1. to the competent social assistance authorities, when they are necessary to fix or modify benefits, require their restitution or prevent undue payments;
 2. to the civil courts, when they are necessary to resolve a dispute relating to family or inheritance law;

²⁰⁹ RS **642.11**

²¹⁰ RS **661**

²¹¹ RS **431.01**

²¹²

[RO **1977** 2370, **1995** 2766, **2006** 2197 annex ch. 97. RO **2010** 2573 art. 20 para. 1]. See currently the L of June 12, 2009 on product safety (RS **930.11**).

²¹³ [RO **1972** 435, **1977** 2249 ch. I 541, **1982** 1676 annexe ch. 10, **1984** 1122 art. 66 ch. 4, **1985** 660 ch. I 41, **1991** 362 ch. II 403, **1997** 1155 annexe ch. 4, **1998** 3033 annexe ch. 7. RO **2004** 4763 annex ch. I, **2005** 2293]. See currently the L of Dec. 15. 2000 on chemicals (RS **813.1**).

²¹⁴ RS **814.01**

²¹⁵ RS **814.501**

²¹⁶ Introduced by ch. 12 of the annex to the FL of December 23. 2011 (RO **2012** 3745; FF **2007** 4473 **2010** 7147). New content according to ch. II 18 of the annex to the LF of September 25, 2015 on intelligence, in force since September 1, 2017 (RO **2017** 4095; FF **2014** 2029).

²¹⁷ RS **121**

3. to criminal courts and criminal investigation bodies, when they are necessary to establish the facts in the event of a crime or misdemeanor; 4. to the prosecution offices, in accordance with arts. 91, 163 and 222 of the Federal Law of April 11, 1889 on debt enforcement and bankruptcy; 5.218 to the child and adult protection authorities referred to in art. 448, al. 4, CC219.
6.220 ...

1bis The data necessary to combat undeclared work may be communicated in accordance with arts. 11 and 12 of the law of June 17, 2005 on undeclared work^{221.222}

2 In derogation from art. 33 LPGA, data may also be communicated to the competent tax authority within the framework of the declaration procedure provided for in art. 19 of the federal law of October 13, 1965 on withholding tax²²³.

3 In derogation from art. 33 LPGA, personal data relating to an accident or an occupational illness may exceptionally be communicated to third parties when it comes to averting a danger to life or health. Overriding private interests must be safeguarded.

4 In derogation from art. 33 LPGA, data of general interest which relate to the application of this law may be published. The anonymity of policyholders must be guaranteed.

5 Doctors called upon as occupational safety specialists are bound by medical confidentiality. They may, however, in derogation from art. 33 LPGA, communicate to the employer and the bodies referred to in art. 85, par. 1, conclusions relating to the fitness of a worker to carry out certain work, provided that the health and safety of him or of other workers constitutes a preponderant interest and his consent cannot be obtained. The worker must in all cases be informed.

6 In other cases, data may be communicated to third parties, in derogation from art. 33 LPGA: a. in the case of non-personal

data, when there is an overriding interest

justifies; justifies;

b. in the case of personal data, where the data subject has, in the particular case, consented in writing or, if it is not possible to obtain his or her consent

218 Introduced by annex ch. 29 of the LF of December 19 2008 (Protection of adults, personal law and filiation law), in force since Jan. 1 , 2013 (RO **2011** 725; FF **2006** 6635).

219 RS **210**

220 Introduced by annex ch. 12 of the LF of December 23. 2011 (RO **2012** 3745; FF **2007** 4473 **2010** 7147). Repealed by annex ch. II 18 of the FL of September 25, 2015 on intelligence, with effect from September 1 , 2017 (RO **2017** 4095; FF **2014** 2029).

221 RS **822.41**

222 Introduced by annex ch. 7 of the L of June 17, 2005 on undeclared work, in force since Jan. 1 , 2008 (RO **2007** 359; FF **2002** 3371).

223 RS **642.21**

ment, when the circumstances allow us to assume that it is in the interest of the insured.

7 Only data necessary for the intended purpose may be communicated.

8 The Federal Council regulates the terms of communication and information of the person concerned.

9 The data is generally communicated in writing and free of charge. The Federal Council may provide for the collection of fees for cases requiring particularly important work.

10 If a worker reveals confidentially to the bodies referred to in art. 85, par. 1, or to occupational safety specialists of facts relating to the company or to persons, his identity must also be kept secret from the employer.

Art. 98224 Administrative assistance in special cases

The administrative and judicial authorities of the Confederation, cantons, districts, constituencies and communes as well as the bodies of other social insurance provide free of charge to the bodies responsible for applying this law, in specific cases and upon written and reasoned request, the data they need to ensure the prevention of occupational accidents and illnesses.

Chapter 2 Forced execution and liability²²⁵

Art. 99226 Forced execution of premium statements

Premium settlements based on decisions that have entered into force are enforceable in accordance with Art. 54 LPGA²²⁷.

Art. 100228 Liability arising from damages

Requests for compensation within the meaning of art. 78 LPGA²²⁹ must be filed with the insurer, who decides by decision.

Art. 101230

224 New content according to ch. I of O of Ass. fed. of June 21, 2002, in force since Jan 1st 2003 (RO **2002** 3453; FF **2002** 763).

225 Introduced by ch. I of O of Ass. fed. of June 21, 2002, in force since Jan 1st 2003 (RO **2002** 3453; FF **2002** 763).

226 New content according to ch. I of O of Ass. fed. of June 21, 2002, in force since Jan 1st 2003 (RO **2002** 3453; FF **2002** 763).

227 RS **830.1**

228 New content according to ch. I of O of Ass. fed. of June 21, 2002, in force since Jan 1st 2003 (RO **2002** 3453; FF **2002** 763).

229 RS **830.1**

230 Repealed by ch. I of O of Ass. fed. of June 21, 2002, with effect from Jan. 1, 2003 (RO **2002** 3453; FF **2002** 763).

Art. 102231

Art. 102a232

Chapter 3 Relations with other social insurances233

Art. 103234 Military insurance

1 When an insured person is entitled to both military insurance and accident insurance benefits, each insurance pays a fraction of the pensions, compensation for damage to integrity and allowances for the helpless as well as, in derogation of art. 65, let. a, LPGA235, compensation for funeral expenses corresponding to his share of the total damage. For other services, only the insurer directly required to provide services in accordance with applicable legislation intervenes.

2 The Federal Council may provide for exemptions and enact specific provisions on the obligation to grant benefits in the event of relapses, damage to even organs and pneumoconiosis. He can regulate the coordination of daily allowances from the two insurances.

Art. 104236 Other social insurance

The Federal Council may regulate the coordination of daily allowances from accident insurance with those from other social insurances.

231 Repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

232 Introduced by ch. I of the FL of June 23, 2000 (RO **2000** 2760; FF **2000** 219). Repealed by ch. I of O of Ass. fed. of June 21, 2002, with effect from Jan. 1, 2003 (RO **2002** 3453; FF **2002** 763).

233 New content according to ch. I of O of Ass. fed. of June 21, 2002, in force since Jan 1st 2003 (RO **2002** 3453; FF **2002** 763).

234 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

235 RS **830.1**

236 New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

Title 9 Legal remedies and penal provisions

Chapter 1 Special provisions relating to legal remedies²³⁷

Art. 105238 Opposition to premium statements Premium

statements based on decisions can also be challenged by way of opposition (art. 52 LPGA239).

Art. 105a240 Exclusion of opposition If there is

danger, the institution which renders the decision may order measures intended to prevent occupational accidents or illnesses without them being challengeable by way of opposition (art. 52 LPGA241). The recourse provided for in art. 109 is reserved.

Art. 106242

Art. 107 and 108243

Art. 109244 Appeal to the Federal Administrative Court

In derogation from art. 58, par. 1, LPGA245, the Federal Administrative Court rules on appeals against decisions taken on opposition concerning:

- a. the competence of the CNA to insure the workers of a company;
- b. the classification of companies and policyholders in the classes and degrees of premium rates; measures
- c. intended to prevent occupational accidents and illnesses.

²³⁷ New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

²³⁸ New content according to annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

²³⁹ RS **830.1**

²⁴⁰ Introduced by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, in force since January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

²⁴¹ RS **830.1**

²⁴² Repealed by annex ch. 111 of the L of June 17, 2005 on the TAF, with effect from Jan. 1, 2007 (RO **2006** 2197 1069; FF **2001** 4000).

²⁴³ Repealed by annex ch. 12 of the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

²⁴⁴ New content according to annex ch. 111 of the L of June 17, 2005 on the TAF, in force since Jan. 1, 2007 (RO **2006** 2197 1069; FF **2001** 4000).

²⁴⁵ RS **830.1**

Art. 110246**Art. 111247** Suspensive effect

Opposition or appeal against a decision having as its object the classification of companies and policyholders in premium rates, the fixing of unit shares of interest income on provisions and unit premium supplements for inflation allowances which are not covered, a claim for premiums or the competence of an insurer, has suspensive effect only if the body hearing the objection or the court grants it and the decision mentions it.

Chapter 2 Penal provisions**Art. 112248**

1 Anyone who intentionally:

has. by false or incomplete information or in any other way, evades, partially or totally, its obligations in terms of insurance or premiums;

b. as an employer, withholds bonuses from a worker's salary but diverts them from their intended use; vs.

as an executing body, violates its obligations, in particular that of maintaining secrecy, or abuses its function to the detriment of a third party, to obtain an advantage for itself or to obtain an illicit advantage for a third party;

d. as an employer or worker, contravenes the regulations on the prevention of occupational accidents and illnesses, thereby seriously endangering other people.

2 Anyone who, through negligence, contravenes, as an employer or worker, the regulations on the prevention of accidents and occupational illnesses, thus seriously endangering other people.

3 Anyone who intentionally:

has. provides, in violation of its obligation to provide information, inaccurate information or refuses to provide information;

246 Repealed by annex ch. 111 of the L of June 17, 2005 on the TAF, with effect from January 1 . 2007 (RO **2006** 2197 1069; FF **2001** 4000).

247 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

248 New content according to ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), in force since January 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

- b. does not complete the prescribed forms or contains unverified information discs;
- vs. as a worker, contravenes the regulations on the prevention of occupational accidents and illnesses without endangering other workers.

4 If, in the cases referred to in para. 3, the author acts through negligence, he is punished by a fine of 5000 francs at most.

Art. 113249

Art. 114 and 115250

Title 10251 Relationship with European law

Art. 115a252

1 For persons who are or have been subject to the social security legislation of Switzerland or of one or more States of the European Union and who are Swiss nationals or nationals of one of the States of the European Union, for refugees or stateless persons residing in Switzerland or in a State of the European Union, as well as for family members and survivors of these persons, the following acts, in their version which binds Switzerland under Annex II, section A, of the Agreement of June 21, 1999 between the Swiss Confederation, of the one part, and the European Community and its Member States, of the other part, on the free movement of persons²⁵³ (agreement on the free movement of persons) are applicable to services falling within the scope of this law: Regulation (EC) No 883/2004²⁵⁴; b. Regulation (EC) No 987/2009²⁵⁵;

a.

249 Repealed by ch. I of the Act of September 25, 2015 (Accident insurance and accident prevention), with effect from Jan. 1, 2017 (RO **2016** 4375; FF **2008** 4877, **2014** 7691).

250 Repealed by ch. 12 of the annex to the Act of October 6, 2000 on the general part of social insurance law, with effect from January 1, 2003 (RO **2002** 3371; FF **1991** II 181 888, **1994** V 897, **1999** 4168).

251 Introduced by ch. I 10 of the FL of October 8, 1999 on Ac. between, on the one hand, the Swiss Confederation and, on the other hand, the EC and its Member States on the free movement of people, in force since June 1, 2002 (RO **2002** 701; FF **1999** 5440).

252 New content according to ch. 7 of the annex to the FA of June 17, 2016 (Extension of the Ac. on the free movement of persons to Croatia), in force since Jan. 1, 2017 (RO **2016** 5233; FF **2016** 2059).

253 RS **0.142.112.681**

254 Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (RS **0.831.109.268.1**).

255 Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down detailed rules for the application of Regulation (EC) No 883/2004 on the coordination of social security systems (RS **0.831.109.268 .11**).

vs. Regulation (EEC) No 1408/71256; d.

Regulation (EEC) No 574/72257.

2 For persons who are or have been subject to the social security legislation of Switzerland, Iceland, Norway or Liechtenstein and who are Swiss nationals or nationals of Iceland, Norway or Liechtenstein, or who reside as refugees or stateless persons in Switzerland or in the territory of Iceland, Norway or Liechtenstein, as well as for the family members and survivors of these persons, the following acts, in their version which binds Switzerland under Appendix 2 of Annex K to the Convention of January 4, 1960 establishing the European Free Trade Association²⁵⁸ (EFTA Convention) are applicable to the services included within the scope of this law:

has. Regulation (EC) No 883/2004; b.

Regulation (EC) No 987/2009; vs.

Regulation (EEC) No 1408/71; d.

Regulation (EEC) No 574/72.

3 The Federal Council adapts the references to the acts of the European Union referred to in paras. 1 and 2 whenever an amendment to Annex II to the Agreement on the Free Movement of Persons and Appendix 2 to Annex K to the EFTA Convention is adopted.

4 The expressions "Member States of the European Union", "Member States of the European Community", "States of the European Union" and "States of the European Community" in this Law mean the States to which implements the agreement on the free movement of people.

Title 11259 Final Provisions

Chapter 1 Repeal and modification of legal provisions

Art. 116 Abrogations

1 Are repealed:

256 Council Regulation (EEC) No 1408/71 of 14 June 1971 relating to the application of social security schemes for employed workers, self-employed workers and members of their families who move within the Community; in the latest version in force according to the agreement on the free movement of persons (RO **2004** 121, **2008** 4219 4273, **2009** 4831) and Conv. EFTA revised.

257 Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the detailed rules of application of Regulation (EEC) 1408/71 relating to the application of social security schemes to employed workers, self-employed workers and members of their families who move within the Community; in the latest version in force according to the agreement on the free movement of persons (RO **2005** 3909, **2008** 4273, **2009** 621 4845) and Conv. EFTA revised.

258 RS **0.632.31**

259 Formerly Title 10.

- a. the second and third titles of the federal law of June 13, 1911 on insurance in the event of illness and accidents²⁶⁰;
- b. the federal law of June 18, 1915 supplementing the federal law of June 13, 1911 on insurance in the event of illness and accidents²⁶¹; the federal law of December 20, 1962
- c. relating to the payment of inflation allowances to pensioners of the Swiss National Accident Insurance Fund and the military or civil labor service²⁶².

2 The cantonal provisions on compulsory accident insurance for workers are also repealed.

Art. 117 Modifications

The federal law in force is amended according to the provisions reproduced in the appendix; this is an integral part of this law.

Chapter 2 Transitional provisions and entry into force

Art. 118 Transitional provisions 1 Insurance

benefits allocated for accidents which occurred before the entry into force of this law and for occupational diseases which occurred before this date are governed by the old law.

2 In the cases mentioned in para. 1, CNA policyholders are however subject, from their entry into force, to the provisions of this law on the following points:

- a. medical treatment granted after the pension has been determined (art. 21), if the right arises after the entry into force of this law; b. the exclusion of reduction of care benefits
- and compensation when the accident or occupational illness was caused by serious misconduct (art. 37, al. 2); disability pensions, compensation for damage to integrity, disability allowances, survivors' pensions as well as the costs of transporting
- c. the body and funeral costs, if the right arises after the entry into force of this Act;

- d. the extended allocation of orphans' pensions to children undergoing training (art. 30, al. 3); the person concerned must assert his right within one year when the right to the pension has already been extinguished at the time of entry into force of this law; the redemption of annuities (art. 35);

It is.

260 [RS 8 283; RO 1959 888, 1964 961, 1968 66, 1971 1481 ch. II art. 6 ch. 2 disp. fin. et trans. tit. X, 1977 2249 ch. I 611, 1978 1836 annexe ch. 4, 1982 196 1676 annexe ch. 1 2184 art. 114, 1990 1091, 1991 362 ch. II 412, 1992 288 annexe ch. 37, 1995 511]
 261 [RS 8 320; RS 3 521 in fine, disp. fin. mod. 20 déc. 1968 al. 1 ch. 2]
 262 [RO 1963 268]

f. inflation allowances (art. 34); the increase in prices is deemed to be compensated for all annuitants by the annuities allocated under the old law and by possible allocations for increases in prices; allowances for pensioners from the labor service, military and civilian, continue to be paid at the expense of the Confederation.

3 When the deceased insured was required, by judicial decision or by agreement, to pay maintenance contributions to an illegitimate child within the meaning of the civil code in its tenor of December 10, 1907²⁶³, this child is assimilated to a child of the insured for the allocation of an orphan's pension.

4 Insurance benefits allocated for non-professional accidents which occurred before the entry into force of the amendment of October 9, 1998²⁶⁴ are governed by the old law. Cash benefits will however be provided according to the new law if the claim arises after the entry into force of the amendment of October 9, 1998.²⁶⁵

5 If the claim arises before the entry into force of the amendment of December 15, 2000, the disability pension is allocated according to the old law.²⁶⁶

Art. 119 Insurance contracts

Contracts relating to workers' accident insurance are void upon entry into force of this law for risks covered by compulsory accident insurance. Premiums paid in advance for the period after entry into force will be returned. Rights arising from accidents occurring before the contracts expire are reserved.

Art. 120

1 This law is subject to an optional referendum.

2 The Federal Council sets the date of entry into force.

Transitional provisions relating to the modification of September 25, 2015²⁶⁷

1 For accidents which occurred before the entry into force of the amendment of September 25, 2015 and for occupational illnesses which occurred before this date, insurance benefits are allocated according to the old law.

2 Disability pensions and supplementary pensions referred to in art. 20 are reduced according to the new law (art. 20, al. 2ter) if their beneficiaries reach ordinary age.

²⁶³ [RS 2 3]

²⁶⁴ RO **1999** 1321

²⁶⁵ Introduced by ch. I of the FL of October 9, 1998, in force since January 1, 1999 (RO **1999** 1321; FF **1997** III 572 581).

²⁶⁶ Introduced by ch. I of the FL of December 15 2000, in force since July 1, 2001 (RO **2001** 1491; FF **2000** 1253 1263).

²⁶⁷ RO **2016** 4375; FF **2008** 4877, **2014** 7691

retirement at least twelve years after the date of entry into force of this amendment. They are not reduced if the beneficiaries of such annuities reach ordinary retirement age less than eight years after this date. When the beneficiaries of these pensions reach the ordinary retirement age eight years or more, but less than twelve years after the entry into force of this modification, these pensions are reduced, for each additional full year which follows the eight- th year, of one fifth of the amount of the reduction provided for by the new right.

The released capital must be used to guarantee the financing of future inflation allowances or additional cover capital that would be required following a change in the accounting standards approved by the Federal Council.

3 The CNA and the insurers designated in art. 68, par. 1, let. b and c, may continue for five years to finance the insurance benefits referred to in art. 90, par. 1, which are allocated for accidents occurring before the entry into force of this amendment.

4 The provisions constituted until the entry into force of this modification by the insurers referred to in art. 68, par. 1, let. a, and by the supplementary fund and intended for the financing of inflation allowances and the adaptation of allowances for the helpless are entirely allocated to the financing as regulated in arts. 90a and 90d. The insurers referred to in art. 68, par. 1, let. a, which have already once been part of the fund intended to guarantee future pensions but which are no longer so at the time of entry into force of this amendment must at least be made available, as separate provisions for financing price increase allowances in accordance with art. 90a and the adaptation of allowances for the helpless in accordance with art. 90d, the amount that they had provisioned for this purpose at the time of their withdrawal from the fund intended to guarantee future pensions.

Date of entry into force: January 1 , 1984268

Art. 57, par. 3: October 1 , 1982

Art. 60: October 1 , 1982

Art. 63, par. 2: October 1 , 1982

Art. 64, par. 1: October 1 , 1982

Art. 68 and 69: October 1 , 1982

Art. 72, par. 1 and 3: October 1 , 1982

Art. 75: October 1 , 1982

Art. 79, par. 1: October 1 , 1982

Art. 80: October 1 , 1982

Art. 85, par. 2 to 5: October 1 , 1982

Art. 107, par. 1: October 1 , 1982

Art. 108, par. 2: October 1 , 1982

Art. 109, par. 2: October 1 , 1982

Annex

Changes in federal law

...269

269 Mods. can be consulted in RO **1982** 1676.