



Social Assistance Fact Sheet

Entitlement to social assistance

Any person who is unable to support themselves and the members of their family living in the same household sufficiently or in good time from their own resources is entitled to economic assistance (§ 15 of the Swiss Social Assistance Act [Sozialhilfegesetz]).

What is the significance of the application for assistance?

The application for assistance represents the basis for any assistance provided by the social welfare authority. It serves in particular to assess the level of any possible social assistance benefits. As a rule, you will need to sign the application for assistance before any social assistance is provided. You are also required to present an official ID document.

Duty to provide information

Any person who submits an application for social benefits is obliged to provide truthful information about their income, assets and family circumstances. In particular, they are required to disclose documents and rental agreements, wage settlements, court rulings etc. For this purpose, the applicant must submit the application for assistance together with the required documents in writing, in order to enable the application to be assessed.

The social services or the welfare secretariat is entitled to collect information from official bureaux and institutions for the purpose of assessing the provision of assistance. The associated required authority is automatically granted when the applicant signs the application for assistance.

What counts as eligible income or as eligible earnings?

- Earned income and part-time earnings together with family allowances, children's allowances, inflation allowances, shift and Christmas allowances including commission, bonuses, pensions etc.
- Financial benefits of all kinds, such as reduced premiums for health insurance, retirement pensions, invalidity pensions, widow's pensions and orphan's pensions as well as per diem allowances due to illness, accident, unemployment, scholarships and military insurance benefits etc. (you must present insurance policies and insurance certificates of all kinds such as e.g. health insurance, life insurance, occupational pension insurance, per diem insurance, household effects insurance and liability insurance policies).
- One-off or regular benefits from private sources (e.g. alimony, parental contributions, support involving relatives, payments from maintenance obligations etc.), companies, state or private charitable institutions etc.
- Inheritances, donations, lottery winnings of all kinds etc.
- Gratifications replace for intangible losses, and do not serve to secure material survival. For this reason, they are not eligible. Compensation payments, by contrast, are included in the calculation of need.

What counts as eligible assets?

- Cash, bank and postal account credit balances (including foreign), equities, bonds, receivables etc.
- Valuables of all kinds (such as automobiles, jewellery etc., even if no longer new).
- Real estate properties (including outside Switzerland) as well as rights of abode and usufructuary rights to these etc.

What happens to debts and unpaid invoices?

It is essentially the case that the social welfare office does not assume any debts. Nevertheless, we ask you to report your debts and unpaid invoices to us. This will enable us to identify the best solution for your particular circumstances (see page 4 of the application for assistance). You are urgently advised to discuss these matters with the responsible social worker. We also draw your attention to the fact that the social benefits may not be assigned, pledged or attached.

Duty of co-operation

Persons who submit requests for assistance are obliged to co-operate in the clarification of the relevant facts, and must report all changes in their personal and financial circumstances without delay, insofar as these are of relevance for the social assistance (e.g. commencement of employment, change of workload, change of job or change of address etc.). Social welfare benefits may be cut or wholly withdrawn in cases where benefits have been drawn unlawfully, or in the event of gross breach of duties or an abuse of rights. Such cuts or withdrawals must be initiated and substantiated in writing in the form of an appealable order. The recipient of the social assistance must first be granted a legal hearing.

Duty to support relatives (§ 24 Social Assistance Act)

Statutory family maintenance and support obligations pursuant to Art. 328 f. ZGB have precedence over economic assistance. These must be asserted in accordance with the provisions of the Swiss Civil Code [Zivilgesetzbuch ("ZGB")].

Duty of repayment (§ 25 Social Assistance Act)

Those who have drawn upon economic assistance shall be obliged to repay this if the benefits were secured on the basis of untruthful information, or if their financial circumstances significantly improve. The entitlement to repayment covers the benefits which the recipient of the assistance obtained for themselves, for their spouse during marriage and for their children while these were minors. Vis-à-vis the heirs of persons who have drawn upon economic assistance, the duty of repayment shall extend solely to the received

inheritance, taking account of the degree of kinship and the personal relationship with the testator. Economic assistance enjoyed by a person while a minor or prior to the completion of a proper professional training does not have to be repaid by the recipient. The repayment claim shall not attract interest and shall expire after 20 years, calculated from the time of the last drawn assistance. Support involving relatives and repayments must be asserted by the office of the public authority which bears the costs.

Economic assistance which has been granted in advance of anticipated benefits from a social insurance policy, from a private insurance policy or from a third party (e.g. invalidity insurance benefits), and with respect to which supplementary payments are retrospectively made, must be repaid. The public authority which granted the advance may demand that the insurer or third party repays the supplementary payments directly to the extent of the advance payments which have been granted.

Legal capacity and capacity to act

The fact that a person receives social assistance does not restrict their legal capacity and capacity to act under civil law. In particular, they may continue to conclude legal agreements, may draw up a testament or may conduct legal proceedings. The support has no effect on the exercise of parental care. Social welfare bodies may establish rights and obligations in the name of the supported persons only if they have been expressly authorised to do so (e.g. assertion of support involving relatives).

Prohibition of the refusal to grant a legal hearing or legal delay, duty of confidentiality

Social welfare bodies may not expressly refuse to receive an application for economic assistance, or may not tacitly ignore an application for economic assistance. Furthermore, they may not unreasonably delay the processing of an application.

Members of the social welfare bodies and persons who work in the social services are bound by a duty of confidentiality (§ 5 of the Social Assistance Act) and are subject to official secrecy provisions within the meaning of Art. 320 of the Swiss Criminal Code [Strafgesetzbuch].

Legal hearing and access to records

Persons in receipt of assistance have a right to access records, to keep themselves informed, to express opinions and to co-operate in the clarification of the facts of the particular matter, a right to check the application and the grounds for the ruling, as well as the right to arrange for themselves to legal representation in the proceedings.

Rulings substantiated in writing

Social welfare bodies are obliged to substantiate in writing their decision pertaining to any application which is not comprehensively approved, as well as any unfavourable orders. The substantiation must be sufficiently comprehensive to enable the affected person to assess the repercussions of the order, and if necessary to bring a legal appeal against this before the respective appeal body in full awareness of the facts of the case. The order must identify the considerations which guided the social welfare body, as well as the principles upon which the order is based.

Helping people help themselves

Social welfare bodies are obliged to offer such assistance to affected persons that puts them in a position to avert a state of hardship or independently to improve or to stabilise their own situation.

Practical tips

- If you find yourself in a state of hardship or are threatened by a state of hardship, please contact the social services or the welfare secretariat in good time.
Early advice is very important when it comes to providing effective help and support!
- The social services or the welfare secretariat require all the records which document your problem (see checklist): wage settlement (including that of your spouse), unemployment benefit documents, scholarship records, rental agreement, health insurance documents etc. Collect all these documents together before your appointment with the social services office, and bring these along with you. This will make it possible to process your application more rapidly.