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Federal Act on Vocational and Professional Education and Training (Vocational and Professional Education and Training Act, VPETA)

of 13 December 2002 (Status as of 1 January 2019)

*The Federal Assembly of the Swiss Confederation,
based on Art. 63 of the Federal Constitution¹,
having considered the Federal Council Dispatch of 6 September 2000²,
decrees:*

Chapter 1 General Provisions

Art. 1 Principles

¹ Responsibility for upper-secondary level vocational education and training (VET) and tertiary-level professional education shall be shared by the Confederation, the Cantons and professional organisations (social partners, trade associations as well as other organisations and education and training providers within the VPET system). They shall strive to ensure that there is an adequate number of training options within the VPET system, particularly in promising occupational and professional fields.

² The measures taken by the Confederation shall be designed to provide the Cantons and professional organisations with financial and other resources to encourage initiatives to the greatest extent possible.

³ In order to fulfil the purpose of this Act:

- a. the Confederation, the Cantons and professional organisations shall coordinate their activities;
- b. the Cantons and professional organisations shall also coordinate their activities.

AS 2003 4557

¹ SR 101

² BBl 2000 5686

Art. 2 Object and scope

¹ This Act applies to all occupational and professional fields except those covered by the higher education sector:

- a. upper-secondary level vocational education and training (VET), including general education subjects taught in the preparatory course for the Federal Vocational Baccalaureate (FVB) Examination;
- b. tertiary-level professional education;
- c. job-related continuing education and training;
- d. qualification procedures, qualifications and titles;
- e. training provided to VPET professionals;
- f. responsibilities and principles associated with vocational, educational and career guidance;
- g. federal funding to help cover the costs of the VPET system.

² This Act does not apply to education and training governed by other Federal Acts.

³ The Federal Council may, in agreement with the Cantons, exclude individual occupational or professional fields from the scope of this Act if doing so is required for the efficient allocation of tasks between the Confederation and the Cantons.

Art. 3 Objectives

This Act shall foster and develop:

- a. a Vocational and professional education and training (VPET) system that enables individuals to develop on an occupational, professional and personal level, to become integrated into society, and particularly into working life, that provides them with the skills they need, the willingness to work in a flexible manner and the ability to succeed in working life;
- b. a VPET system that enables companies to become more competitive;
- c.³ a balancing of education and training opportunities in social and regional terms, true gender equality, the elimination of discrimination against people with disabilities as well as equal opportunities and integration for foreign nationals;
- d. the ability of learners to transfer from one course of study and/or educational approach to another within the VET and professional education sectors as well as between the VET and professional education sectors and other sectors of the education system (permeability);
- e. greater transparency of the VPET system.

³ Amended by Annex No 2 of the FA of 16 Dec. 2016 (Integration), in force since 1 Jan. 2019 (AS 2017 6521, 2018 3171; BBl 2013 2397, 2016 2821).

Art. 4 Development of the VPET system

¹ In order to develop the VPET system, the Confederation shall lend support to studies, pilot projects, VPET research and the creation of viable structures in new VPET areas.

² The Confederation shall also become involved in such activities whenever this is needed to further the development of the VPET system.

³ If necessary, and following consultation with the Cantons and professional organisations concerned, the Federal Council may temporarily deviate from the provisions of this Act for pilot projects.

⁴ The quality and independence of VPET research must be guaranteed by qualified research institutes.

Art. 5 Information, documentation and teaching materials

The Confederation shall promote:

- a. the provision of information and documentation of interest to Switzerland as a whole or to individual linguistic regions within Switzerland;
- b. the creation of teaching materials intended for linguistic minorities.

Art. 6 Understanding and exchange between linguistic communities

¹ The Confederation may promote VPET initiatives that favour greater understanding and exchange between linguistic communities.

² Specifically, it may promote:

- a. individual multilingualism, in particular by establishing requirements as far as the language of instruction and language training of teachers are concerned;
- b. initiatives taken by the Cantons, professional organisations and companies to send teachers and learners to other linguistic regions.

Art. 7 Promoting disadvantaged regions and groups

The Confederation may promote VPET initiatives intended to help disadvantaged regions and groups.

Art. 8 Improving quality

¹ Education and training providers within the VPET system shall be responsible for ensuring the constant improvement of quality.

² The Confederation shall promote quality improvement, establish quality standards and monitor compliance.

Art. 9 Encouraging permeability within the education system

¹ Regulations on the VET and professional education sectors shall ensure the greatest possible permeability both within the VET and professional education sectors as well as between the VET and professional education sectors and other sectors of the education system.

² Technical or general skills, knowledge and know-how gained outside usual formal education and training pathways (non-formal learning) as well as professional or non-professional experience (informal learning) shall also be recognised and/or validated where appropriate.

Art. 10 Rights of learners to be consulted

Host companies and VET schools shall ensure that the rights of learners to be consulted are respected.

Art. 11 Private providers

¹ The measures contained in this Act must not create unfair distortions of competition affecting private providers on the education market.

² Public providers competing with unsubsidised private providers must charge market prices for their job-related CET courses.

Chapter 2 Vocational Education and Training (VET)**Section 1 General Provisions****Art. 12** Preparation for VET

The Cantons shall take measures to prepare learners for upper-secondary level VET programmes if these learners have not reached the required level of academic achievement on completion of compulsory education.

Art. 13 Imbalances in the apprenticeship market

If there are indications of a future or current imbalance on the apprenticeship market, the Federal Council may take suitable action for a limited period of time and use available funding to restore balance.

Art. 14 Apprenticeship contract

¹ Learners and host companies shall enter into an apprenticeship contract. Unless this Act provides otherwise, the apprenticeship contract is governed by the provisions of the Code of Obligations⁴ on apprenticeship contracts (Art. 344–346a).

⁴ SR 220

² The apprenticeship contract shall be entered into for the full duration of the VET programme. If work-based training involves apprenticeships in various companies, then several apprenticeship contracts may be entered into to cover the duration of each successive apprenticeship.

³ The apprenticeship contract must be approved by the local cantonal authority. No fees may be charged for such approval.

⁴ If the apprenticeship contract is terminated, the host company providing work-based training must notify the local cantonal authority and, if applicable, the VET school without delay.

⁵ If a host company ceases its activities or no longer provides work-based training in accordance with statutory provisions, the Cantons shall ensure that learners are able to complete their VET programme in the proper manner.

⁶ The provisions of this Act apply even if an apprenticeship contract is not signed, is not submitted for approval or is submitted late for approval.

Section 2 Structure

Art. 15 Subject matter

¹ VET programmes are intended to ensure the transfer and acquisition of upper secondary-level skills, knowledge and know-how (hereinafter referred to as competences) needed to carry out the tasks associated with an occupation, occupational field or field of activity (the latter two terms hereinafter referred to jointly as «occupational activity»).

² In particular, VET programmes include the transfer and acquisition of:

- a. specific competences that learners require in order to carry out an occupational activity in a competent and confident manner;
- b. basic competences in language, communication and society (LCS) that learners require in order to gain access to working life, remain economically active and become part of society;
- c. economic, environmental, social and cultural knowledge and skills that learners need to contribute to sustainable development;
- d. ability and willingness to pursue lifelong learning, exercise critical judgement and reach decisions.

³ VET begins after a learner completes compulsory education or obtains an equivalent qualification. The Federal Council shall establish the criteria whereby a minimum age for commencement of VET may be set.

⁴ The mandatory teaching of a second language is governed by VET ordinances.

⁵ The teaching of physical education is governed by the Sport Promotion Act of 17 June 2011^{5,6}

Art. 16 VET segments, learning locations, responsibilities

¹ VET programmes shall include the following segments:

- a. workplace training segment (apprenticeship);
- b. classroom instruction segment comprising vocational and LCS subjects;
- c. additional training segment to complement the workplace training and classroom instruction segments if such additional training meets the needs of the occupational activity.

² VET normally occurs at the following learning locations:

- a. the workplace training segment is provided on the host company premises, within host company networks, at upper-secondary level trade schools, at upper-secondary level commercial schools or at other accredited workplace training institutions;
- b. the classroom instruction segment is provided at VET schools and comprises both vocational and LCS subjects;
- c. the additional training segment is provided at branch training centres or third-party training centres for the purpose of complementing workplace training and classroom instruction segments.

³ Using the requirements of the occupational activity as a frame of reference, the corresponding VET ordinance shall establish how the content of the VET programme shall be distributed across each of the three VET segments mentioned in paragraph 1, how the content will be structured and how much time will be devoted to each segment.

⁴ Obligations to learners shall be determined by the apprenticeship contract. Where no apprenticeship contract has been signed, the corresponding obligations shall depend on the learning location.

⁵ In order to achieve VET programme objectives, host companies, VET schools and branch training centres shall coordinate their activities.

Art. 17 Types and duration of VET programmes

¹ VET programmes cover a period of two, three or four years.

² On completion of a two-year VET programme, learners shall take a final examination to obtain the Federal VET Certificate. Two-year VET programmes are designed to take the specific needs of learners into account.

⁵ SR 415.0

⁶ Amended by Art. 34 No 3 of the Sport Promotion Act of 17 June 2011, in force since 1 Oct. 2012 (AS 2012 3953; BBl 2009 8189).

³ On completion of a three-year or four-year VET programme, learners shall take a final examination to obtain the Federal VET Diploma.

⁴ Holders of the Federal VET Diploma who pass the FVB Examination on general education subjects are issued with the Federal Vocational Baccalaureate.

⁵ Competences acquired through non-formal or informal learning may be validated through specific qualification procedures leading to issuance of a Federal VET Diploma.

Art. 18 Taking individual needs into account

¹ The duration of a VET programme may be shortened or lengthened to accommodate especially talented learners, learners who have already undergone relevant training, learners with learning difficulties and learners with disabilities.

² The Federal Council shall issue special provisions covering the individual tutoring of learners with learning difficulties in two-year VET programmes.

³ The Confederation may provide funding to cover the costs of individual tutoring.

Art. 19 VET ordinances

¹ The State Secretariat for Education, Research and Innovation (SERI)⁷ shall issue education ordinances for each VET programme. These VET ordinances shall be issued at the request of professional organisations or, if necessary, at its own initiative.

² The VET ordinances shall cover the following aspects in particular:

- a. the subject matter and duration of the corresponding VET programme;
- b. the objectives and requirements of the workplace training segment;
- c. the objectives and requirements of the classroom instruction segment;
- d. the scope of course content and the distribution of VET content across learning locations;
- e. qualification procedures, qualifications and titles.

³ Qualification procedures to validate non-formal or informal learning shall be based on corresponding VET ordinances.

⁴ ...⁸

⁷ Term in accordance with No I 8 of the O of 15 June 2012 (Reorganisation of the Departments), in force since 1 Jan. 2013 (AS **2012** 3655). This amendment has been made throughout the text.

⁸ Inserted by Art. 21 No 2 of the Publications Act of 18 June 2004 (AS **2004** 4929; BBl **2003** 7711). Repealed by Annex No 4 of the FA of 26 Sept. 2014, with effect from 1 Jan. 2016 (AS **2015** 3977; BBl **2013** 7057).

Section 3 Providers

Art. 20 Host companies

¹ The host companies responsible for the workplace training segment of VET programmes shall strive to ensure that learners progress as much as possible and shall monitor learner progress periodically.

² In order to provide workplace training within the framework of a VET programme, host companies must first obtain a permit from the local cantonal authority; no fees may be charged for the issuance of such permits.

Art. 21 VET schools

¹ VET schools shall be responsible for the classroom instruction segment of VET programmes, which covers both vocational and LCS subjects.

² VET schools shall have an independent education mandate to do the following:

- a. help learners to develop their personality and social skills as they attend lessons on vocational and LCS subjects;
- b. help learners to develop their particular talents and offer special courses that take account of the needs of both specially talented persons and persons with learning difficulties;
- c. design VET programmes in such a way as to promote true gender equality and discourage discrimination against people with disabilities.

³ Attendance of VET school courses is mandatory.

⁴ VET schools may also organise both professional education and job-related CET courses.

⁵ VET schools may work with professional organisations and companies to organise branch courses or similar third-party training courses for the additional training segment of VET programmes.

⁶ VET schools may handle coordination activities for the purpose of enabling the various VET participants to work together.

Art. 22 Courses offered by VET schools

¹ In Cantons where workplace training takes place, the cantonal authorities shall see to it that VET schools provide training content that corresponds to actual needs.

² Mandatory courses shall be free of charge.

³ Anyone in the host company or VET school who meets the prerequisites may attend optional courses without salary deduction. Attendance of these courses shall be arranged by agreement with the host company. If no such agreement can be reached, the local cantonal authority shall decide.

⁴ If a learner is required to attend a remedial course in order to successfully complete his or her VET programme, then the VET school shall reach a special agreement

with the company and the learner to organise such a course. If no such agreement can be reached, the local cantonal authority shall decide. Learners may attend these courses without salary deduction.

⁵ At the request of trade associations, SERI may authorise specialised courses to be offered at the intercantonal level if the following conditions are met: the courses enable educational objectives to be reached more effectively, the courses increase host company willingness to provide workplace training within the framework of VET programmes, the course can be given without excessive additional cost and there are no significant disadvantages for participants.

Art. 23 Branch courses and similar third-party training courses

¹ Branch courses and similar third-party training courses are designed to enable the transfer and acquisition of basic know-how. These courses are intended to complement the workplace training and classroom instruction segments of VET programmes if such additional training meets the needs of the occupational activity.

² Working with professional organisations, the Cantons shall ensure that an adequate number of branch courses or similar third-party training courses are made available.

³ Attendance of branch courses is mandatory. At the request of the host company, the Cantons may free learners from their obligation to attend a branch course if the course content is already covered by another course that the learner is attending in a company training centre or upper-secondary level trade school.

⁴ Anyone who organises branch courses or similar third-party training courses may ask the host companies or VET school involved to pay a proportionate share of the costs. In order to avoid competitive distortions, professional organisations that organise branch courses or similar third-party training courses may ask non-member companies to pay a higher share of the costs.

⁵ The Federal Council shall establish the cost sharing framework and scope.

Section 4 Supervision

Art. 24

¹ The Cantons shall be responsible for overall supervision of VET programmes.

² Supervisory activities shall comprise the provision of guidance and suggestions to parties to the apprenticeship contract as well as overall coordination between the VET participants.

³ Supervisory activities shall also include the following:

- a. ensuring the quality of workplace training, including branch courses or similar third-party training courses;
- b. ensuring the quality of the classroom instruction segment of VET programmes;
- c. monitoring examinations and other qualification procedures;

- d. ensuring that apprenticeship contracts are in line with statutory provisions;
- e. ensuring that contracting parties abide by the terms of their apprenticeship contracts.

⁴ If a joint request is made by education and training providers and the learners, the Cantons shall decide on the following matters:

- a. validation of non-formal or informal learning mentioned in Article 17 paragraph 5;
- b. cases referred to in Article 18 paragraph 1.

⁵ Within the framework of their supervisory activities, the Cantons may:

- a. claim back all or part of the federal funding given to the third parties referred to in Article 52 paragraph 2 sentence 2;
- b. terminate an apprenticeship contract.

Section 5 Federal Vocational Baccalaureate (FVB)

Art. 25

¹ The FVB certifies that the holder has the prerequisite knowledge and skills needed to attend a university of applied sciences.

² The general education subjects referred to in Article 17 paragraph 4 may also be attended after a learner obtains the Federal VET Diploma.

³ The Cantons shall ensure that there is an adequate supply of preparatory courses for the FVB Examination.

⁴ The general education subjects taught in the preparatory course for the FVB Examination shall be free of charge at public schools. Private schools offering similar general education subjects may qualify for federal and/or cantonal funding.

⁵ The Federal Council shall establish the rules applying to the FVB.

Chapter 3 Professional Education

Art. 26 Subject matter

¹ Tertiary-level professional education is intended to enable the transfer and acquisition of competences needed to carry out the complex tasks and decision-making associated with a given profession.

² Holders of a Federal VET Diploma, a tertiary-level higher education qualification or an equivalent qualification may pursue professional education.

Art. 27 Forms of professional education

A tertiary-level professional qualification may be obtained:

- a. by preparing for a federal professional examination;
- b. by enrolling in a federally recognised study programme at a professional education institution.

Art. 28 Federal professional examinations

¹ Suitable professional experience and expertise are required in order to take federal professional examinations.

² The corresponding professional organisations shall establish admission requirements, course content, qualification procedures, qualifications and titles. They shall take into account completed courses of study. The regulations shall be subject to approval by SERI. These regulations shall be published in the Federal Gazette in the form of a reference made in accordance with Article 13 paragraph 1 letter g and 3 of the Publications Act of 18 June 2004^{9,10}

³ The Federal Council shall establish the requirements and procedures for obtaining approval.

⁴ The Cantons may offer preparatory courses.

Art. 29 Professional education institutions

¹ Anyone wishing to attend a federally recognised study programme leading to issuance of a tertiary-level professional qualification must have sufficient professional experience, unless such professional experience is included in the course of study.

² The full-time study programme at a professional education institution shall last a minimum of two years, including traineeships at host companies. The part-time study programme shall last a minimum of three years.

³ The Federal Department of Economic Affairs, Education and Research (EAER)¹¹ shall work with professional organisations to establish the minimum requirements for federal recognition of study programmes and continuing education and training at professional education institutions. They shall establish the admission requirements, course content, qualification procedures, qualifications and titles.

⁴ The Cantons may offer their own courses of study.

⁵ The Cantons shall be responsible for overall supervision of professional education institutions that offer federally recognised study programmes.

⁹ SR 170.512

¹⁰ Fourth sentence inserted by Art. 21 No 2 of the Publications Act of 18 June 2004, in force since 1 Jan. 2005 (AS 2004 4929; BBl 2003 7711).

¹¹ Term in accordance with No 18 of the O of 15 June 2012 (Reorganisation of the Departments), in force since 1 Jan. 2013 (AS 2012 3655). This amendment has been made throughout the text.

Chapter 4 Job-Related Continuing Education and Training

Art. 30 Subject matter

By structuring the learning process, job-related CET enables learners to:

- a. refresh, deepen and broaden existing professional competences or acquire new professional competences;
- b. remain professionally flexible.

Art. 31 Job-related CET courses

The Cantons shall ensure an adequate supply of job-related CET courses.

Art. 32 Measures taken by the Confederation

¹ The Confederation shall lend support to job-related CET.

² In particular, it shall provide funding for job-related CET that enables learners to:

- a. remain economically active after they have been made redundant;
- b. find new employment if their workweek percentage has been reduced or if they have stopped working entirely.

³ The Confederation shall also support measures designed to improve the coordination, transparency and quality of job-related CET.

⁴ Federally-funded job-related CET must be coordinated with the labour market measures mentioned in the Unemployment Insurance Act of 25 June 1982¹².

Chapter 5 Qualification Procedures, Qualifications and Titles

Section 1 General Provisions

Art. 33 Examinations and other qualification procedures

Professional competence shall be certified on the basis of a general examination, a series of partial examinations or other SERI-recognised qualification procedures.

Art. 34 Prerequisites for qualification procedures

¹ The Federal Council shall establish the rules applying to qualification procedures. It shall be responsible for ensuring the quality and comparability of qualification procedures. The assessment criteria used for qualification procedures must be objective and transparent and ensure equal opportunities.

¹² SR 837.0

² Access to qualification procedures shall not be dependent on attendance of specific courses of study. SERI shall establish the conditions whereby candidates may be admitted to qualification procedures.

Art. 35 Promotion of other qualification procedures

The Confederation may provide funding to organisations that develop or offer other qualification procedures.

Art. 36 Protection of titles

Only holders of an upper secondary-level vocational qualification or a tertiary-level professional qualification shall be permitted to use the titles established in the corresponding regulations.

Section 2 Vocational Education and Training

Art. 37 Federal VET Certificate

¹ The Federal VET Certificate shall be awarded to learners who obtain passing scores on their final examination or whose competences have been validated through an equivalent qualification procedure.

² The Federal VET Certificate shall be issued by the local cantonal authority.

Art. 38 Federal VET Diploma

¹ The Federal VET Diploma shall be awarded to learners who obtain passing scores on their final examination or whose competences have been validated through an equivalent qualification procedure.

² The Federal VET Diploma shall be issued by the local cantonal authority.

Art. 39 Federal Vocational Baccalaureate (FVB)

¹ The FVB shall be awarded to holders of the Federal VET Diploma who obtain passing scores on the FVB Examination or whose competences have been validated through an equivalent qualification procedure.

² ...¹³

³ The Cantons shall be responsible for organising FVB Examinations and issuing FVBs. The Confederation may also organise FVB Examinations.

¹³ Repealed by Annex No II 2 of the Higher Education Act of 30 Sept. 2011, with effect from 1 Jan. 2015 (AS 2014 4103; BBl 2009 4561).

Art. 40 Qualification procedures

¹ The Cantons shall be responsible for organising qualification procedures.

² On request, SERI may delegate a professional organisation to organise a qualification procedure for specific regions of Switzerland or for the entire country.

Art. 41 Examination fees

¹ No fees may be charged to learners or host companies for examinations leading to issuance of the Federal VET Certificate, the Federal VET Diploma or the FVB.

² Fees may be charged to learners who withdraw from or fail to appear at an examination for no justifiable reason as well as to learners who repeat an examination.

Section 3 Professional education**Art. 42** Federal professional examinations

¹ Federal professional examinations are governed by examination rules established in Article 28 paragraph 2 of this Act.

² The Confederation shall be responsible for overall supervision of these examinations.

Art. 43 Tertiary-level professional qualifications; entry into the register

¹ Candidates who obtain passing scores on a federal professional examination shall be awarded a tertiary-level professional qualification conferring either ‘chartered professional’ or ‘higher chartered professional’ status.

² Both types of professional qualifications shall be issued by SERI.

³ SERI shall maintain a public register with the names of the holders of tertiary-level professional qualifications.

Art. 44 Federally recognised study programmes

¹ Candidates who complete a federally recognised study programme and obtain passing scores on the final examination or equivalent qualification procedure shall be awarded a tertiary-level professional qualification conferring ‘higher chartered professional’ status.

² The examination procedure and equivalent qualification procedures are subject to the minimum requirements established in Article 29 paragraph 3.

Chapter 6 Training of Professionals working within VPET system

Art. 45 Requirements for workplace trainers

- ¹ Workplace trainers handle the workplace training segment of VET programmes.
- ² Workplace trainers shall have received training in their technical field as well as an adequate level of training in pedagogical and didactic methods.
- ³ The Federal Council shall establish the minimum requirements for the training of workplace trainers.
- ⁴ The Cantons shall ensure that workplace trainers receive adequate training.

Art. 46 Requirements for teachers

- ¹ Teachers working in the VET, professional education and job-related CET sectors shall have received training in their technical field as well as in pedagogical and didactic methods.
- ² The Federal Council shall establish the minimum requirements that must be met by teachers working in these sectors.

Art. 47 Other professionals within VPET system

The Confederation may establish training programmes designed for other professionals within the VPET system such as examiners and other workers in the VET or professional education sectors.

Art. 48 Promotion of vocational pedagogy; Swiss Federal Institute for Vocational Education and Training (SFIVET)¹⁴

- ¹ The Confederation shall promote vocational pedagogy.
- ² For this purpose, it shall establish a higher education institution responsible for the following:
 - a. providing basic and continuing training of professionals within the VPET system, particularly vocational school teachers, insofar as this does not overlap with similar activities carried out by the Cantons;
 - b. carrying out research, studies, pilot projects and providing services relating to the VET, professional education and job-related CET sectors.
- ³ The Federal Council may give SFIVET other tasks that serve the interests of Switzerland as a whole.
- ⁴ The Federal Council shall regulate SFIVET, whose campuses shall be established in several locations to better serve the needs of the Cantons and Switzerland's linguistic regions.

¹⁴ Amended by Annex No 1 of the FA of 18 June 2010, in force since 1 Jan. 2011 (AS 2010 5003; BBl 2009 7207).

⁵ All accounting, budgetary and financial planning activities carried out by SFIVET are subject to the Financial Budget Act of 6 October 1989¹⁵. In special cases, the Federal Council may provide for exceptions if this enables SFIVET to carry out its tasks more effectively.

⁶ SFIVET may charge a fee for the training and services that it provides. The Federal Council shall issue the implementing provisions.

⁷ Acting on behalf of SFIVET or alongside it, the Federal Council may work with the Cantons to devise new courses or recognise existing ones.

⁸ SFIVET shall work with appropriate education and training institutions.

Art. 48a¹⁶ Commercial services

¹ SFIVET may provide commercial services to third parties, provided these services:

- a. are closely related to its core activities;
- b. do not compromise the fulfilment of its core activities; and
- c. do not require substantial additional material or human resources.

² Commercial services must be provided on the basis of cost and activity accounts at prices that are at least high enough to cover the costs. The EAER may permit exceptions for certain services that are not provided in competition with the private sector.

Chapter 7 Vocational, Educational and Career Guidance

Art. 49 Principle

¹ Vocational, educational and career guidance helps young people and adults to make the right choices as far as their occupation, course of study and career are concerned.

² It consists in the provision of information and personal guidance.

Art. 50 Guidance counsellor qualifications

¹ Vocational, educational and career guidance counsellors shall receive federally recognised training.

² The Federal Council shall establish the minimum requirements for the recognition of courses of study.

¹⁵ [AS 1990 985, 1995 836 No II, 1996 3042, 1997 2022 Annex No 2 2465 Annex No 11, 1998 1202 Art. 7 No 3, 2847 Annex No 5, 1999 3131, 2000 273 Annex No 7, 2001 707 Art. 31 No 2, 2002 2471, 2003 535 3543 Annex No II 7 4265 5191, 2004 1633 No I 6 1985 Annex No II 3 2143. AS 2006 1275 Art. 64]. See now the Financial Budget Act of 7 October 2005 (SR 611.0).

¹⁶ Inserted by Annex No 1 of the FA of 18 June 2010, in force since 1 Jan. 2011 (AS 2010 5003; BBl 2009 7207).

Art. 51 Cantonal authority tasks

¹ The Cantons shall be responsible for providing vocational, educational and career guidance.

² The Cantons shall ensure that vocational, educational and career guidance activities fall in line with labour market measures provided for in the Unemployment Insurance Act of 25 June 1982¹⁷.

Chapter 8 Federal Subsidies for VPET system; VPET Funds**Section 1 Federal Subsidies for VPET system****Art. 52** Principle

¹ Within the range of the approved budgets, the Confederation shall provide funding to cover an appropriate portion of the costs of VET and professional education under this Act.

² The Confederation shall mainly provide the Cantons with lump-sum funding so that they may carry out the tasks referred to in Article 53. The Cantons shall pass on these subsidies to the third parties concerned in proportion to the tasks that have been delegated to them.

³ The Confederation shall pay the remaining portion of funding to:

- a. the Cantons and third parties so that they may carry out projects designed to develop and improve the quality of VET and professional education (Art. 54);
- b. the Cantons and third parties so that they may carry out specific activities that serve the public interest (Art. 55);
- c. third parties so that they may organise federal professional examinations and offer federally recognised study programmes at professional education institutions (Art. 56);
- d.¹⁸ persons who have completed a preparatory course for a federal professional examination. (Art. 56a).

Art. 53 Lump-sum funding for the Cantons

¹ The lump-sum funding paid by the Confederation to the Cantons shall mainly be calculated on the basis of the number of learners enrolled in VET programmes. Adequate consideration shall also be given to the range and type of VET pro-

¹⁷ SR 837.0

¹⁸ Inserted by No I of FA of 16 Dec. 2016, in force since 1 Jan. 2018 (AS 2017 5143; BBl 2016 3089).

grammes as well as the availability of professional education. The Federal Council may also take other criteria into account.¹⁹

² Lump-sum funding shall be used for the following purpose:

- a. education and training:
 1. individual tutoring of learners enrolled in two-year VET programmes (Art. 18 para. 2),
 2. measures to prepare learners for upper-secondary level VET programmes (Art. 12),
 3. VET schools (Art. 21),
 4. branch courses or similar third-party training courses (Art. 23),
 5. general education subjects taught in the preparatory course for the FVB Examination (Art. 25),
 6. preparatory courses for federal professional examinations (Art. 28),
 7. federally recognised study programmes at professional education institutions (Art. 29),
 8. job-related CET (Art. 30–32),
 9. training events for workplace trainers (Art. 45),
 10. qualification of vocational, educational and career guidance counsellors (Art. 50);
- b. examination and other qualification procedures (Art. 40 para. 1) are subject to the provisions of Article 52 paragraph 3 letter c.

Art. 54 Subsidies for projects that seek to develop and improve the quality of the VPET system

The subsidies in support of VPET development projects under Article 4 paragraph 1 and projects that seek to improve quality under Article 8 paragraph 2 shall be provided for a limited duration.

Art. 55 Subsidies for specific activities that serve the public interest

¹ Specific activities that serve the public interest include the following:

- a. measures to promote true gender equality as well as access to education and job-related CET for people with disabilities (Art. 3 let. c);
- b. information and documentation (Art. 5 let. a);
- c. the creation of teaching materials for linguistic minorities (Art. 5 let. b);
- d. measures to improve understanding and exchange between the linguistic communities (Art. 6);
- e. measures to help disadvantaged regions and groups (Art. 7);

¹⁹ Amended by No II 4 of the FA of 6 Oct. 2006 on New System of Fiscal Equalisation and Division of Tasks between the Confederation and Cantons, in force since 1 Jan. 2008 (AS 2007 5779; BBl 2005 6029).

- f. measures to help young people confronted with academic, language or social barriers to gain greater access to VET programmes (Art. 7);
- g. measures to help people to remain employed or find new employment (Art. 32 para. 2);
- h. measures to improve the coordination, transparency and quality of VET programmes (Art. 32 para. 3);
- i. measures to promote other qualification procedures (Art. 35);
- j. measures designed to maintain and expand apprenticeship programmes (Art. 1 para. 1).

² Subsidies for public-interest services shall only be paid if the services are planned for the long-term, and can only be provided if subsidised.

³ The Federal Council may decide that specific services in the public interest qualify for subsidies.

⁴ The Federal Council shall establish the criteria for the granting of subsidies.

Art. 56 Subsidies for federal professional examinations and federally recognised study programmes at professional education institutions

The Confederation may provide subsidies to professional organisations wishing to create federal professional examinations and federally recognised study programmes at professional education institutions.

Art. 56a²⁰ Subsidies to persons completing preparatory courses for federal professional examinations

¹ The Confederation may pay persons who complete a preparatory course for a federal professional examination (Art. 28).

² These subsidies may not exceed 50 per cent of eligible course fees.

³ The Federal Council shall establish the prerequisites for entitlement to a subsidy, the subsidy rate and eligible course fees.

⁴ The Confederation may, at the request of persons attending preparatory courses for federal professional examinations, make an advance payment of part of the subsidy amount. The Federal Council shall decide on the specific details.

Art. 56b²¹ Information system

¹ SERI shall maintain an information system enabling it to check payment of subsidies within the meaning of Article 56a and generate and analyse corresponding statistics.

²⁰ Inserted by No I of FA of 16 Dec. 2016, in force since 1 Jan. 2018 (AS **2017** 5143; BBl **2016** 3089).

²¹ Inserted by No I of FA of 16 Dec 2016, in force since 1 Jan. 2018 (AS **2017** 5143; BBl **2016** 3089).

² It shall process the following data in the information system:

- a. information for identification of recipients of subsidies under Article 56a paragraphs 1 and 4;
- b. information for identification of persons completing preparatory courses for federal professional examinations under Article 28;
- c. the national insurance number under Article 50c of the Federal Act of 20 December 1946²² on Old-Age and Survivors Insurance of the persons referred to in letters a and b;
- d. information about the subsidy amounts received in the cases referred to in Article 56a paragraphs 1 and 4;
- e. information about persons who complete a preparatory course for a federal professional examination;
- f. information about the completed preparatory course for a federal professional examination.

³ The Federal Council shall enact provisions on the structure and operation of the information system and on data security, the duration of data storage and deletion of data.

⁴ It may commission third parties to manage the information system and process data.

Art. 57 Conditions and requirements

¹ The subsidies referred to in Articles 53–56 shall only be provided if the activities to be funded:

- a. correspond to actual needs;
- b. are properly organised;
- c. include adequate quality improvement measures.

² The Federal Council may establish additional conditions and requirements. It shall regulate the calculation of subsidy amounts.

Art. 58 Reduction and withholding of subsidies

The Confederation shall reduce approved subsidies or withhold new subsidies if the funding recipient seriously neglects or fails to fulfil his obligations under this Act.

Art. 59²³ Budgets, allocation of federal funding

¹ For each multi-year subsidy period, the Federal Assembly shall issue a simple Federal Decree to approve the following:

²² SR 831.10

²³ Amended by No I of FA of 16 Dec. 2016, in force since 1 Jan. 2018 (AS 2017 5143; BBl 2016 3089).

- a. the expenditure limits for:
 1. the fixed subsidies paid to the Cantons referred to in Article 53,
 2. the subsidies referred to in Article 56 for organising federal professional examinations and study programmes at professional education institutions,
 3. the subsidies referred to in Article 56a to persons who complete a preparatory course for a federal professional examination;
- b. the guaranteed budget for:
 1. subsidies referred to in Article 54 for VET development and quality improvement projects,
 2. subsidies referred to in Article 54 for specific services in the public interest.

² As a guideline, the Confederation's share of education funding should be one quarter of public expenditure on the VPET system under this Act. No more than ten per cent of the Confederation's share of the costs shall be allocated as a subsidy under Articles 54 and 55 for projects and activities.

Section 2 VPET Funds

Art. 60

¹ In order to promote the VPET system, professional organisations responsible for organising VET, professional education, job-related CET and corresponding examinations may create and maintain their own VPET funds.

² The professional organisations shall describe the purpose of their VPET fund. Specifically, the fund should be used to fund the activities of companies in their branch that carry out training activities for specific fields of activity.²⁴

³ At the request of corresponding professional organisation, the Federal Council may declare the professional organisation's VPET fund mandatory for all companies within the given economic branch and require that each company contribute to the fund. By analogy, the provisions of the Federal Act of 28 September 1956²⁵ on the Declaration of General Application of Collective Employment Agreements also apply.

⁴ In order for a fund to qualify as mandatory, the following conditions must be met:

- a. at least 30% of all of the companies representing 30% of all employees and learners in the given economic branch already contribute to the VPET fund;
- b. the professional organisation has its own training institution;

²⁴ Second sentence amended by Annex No 13 of the FA of 20 June 2014 on Continuing Education and Training, in force since 1 Jan. 2017 (AS 2016 689; BBl 2013 3729).

²⁵ SR 221.215.311

- c. funds shall only be used for the occupations within the given economic branch;
- d. funds shall be used for VET and professional education initiatives that benefit all of the companies within the given economic branch.

⁵ The form and amount of contributions to the VPET fund shall depend on the amount of funding that the members of the corresponding professional organisation contribute to cover VPET costs. The Federal Council shall establish the maximum amount for contributions; this maximum amount may vary from one economic branch to another.

⁶ Companies whose contribution to VPET costs is already included in their membership fees to the professional organisation or companies that are able to demonstrate that they already provide commensurate VET, professional education and/or job-related CET courses, shall not be required to make payments into the VPET fund that has been declared mandatory for all other companies within the given economic branch.

⁷ SERI shall be responsible for overall supervision of mandatory VPET funds. SERI shall issue an ordinance to regulate the accounting and auditing aspects of such funds.

Chapter 9 Appeals, Criminal Provisions, Implementation

Section 1 Appeals

Art. 61

¹ The appeal authorities are:

- a. a local cantonal authority selected by the Canton, for decisions reached by the Cantons or by VET or professional education providers working under a contract signed with the Canton;
- b.²⁶ SERI, for decisions reached by professional organisations outside the Confederation.
- c. and d.²⁷ ...

² All other cases shall be governed by the general provisions on federal administrative procedure.

²⁶ Amended by Annex No 35 of the Administrative Court Act of 17 June 2005, in force since 1 Jan. 2007 (AS **2006** 2197 1069; BBl **2001** 4202).

²⁷ Repealed by Annex No 35 of the Administrative Court Act of 17 June 2005, with effect from 1 Jan. 2007 (AS **2006** 2197 1069; BBl **2001** 4202).

Section 2 Criminal Provisions

Art. 62 Offences

¹ Any person who provides work-based training:

- a. without obtaining the permit referred to in Article 20 paragraph 2;
- b. outside the framework of an apprenticeship contract (Art. 14);

shall be liable to a fine.

² In cases where the fault is minor, an official reprimand may be issued instead.

Art. 63 Abuse of title

¹ Any person who:

- a. claims to hold a protected title without having obtained passing scores on the required examinations or without having been certified through equivalent qualification procedures;
- b. makes use of a title in a way that implies that the person obtained passing scores on the required examinations or has been certified through equivalent qualification procedures;

shall be liable to a fine.

² The criminal provisions of the Federal Act of 19 December 1986²⁸ on Unfair Competition are reserved.

Art. 64 Prosecution

The Cantons shall be responsible for prosecution.

Section 3 Implementation

Art. 65 Confederation

¹ Unless otherwise provided by law, the Federal Council shall issue the implementing provisions.

² The Federal Council may delegate the task of issuing regulations to the EAER or SERI.

³ The Federal Council shall consult the Cantons and interested professional organisations before enacting:

- a. implementing provisions;
- b. VET ordinances.

⁴ The Confederation shall ensure that the Cantons implement this Act.

Art. 66 Cantons

The Cantons shall be responsible for implementing all measures that have not been assigned to the Confederation.

Art. 67 Delegation of tasks to third parties

The Confederation and the Cantons may delegate implementation to professional organisations may charge fees for consultation and services rendered.²⁹

Art. 68 Recognition of foreign qualifications;
International cooperation and mobility

¹ The Federal Council shall establish criteria for the recognition of foreign vocational and professional qualifications that fall within the scope of application of this Act.

² Under its own authority, the Federal Council may enter into international agreements intended to encourage international cooperation and mobility within the VET and professional education sectors.

Art. 69 Federal Commission for Vocational and Professional Education
and Training (EBBK)

¹ The Federal Council shall create a Federal Commission for Vocational and Professional Education and Training (EBBK).

² The EBBK shall be composed of no more than 15 representatives chosen from federal and cantonal levels, from professional organisations as well as from academic circles. The Cantons shall have the right to nominate three members.

³ The EBBK shall be run by the State Secretary of SERI.

⁴ SERI shall act as the EBBK Secretariat.

Art. 70 Tasks of the EBBK

¹ The EBBK shall carry out the following tasks:

- a. the provision of advice to the Confederation on general matters relating to the VET and professional education sectors as well as on matters relating to development, coordination and harmonisation with general education sector policies;
- b. the assessment of VPET development projects referred to in Article 54, requests for funding of specific activities that serve the public interest referred to in Article 55, requests for funding of professional education activities referred to in Article 56 as well as activities relating to research, studies, pilot

²⁹ Second part of sentence inserted by No II of the FA of 17 Dec. 2004, in force since 5 Oct. 2005 (AS 2005 4635; BBl 2004 145).

projects and services relating to the VET, professional education and job-related CET sectors referred to in Article 48 paragraph 2 letter b.

² The EBBK may also submit its own proposals and recommendations to grant funding agencies in relation to projects under assessment.

Art. 71 Federal Vocational Baccalaureate Commission (FVBC)

The Federal Council shall appoint a Federal Vocational Baccalaureate Commission (FVBC).³⁰ The FVBC shall act as an advisory body for all matters relating to the FVB, particularly the recognition of qualification procedures.

Chapter 10 Final Provisions

Art. 72 Repeal and amendment of current legislation

The repeals and amendment of current legislation is regulated in the Annex.

Art. 73 Transitional provisions

¹ The applicable cantonal and federal education ordinances must be amended or replaced within five years of commencement of this Act.

² Titles that are protected under current legislation shall remain protected.

³ The implementation of lump-sum funding mentioned in Article 53 paragraph 2 shall be phased in over a period of four years.

⁴ The Confederation shall gradually increase its subsidy over a period of four years until this subsidy reaches the level established in Article 59 paragraph 2.

Art. 74 Referendum and commencement

¹ This Act is subject to an optional referendum.

² The Federal Council shall determine the date when this Act comes into force.

Commencement Date: 1 January 2004³¹

³⁰ Amended by No I 6.2 of the O of 9 Nov. 2011 (Review of Extra-Parliamentary Commissions), in force since 1 Jan. 2012 (AS 2011 5227).

³¹ FCD of 19 Nov. 2003.

Annex
(Art. 72)

Repeal and Amendment of Current Legislation

I

The following enactments are repealed:

1. Federal Act of 19 April 1978³² on Vocational Education and Training;
2. Federal Act of 19 June 1992³³ on Financial Aid to Professional Education Institutions Specialised in Social Care.

II

The following enactments are amended as follows:

...³⁴

³² [AS 1979 1687, 1985 660 No I 21, 1987 600 Art. 17 No 3, 1991 857 Annex No 4, 1992 288 Annex No 17 2521 Art. 55 No 1, 1996 2588 Art. 25 para. 2 and Annex No 1, 1998 1822 Art. 2, 1999 2374 No I 2, 2003 187 Annex No II 2]

³³ [AS 1992 1973]

³⁴ The amendments may be consulted under AS 2003 4557..