



# **ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts**

## **Liechtenstein**

**2016**



**EUROPEAN COMMISSION**

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**European Social Policy Network (ESPN)**

**ESPN Thematic Report on  
Access to social protection of  
people working as  
self-employed or on  
non-standard contracts**

**Liechtenstein**

**2016**

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## Summary

Liechtenstein has an extremely diverse national economy with a large number of small and medium-sized enterprises. The regulatory framework encourages self-employment. Liechtenstein offers support at various levels to entrepreneurs willing to create their own business. Specific data regarding the self-employed do not exist. Thus, no breakdown into 'bogus' and 'dependent' self-employment data is available either. The official statistics do not differentiate between different forms of self-employment.

Regarding official statistics and data, part-time employment and non-standard employment contracts are converted into full-time equivalents and collated for statistical purposes in the same way as full-time employment arrangements. Thus, whether a person has a standard or a non-standard employment contract, he or she is a salaried worker.

The number of part-time workers has increased in the past decade, from 23.3% in 2007 to 30.9% in 2015. No analyses regarding gender or reasons for this shift are available.

In Liechtenstein, no independent special system for the self-employed has been established. Self-employed persons may be insured on a voluntary basis, or else they may be subject to compulsory insurance according to their place of residence or economic activity in Liechtenstein.

Sickness insurance: the self-employed are subject to compulsory healthcare and sickness insurance in relation to benefits in kind. Regarding cash benefits, no compulsory insurance for self-employed persons is in place.

Old-age and survivor's pensions: the self-employed are covered by the compulsory old-age and survivor's insurance (first pillar). They pay contributions in line with the aggregate of the employer's and the employee's contributions, as well as contributions to cover administration. The self-employed are granted the same benefits as all other insured persons. There is no compulsory insurance for self-employed in the occupational pension fund (second pillar). They may participate voluntarily at their own expense.

Unemployment insurance is compulsory for all employees. Self-employed persons have no unemployment insurance, either compulsory or voluntary.

A self-employed person is entitled to the same long-term care benefits under the same conditions as an employee. An exception is made for benefits derived from accident insurance, since self-employed persons are insured on a voluntary basis.

Compulsory invalidity insurance: self-employed persons are subject to invalidity insurance under the first pillar. There is no compulsory insurance under the second pillar. The self-employed may opt to take out voluntary insurance.

Self-employed persons receive the same family benefits as all other persons. The contributions for self-employed persons are paid in full by themselves.

Self-employed workers tend to be exposed to a higher risk of poverty than other employed persons, because often they do not build up occupational pension entitlements on a voluntary basis. Taking into account the high cost of living in Liechtenstein, benefits from the first pillar are in many cases insufficient to ensure an adequate standard of living after retirement.

They also face a worse social situation in the event of unemployment. For those in standard employment, the unemployment insurance scheme continues to pay contributions to the state and occupational pension insurance, as well as to sickness insurance if they become unemployed. The unemployment insurance also pays a daily cash benefit to insured employees during the first 30 days of sickness (for up to 44 working days within a 2-year period). For self-employed persons, none of these benefits apply.

Self-employed mothers or fathers should have the possibility to deduct the cost of childcare from tax, regardless of whether the self-employment is conducted as a single-person enterprise or within some other established legal form of company.

At present, neither the government nor any political party is looking at measures to extend social protection to the self-employed and non-standard workers.

## **1 Context: self-employment and non-standard work relationships in the national economy and labour market**

Liechtenstein has an extremely diverse national economy, with a large number of small and medium-sized enterprises. The high value-added generated can mainly be attributed to a strong industrial sector and to financial service providers. At the same time, the contribution of the public sector to the national economy is comparatively small.

Liechtenstein comprises the following different employment arrangements:

- Self-employed persons
- Standard employment contracts: indefinite full- or part-time employment contract
- Non-standard contracts: fixed-term contracts of employment, not open ended (e.g. seasonal workers).

In Liechtenstein, the term 'self-employment' is often used as a synonym for entrepreneurship, implying the creation of a small business. But self-employment can also be just another form of working for a larger organisation, with no prospect of this directly creating employment for others. In many cases, this is the situation in Liechtenstein, as professional specialist or skilled workers have become self-employed consultants or tradesmen. They work mainly for larger firms on a voluntary or sub-contracted basis. The reason for this development appears to be the desire of companies to maintain maximum flexibility in terms of the cost of employment, by using self-employed labour. It is unclear how many of these self-employed persons accept their status only because of redundancy or lack of alternative employment. There are no figures available in Liechtenstein regarding the trends in self-employment.

Dependent self-employment contracts are not part of employment relationships. They belong to the category of self-employment, even if the contract of engagement is limited in time but is extended a couple of times.

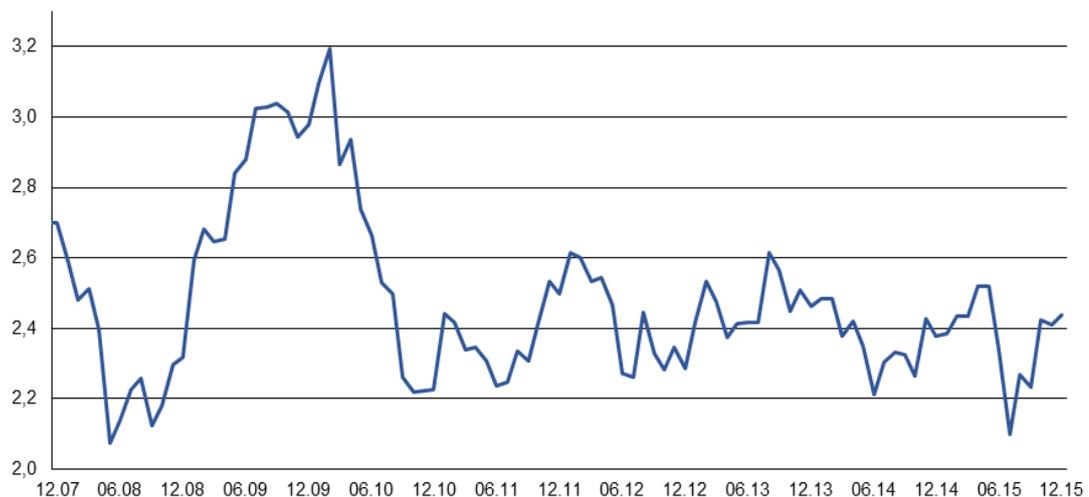
Regarding official statistics and data, part-time employment is converted into full-time equivalents and collated for statistical purposes in the same way as full-time employment arrangements. Thus, no separate statistics are publicly available. Regarding non-standard contracts (e.g. fixed-term contracts of employment), the situation is more or less identical. As the official data collection for statistics is based on a fixed key date, any terminated contract is not taken into consideration (which happens in many cases with fixed-term contracts). If fixed-term contracts exist at the key date, they are not separately evaluated. Instead they are converted into full-time equivalent units and integrated into the official employment statistics. Based on this starting position, no differentiated indications can be made.

The main trends in the incidence of self-employment and non-standard work relationships in Liechtenstein can be summarised as follows:

- The Liechtenstein economy has been able to withstand the recession of 2009 fairly well. The Principality of Liechtenstein made progress in its budget consolidation, and has outstandingly high wealth levels, debt-free public accounts and consensus-based prudent financial policies. Liechtenstein is in many ways an

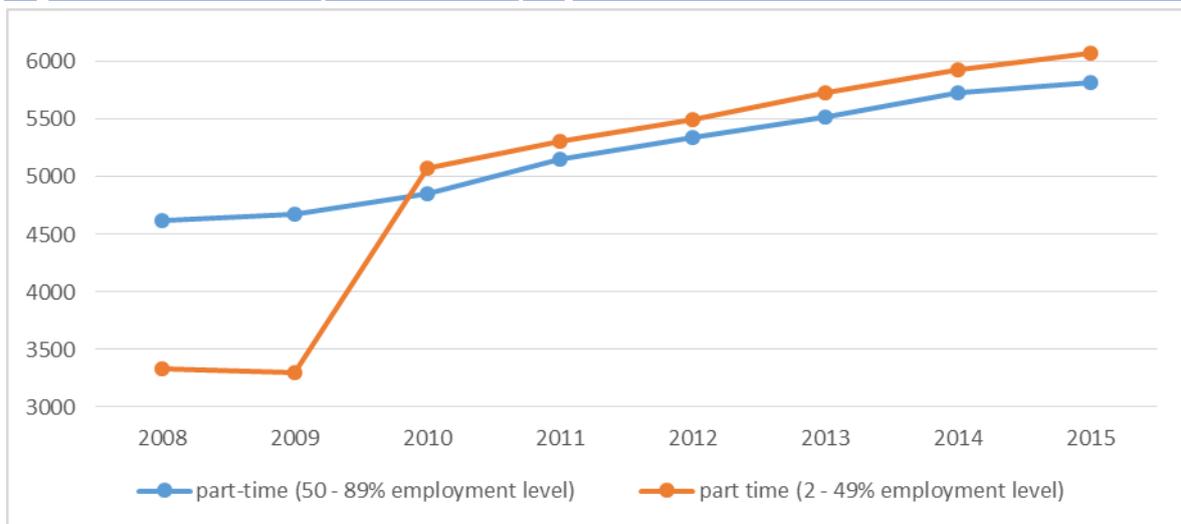
atypical European country, and this includes its economy. The figure below shows the average unemployment rate from 2007 to 2015. Compared to Europe (or even most of the rest of the world), Liechtenstein has a very low unemployment rate. The average unemployment rate in recent years has been 2.4%, with a minimum of 2.1% in May 2008 and a maximum of 3.4% in January 2007. Thus, the increase in unemployment in 2009 compared to the year before was mainly the result of economic factors, but represented no sustained trend.

**Figure 1: Average unemployment rate in Liechtenstein (%)**



Source: Central Statistical Office of Liechtenstein,  
link: <http://www.llv.li/files/as/arbeitslosenstatistik-2015.pdf>

- While women represented 28.1% of full-time waged employees in 2015, they accounted for 74% of all part-time employees. Many women work part time, as it allows them to combine paid work with domestic and care responsibilities.
- Besides the general economic environment in Liechtenstein, the regulatory framework encourages self-employment. Liechtenstein offers support at various levels to entrepreneurs willing to move or to create their own business. New companies, especially if active in the field of innovative technologies, have a vast array of incentives available. The analysis of the official part-time employment data shows that only in the year 2009–10 there was a remarkable increase in the number of part-time employees (defined as having an employment level of 2–49%). This was due to the fact that until 2009 only part-time work from 15–49% was taken into account. The number of part-time workers has increased in the past decade and their share has increased even more significantly – from 23.3% in 2007 to 30.9% in 2015 (a breakdown by gender is not possible, due to missing data).
- Non-standard employment contracts are not separately reported in the official statistics. Thus, persons with, for example, a temporary work contract that finishes before the end of the year are not counted in the official statistical data (no separate statistics are available). Insurance and pension contributions have to be paid for these persons, equal to standard employee contributions, but limited to the contractual time period.

**Figure 2: Number of part-time employees between 2008 and 2015**

Source: Central Statistical Office of Liechtenstein, link:  
<http://www.llv.li/#/11367/beschaeftigungsstatistik>

- Unfortunately, in Liechtenstein there are no official statistics that would allow any conclusions to be drawn as to the extent to which self-employed persons within particular sectors are at greater or lesser risk of poverty or social exclusion. To the best of the authors' knowledge, no such data exist, though they would be needed for further research in this area.
- No breakdown into 'bogus' and 'dependent' self-employment figures is available. The official statistics do not differentiate between different forms of self-employment.
- The unemployment insurance fund supports insured persons who want to start their own permanent and full time business both financially and by coaching during the planning period. One of the preconditions is that the person must have been registered for unemployment insurance and be entitled to unemployment insurance compensation.<sup>1</sup>
- Entrepreneurs willing to create their own business are supported at various levels. The unemployment insurance offers financial support and coaching (e.g. business planning) during the start-up phase. The support is limited in time. Support is also given by the Labour Market Service Centre (AMS). The AMS offers support in conducting feasibility studies and accessing funds, career guidance and consultations regarding vocational education and training courses.<sup>2</sup>
- All persons working on a self-employed basis in Liechtenstein must pay income tax on revenue from any self-employed activity, as well as on other income. The amount of tax due is determined by the tax authorities. The individual tax rates are progressive, with the tax bands ranging from a minimum of 3% and a maximum of 24%, while a certain amount of revenue per year is tax free.

Finally, it can be said that currently in Liechtenstein, neither the government nor any political party is looking at measures to extend social protection to the self-employed and non-standard workers.

<sup>1</sup> Office of Economic Affairs of Liechtenstein, link:  
[http://www.amsfl.li/ams/upload/downloads/merkblatt\\_foerderung\\_selbstaendigkeit.pdf](http://www.amsfl.li/ams/upload/downloads/merkblatt_foerderung_selbstaendigkeit.pdf)

<sup>2</sup> Link: <http://www.amsfl.li/stellensuchende/untersttztzende-programme/index.html?a=13&level=1>

## 2 Description and assessment of social protection provision for self-employed and people employed on non-standard contracts

### 2.1 Description of social protection provisions for self-employed and people employed on non-standard contracts

There is a law-based definition of self-employment in Liechtenstein. Self-employment, based on the explanations contained in the information sheet on accounting practices issued by the Tax Administration Office of Liechtenstein, is commonly understood as:

- work under one's own name and on their own account
- freely chosen organisation
- intention of making profit
- operating at one's own economic risk.<sup>3</sup>

Thus, no differentiating data are available to separate out the self-employed who are caught in bogus self-employment and those who are in economically dependent self-employment. Taking the often-used definition of bogus self-employment as referring to workers who formally deliver their services as an independent firm, but in fact do not fulfil the criteria of self-employment, it can be assumed that those persons working in bogus self-employment are actually approved by their de facto employer as being self-employed, in order to avoid tax and employment rights liabilities, including employment protection. Due to the lack of official data, this assumption cannot be validated, and no statements are possible for Liechtenstein in this regard.

Liechtenstein has a close-knit network of different types of social insurance which offer those living and working in Liechtenstein – and their dependants – broad protection against risks, the financial consequences of which could not be covered without insurance.

In Liechtenstein, no independent special system for the self-employed has been set up so far. Self-employed persons may be insured on a voluntary basis, or else they are subject to compulsory insurance on account of their place of residence or economic activity in Liechtenstein. Thus, as a general rule, persons who are self-employed, working under a standard or a fixed-term contract of employment in Liechtenstein are subject to the social security system of their country of residence (which might be Liechtenstein, but in the case of commuters may also be Switzerland or a neighbouring EU Member State). The Liechtenstein social security system is based on three pillars, with a threefold system of public retirement insurance, company insurances and private insurances and savings, etc. The main goal is to allow people to maintain approximately their previous standard of living after retirement, as well as in case of invalidity or unemployment. The same holds true for the relatives of a person, in case of the death of that person.<sup>4</sup>

The public authorities contribute different shares to the social insurance funds (old-age, survivor's and invalidity), or else finance them completely (supplementary benefits). For individuals with particularly low incomes, the public authorities subsidise premiums (reduced health insurance premiums).

The old-age and survivors' insurance (*Alters- und Hinterlassenenversicherung, AHV*), invalidity insurance (*Invalidenversicherung, IV*) and Family Compensation Fund

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<sup>3</sup> Definition of self-employment based on the publication of the Tax Administration Office of Liechtenstein, link: <http://www.llv.li/files/onlineschalter/Dokument-1333.pdf>

<sup>4</sup> Act on Social Welfare, link:

[https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=1985017000&version=5&search\\_text=Sozialhilfegesetz&search\\_loc=text&sel\\_lawtype=conso&compl\\_list=1&rechts\\_gebiet=0&menu=0&tablesel=0&observe\\_date=20.10.2016](https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=1985017000&version=5&search_text=Sozialhilfegesetz&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=20.10.2016)

(*Familienausgleichskasse*, FAK) schemes distinguish between employed persons and the self-employed.<sup>5</sup> For the purposes of social insurance law, the self-employed are defined as persons:

- who work under their own name and on their own account; and
- who operate independently and bear their own economic risk.

Non-standard employment contracts are treated as equal to standard employment contracts under the old-age and survivors' insurance, the invalidity insurance and the Family Compensation Fund. Thus, all persons who are employed by an employer and who work in a dependent relationship are salaried workers for the purposes of the Liechtenstein AHV, IV and FAK, irrespective of whether the employment contract is standard or non-standard. Thus, insurance and pension contributions have to be paid for these persons, equal to standard employee contributions, but limited to the contractual time period.

Whether an insured person counts as self-employed for the purposes of the above-mentioned insurance scheme is a matter that the compensation office assesses on a case-by-case basis. This is especially relevant for freelance staff.

The contribution rates for these schemes are as shown in Table 1.

**Table 1: Contribution rates to the AHV, IV and FAK in 2017**

Social insurance	Contribution rate for a self-employed person	Contribution rate for standard/non-standard employment contracts, paid by	
	Paid by him/herself	employed person	employer
<b>Old-age and survivors' insurance</b>	7.8%	3.8%	4%
<b>Invalidity insurance</b>	1.5%	0.75%	0.75%
<b>Family Compensation Fund</b>	1.9%	-	1.9%

Source: *Old Age and Widow's/Widower's Pension*, link: <https://www.ahv.li/beitraege/arbeitnehmer-arbeitgeber/beitragsansaetze-ahv-iv-fak-vk-gueltig-ab-01012017/>

In addition, self-employed persons in Liechtenstein are obliged by law to contribute to health insurance, but there is no obligation to have accident insurance. Self-employed persons are not insured against unemployment, and nor are they subject to mandatory occupational pension provisions. A self-employed person may contribute voluntarily to an occupational benefit plan, as well as to accident and occupational disease insurance.

Taking these differences between self-employed persons and persons with a standard or non-standard employment contract into consideration, an overview of the contribution rates is given in Table 2.

<sup>5</sup> The old-age and survivors' insurance, disability insurance and Family Compensation Fund are three independent public institutions (AHV-IV-FAK). However, they were technically merged in order to form a joint directorate. They are subject to government and parliamentary supervision. The AHV-IV-FAK manage the so-called first pillar of pension insurance in the cases of old age, disability and death (a general national insurance scheme for all residents and all employees). This first pillar is supplemented by the mandatory occupational scheme for employees (second pillar) and by voluntary insurance (3rd pillar).

**Table 2: Overview of contribution rates to social insurance schemes, 2017**

Social insurance	Contribution rate for a self-employed person	Contribution rate for an employed person	Contribution rate for the employer
<b>Old-age and survivors' insurance</b>	7.8%	3.8%	4%
<b>Invalidity insurance</b>	1.5%	0.75%	0.75%
<b>Family Compensation Fund</b>	1.9%	-	1.9%
<b>Unemployment insurance</b>	-	0.5%	0.5%
<b>Company pension funds (pillar II)</b>	-	Min. 50% of mandatory rate	Min. 50% of mandatory rate

Source: Old Age and Widow's/Widower's Pension, link: <https://www.ahv.li/beitraege/arbeitsnehmer-arbeitgeber/beitragsansaeetze-ahv-iv-fak-vk-gueltig-ab-01012017/>

### 2.1.1 Healthcare and sickness: cash benefits and benefits in kind

All persons who are residents of, or who are engaged in economic activity in, Liechtenstein (as employed or self-employed persons) must take out sickness insurance. They must register individually with a sickness insurance fund. Contributions are levied for each insured person in an individual system. Thus, the self-employed are subject to compulsory healthcare and sickness insurance in respect of benefits in kind. As far as benefits and deductibles are concerned, it is also the regulations of the general system that apply.

Regarding cash benefits from a sickness insurance which derive from incapacity to work due to sickness, the eligibility conditions are: the person must be an employee over 15 years of age who works in Liechtenstein under a standard or non-standard contract for an employer with a head office or branch in Liechtenstein and a contractual based weekly working time of more than 8 hours. These persons are mandatorily insured for sickness cash benefits. Beside the minimum working hour clause for cash benefits under the sickness insurance, no further limitation exists.

Concerning wages paid on sick leave out of the sickness insurance, the legal minimum amount is 80% of the last salary paid. The maximum salary amount per year which can be covered by the insurance is 148,200 Swiss francs (CHF) (approx. EUR 137,200). In case of incapacity to work, the employee receives cash benefits from the very first day. Contributions are paid equally by the employer and the employee (50% of the contribution amount each). The size of the contribution depends on the type of contract (e.g. on the starting point of the insurance benefits to be paid: since it is possible for an employer to cover a period of employee incapacity at his own expense, the sickness insurance may kick in after that period). Furthermore, employers may pay – on voluntary basis – a full 100% salary in case of incapacity to work. If incapacity turns into permanent incapacity (invalidity) the invalidity insurance replaces the benefits of the sickness insurance.<sup>6</sup>

There is no compulsory sickness insurance for self-employed persons. Anybody who is aged over 15 years and is not mandatorily insured may take out private insurance which

<sup>6</sup> Link to Liechtenstein Marketing: <http://www.liechtenstein-business.li/fuer-arbeitnehmende/sozialversicherungssystem/>

offers cash benefits. Then, if sickness renders that person unfit to work, the insured sickness benefit is paid out for at least as long as has been fixed for employees.

All permanent residents of Liechtenstein must contribute to the national healthcare fund, and employers must register their staff with the Health Insurance Fund. Employees and employers pay into the healthcare fund. Self-employed persons must make their own contributions, based on the Act on Health Insurance of 24 November 1971 (Gesetz über die Krankenversicherung, KVG).<sup>7</sup>

The healthcare system is decentralised in Liechtenstein, with free-market elements and mandated health insurance. Thus, residents of Liechtenstein individually arrange their health insurance, known as *obligatorische Krankenpflegeversicherung* (OKP), with a mandated health insurance company that best suits their individual needs.

The national healthcare OKP covers most medical services, including treatment by specialists, hospitalisation, prescriptions, pregnancy and childbirth, and rehabilitation. Additional add-on private healthcare insurance for self-employed persons covers in general accommodation and treatment in a specified type of ward (private or semi-private), including physician and hospital costs. Under specific conditions, the costs of emergency transport, rescue and recovery may also be covered, up to an agreed maximum. Moreover, self-employed persons in Liechtenstein can enter into an optional daily sickness benefits insurance contract to cover short-term inability to work.

### 2.1.2 Maternity/paternity cash benefits and benefits in kind

Sickness insurance provides benefits in kind and/or cash benefits for women who are economically active as employed or self-employed persons, and for female residents of Liechtenstein. The sickness insurance covers the necessary check-ups during pregnancy and in the first 10 weeks after birth. All benefits payable by the sickness insurance funds in the event of sickness are also provided during pregnancy.

Women registered with a sickness fund for at least 270 days prior to the birth of their child are entitled to maternity cash benefit for 20 weeks. Of these, at least 16 weeks must follow the birth. Hence, mandatory maternity cash benefit is provided for all employed women entitled to earnings-related benefits. Self-employed women do not benefit from this unless they have opted for voluntary insurance. Thus, if a self-employed woman is registered with a sickness fund on a voluntary basis, she receives the same benefits as mandatorily registered women. Voluntarily registered persons have to pay the full contributions themselves, just as an employer would do for his/her employee, since in the family benefits system there are no employee contributions. Thus, the contribution obligation of an employer applies to self-employed persons.

To avoid any discrimination against residents who are not gainfully employed or not self-employed (which is often the case for persons with temporary assignments), tax-financed and income-dependent maternity allowance is provided to residents who are not gainfully employed – or is provided as a differential amount, topping up the lower sickness cash benefit for employed women. Its amount depends on the spouse's income and the number of children.

The Family Compensation Fund awards one-off childbirth allowances to all residents of Liechtenstein. The lump sum is paid to persons who satisfy the conditions for receipt of the Family Compensation Fund benefits generally. Thus, self-employed women residing in Liechtenstein receive a one-off maternity supplement if their income falls within the limit set down in law. The amount of the one-off payment depends on household income

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<sup>7</sup> Link to the Health Insurance Law (KVG):

[https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglid=1971050000&version=13&search\\_text=KVG&search\\_loc=text&sel\\_lawtype=conso&compl\\_list=1&rechts\\_gebiet=0&menu=0&tablesel=0&observe\\_date=20.10.2016](https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglid=1971050000&version=13&search_text=KVG&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=20.10.2016)

and the number of children: the higher the income, the lower the maternity allowance. Thus, Liechtenstein does not restrict the maternity benefit right to employees.

### 2.1.3 Old-age and survivors' pensions

The Liechtenstein social security system is based on three pillars.

**Pillar I** relies heavily on the idea of solidarity, as contributions (which are obligatory for all self-employed, employed and unemployed people over the age of 20) are not limited, but the maximum monthly pension is limited, regardless of how much an individual has contributed. Pillar I comprises the Old Age and Widow's/Widower's Pension Fund/Insurance (AHV, IV and FAK), defined by the following act and regulation:

- Old Age and Widow's/Widower's Pension Act, 14.12.1952 (AHVG)
- By-law to the Old Age and Widow's Pension Act, 30.11.2010 (AHVV).

The AHV, IV and FAK schemes cover insured persons against loss of income due to retirement or invalidity, and aim to ensure a basic lifestyle and provide financial benefits in case of invalidity. In the case of the self-employed, the AHV, IV and FAK scheme contributions are calculated on the basis of gross income, generally applying a rate of 7.8% for old-age and survivors' insurance, 1.5% for invalidity insurance and 1.9% for the Family Compensation Fund. In addition, 4.2% of income has to be paid to the pension fund as an administration fee. This leads to a total contribution of 11.6704% for self-employed persons to the Old Age and Widow's/Widower's Pension Fund.<sup>8</sup> Persons with a standard or non-standard employment contract pay a rate of 3.8% for old-age and survivors' insurance and 0.75% for invalidity insurance. There is no obligation for contributions to be made to the FAK, and there is no administration fee, as both of those are fully paid by the employer. The contribution of someone on a standard contract (or a non-standard contract) is thus 4.55%.

The compensation offices set the contributions on account. These are provisional contributions, based on predicted income in the current contribution year. The final contributions will be set following the tax assessment of the self-employed person. The compensation office will calculate the difference between the contributions already paid on account and the final figure. Any difference will either have to be paid or will be refunded.

The obligation to pay contributions as a self-employed person ends when the person ceases to be gainfully employed or reaches the ordinary retirement age. If a self-employed person carries on working after the ordinary retirement age, special rules apply. The ordinary retirement age is 64 for both men and women.

The pension benefits are only paid up to a certain upper limit (as of 2016, the maximum pension for an individual is CHF 2,320 per month (approx. EUR 2,140), paid 13 times per year. Higher earners pay so-called solidarity contributions that do not apply to their own pensions; this enables the pensions of those who only make low contributions to be funded. In contrast to many other systems, the first pillar also encompasses legally mandated contributions by non-employed persons; in particular, all non-employed spouses of employed insured persons must make contributions, without exception. This has less to do with creating an additional funding source, as with implementing the principle of insurance: whoever claims a pension should be required to make contributions.

Persons who have reached the statutory retirement age but who remain gainfully employed still have to pay contributions to the AHV, IV and FAK schemes. However, they

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<sup>8</sup> Old Age and Widow's/Widower's Pension Fund, link:  
[http://www.ahv.li/fileadmin/user\\_upload/Dokumente/Online-Schalter/Beitrags-Skriptum/Beitragskriptum-2016.pdf#page=28&zoom=auto,54,760](http://www.ahv.li/fileadmin/user_upload/Dokumente/Online-Schalter/Beitrags-Skriptum/Beitragskriptum-2016.pdf#page=28&zoom=auto,54,760)

can benefit from a personal allowance (threshold). Contributions are only due on that portion of the income which exceeds this threshold.

**Pillar II** covers professional social security, based on occupational retirement provisions (company pension funds),<sup>9</sup> as follows:

- Act on Occupational Retirement, 20.10.1987 (BPVG)<sup>10</sup>
- By-law to the Occupational Retirement Act, 20.12.2005 (BPVV).<sup>11</sup>

Pillar II is designed to provide gainfully employed persons in Liechtenstein with a comfortable life in retirement, since it is presumed that in most cases the whole cost of living cannot be covered by the first pillar, the AHV. The contribution system is based on payments by the insured person, which are usually split equally between employer and employee. In this way, old-age capital is accumulated during employment, to be paid out to the employee on retirement either as a monthly pension or as a lump-sum payment.

There is no compulsory insurance for the self-employed under the second pillar. The self-employed may opt to take out voluntary insurance, as it is provided by the pension fund regulations. In this case, they have to pay the full contribution rates themselves. Apart from that, they are subject to the same regulations as apply to standard employees.

**Pillar III** works alongside the first pillar and the occupational retirement insurance to further increase benefits on retirement. It is made up of private savings and/or private and voluntary old-age insurance policies. The idea behind the third pillar is to supplement the state pension and occupational retirement provisions with additional, individual means to provide for an ultimately comfortable retirement. Nevertheless, the third pillar is not a supported pension scheme and does not include state or employer contributions.

The rules that apply to old-age and survivor pensions are no different for the self-employed. Thus the self-employed in the sense of independent service providers or 'dependent' self-employed are not treated differently under the above-mentioned provisions. Liechtenstein's old-age and survivors' pension system does not make any distinctions in this respect.

#### 2.1.4 Unemployment benefits and social assistance benefits

All employees and apprentices are covered by compulsory unemployment insurance.

The contribution to unemployment insurance (ALV) is 0.5% of salary for both employers and employees. Eighty per cent of the insured person's earnings are paid as unemployment benefit. In the case of someone aged up to 49, this is paid for up to 260 days, assuming at least 24 months of contributions. In the case of someone aged 50–59, it is paid for 400 days after 1.5 years of contributions; and in the case of someone aged 60–64, it is paid for 500 days after 22 months of contributions. Liechtenstein's unemployment benefits are generous, but restricted. Eligibility for unemployment is

<sup>9</sup> Pension funds, which are subject to the Law on the Supervision of Institutions for Occupational Retirement Provision (Pension Funds Act; PFA), require a licence from the Financial Market Authority of Liechtenstein (FMA) to take up their business activities. The FMA supervises all the business activities of the pension funds and requires them to comply with appropriate internal control procedures.

<sup>10</sup> BPVG:

[https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=1988012000&version=5&search\\_text=betriebliche\\_Personalvorsorge&search\\_loc=text&sel\\_lawtype=conso&compl\\_list=1&rechts\\_gebiet=0&menu=0&tablesel=0&observe\\_date=14.04.2016](https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=1988012000&version=5&search_text=betriebliche_Personalvorsorge&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=14.04.2016)

<sup>11</sup> BPVV:

[https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=2005288000&version=6&search\\_text=betriebliche\\_Personalvorsorge&search\\_loc=text&sel\\_lawtype=conso&compl\\_list=1&rechts\\_gebiet=0&menu=0&tablesel=0&observe\\_date=14.04.2016](https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=2005288000&version=6&search_text=betriebliche_Personalvorsorge&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=14.04.2016)

based on being employed by an organisation that was paying into the unemployment insurance fund. Thus, the self-employed must make their own arrangements with private insurance companies or take other steps; they are not covered by unemployment insurance. This is also true of contractors and freelance workers ('dependent' self-employed), as they are not considered employees and are not eligible for unemployment benefits. There is no possibility for the self-employed to join the ALV unemployment insurance scheme, even voluntarily.

### 2.1.5 Long-term care benefits

In Liechtenstein, a separate protection system has been set up, covering home support and care. Furthermore, benefits payable in case of long-term care are drawn from various social security schemes.

The main state aid covering long-term care is in the form of the helplessness allowance (*Hilflosenentschädigung*) and the care allowance (*Pflegegeld*). Eligibility for both allowances depends on being resident in Liechtenstein, on having a physical or mental disorder, and on the need for support to perform daily tasks. In Liechtenstein, the relevant law concerning financial support that could be classified as long-term care benefits is the Supplementary Benefits to the Old Age and Widow's/Widower's Pension Act (*Gesetz über Ergänzungsleistungen zur Alters-, Hinterlassenen- und Invalidenversicherung*, ELG).<sup>12</sup>

Helplessness allowance is granted irrespective of the applicant's economic circumstances, and is additional to the care allowance. The helplessness allowance is financed out of the general state budget; the care allowance is financed half by the state and half by the municipalities.

A self-employed person is entitled to the same benefits under the same conditions as an employee, except for benefits derived from accident insurance: such a claim is only justified if he or she is insured on a voluntary basis. Self-employed persons with Liechtenstein residence may choose optional insurances offered by various social security branches.

### 2.1.6 Invalidity, accidents at work and occupational injuries benefits

#### Invalidity insurance benefits

The old-age and survivors' insurance, the invalidity insurance and Family Compensation Fund cover all insured persons (including the self-employed) for the loss of income due to invalidity; they aim to ensure a basic lifestyle based on the Act on Invalidity Insurance of 23 December 1959 (*Gesetz über die Invalidenversicherung*, IVG).<sup>13</sup> Self-employed persons pay contributions in line with the aggregate of the employer's and employee's contributions, as well as contributions to cover administration. As a matter of principle, self-employed persons are granted the same benefits as all other insured persons. Obviously, there are benefits that are specifically tailored to the needs of employees or self-employed persons, e.g. financial assistance for invalid self-employed persons, in order to help them maintain their business.

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<sup>12</sup> Link to the ELG:

[https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=1965046000&version=6&search\\_text=Hilflosenentschädigung&search\\_loc=text&sel\\_lawtype=conso&compl\\_list=1&rechts\\_gebiet=0&menu=0&tablesel=0&observe\\_date=20.10.2016](https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=1965046000&version=6&search_text=Hilflosenentschädigung&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=20.10.2016)

<sup>13</sup> Link to the IVG:

[https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=1960005000&version=5&search\\_text=Invalidität&search\\_loc=text&sel\\_lawtype=conso&compl\\_list=1&rechts\\_gebiet=0&menu=0&tablesel=0&observe\\_date=14.04.2016](https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=1960005000&version=5&search_text=Invalidität&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=14.04.2016)

Invalidity insurance benefits consist of medical measures, supply of appliances, occupational measures and cash benefits. The By-law to the Act on Invalidity Insurance (IVV)<sup>14</sup> covers measures regarding socio-professional rehabilitation. Targeted rehabilitation measures should assist the disabled person as far as possible to restore his or her earning capacity fully or partially, and to become as independent as possible. On the one hand, this supports self-determination and independent living for people with disabilities, but it also benefits the whole of society.

In addition, claimants who are disabled (or likely to become disabled) are entitled to rehabilitation measures where necessary and appropriate, to restore, maintain or improve their earning capacity or their ability to carry out day-to-day activities. They are entitled to these measures irrespective of whether they were gainfully employed/self-employed prior to their invalidity. In this context, the anticipated working life of the person is taken into consideration.

A person is only entitled to an invalidity pension if the rehabilitation option is exhausted. The degree of invalidity determines the type of pension for a claimant. This pension is awarded to anyone aged 18 or more. Invalidity pensions are only a subsidiary entitlement.

### **Accidents at work and occupational injuries benefits**

A self-employed person in Liechtenstein is not legally required to take out accident insurance, according to the By-law to the Compulsory Accident Insurance Act (*Unfallversicherung, UVersV*).<sup>15</sup> This also applies to family members who work in the same business and who are not covered by compulsory insurance.

Self-employed persons and members of their family who are involved in the business can make private arrangements with an insurance company to protect themselves against the financial consequences of an accident (i.e. voluntary accident insurance). If they do so, they must pay the full contribution rates themselves.

#### **2.1.7 Family benefits**

The Family Compensation Fund awards monthly child benefits, differential benefits to supplement any lower benefit from another country, and benefits for single parents. Based on the Family Allowances Act (LGBI.1986.28), payment from the Family Compensation Fund (e.g. child allowances) is available to all persons with legal residence or standard or non-standard employment contracts in Liechtenstein.

The amount of the monthly child allowance (*Kinderzulage*)<sup>16</sup> depends on the number and the age of the children. It amounts to CHF 280 (approx. EUR 250) per child if the family has one or two children, and increases to CHF 330 (approx. EUR 300) per child in the case of multiple births, if there are three or more children in the family, and for every child over the age of 10. The child allowance is paid by the Family Compensation Fund.

For single-parent households, the lone parent's allowance (*Alleinerziehendenzulage*)<sup>17</sup> of approximately EUR 90 per month is paid on top of the child allowance.

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<sup>14</sup> Link to the IVV:

[https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1982036000&version=7&search\\_text=Invaliditat&search\\_loc=text&sel\\_lawtype=conso&compl\\_list=1&rechts\\_gebiet=0&menu=0&tablesel=0&observe\\_date=14.04.2016](https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1982036000&version=7&search_text=Invaliditat&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=14.04.2016)

<sup>15</sup> UVersV:

[https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1990070000&version=5&search\\_text=Unfallversicherung&search\\_loc=text&sel\\_lawtype=conso&compl\\_list=1&rechts\\_gebiet=0&menu=0&tablesel=0&observe\\_date=14.04.2016](https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1990070000&version=5&search_text=Unfallversicherung&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=14.04.2016)

<sup>16</sup> Family Compensation Fund, Link: <http://www.ahv.li/leistungen/fak/kinderzulagen/>

<sup>17</sup> Family Compensation Fund, Link: <http://www.ahv.li/leistungen/fak/alleinerziehendenzulagen/>

## 2.2 Assessment of the existing social provisions and of the impact of possible extension of their coverage

Due to the lack of detailed statistical data for standard and non-standard employment contracts or self-employment, no assessment of the financial implications of an extension of the coverage of social provisions is possible. This is also the case for any conclusions on conceivable consequences on the labour market. Nor are there any statistical data available on what proportion of the recent increase in self-employment is due to people losing their jobs and switching to self-employment, or on how high the rate of successful self-employment is now.

The law and social security system in Liechtenstein do not as yet differentiate between self-employment without employees (solo self-employment) and bogus self-employment.

An important difference between employed persons and the self-employed shows up in the contribution levels. An employed person has to contribute only 50% of the contribution rate in most of the mandatory insurances mentioned above, since the other 50% is contributed by the employer. Meanwhile, self-employed persons must pay the full contribution rates themselves.

Self-employed workers tend to be exposed to a higher risk of poverty than persons with a standard or non-standard employment contract, as often they do not voluntarily build up pension entitlements based on pillar II. In view of the high cost of living in Liechtenstein, it is obvious that in many cases pillar I benefits are not sufficient to maintain an adequate standard of living after retirement.

Self-employed persons also face a worse social situation in the event of unemployment. For former normally employed persons, the unemployment insurance scheme continues to pay contributions to the state and occupational pension insurance, as well as to sickness insurance. The unemployment insurance also pays a daily cash benefit to insured employees for the first 30 days of sickness (for up to 44 working days in a 2-year period). For self-employed persons, none of these benefits apply.

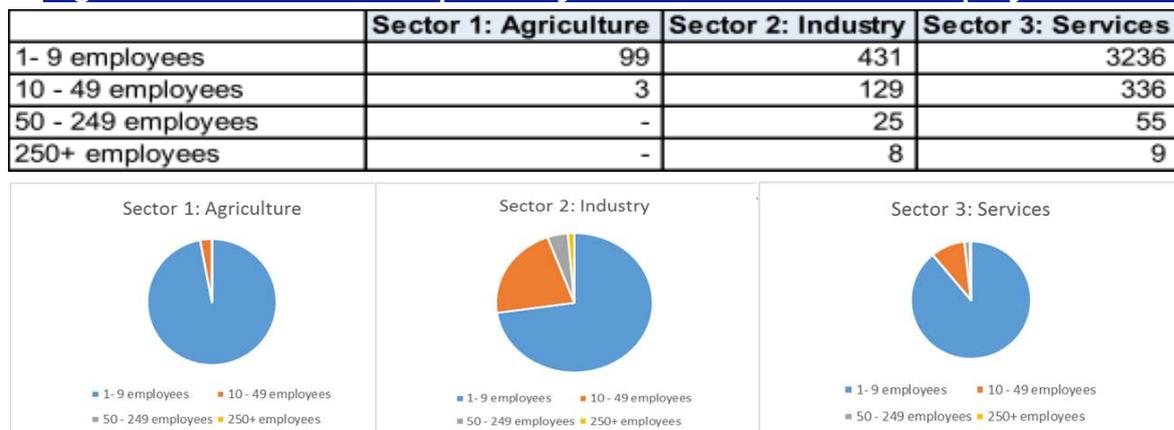
Benefits in respect of minimum resources are mainly independent of whether a person is gainfully employed or not. Households in particular need may be entitled to social assistance if they are residents of Liechtenstein. Social assistance provides payments towards basic subsistence needs, housing costs, and basic contributions to the Health Insurance Fund. This is also applicable to self-employed persons.

Supplementary benefits can be claimed by persons of pensionable age, survivors, recipients of daily allowances under the invalidity insurance scheme, and recipients of the helplessness allowance.

An entitlement to helplessness allowance exists if no benefit is paid out by an accident insurance fund. The helplessness allowance also covers self-employed persons.

Finally, the blind person's allowance is granted to residents of Liechtenstein from the age of 6, irrespective of employment status.

Liechtenstein reflects the trend towards the new types of self-employment, which increasingly do not sell goods, but instead sell services based on the person's own labour power, working in business or other service industries. The following table shows that almost 90% of all enterprises have 1–9 employees. No further differentiation, especially regarding the number of single-person enterprises, is provided by the statistics. The number of enterprises with 1–9 employees increased by about 30.2% from 2007 to 2015, while the number of enterprises with 10 or more employees increased by 15.3% in the same period.

**Figure 3: Number of enterprises by sector and number of employees**

Source: Central Statistical Office of Liechtenstein, link:

<http://www.llv.li/files/as/beschaefigungsstatistik-31-dezember-2015.pdf>

Liechtenstein has a government self-employment assistance programme, managed by the AMS. This offers unemployed workers some kind of financial support when they are starting up a business. This self-employment assistance programme pays a daily cash benefit, instead of regular unemployment insurance benefits, in order to help unemployed workers on their way to establishing a business and becoming self-employed. In 2015, 10 unemployed persons participated in the self-employment assistance programme. In relation to the total number of deregistered unemployed persons in 2015, 10 persons does not represent even 1%. About 20% of participants in the self-employment assistance programme do not succeed in starting up a self-employed business. Furthermore, there is the possibility of fixed-term contracts of employment, which are not open ended and are therefore considered non-standard employment contracts. These seek to maintain employment in the event of seasonal or structural shortages, and to prepare redundant workers to find a new job. Reduced wages from short-time work are topped up via unemployment benefits. The programme allows workers to maintain their skills, qualifications, social network and income. It also helps employers to save the costs of dismissal, and of possibly later on hiring and training new employees.

So far, Liechtenstein's government has not supported this trend with specific measures or political packages to enforce it. Traditionally, Liechtenstein has had a supportive environment for small businesses. It has a liberal economy with low administrative hurdles. Due to the lack of data and specific surveys, it is not possible to determine how strong the effect of the legal and economic framework is, compared to other effects – such as assistance by the employment services to start one's own business.

### 3 Conclusions and recommendations

There are lots of different reasons why people choose or end up in part-time work. Women often want to reconcile family life with working life, while men are more likely to be in part-time work because they are in further education. For some part-time working persons, the switch into full-time employment at a later point in time (children are old enough, extra-occupational education finished, etc.) works out, but often there is no possibility to enlarge part-time working engagements. As a consequence of the employment status of women, many women are likely to face a deficit in their pension pot which makes them more vulnerable to poverty later on. Liechtenstein's social insurance schemes recognise child-rearing when calculating the contribution period of a

concerned person. This facilitates women's access to social security benefits and to some extent reduces gender inequalities in social insurance systems.

In conclusion, and by way of recommendations, it can be said that:

- The life risk of self-employed persons is individualised, rather than being pooled with others under the umbrella of a single organisation. With regard to social security contributions, self-employed persons act simultaneously as 'employer' and 'employee'. There is no help from an employer, and the self-employed have to take care of their social security provision largely on their own. There is also a severe financial disadvantage to being self-employed: accident insurance payment, paid holidays, training support and employer pension contributions are just a few of the occupational benefits that people forgo when they strike out on their own and become self-employed. These are still powerful reasons for many people not to start their own business, even if difficulties in employment (unemployment, lack of career options, etc.) arise.
- A self-employment portal for training information could be established to collate information about training in the area of general business management and related to specific industries.
- Self-employed mothers or fathers should be able to deduct the cost of childcare from tax, regardless of whether the self-employment is conducted as a single-person enterprise or as some other established legal form of company.
- To support and encourage women to enter full-time work, the government should improve childcare services and redesign the school timetable to suit working parents.
- Looking at the different social protection schemes available to the self-employed and to employed persons, the self-employed may be storing up trouble for the future, at least in terms of pensions and personal development. Due to missing pension payments from pillar II, self-employed persons have to rely very much on what they are able to save during their active working life. For many of them, a rather bleak picture awaits them after retirement.
- Models of a workplace pension scheme for the self-employed should be developed, and mandatory contribution schemes should be evaluated. There could also be a survey/pool which asks the self-employed to state – yes or no – whether they would wish to join a workplace pension scheme.

## Annex 1

	On her/his own account	With employees (self-employed employer)	Dependent on single client	Dependent on contractual relationship with client	Liberal professions (e.g. doctor, notary, lawyer)
<b>Healthcare - cash benefits and benefits in kind</b>	full concerning benefits in kind; cash benefits only on voluntary contractual basis with sickness insurance	full concerning benefits in kind; cash benefits only on voluntary contractual basis with sickness insurance	full: cash benefits only apply if voluntary insurance has been arranged; precondition = no operational interdependency exists. Otherwise working relationship might be considered as gainful employment	full: cash benefits only apply if voluntary insurance has been arranged; precondition = no operational interdependency exists. Otherwise working relationship might be considered as gainful employment	full concerning benefits in kind; cash benefits only on voluntary contractual basis with sickness insurance
<b>Sickness - cash benefits and benefits in kind</b>	full concerning benefits in kind; cash benefits only on voluntary contractual basis with sickness insurance	full concerning benefits in kind; cash benefits only on voluntary contractual basis with sickness insurance	full: cash benefits only apply if voluntary insurance has been arranged; precondition = no operational interdependency exists. Otherwise working relationship might be considered as gainful employment	full: cash benefits only apply if voluntary insurance has been arranged; precondition = no operational interdependency exists. Otherwise working relationship might be considered as gainful employment	full concerning benefits in kind

	On her/his own account	With employees (self-employed employer)	Dependent on single client	Dependent on contractual relationship with client	Liberal professions (e.g. doctor, notary, lawyer)
<b>Maternity/paternity - cash benefits and benefits in kind</b>	partial: sickness cash benefits only apply if registered on a voluntary basis	partial: sickness cash benefits only apply if registered on a voluntary basis	partial: sickness cash benefits only apply if registered on a voluntary basis; precondition = no operational interdependency exists. Other-wise working relationship might be considered as gainful employment	partial: sickness cash benefits only apply if registered on a voluntary basis; precondition = no operational interdependency exists. Other-wise working relationship might be considered as gainful employment	partial: sickness cash benefits only apply if registered on a voluntary basis
<b>Old age pensions (pre-retirement benefits and pensions)</b>	full	full	full	full	full
<b>Survivor's pensions and death grants</b>	full	full	full	full	full
<b>Unemployment benefits</b>	none	none	none	none	none
<b>Social assistance benefits</b>	full	full	full	full	full
<b>Long-term care benefits</b>	full	full	full	full	full
<b>Invalidity benefits</b>	full	full	full	full	full

<b>Accidents at work and occupational injuries benefits</b>	none: only if voluntary insurance has been arranged	none: only if voluntary insurance has been arranged	none: only if voluntary insurance has been arranged; precondition = no operational interdependency exists. Otherwise working relationship might be considered as gainful employment	none: only if voluntary insurance has been arranged; precondition = no operational interdependency exists. Otherwise working relationship might be considered as gainful employment	none: only if voluntary insurance has been arranged
<b>Family benefits</b>	full	full	full	full	full

**SUMMARY TABLE ACCESS SOCIAL PROTECTION: CONTRACTUAL EMPLOYMENT (NON-STANDARD CONTRACTS)**

	Full-time employee	Part-time employee	Fixed-term employee	Temporary agency worker	Casual and seasonal workers	On-call workers	Zero-hour workers	Apprentices	Paid trainees
<b>Healthcare - cash benefits and benefits in kind</b>	full	full; regarding cash benefits employment contractual working hours > 8	full; regarding cash benefits employment contractual working hours > 8	full; regarding cash benefits employment contractual working hours > 8	full; regarding cash benefits employment contractual working hours > 8	full; regarding cash benefits employment contractual working hours > 8	-	full; regarding cash benefits employment contractual working hours > 8	full; regarding cash benefits employment contractual working hours > 8
<b>Sickness - cash benefits and benefits in kind</b>	full	full; regarding cash benefits employment contractual working hours > 8	full; regarding cash benefits employment contractual working hours > 8	full; regarding cash benefits employment contractual working hours > 8	full; regarding cash benefits employment contractual working hours > 8	full; regarding cash benefits employment contractual working hours > 8	-	full; regarding cash benefits employment contractual working hours > 8	full; regarding cash benefits employment contractual working hours > 8
<b>Maternity/paternity - cash benefits and benefits in kind</b>	full	full	full	full	full	full	-	full	full
<b>Old age pensions (preretirement benefits and pensions)</b>	full	full	full	full	full	full	-	full	full
<b>Survivor's pensions and death grants</b>	full	full	full	full	full	full	-	full	full
<b>Unemployment benefits</b>	full	full	full	full	full	full	-	full	full

	Full-time employee	Part-time employee	Fixed-term employee	Temporary agency worker	Casual and seasonal workers	On-call workers	Zero-hour workers	Apprentices	Paid trainees
<b>Social assistance benefits</b>	full	full	full	full	full	full	-	full	full
<b>Long-term care benefits</b>	full	full	full	full	full	full	-	full	full
<b>Invalidity benefits</b>	full	full	full	full	full	full	-	full	full
<b>Accidents at work and occupational injuries benefits</b>	full	full	full	full	full	full	-	full	full
<b>Family benefits</b>	full	full	full	full	full	full	-	full	full

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Source:

[https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=1960005000&version=5&search\\_text=Invalidität&search\\_loc=text&sel\\_lawtype=conso&compl\\_list=1&rechts\\_gebiet=0&menu=0&tablesel=0&observe\\_date=14.04.2016](https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=1960005000&version=5&search_text=Invalidität&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=14.04.2016)

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Source:

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