



ESPN Thematic Report on Retirement regimes for workers in arduous or hazardous jobs

Liechtenstein

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W. Marxer / P. Hornich, Liechtenstein Institute
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Summary/Highlights

The definition for arduous or hazardous jobs is given by the by-law to the Labour Law Act¹, Art. 44. From this definition it can be said that physically demanding work as well as mentally demanding work are considered as arduous or hazardous jobs.

Prevention measures are explicitly given in case of night work. These measures consist primarily of preventive medical check-ups, but can also range from ergonomic workplaces and consultation for career change to rehabilitation measures with a preventive function. Aside from these regulations there are no further rules specifically regarding arduous and heavy work.

Liechtenstein's pension system was developed based on a three pillars model. This model combines State old age insurance (1st pillar), occupational pension plans (2nd pillar), and voluntary pensions (3rd pillar). All population groups are covered and it provides benefits for old age, disability, and survivorship without specific rules for certain professions (e.g. heavy and strenuous job-profiles). Men and women who have reached the age of 64 are entitled to draw a pension. In the event of disability (e.g. due to a work accident) the insured person is entitled to a disability pension. The entitlement to a pension arises if the continuation of medical treatment is not expected to significantly improve the state of health of the insured person and any reintegration measures of the Disability Insurance have come to an end.

The state pension scheme contains no further exceptions such as lower retirement ages for certain professions considered as particularly painful or dangerous. Within the occupational pension scheme the benefit structure is mainly up to the employer. In Liechtenstein no sector-specific occupational pension funds exist.

Liechtenstein's pension system is based on a statutory retirement age of 64 and implies in general the possibility to take early retirement (flexible retirement plan), currently from the age of 60, with reduced benefits. If workers engaged in arduous or hazardous jobs do not enjoy higher wages as a compensation for the "pénible" (arduous, distressing, hard) nature of their jobs, early retirement will lead to real income-loss.

The Ministry of Society considers that special regulations for pension schemes for workers in arduous or hazardous jobs are not favoured. They justify this by the argument that the share of persons with work-related physical illness within the group of early retirement pensioners is continuously getting smaller, while the share of persons with psychological diseases rises strongly. As psychological diseases are not exclusive to particular job-profiles or types of work, but affect all professional fields and the population in general, any specific "arduous or hazardous jobs" special retirement regulations would lead to an inequitable treatment of certain professional groups.

Furthermore the demographic trend reflects that people in retirement age are living longer and therefore will receive pension benefits over a longer time period than before. Thus, the current governmental focus lies mainly on the extension of working age (prolonging contributory periods in order to be entitled to a full pension) and higher reduction rates for early retirement pensions (latest measure effective as from 1 January 2016 is applicable to insured people born in 1956 or later) to address financial sustainability within the pension system.

The Ministry of Society in Liechtenstein concludes that the current flexible retirement scheme in the state pension, as well as in the occupational pensions, is a useful and suitable instrument with respect to arduous or hazardous job-conditions. Thus, no adaptations of the current system are planned.

¹ Link:

https://www.gesetze.li/lilexprod/lgsystpage2.jsp?menu=1&tablesel=0&formname=showlaw&lglbid=2005067000&version=3&lrstart=82&observe_date=28.07.2016

1 Overall description of the policy mix targeted at workers in arduous or hazardous jobs

The definition of arduous or hazardous jobs is given by the by-law to the Labour Law Act², Art. 44. Such work is characterised as activities or situations with:

- noise that is injurious to hearing,
- a high level of vibration
- work in cold or heat
- work in an atmospheric pollutant which is above the permissible range based on the Law on Accident Insurance
- an extraordinary psychological, physical and mental stress
- prolonged duration of night work and night work without alternating with day work.

From this definition it can be said that physically demanding work as well as mentally demanding work is considered as strenuous and therefore covered under arduous or hazardous jobs.

Prevention measures in case of night work are given by legal regulations in the by-law to the Labour Law Act³, Art. 42. These prevention measures consist primarily of preventive medical check-ups, but can also range from ergonomic workplaces and consultation for career change to rehabilitation measures with a preventive function, depending on the individual situation of the person.

Aside from this definition there are no further criteria or national rules for arduous and heavy work. With respect to retirement no specific legal national measures are in place for persons working in jobs dangerous to health and/or not feasible in advanced age. Thus, legal regulations concerning early retirement in the context of arduous or hazardous jobs do not exist in Liechtenstein. Furthermore the end-of-career options for persons in arduous or hazardous jobs are not systematically provided in law. Thus, national policies do not offer measures to prolong working life, to facilitate early labour market exit or early retraining in this area. People employed in arduous and heavy-work jobs do not benefit from any special retirement conditions due to their work, which would entitle them to early pension earnings without deductions etc. Within the current labour market policy, there is no regulation to give older workers access to partial retirement or reduced working time in exchange for apprenticeship contracts for younger workers who would then be trained by the older experts for the job. Even the political discussions in Liechtenstein did not cover such issues during the last 10 years.

Within the retirement policy area there is the possibility of a flexible retirement plan. Flexible retirement has become in practice increasingly more important than the regular retirement age over the last 10 years. Flexible retirement means that women and men may freely choose to retire between the ages of 60 and 70. In case of married couples, both can choose their retirement age individually. The regular retirement age in Liechtenstein is 64 for men and women. Early retirement pensions are permanently reduced, i.e., even after the regular retirement age has been reached; conversely, late retirement leads to an actuarial increase in the pension. The rate of reduction depends on how early the retirement is; it varies from 16.5% (if retirement is four years early) to 0.25% (if retirement is one month early). In addition, it is possible to receive only part of

² Link:

https://www.gesetze.li/lilexprod/lgsystpage2.jsp?menu=1&tablesel=0&formname=showlaw&lqblid=2005067000&version=3&lrstart=82&observe_date=28.07.2016

³ Link:

https://www.gesetze.li/lilexprod/lgsystpage2.jsp?menu=1&tablesel=0&formname=showlaw&lqblid=2005067000&version=3&lrstart=82&observe_date=28.07.2016

the old age pension early. Receiving pensions early does not mean that the recipient must cease to work; it is permissible to receive pensions early and continue to work full-time or part-time.

With regards to social security benefits, no specific regulation exists in Liechtenstein which targets workers in arduous or hazardous jobs, except for invalidity benefits provided by the Act on Disability Insurance (Government of Liechtenstein, 1959).

To understand the given situation in Liechtenstein and the lack of specific measures, it is necessary to understand the current pension system in more detail. The relevant information is given in section 2.

2 Pension rules for workers in arduous or hazardous jobs

In Liechtenstein, early pension rules for heavy and strenuous work are not legally defined. The universal pension system covers all residents, employed persons, and self-employed individuals in Liechtenstein. Liechtenstein's social insurance system is based on three main pillars: the state pension, corporate pensions and private pensions.

This pension system provides benefits for old age, disability, and survivorship. Men and women who have reached the age of 64 are entitled to draw a pension. The resulting pension is meant to cover basic needs. There is still the possibility to take early retirement, currently from the age of 60, with reduced benefits.

In the event of disability due to a heavy and strenuous work accident, the insured person is entitled to a disability pension. Persons are considered disabled if their ability to work is expected to be impaired permanently or for a long period of time. The entitlement to a pension arises if the continuation of medical treatment is not expected to significantly improve the state of health of the insured person, and any reintegration measures of the Disability Insurance have come to an end (Act on the Amendment to the Disability Insurance, LGBl. 2001 No. 17).⁴

In the event of full disability, the disability pension amounts to 80% of the insured income; in the event of partial disability, it is reduced proportionally.

2.1 Pillar 1: State pension (AHV)

The first pillar of Liechtenstein pensions is the Old Age and Widow's/Widower's Pension scheme (*Alters- und Hinterlassenenversicherung*, or AHV)⁵. The first pillar is heavily based on the idea of Solidarity, as contributions, which are obligatory for all self-employed, employed and unemployed over the age of 20, are not limited, but the maximum monthly pension is limited independent of how much an individual has contributed. Contributions have to be paid for the whole work related income, half of which is paid by the insured person and half by the employer. The contribution rate has remained unchanged at 7.8% (3.9% each) since 2013. Additionally, it is financed by an

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https://www.gesetze.li/lilexprod/lgpage2.jsp?formname=showlaw&lgblid=2001017000&version=0&search_loc=text&lgblid_von=2001017000&sel_lawtype=chrono&rechts_gebiet=0&menu=0&tablesel=0&observe_date=28.07.2016

The reintegration concept of Disability Insurance was redesigned in May 2001 (LGBl. 2001 No. 17) and now provides the following benefits (art. 34):

- occupational measures (occupational and career counselling, job placement and job trying, basic vocational training or retraining, capital aid for self-employed persons);
- salary grants;
- suspension of pension payments upon request (if somebody tries to reintegrate, partly or totally, into the labour market but still wants to keep the option of moving back to the former status of recognized invalidity
- assisting tools and equipment;
- daily allowances (during the reintegration phase);
- reimbursement of expenses (to compensate for expenses during reintegration).

⁵ Old Age and Widow's/Widower's Pension; source: <http://www.ahv.li/beitraege/arbeitnehmer-arbeitgeber/beitragsansaetze-ahv-iv-fak-vk-queltig-ab-01012013/>

annual state contribution as well as returns on the assets of the funds. The State contribution is a fixed percentage of annual expenditure, which has a positive effect on the financial security of the state pension. This ensures that increased revenue is secured if expenditures rise.

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 is less for purposes of creating an additional funding source, but rather to implement the principle of insurance; whomever is entitled to a pension should also be required to make contributions.

The main criteria for the Old Age and Widow's/Widower's Pension is given in the following act and regulation:

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

Within the first pillar of the pension system no rules regarding end-of-career options (e.g. early retirement, prolonging working life measures, etc.) in the context of arduous or hazardous jobs, exist.

2.2 Pillar 2: Occupational pension (company pension funds)⁶

Occupational retirement provision, which was introduced on a compulsory basis in 1989, constitutes the second pillar and is intended to provide pensioners with the means to lead a comfortable life in the sense that the whole costs of living which occur during a person's working life mostly cannot be covered by the first pillar, the *AHV*. Ideally, *AHV* and the Company Pension Fund combined should correspond to 60% of the last salary before retiring. The regulation is laid down in the following act and by-law:

- Act on Occupational Retirement, 20.10.1987 (BPVG)
- By-law on Occupational Retirement, 20.12.2005 (BPVV)

The contribution system is not based on redistribution from workers to pensioners, instead each worker pays contributions towards his personal pension fund. Starting at a specified annual salary, employers must establish a pension scheme for their employees, to which both employees and employers must contribute a mandatory amount. In this way, old-age capital is accumulated during employment, which may be paid out to the employee upon retirement either as a monthly pension or as a lump-sum payment. Pension schemes must submit the foundation deed or articles of association and any regulations to the Financial Market Authority of Liechtenstein (FMA) for approval, which helps ensure that the pension schemes comply fully and at all times with the legal provisions governing the 2nd pillar. By auditing the financial statement and reporting on the business year as well as semi-annual reports, the FMA helps ensure that pension schemes are at all times able to meet their obligations toward associated undertakings and insured persons.

⁶ Pension funds, which are subject to the Law on the Supervision of Institutions for Occupational Retirement Provision (Pension Funds Act; PFA), require a license by 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.

2.3 Pillar 3: Private pension

In addition to first pillar and the occupational pension provision, private provision is also possible (3rd pillar). This is made up of private savings or old-age insurance policies. It subsidises private savings and life insurances and is voluntary. The idea behind the third pillar is to supplement the state pension with sufficient 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.

Summarizing, it can be said that in Liechtenstein, no early pension rules exist for heavy and strenuous work. Within **pillar 1**, the state pension regulations make no differentiation between the types of work or the extent of work burden. Thus, the same legal rules and regulations for regular and early retirement apply to all insured persons of the state pension system.

Within **pillar two**, the Company Old Age Pension Act (*Gesetz über die Betriebliche Personalvorsorge*, BPVG)⁷ determines the basic rules of occupational pension system. Any additional fringe benefit given to any occupational group, has to comply with the occupational pension regulations, which are set by the employer. Thus, the company pension funds are free to define special occupational groups and to set up different regulations for early retirement. However, there are no specific legal obligations and regulations in law for special occupational groups. Based on the official information of the regulatory authority of company pension funds in Liechtenstein, the Financial Market Authority (FMA)⁸, there are currently no preventive or specific measures for special occupational groups in place, nor are there any ongoing political discussions about this issue. As a matter of fact, during the last ten years, no political intention has been signalled for setting up special pension schemes for workers in arduous or hazardous jobs. This is mainly because no such need was communicated or shown either by the market or by the employee representatives in Liechtenstein.

⁷ BPVG:

[https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglid=1988012000&version=5&search_text=betriebliche Personalvorsorge&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&bserve_date=14.04.2016](https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglid=1988012000&version=5&search_text=betriebliche%20Personalvorsorge&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&bserve_date=14.04.2016)

⁸ FMA: <https://www.fma-li.li/de/finanzintermediare/bereich-versicherungen-und-vorsorgeeinrichtungen/pensionsfonds.html>

3 Retirement patterns and retirement income of workers in arduous or hazardous jobs

Retirement patterns are generally becoming more complex, especially among well-educated workers. The traditional retirement pattern, i.e. workers transition from full-time or nearly full-time work directly to complete retirement, never returning to work, is no longer the norm. The number of persons who, partially retired, move to part-time work before leaving the labour force completely, has increased during recent years in Liechtenstein. The main reason for this development has been the attractive early retirement structure. Experts expect that this development will change in the forthcoming years based on the higher reduction rates for early retirement pensions implemented in 2016.

Workers in hazardous or arduous jobs do experience higher illness rates or lower life expectancy (see Liechtenstein's governmental answer to an interpellation no. 26/2015), which - from a general point of view - might make them more likely to retire earlier than others and therefore use the general early retirement or flexible retirement regulations as described in chapter one. On the other hand, the decision to retire early is also driven by the financial aspects of pension payments. In Liechtenstein, the early retirement option is linked to a reduction in pension-benefits. Thus, if workers engaged in arduous or hazardous jobs do not enjoy higher wages as a compensation for the "pénible" character of their jobs, early retirement will lead to real income-loss. But if the person in question has received higher wages in compensation, early retirement may be much more likely for the person in question. In addition, one could argue that this higher wage compensation would already compensate for the negative aspects of the job and therefore no adjustments in the occupational pension scheme would be necessary. This could lead to the assumption that no early retirement benefits in pillar two are required. As there are no legal requirements for occupational pension scheme funds to publicly publish the details of their pension scheme, no example of an occupational pension scheme that takes into account workers in arduous or hazardous jobs can be provided by the authors.

As a matter of fact, Liechtenstein does not have any exceptions to the basic pension schemes such as lower retirement ages for professions considered particularly painful or dangerous. As the benefit structure of the occupational pension scheme is mainly up to the employer, no sector specific occupational pension funds exist.

The recent wave of pension reform has focused mainly on the extension of working lives to address the financial sustainability of the pension system. In this context, Liechtenstein has tightened the conditions for accessing early retirement benefits while at the same time discussing an increase of the statutory retirement age (currently 64, with early retirement from age 60, valid for both sexes) and prolonging the contributory periods in order to be entitled to a full pension. Effective from 1 January 2016, Liechtenstein implemented higher reduction rates for early retirement pensions which are applicable to insured people born in 1956 or later. The government acknowledged that it is not possible to reliably predict to what extent these new early retirement rules may influence the retirement behaviour of the insured. If the early retirement behaviour of the insured does not change, the savings will be CHF 0.24 million (approx. EUR 0.2 million) in 2016. If the higher reduction rates prevent people from taking early retirement, the savings will obviously be higher. For instance, if there are 5% fewer early retirements, it is estimated that savings will amount to CHF 1.34 million (approx. EUR 1.3 million) in 2016. The amendments, i.e. cutting state subsidies and introducing compensation measures, have triggered a fierce debate amongst the political parties. For one of the political parties, represented in the Liechtenstein government through the Deputy Prime Minister, the reform does not go far enough. Instead of pure budget consolidation, the party wants to discuss reform measures to secure the AHV's long-term financial stability. The senior partner in the government acknowledges the need for this, but sees no need to take immediate action.

The main issue for the government of Liechtenstein is to ensure financial sustainability to the state pension system. The annuity calculation, meaning the way in which pension accumulations are converted into an income stream, must therefore be revised. Alternative options are: increasing the share of employed persons, the complete elimination of the thirteenth pension-payment at the end of the year, and reducing the attractiveness of early retirement. Such measures would have an impact on specific population groups; by far the most frequently mentioned are those approaching retirement. In principle, changes in the access to the state pension, such as raising retirement ages in the future, have the advantage, from a cyclical point of view, that they signal a longer-term commitment to fiscal consolidation without immediately depressing demand. In contrast to this is the argument that, if a shorter life expectancy effectively results from employment in an arduous and hazardous job, people engaged in these activities should enjoy a retirement equally as long as non-affected workers, and they should be therefore let out of the labour market earlier than others. This would lead in practice to an early retirement age between 56 and 60 and would therefore conflict with the current measures for more sustained financial stability within the pension scheme in Liechtenstein. This is the reason why currently there is not really a discussion on this issue in Liechtenstein.

In a statement of 10 April 2016 the Ministry of Society considered that special regulations for pension schemes for workers in arduous or hazardous jobs are not appropriate for the following reasons:

- The demographic trends in the forthcoming years reflect not only an increase in the number of persons in retirement age, but also the fact that in general people are living longer and therefore will receive pension benefits over a longer time period than before.
- In practice, it has been shown that among early retirement pensioners, the share of persons with work-related physical illnesses is continuously getting smaller, while on the other hand the share of persons with psychological diseases rises strongly. As psychological diseases are not exclusive to particular job-profiles or types of work, but affect all professional fields and the population in general, any specific “arduous or hazardous jobs” special retirement regulations would lead to an inequitable treatment of certain professional groups.
- The Ministry of Society concludes that the current flexible retirement scheme in the state pension, as well as in the occupational pensions, is a useful and suitable instrument with respect to arduous or hazardous job-conditions.

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