



Social security agreement between Switzerland and Brazil





Social security agreement between Switzerland and Brazil

Status as of 1 October 2019

Contents

1	The agreement in brief	1
2	Material scope	2
3	Personal scope	2
4	Basic principles: equality of treatment, export and totalisation	2
5	Affiliation/compulsory insurance cover	3
6	Postings – an exception to the rule	4
7	Swiss old-age, survivors' and invalidity benefits	5
8	Brazilian old-age, survivors' and invalidity benefits	8
9	Competent authorities, liaison bodies and contact points	8

1 The agreement in brief

The [social security agreement between Switzerland and Brazil](#) came into force on 1 October 2019. Its objectives are to ensure that Swiss and Brazilian nationals receive equal treatment, wherever possible, in respect to their old-age, survivors' and invalidity entitlements, and to determine to which national social security system a person is subject and where they are required to pay contributions.

The agreement sets out the requirements that a person must satisfy in order to receive old-age, survivors' and invalidity pensions in the two States, as well as rehabilitation measures from the Swiss invalidity insurance scheme. The agreement also sets out the rules on exporting these benefits. The Brazilian social security system will add periods of insurance completed in Switzerland in cases where the claimant does not meet the minimum contribution period (normally 15 years) for a Brazilian pension.

The purpose of this leaflet is simply to provide an overview of how Switzerland and Brazil coordinate their social security systems. Only the relevant legal provisions and international agreements shall apply in the settlement of individual claims.

2 Material scope

Which Swiss legal provisions are covered by the agreement? The agreement covers the Federal Act on Old-Age and Survivors' Insurance (OASI) and the Federal Act on Invalidity Insurance (IV).

Which Brazilian legal provisions are covered by the agreement? The agreement applies to the Brazilian legal provisions relating to compulsory old-age, survivors' and invalidity insurance (general scheme for private-sector workers, including the self-employed, and specific schemes for public-sector employees).

3 Personal scope

Who is covered by the agreement? The agreement applies to Swiss and Brazilian nationals, as well as their immediate family members (spouse and children) and surviving dependants.

Are third-state nationals covered by the agreement? The provisions on determining the State in which a person should be insured (affiliation provisions) also apply to persons of other nationalities (third-state nationals). For example, the provisions on workers posted temporarily to one of the contracting States by an employer located in the other State apply equally to third-state nationals (posting).

Furthermore, Brazil applies the provisions of the agreement relating to its legislation (right to benefits and calculation of pensions) to third-state nationals.

4 Basic principles: equality of treatment, export and totalisation

What does equality of treatment mean? Equality of treatment is a guiding principle of the agreement. This means that Brazilian nationals must be treated in the same way as Swiss nationals as regards Swiss old-age, survivors' and invalidity insurance. Likewise, Swiss nationals must be treated in the same way as Brazilian nationals as regards the Brazilian social security schemes covered by the agreement.

Are there exceptions? There are some exceptions to the equal treatment principle. For example, Swiss nationals living abroad (outside EU/EFTA member States) may join the voluntary Swiss OASI/IV scheme, but Brazilian nationals may not.

What does export mean? This means that Swiss and Brazilian nationals may receive their pension payments even though they do not live in the State paying their benefit. A number of Swiss benefits (e.g. supplementary benefits) are not paid abroad, either to Swiss nationals or to Brazilian nationals.

What does totalisation mean? This means that Swiss insurance periods are taken into account (totalised) so that a person to whom the agreement applies may claim a Brazilian benefit. A person should in principle have paid contributions for at least 15 years in order to be able to claim an old-age pension in Brazil. Periods completed in Switzerland are taken into account when determining entitlement to a Brazilian pension (see Section 8). These include periods of insurance that pre-date the agreement.

Once entitlement to a pension has been established, the calculation and the amount of a pension from one of the contracting States are determined solely by the contributions paid in that State.

It is not necessary to take foreign insurance periods into account in order to qualify for a Swiss old-age pension.

5 Affiliation/compulsory insurance cover

What is meant by the principle of affiliation to the social security legislation of the country of employment? A person is subject to the legal provisions on compulsory insurance in the State on whose territory this person works (affiliation in the country of employment). This means that a Brazilian employee working exclusively in Switzerland is in principle subject to Swiss social security legislation and must therefore contribute to the compulsory Swiss social security schemes. Similarly, self-employed persons are covered by the relevant compulsory social security schemes in the State where they work.

Individuals who are gainfully employed in both Switzerland and Brazil are subject to the compulsory social security schemes in both States. However, the social security system of each State will consider only the income earned on its territory.

Which social security contributions are compulsory in Switzerland? Individuals who are subject to compulsory insurance in Switzerland must contribute to the old-age, survivors' and invalidity insurance schemes, the accident insurance scheme, the unemployment insurance scheme (for employees), as well as the compensation for loss-of-income/maternity insurance scheme. The employer registers its employees with its compensation fund and deducts the employees' compulsory insurance contributions directly from their salary.

An overview of contribution rates can be found at the following [link](#) (in German, French and Italian).

What about health insurance? The agreement does not apply to health insurance. As a general rule, anyone taking up residence in Switzerland must take out health insurance cover with an authorised Swiss insurer within three months of arriving on Swiss territory and pay monthly health insurance premiums. A list of current premiums, by health insurance fund and canton/region, can be found at www.priminfo.ch (in German, French and Italian).

What about occupational pensions? The agreement does not apply to the Swiss occupational old-age, survivors' and invalidity insurance scheme (Occupational Pensions Act - OPA). However, Swiss legislation states that employees who pay compulsory OASI contributions become liable for compulsory OPA contributions if they meet the conditions laid down in the OPA, particularly as regards age and minimum salary.

6 Postings - an exception to the rule

Maintaining affiliation to the legislation of the State of origin Employees who are posted temporarily to Brazil by their Swiss employer remain subject to Swiss social security legislation and therefore must continue to contribute to the compulsory Swiss insurance schemes (including health and accident insurance). They are exempted from contributions to the schemes of the Brazilian social security system that are covered by the agreement.

Conversely, employees posted temporarily to Switzerland by their Brazilian employer remain subject to Brazilian social security legislation.

What does temporarily mean? A person may be posted for a maximum of five years.

What conditions apply? A posting presupposes that the person concerned is already insured under the social security system of the State of origin before taking up employment in the host State. In addition, the employer must intend to continue to employ the employee once the posting comes to an end.

A relationship covered by labour legislation between employee and employer must continue to exist for the entire duration of the posting. In particular, an employer who posts an employee abroad must retain the right to terminate the employment relationship and must outline the type of work that the posted employee will perform. The latter must work in the interests and on behalf of his/her employer, but the salary does not have to be paid directly by the posting employer.

Issuing of the certificate of posting The employer asks the competent insurance body in the State from which the employee is being posted to issue a certificate of posting.

This certificate confirms that the posted employee continues to be subject to the social security legislation of the State of origin for the duration of the posting. As such, the employee is exempt from contributions to the compulsory social security schemes of the host State which are covered by the agreement.

Competent insurance institutions In Switzerland the competent insurance institutions are the relevant [OASI compensation funds](#). The application form for a certificate of posting as regards **postings from Switzerland** can be downloaded at the following [link](#).

In Brazil, the relevant body is *l'Agência da Previdência Social – Acordos Internacionais*, Recife (address in Section 9).

What about family members? Non-working family members (spouse and children) who accompany a posted employee remain subject to the social security legislation of the State of origin.

More detailed information on postings can be found in the fact sheet "[Social security for posted workers](#)".

Further information on social security schemes not covered by the agreement (health and accident insurance in particular) can be found in the fact sheet "[Social security for posted workers - Non-contracting States](#)".

7 Swiss old-age, survivors' and invalidity benefits

Retirement age in Switzerland	The ordinary retirement age in Switzerland is 64 for women and 65 for men.
Old-age benefits – work periods in Switzerland and Brazil	Brazilian or Swiss nationals who have worked in Switzerland and Brazil and have contributed to both national social security systems receive partial pensions from each State provided that they meet the legal requirements of each State. The rate of the pension they receive will depend on their insurance record in each State.
Who can claim old-age and survivors' pensions?	<p>Brazilian nationals can claim a regular Swiss old-age pension (full or partial) under the same conditions as Swiss nationals. This applies equally to Swiss survivors' pensions (widow's/widower's/orphan's pension).</p> <p>To qualify for a Swiss old-age pension, the claimant must have contributed to the Swiss old-age insurance scheme for at least one year. Similarly, survivors can claim a survivors' pension provided that the deceased had paid contributions to the Swiss social security system for a minimum period of one year.</p>
Can old-age and survivors' pensions be exported?	Under the agreement, Swiss pensions are paid to Brazilian nationals on the same terms as to Swiss nationals. They can be exported anywhere in the world.
A lump-sum payment instead of a pension?	<p>Brazilian nationals or their survivors who do not reside in Switzerland and who qualify for a Swiss old-age and survivors' pension which is not more than 10% of the full ordinary pension receive a one-off lump-sum payment instead of a partial pension. If the old-age or survivors' pension is more than 10% but less than 20% of the full ordinary OASI pension, they can choose between a partial pension or a one-off lump-sum payment.</p> <p>Once the one-off lump sum has been paid or the contributions refunded, it is no longer possible to make further claims against the Swiss insurance schemes in respect of contributions paid or corresponding insurance periods.</p>
Refund of contributions	<p>If an employee leaves Switzerland with no intention of returning to live there, they retain the right to a refund of OASI contributions which existed before the agreement entered into force.</p> <p>Brazilian nationals who leave Switzerland can therefore choose between obtaining a refund of their OASI contributions upon departure, or a pension when the risk insured (retirement, invalidity, death) occurs.</p> <p>Information about the refund of contributions and the claim form can be found here:</p> <p>https://www.zas.admin.ch/zas/en/home/particuliers/les-versements-uniques/remboursement-des-cotisations.html</p> <p>However, Brazilian nationals who benefit from a refund of Swiss contributions may no longer use their periods of insurance in Switzerland to obtain a Brazilian pension.</p>

Occupational pensions?	Under the relevant federal legislation (OPA), Swiss and foreign nationals receive equal treatment, i.e. the payment of pensions and other benefit entitlements abroad depends on the statutes and internal regulations of the claimant's pension fund. A Brazilian national who has paid occupational pension contributions may request that their accumulated capital (termination benefit) is paid out in cash provided that they are leaving Switzerland with no intention of returning (and are relocating to a State that is not a member of either the EU or EFTA). The request must be submitted to the competent pension fund or termination benefits institution (insurance company or bank).
Invalidity benefits	Swiss invalidity insurance legislation provides for the payment of cash benefits (pensions and daily allowances) and rehabilitation measures.
What are rehabilitation measures?	Rehabilitation measures are provided by the Swiss invalidity insurance scheme with a view to improving the working capacity of individuals with disabilities. These measures can be occupational (career counselling, initial vocational training and retraining), medical, or involve the provision of aids (e.g. wheelchair).
Entitlement to and export of rehabilitation measures	The agreement simplifies access to Swiss IV rehabilitation measures for Brazilian nationals living in Switzerland. Rehabilitation measures cannot be exported.
Persons: a) who are subject to compulsory insurance contributions	Brazilian nationals who were paying compulsory Swiss old-age, survivors' and invalidity insurance contributions immediately prior to the onset of their invalidity may qualify for rehabilitation measures provided that they continue to reside in Switzerland.
b) who are not subject to compulsory insurance contributions but are insured in the OASI/IV	Brazilian nationals who, just before the onset of their invalidity, were not subject to compulsory insurance contributions because they did not meet the age requirements but who were insured under the Swiss old-age, survivors' and invalidity schemes because they were resident in Switzerland may qualify for rehabilitation measures provided that they satisfy certain conditions. They must reside in Switzerland and have lived there continuously for a minimum of one year immediately prior to the onset of their invalidity.
Right of disabled children to rehabilitation measures	Minor children may qualify for Swiss invalidity insurance rehabilitation measures provided that they reside in Switzerland and were born disabled there or have lived in Switzerland without interruption since their birth. Rehabilitation measures for minor children cannot be exported.
	Furthermore, specific provisions apply to ensure that children born disabled in Brazil receive equal treatment. In certain circumstances, the Swiss invalidity insurance scheme will cover the costs arising from a congenital illness.

Entitlement to invalidity pensions If a Brazilian national meets the qualifying requirements stipulated in Swiss invalidity insurance legislation (i.e. a Swiss minimum insurance period of three years as well as conditions pertaining to the degree of invalidity), this person may be entitled to a Swiss IV pension – possibly a partial one (prorated to the contributions paid in Switzerland).

Can invalidity pensions be exported? Regular Swiss IV pensions can be exported if the degree of invalidity is at least 50%. In other words, the invalidity pensions paid to Swiss or Brazilian nationals whose degree of invalidity is at least 50% can normally be exported worldwide.

Persons whose degree of invalidity is less than 50% will receive a Swiss invalidity pension only if they reside in Switzerland.

Click on the link below for more information on the Swiss social security system:
(["Social security in Switzerland" booklet](#)).

8 Brazilian old-age, survivors' and invalidity benefits

Submission of a claim for Brazilian benefits Individuals living in Switzerland submit their claim to the Swiss Compensation Office (SCO, see Section 9).

Recognition of Swiss insurance periods Where the insurance periods completed in Brazil do not entitle an individual to a Brazilian pension (15 years of contributions), the insurance periods completed in Switzerland are taken into account.

Insurance periods completed in third States with which Brazil has concluded a social security agreement may also be taken into consideration under certain conditions.

Export of Brazilian benefits Under the terms of the agreement, Brazilian pensions are also paid in third States.

Information on the Brazilian social security system can be found at <http://www.previdencia.gov.br/> (in Portuguese).

9 Competent authorities, liaison bodies and contact points

Benefit claims

- Persons **resident in Switzerland** should submit their Brazilian pension claims to the Swiss Compensation Office (SCO). Form available [here](#).
- Persons **resident in Brazil** should submit their Swiss pension claims to *l'Agência da Previdência Social – Acordos Internacionais*, Recife.

Swiss competent authority

Federal Social Insurance Office (FSIO)
Effingerstrasse 20, 3003 Berne
+41 58 462 90 11
www.bsv.admin.ch

Swiss liaison body

Swiss Compensation Office (SCO)
Av. Edmond-Vaucher 18, P.O. Box 3100,
1211 Geneva 2
+41 58 461 91 11
www.zas.admin.ch

Brazilian liaison body

Agência da Previdência Social – Atendimento
Acordos Internacionais Recife
End.: Avenida Mário Melo, nº 343 – Térreo.
Santo Amaro, Recife (PE) – CEP 50.040-010
Tel.: (81) 3412-5683 / (81) 3221-2774
E-mail: apsai15001120@inss.gov.br

Contact points in Switzerland

In Switzerland, queries and requests should be sent to the following bodies:

Queries regarding the export of Swiss pensions
and claims for Brazilian pensions

Swiss Compensation Office (SCO)
Av. Edmond-Vaucher 18, P.O. Box 3100,
1211 Geneva 2
+41 58 461 91 11
www.zas.admin.ch

Requests relating to postings from Switzerland
(posting certificate)

Competent compensation fund
(see Section 6)