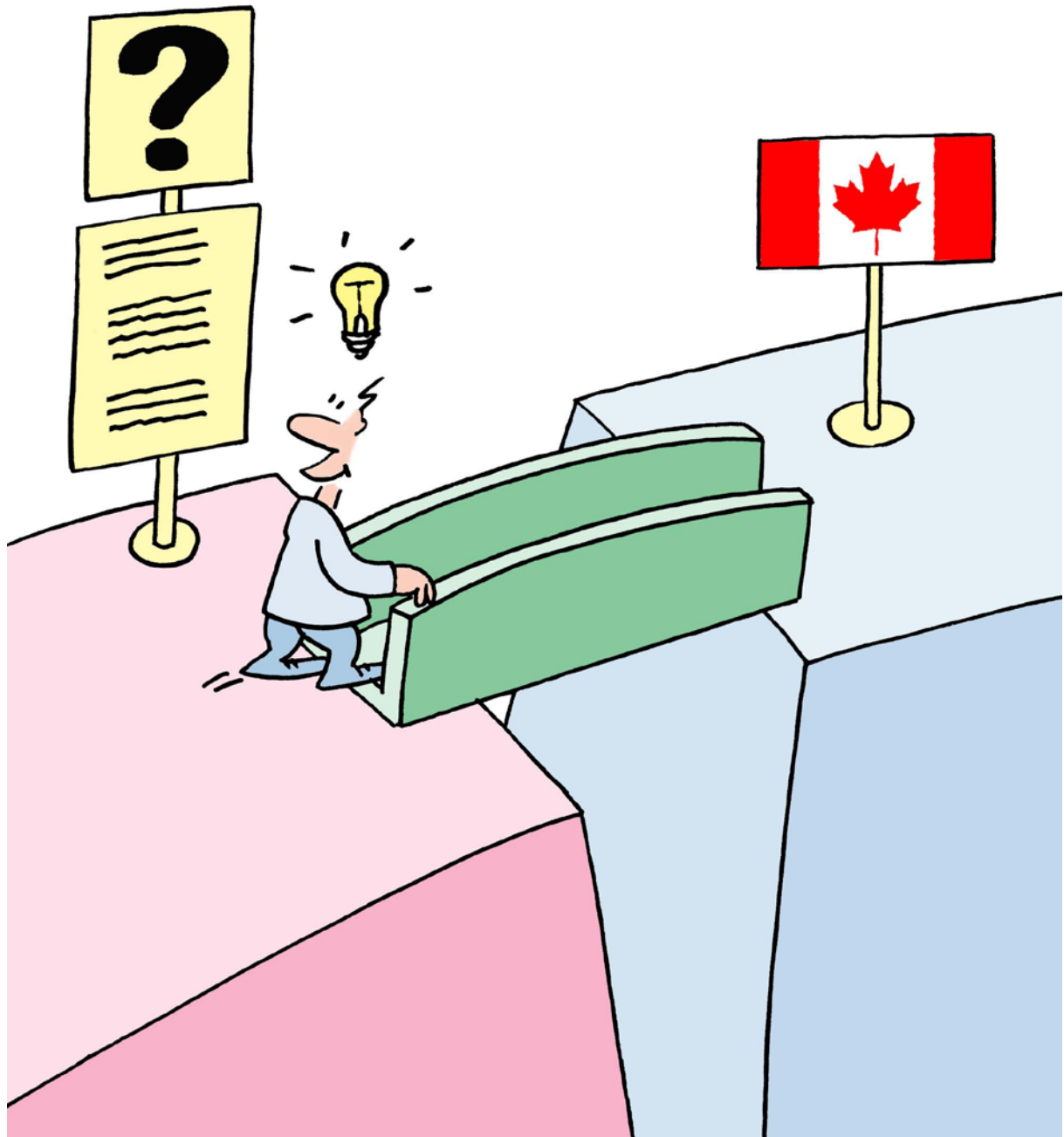




Social Security Agreement between Switzerland and Canada, Social Security Agreement between Switzerland and Quebec





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Status as of 1 September, 2017

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1 The agreement in brief

Signed on 24 February 1994, the [bilateral social security agreement between the Swiss Confederation and Canada](#) came into force on 1 October 1995. Its purpose is to ensure that Swiss and Canadian nationals receive equal treatment, wherever possible, in respect of their social security entitlements. The agreement determines to which national social security system a person is subject and where he/she is required to pay contributions.

The agreement sets out the requirements that a person must satisfy in order to receive old-age, survivors' and disability pensions, as well as rehabilitation measures from the Swiss disability insurance scheme. The agreement also sets out the rules on exporting these benefits. Insurance periods completed in Switzerland are taken into account by Canada with regard to the minimum residence periods required by Canada in order to confer entitlement to pensions (at least 10 years after the age of 18) and in order for these pensions to be payable abroad (at least 20 years after the age of 18).

The Canadian social security system operates an old-age pension scheme funded by taxation, which applies throughout the country, and an old-age, survivors' and disability pension scheme funded by contributions, which applies in all provinces apart from Quebec, which has its own legislation in this field. Switzerland and Quebec have concluded a [social security agreement](#), the content of which is similar to the one with Canada and which entered into force at the same time.

The purpose of this leaflet is simply to provide an overview of how Switzerland and Canada 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 the Old-Age and Survivors' Insurance (OASI) and the Federal Act on Disability Insurance (DI).

Which Canadian legal provisions are covered by the agreement? The agreement applies to the Canadian Old Age Security Act and Canada Pension Plan and to the Quebec Pension Plan.

3 Personal scope

Who is covered by the agreement? In relation to Switzerland, the agreement applies to Canadian and Swiss nationals, as well as their immediate family members (spouse and children) and surviving dependents.

In relation to Canada and the province of Quebec it applies to Canadian and Swiss nationals and their family members and survivors; it also applies to individuals who have been subject to the social security legislation of one of the contracting States or who have acquired rights under that legislation.

Are third-state nationals covered by the agreement? The affiliation provisions may also apply to third-state nationals, i.e. individuals who are not Swiss or Canadian nationals. For example, the provisions on workers posted temporarily to one of the contracting States by their employer which has its headquarters in the other contracting State apply equally to third-state nationals.

In relation to Canada and the province of Quebec, benefit entitlement of third-state nationals may be covered by the agreement.

4 Basic principles: equal treatment, export and totalization

What does equality of treatment mean? Equality of treatment is a guiding principle of the agreement.

This means in practice that Canadian nationals shall be treated in the same way as Swiss nationals as regards the rights and obligations under Swiss old-age, survivors' and disability insurance legislation. Likewise, Swiss nationals shall be treated in the same way as Canadian nationals as regards the rights and obligations under the Canadian (or Quebecan) social security schemes covered by the convention/agreement.

Are there exceptions?	<p>There are a number of clear-cut exceptions to the equal treatment principle. For example, only Swiss nationals living abroad (outside EU/EFTA member States) may join the facultative Swiss OASI/DI scheme; it is not open to Canadian nationals.</p> <p>In addition, some benefits may not be exported, neither for Swiss nationals nor for Canadian nationals.</p>
What does export mean?	<p>This means that Swiss and Canadian nationals may receive their pension even though they no longer live in the State paying their benefit.</p>
What does totalization mean?	<p>It means that Swiss insurance periods are taken into account (totalized) when a person to whom the agreement applies and who is claiming a Canadian or Quebecan benefit that is covered by the agreement does not meet all of the minimum qualifying period of insurance, contribution or residence required by Canadian or Quebecan legislation <u>for entitlement to benefits</u> (see Section 8 for the conditions which must be met to acquire entitlement to Canadian or Quebecan pensions). These include periods of insurance that pre-date the agreement.</p> <p>Entitlement to Swiss pensions is exclusively based on contributions paid into the Swiss social security system.</p> <p>However, the calculation and the <u>amount</u> of a pension from one of the contracting States are determined solely by the contributions paid in that State.</p>

5 Affiliation / compulsory insurance cover

What is meant by the principle of affiliation to the social security legislation of the country of employment?	<p>Individuals are subject to compulsory insurance in accordance with the legal provisions in the contracting State on whose territory they work (principle of being subject to the social security legislation of the country of employment).</p> <p>This means that a Canadian 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.</p> <p>Individuals who are gainfully employed in both Switzerland and Canada are subject to the social security schemes in both States. However, the social security system of each State will consider only the income earned on its territory.</p> <p>Conversely, self-employed individuals working in Switzerland and/or Canada are covered only by the relevant compulsory social security schemes in the contracting State where they live.</p>
Which social security contributions are compulsory in Switzerland?	<p>Individuals who are subject to compulsory insurance in Switzerland must contribute to the old-age, survivors' and disability 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 French, German or Italian).</p>

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

What about occupational pensions? The agreements do not apply to the Swiss occupational old-age, survivors' and disability insurance scheme (Occupational Pension Act - OPA). Swiss legislation states that employees who pay compulsory OASI contributions become liable for compulsory OPA contributions when meeting a number of requirements (minimum qualifying age and salary in particular).

6 Postings – an exception to the rule

Maintaining affiliation to the legislation of the State of origin Employees who are posted temporarily to Canada 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 Canadian or Quebecan pension schemes.

Likewise, employees who are posted temporarily to Switzerland by their Canadian employer remain subject to Canadian (and where applicable Quebecan) social security legislation.

Periods during which the posted employee and his/her non-working family members live in Switzerland are regarded as periods of residence in Canada for the purposes of conferring entitlement to benefit, and for calculating the amount of such benefit, under the Canadian Old Age Security Act.

What does temporarily mean? As a rule, a person may be posted for a maximum of five years (60 months).

What conditions apply? In the interests of worker protection, 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 worker once his/her posting comes to an end.

A direct employment relationship between employee and employer must continue to exist for the entire duration of the posting. In particular, an employer who posts a worker abroad must retain the sole power to terminate the employment relationship (contract) and to broadly define the type of work that the posted employee will perform. The posted employee 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.

Submission of the certificate of posting

The employer asks the competent insurance institution in the State from which the employee is being posted (State of origin) to issue a certificate of posting.

This certificate confirms that the posted worker continues to be subject to the social security legislation of the State of origin for the duration of the posting. As such, the worker 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 [OASI compensation funds](#). The application form for a certificate of posting as regards **postings from Switzerland** can be downloaded at the following [link](#) (Application to remain subject to Swiss social insurance legislation during the temporary exercise of a professional activity abroad).

In Canada, it is the Canada Revenue Agency (CRA, Ottawa Tax Services Office, 333 Laurier Avenue West, 11th floor, Ottawa ON K1A 0L5, www.cra-arc.gc.ca). The application form for a certificate of posting as regards **postings from Canada** can be downloaded at the following [link](#).

In Quebec, it is the Bureau des ententes de sécurité sociale de la Régie des rentes du Québec (Boulevard René-Lévesque Est 1055, 13th floor, Montreal (Quebec), H2L 4S5, www.rrq.gouv.qc.ca). The application form for a certificate of posting as regards **postings from Quebec** can be downloaded at the following [link](#).

May the posting be extended?

Should the posting exceed the maximum time limit of five years, it is possible to apply for an extension (up to a maximum total period of 6 ½ years) by submitting a request to the competent authority in the State of origin:

- in Switzerland, the Federal Social Insurance Office (www.bsv.admin.ch)
- in Canada: Canada Revenue Agency, Social Security Agreements, Tower A, Place de Ville, 320 Queen Street Ottawa ON K1A 0L5
- in Quebec: Bureau des ententes de sécurité sociale, Régie des rentes du Québec, boulevard René-Lévesque Est 1055, 13th floor Montreal (Quebec), H2L 4S5 www.rrq.gouv.qc.ca

Forms for **postings from Switzerland** can be downloaded [here](#) (Application to remain subject to Swiss social insurance legislation during the temporary exercise of a professional activity abroad).

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. Contracting States, outside EU/EFTA”](#).

Information on social security schemes not covered by the agreement (e.g. health care and accident insurance) can be found in the fact sheet [“Social Security for posted workers - Non-contracting States”](#).

7 Swiss old-age, survivors' and disability 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 Canada	Canadian or Swiss nationals who have worked both in Switzerland and in Canada, and have therefore contributed to both 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 inter alia depend on their insurance record in each State.
Who can claim old-age and survivors' benefits?	<p>Canadian 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. 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?	<p>Under Swiss legislation, Swiss nationals may in principle draw a Swiss pension regardless of the country in which they live.</p> <p>Under the agreement, Swiss pensions are paid to Canadian nationals on the same terms as to Swiss nationals. They can be exported anywhere in the world.</p>
Occupational pensions?	The agreement does not cover the legal provisions on occupational old-age, survivors' and disability insurance. Under the relevant federal legislation (OPA), Swiss and foreign nationals receive equal treatment, i.e. the payment of pensions and other benefit entitlements abroad depend on the statutes and internal regulations of the claimant's pension fund. If a person has paid occupational pension contributions while working in Switzerland, this person may request that his/her accumulated capital (termination benefit) is paid out in cash provided that this person is relocating from Switzerland 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).
Disability benefits	Swiss disability 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 disability 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	<p>The agreement simplifies access to Swiss DI rehabilitation measures for Canadian nationals residing in Switzerland. Rehabilitation measures cannot be exported.</p> <p>Canadian nationals who are paying compulsory Swiss old-age, survivors' and disability insurance contributions immediately prior to the onset of their disability, may qualify for rehabilitation measures provided that they continue to reside in Switzerland.</p> <p>Canadian nationals covered by OASI/DI who are not gainfully employed may qualify for rehabilitation measures provided that they are domiciled in Switzerland and have lived there without interruption for at least one year immediately prior to the onset of the disability.</p>
Right of disabled children to rehabilitation	<p>Canadian minor children may qualify for Swiss disability insurance rehabilitation measures provided that they reside in Switzerland, were born disabled there or have lived in Switzerland without interruption since their birth. A period of up to three months spent in Canada immediately after birth is equivalent to a period spent in Switzerland.</p> <p>Rehabilitation measures for minor children cannot be exported.</p> <p>Furthermore, specific provisions apply to ensure that children born disabled in Canada receive equal treatment. In certain circumstances, the Swiss disability insurance scheme will cover the costs arising from a congenital illness.</p>
Entitlement to disability pensions	If a Canadian national meets the qualifying requirements stipulated in Swiss disability insurance legislation (i.e. a Swiss minimum insurance period of three years as well as conditions pertaining to the degree of disability), this person may be entitled to a Swiss DI pension, possibly a partial one (prorated to the contributions paid in Switzerland).
Can disability pensions be exported?	<p>Regular DI pensions of Swiss and Canadian nationals whose degree of disability is at least 50% can be exported worldwide.</p> <p>Canadian and Swiss nationals whose degree of disability is less than 50% will only receive a Swiss disability pension if they reside in Switzerland.</p>

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

8 Canadian old-age, survivors' and disability benefits

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

Recognition of Swiss insurance periods Where the residence or insurance periods completed in Canada do not entitle an individual to a Canadian pension, or do not allow it to be paid abroad, contribution or residence periods completed in Switzerland may be taken into account. However, a minimum one-year period of residence or insurance in Canada is required. The same applies to Quebecan pensions.

Insurance periods completed in third States with which Switzerland and Canada have concluded social security agreements may be taken into consideration under certain conditions.

Export of Canadian benefits Canadian or Quebecan pensions may in principle be paid anywhere in the world.

Information on the convention on social security between Switzerland and **Canada** is available [here](#).

Information on the social security agreement between Switzerland and **Quebec** is available [here](#).

9 Competent authorities, liaison bodies and contact points

Benefit claims

- **Individuals living in Switzerland** should submit their Canadian or Quebecan pension claims to the Swiss Compensation Office (SCO).
- **Individuals living in Canada** should submit their Swiss pension claims to Service Canada, International Operations.
- **Individuals living in Quebec** should submit their Swiss pension claims to the Bureau des ententes de sécurité sociale (BESS) de la Régie des rentes du Québec.

Swiss competent authority

Federal Social Insurance Office (FSIO)
Effingerstrasse 20, 3003 Berne
www.bsv.admin.ch

Swiss liaison body for OASI/DI

Swiss Compensation Office (SCO)
Av. Edmond-Vaucher 18, Post office box 3100,
1211 Geneva 2
www.zas.admin.ch

Canadian competent authority	Human Resources and Skills Development Canada www.hrsdc.gc.ca
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Quebecan competent authority	Régie des rentes du Québec www.rrq.gouv.qc.ca
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Canadian liaison body	Service Canada International Operations - AB P.O. Box 2710, Main Station Edmonton, Alberta T5J 4C2 www.servicecanada.gc.ca
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Quebecan liaison body	Bureau des ententes de sécurité sociale (BESS) Régie des rentes du Québec Boulevard René-Lévesque Est 1055, 13 th floor Montreal (Quebec), H2L 4S5 www.rrq.gouv.qc.ca
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Contact points in Switzerland

Queries and requests should be sent to the following bodies in Switzerland:

Queries regarding the export of OASI/DI pensions	Swiss Compensation Office (SCO)
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Questions relating to postings from Switzerland (posting certificate)	Competent compensation fund (see Section 6)
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Queries regarding extension of postings	Federal Social Insurance Office (FSIO)
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Contact points in Canada

Requests relating to postings from Canada (posting certificate)	Canada Revenue Agency, Ottawa Tax Services Office, 333 Laurier Avenue West, 11 th floor, Ottawa ON K1A 0L5 www.cra-arc.gc.ca
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Body with responsibility for extension of postings from Canada	Canada Revenue Agency, Social Security Agreements, Tower A, Place de Ville, 320 Queen Street, Ottawa ON K1A 0L5
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Queries regarding Canadian benefits / export of Canadian pensions	Service Canada International Operations - AB P.O. Box 2710, Main Station Edmonton, Alberta T5J 4C2 www.servicecanada.gc.ca
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Contact points in Quebec

Requests relating to postings from Quebec (posting certificate) and body with responsibility for extension of postings from Quebec

Bureau des ententes de sécurité sociale, Régie des rentes du Québec, boulevard René-Lévesque Est 1055, 13th floor
Montreal (Quebec), H2L 4S5
www.rrq.gouv.qc.ca

Queries regarding Quebecan benefits / export of Quebecan pensions

[Services Québec](#)

[Régie des rentes du Québec](#)