

3.03 OASI Benefits



# OASI Survivors' Pensions

Position as of 1<sup>st</sup> January 2023



## A brief overview

The purpose of survivors' pensions is to protect surviving dependants (spouse, children) against financial hardship in the event of the death of a spouse or parent. There are three types of survivors' pensions:

- widows' pensions
- widowers' pensions
- orphans' pensions

Your entitlement to a survivor's pension depends on the deceased having a contribution record of at least one full year.

One full year of contributions will be credited if

- the deceased paid contributions for one year in total, or
- the deceased was insured and his or her spouse paid twice the minimum contribution for at least one year, or
- the deceased qualifies for parental or care credits.

## Widows' pensions

### 1 As a married woman, when will I be entitled to a widow's pension?

If you are married and your husband or your wife has died, you will be entitled to a widow's pension under the following circumstances:

- at the time of your spouse's death you have one or more children (of any age). Children of the deceased spouse living in the same household who are entitled to an orphan's pension as a result of the spouse's death also count as children. The same applies to foster children previously cared for by you and your spouse, and adopted by you following the death of your spouse. The wife of the mother is also deemed to be a widowed parent if she was married to the mother at the time of the child's birth and the child was conceived in accordance with the provisions of the Reproductive Medicine Act and a parent-child relationship therefore exists (Art. 255a, para. 1 CC); or
- you are 45 or older when your spouse dies and you had been married for at least five years. Your years of marriage will be added together if you have been married several times. If a same-sex marriage was established by converting an existing registered partnership, the duration of the registered partnership is added to the years of marriage.

## **2 As a divorced wife, when will I be entitled to a widow's pension?**

If you are divorced and your ex-husband or ex-wife has died, you will be entitled to a widow's pension if

- you have children and your dissolved marriage lasted for at least ten years, or
- you were over 45 at the time of your divorce and your dissolved marriage lasted for at least ten years, or
- your youngest child turns 18 after you reach the age of 45.

If you do not meet any of these requirements, your entitlement to a widow's pension ends when your youngest child turns 18.

The wife of the mother is also deemed to be a widowed parent if she was married to the mother at the time of the child's birth and the child was conceived in accordance with the provisions of the Reproductive Medicine Act and a parent-child relationship therefore exists (Art. 255a para. 1 CC).

If the terminated same-sex marriage was established by converting an existing registered partnership, the duration of the registered partnership is added to the years of marriage.

## **Widowers' pensions**

### **3 As a husband/registered partner, when will I be entitled to a widower's pension?**

If you are married or divorced and your wife or husband dies, you will receive a widower's pension provided that at the time of your spouse's death, you have one or more children (of any age). Children of the deceased spouse living in the same household who are entitled to an orphan's pension as a result of the spouse's death also count as children. The same applies to foster children previously cared for by you and your spouse, and adopted by you following the death of spouse.

If a partner in a registered partnership dies, the surviving partner will be treated in the same way as a widower.

On 11 October 2022, the Grand Chamber of the European Court of Human Rights (ECHR) upheld a complaint alleging that the rules on entitlement to a Swiss survivor's pension contravened the European Convention on Human Rights because they discriminate against widowers who, unlike widows, are no longer entitled to a survivor's pension once their youngest child turns 18.

Switzerland must comply with the final ECHR judgement of 11 October 2022 and rectify the situation. This will require amendments to the existing legislation. Given that the legislative procedure that such changes entail can take a long time, this will not happen immediately. In the interim, a transitional arrangement for widowers with children, which came into force on 11 October 2022, will apply. Under this arrangement, widowers can continue to claim a survivor's pension even after their youngest child has turned 18.

The ruling of the ECHR does not apply to widowers with no children or to men who are divorced. On the basis of the ECHR judgement, widowers who are childless are not entitled to a survivor's pension, as was previously the case. With regard to men who are divorced, their entitlement will continue to end when their youngest child turns 18. The ECHR ruling also does not apply retroactively, i.e. to cases prior to 11 October 2022 where entitlement to a widower's pension legally ceased when the claimant's youngest child turned 18.

#### **4 As a divorced husband, when will I be entitled to a widower's pension?**

If you are divorced and your ex-wife has died, you will be entitled to a widower's pension for as long as you have children under 18.

## Orphans' pensions

### 5 When do children receive an orphan's pension?

Children receive an OASI orphan's pension if one of their parents dies.

If the mother was married to a woman at the time of birth and the child was conceived in accordance with the provisions of the Reproductive Medicine Act (Art. 255a para. 1 CC), the mother's wife is considered the other parent. In these cases, the child is also entitled to an orphan's pension on the death of the mother's wife.

If both parents die, the child will be entitled to two orphan's pensions: one for each deceased parent. Entitlement to an orphan's pension ceases once the child turns 18, or once the child has completed his or her education or training. In any event, entitlement will not continue beyond the child's 25<sup>th</sup> birthday. Special rules apply to foster children. Children whose annual gross earnings while in education/training are more than 29 400 Swiss francs are not entitled to an orphan's pension.

## Beginning and end of entitlement

### 6 When does entitlement to a survivor's pension start?

Entitlement to a survivor's pension starts on the first day of the month following the death of the (divorced) spouse or parent.

### 7 When does entitlement to a survivor's pension end?

Entitlement to a survivor's pension ends at the end of the month in which the preconditions for entitlement cease to apply. Entitlement to a widow's or widower's pension ceases on remarriage. However, orphans' pensions continue to be paid.

## Concurrent benefits

### 8 Which pension is paid?

If you simultaneously fulfil the conditions for both a survivor's pension and an old-age or disability pension, only the higher pension will be paid.

## Applying to draw a survivor's pension

### 9 How do I claim a survivor's pension??

You can register your entitlement to a survivor's pension with the compensation office to which the deceased most recently paid OASI contributions. You can obtain the application form 318.371 – *Survivors' pension application* from the compensation offices and their branches or at [www.ahv-iv.ch](http://www.ahv-iv.ch).

If your contribution record includes periods of insurance cover in Switzerland and in one or more EU or EFTA countries, a single application for benefits in your country of residence will trigger the application procedure in all the countries involved.

If the deceased person has not paid any OASI contributions, you will need to register your entitlement to a survivor's pension with the cantonal compensation office or one of its local branches.

If you are not resident in Switzerland, please consult the page entitled «Request for a survivor's pension» on the Swiss Compensation Office SCO website: [www.zas.admin.ch](http://www.zas.admin.ch)

## Calculating survivors' pensions

### 10 How are survivors' pensions calculated?

The factors involved in calculating survivors' pensions are the deceased's:

- qualifying years of contributions,
- income from gainful employment and
- parental credits and care credits.

When calculating the contribution record for a widower's pension and an orphan's pension following the death of the (former) wife or the mother, the surviving (former) spouse will be credited for the years of marriage prior to 31<sup>st</sup> December 1996 during which the deceased was insured, but did not pay any contributions.

### 11 Under what circumstances will I receive a full pension?

You will receive a full pension (pension scale 44) if the deceased paid contributions continuously from 1<sup>st</sup> January of the year after they reached 20 years of age until their death.

## 12 Under what circumstances will I receive a partial pension?

You will receive a partial pension (pension scale 1-43) if the deceased has an incomplete contribution record. This partial pension is calculated according to the ratio of the deceased's actual years of contributions to the full contribution period.

## 13 When are credits applied for youth years?

Youth years are contribution periods between the ages of 18 and 20. Any contributions paid by the deceased before the age of 20 can be used to fill subsequent gaps in their contribution record.

## 14 When are additional months counted?

If prior to 1<sup>st</sup> January 1979 the deceased had gaps in their contribution record, or were insured or could have been insured, additional months will be credited to their contribution record.

| Where the insured person has a full contribution record |       | Eligible for additional credits for up to |
|---|-------|---|
| from  | until |   |
| 20  | 26    | 12 months                                 |
| 27  | 33    | 24 months                                 |
| 34 and over   |       | 36 months                                 |

## 15 What does a person's average annual income consist of?

A person's average annual income consists of

- average earnings,
- average parental credits, and
- average care credits.

## Average earnings

### 16 How are a person's average earnings calculated?

Survivors' pensions are calculated on the basis of the deceased's earnings.

To calculate a person's average earnings, all earnings up to 31<sup>st</sup> December of the year preceding the entitlement to a pension are added together. Income earned during a person's youth will only be taken into account if the person needs to fill subsequent gaps in his or her contribution record.

Each person's earnings are recorded in his or her "individual account" (IA).

### 17 Is a person's total income adjusted to changes in salaries and prices?

Earnings may date from years when salary levels were lower. A person's total income is therefore enhanced in line with the average salary and price trends. The total income enhanced in this way is divided by the number of years and months which can be credited. The result is the person's average earnings.

### 18 What is the career supplement?

If the deceased dies before reaching the age of 45, his or her average earnings will be increased by an age-dependent percentage supplement (career supplement).

| In the event of death |            | Percentage |
|-----------------------|------------|------------|
| after age             | before age |            |
|                       | 23         | 100        |
| 23                    | 24         | 90         |
| 24                    | 25         | 80         |
| 25                    | 26         | 70         |
| 26                    | 27         | 60         |
| 27                    | 28         | 50         |
| 28                    | 30         | 40         |
| 30                    | 32         | 30         |
| 32                    | 35         | 20         |
| 35                    | 39         | 10         |
| 39                    | 45         | 5          |



## Average parental credits and care credits

### 19 What are parental credits?

The deceased may be awarded parental credits for the years when he or she had children under the age of 16. The level of the parental credit corresponds to three times the minimum annual pension. In the case of married couples, the credit is divided equally between the two spouses during the calendar years of their marriage. The average amount of parental credits is calculated by dividing the total amount credited by the total duration of the contributions.

In the case of divorced parents and parents who are not married to each other, but who exercise joint parental responsibility, either the whole parental credit will be awarded to one parent or half will be awarded to each parent, depending on the care given. For further information, we refer you to leaflet *1.07 – Erziehungsgutschriften (Parental credits)*.

### 20 What are care credits?

The deceased may be awarded care credits for years spent looking after relatives requiring care who lived within easy reach of them and were entitled to a helplessness allowance. Cohabiting partners who have shared a household for at least five years are treated the same as relatives. There is no entitlement to care credits for years in which parental credits can be awarded. The level of the care credit corresponds to three times the minimum annual pension. In the case of married couples, the credit is divided equally between the two spouses during the calendar years of their marriage. The average amount of care credits is calculated by dividing the total amount credited by the total duration of the contributions. For further information, we refer you to leaflet *1.03 – Betreuungsgutschriften (Care credits)*.

## Pension rates

### 21 What are the current pension rates?

For those with full contribution records, the amount of the ordinary full pension is as follows, depending on their average income:

|                              | Minimum<br>CHF/month | Maximum<br>CHF/month |
|------------------------------|----------------------|----------------------|
| Widow's or widower's pension | 980.–                | 1 960.–              |
| Orphan's pension             | 490.–                | 980.–                |

If two orphan's pensions or one orphan's pension and one child's pension are paid for the same child, the two pensions combined must not exceed 1 470 francs, which corresponds to 60 % of the maximum old-age pension.

## Supplementary benefits

### 22 When am I entitled to supplementary benefits?

If you are a widow, a widower or an orphan and are living in modest financial circumstances, you will, under certain conditions, be entitled to supplementary benefits. For more information on this subject, we refer you to leaflets *5.01 – Ergänzungsleistungen zur AHV und IV (OASO and DI supplementary benefits)* and *5.02 – Ihr Recht auf Ergänzungsleistungen zur AHV und IV (Entitlement to OASI and DI supplementary benefits)*.

If you are not resident in Switzerland, you are not entitled to supplementary benefits.

## Sample calculation

### 23 Death of the husband or father

A man born in June 1973 dies in March 2023. He is survived by his wife and two children born in 2005 and 2006. This means that 17 years of parental credits can be awarded. From April 2023 a widow's pension and two orphan's pensions will be paid. As the deceased paid OASI contributions without interruption from 1994 until his death, his survivors are awarded full pensions (pension scale 44).

#### The average earnings are determined on the basis of the individual accounts and are calculated as follows:

|  |     |             |
|--|-----|-------------|
| Total income from 29 contribution years from 1994 up to and including 2022   | CHF | 1 600 000.– |
| This total income is divided by the relevant contribution period (29 years) to obtain the average earnings which amount to | CHF | 55 172.–    |

#### The average for the parental credits is calculated as follows:

|   |     |          |
|---|-----|----------|
| Number of years x triple annual minimum pension divided by the contribution period divided by two |     |          |
| $17 \times 44 \text{ 100 francs} \div 29 \text{ years} \div 2$                                    | CHF | 12 926.– |

#### The average annual income and the pensions are calculated as follows:

|   |     |          |
|---|-----|----------|
| Average earnings  | CHF | 55 172.– |
| Average parental credits  | CHF | 12 926.– |
| Average annual income (rounded up to table value, see page 12) of                               | CHF | 69 090.– |
| As the table in the Appendix (see page 12) shows, the resulting pension amounts are as follows: |     |          |
| Widow's pension   | CHF | 1 756.–  |
| Two orphans' pensions, each amounting to  | CHF | 878.–    |

## Appendix

- Table of full pensions (scale 44)
- Table of enhancement factors

## Scale 44: Full monthly pensions

Amounts in francs

| Parameter         | Old-age and disability pension | Old-age and disability pension for widows/ widowers | Survivors' pensions and benefits for dependants |                       |                            |                        |
|-------------------|--------------------------------|---|---|-----------------------|----------------------------|------------------------|
|                   |                                |   | Widows/ widowers                                | Supplementary pension | Orphans' and child pension | Orphans' pension 60 %* |
|                   |                                |   |   |                       |                            |                        |
| Up to 14 700      | 1 225                          | 1 470   | 980   | 368                   | 490                        | 735                    |
| 16 170            | 1 257                          | 1 508   | 1 005   | 377                   | 503                        | 754                    |
| 17 640            | 1 289                          | 1 546   | 1 031   | 387                   | 515                        | 773                    |
| 19 110            | 1 321                          | 1 585   | 1 056   | 396                   | 528                        | 792                    |
| 20 580            | 1 352                          | 1 623   | 1 082   | 406                   | 541                        | 811                    |
| 22 050            | 1 384                          | 1 661   | 1 107   | 415                   | 554                        | 831                    |
| 23 520            | 1 416                          | 1 699   | 1 133   | 425                   | 566                        | 850                    |
| 24 990            | 1 448                          | 1 737   | 1 158   | 434                   | 579                        | 869                    |
| 26 460            | 1 480                          | 1 776   | 1 184   | 444                   | 592                        | 888                    |
| 27 930            | 1 512                          | 1 814   | 1 209   | 453                   | 605                        | 907                    |
| 29 400            | 1 544                          | 1 852   | 1 235   | 463                   | 617                        | 926                    |
| 30 870            | 1 575                          | 1 890   | 1 260   | 473                   | 630                        | 945                    |
| 32 340            | 1 607                          | 1 929   | 1 286   | 482                   | 643                        | 964                    |
| 33 810            | 1 639                          | 1 967   | 1 311   | 492                   | 656                        | 983                    |
| 35 280            | 1 671                          | 2 005   | 1 337   | 501                   | 668                        | 1 003                  |
| 36 750            | 1 703                          | 2 043   | 1 362   | 511                   | 681                        | 1 022                  |
| 38 220            | 1 735                          | 2 082   | 1 388   | 520                   | 694                        | 1 041                  |
| 39 690            | 1 766                          | 2 120   | 1 413   | 530                   | 707                        | 1 060                  |
| 41 160            | 1 798                          | 2 158   | 1 439   | 539                   | 719                        | 1 079                  |
| 42 630            | 1 830                          | 2 196   | 1 464   | 549                   | 732                        | 1 098                  |
| 44 100            | 1 862                          | 2 234   | 1 490   | 559                   | 745                        | 1 117                  |
| 45 570            | 1 882                          | 2 258   | 1 505   | 564                   | 753                        | 1 129                  |
| 47 040            | 1 901                          | 2 281   | 1 521   | 570                   | 760                        | 1 141                  |
| 48 510            | 1 921                          | 2 305   | 1 537   | 576                   | 768                        | 1 152                  |
| 49 980            | 1 940                          | 2 328   | 1 552   | 582                   | 776                        | 1 164                  |
| 51 450            | 1 960                          | 2 352   | 1 568   | 588                   | 784                        | 1 176                  |
| 52 920            | 1 980                          | 2 376   | 1 584   | 594                   | 792                        | 1 188                  |
| 54 390            | 1 999                          | 2 399   | 1 599   | 600                   | 800                        | 1 200                  |
| 55 860            | 2 019                          | 2 423   | 1 615   | 606                   | 808                        | 1 211                  |
| 57 330            | 2 038                          | 2 446   | 1 631   | 612                   | 815                        | 1 223                  |
| 58 800            | 2 058                          | 2 450   | 1 646   | 617                   | 823                        | 1 235                  |
| 60 270            | 2 078                          | 2 450   | 1 662   | 623                   | 831                        | 1 247                  |
| 61 740            | 2 097                          | 2 450   | 1 678   | 629                   | 839                        | 1 258                  |
| 63 210            | 2 117                          | 2 450   | 1 693   | 635                   | 847                        | 1 270                  |
| 64 680            | 2 136                          | 2 450   | 1 709   | 641                   | 855                        | 1 282                  |
| 66 150            | 2 156                          | 2 450   | 1 725   | 647                   | 862                        | 1 294                  |
| 67 620            | 2 176                          | 2 450   | 1 740   | 653                   | 870                        | 1 305                  |
| 69 090            | 2 195                          | 2 450   | 1 756   | 659                   | 878                        | 1 317                  |
| 70 560            | 2 215                          | 2 450   | 1 772   | 664                   | 886                        | 1 329                  |
| 72 030            | 2 234                          | 2 450   | 1 788   | 670                   | 894                        | 1 341                  |
| 73 500            | 2 254                          | 2 450   | 1 803   | 676                   | 902                        | 1 352                  |
| 74 970            | 2 274                          | 2 450   | 1 819   | 682                   | 909                        | 1 364                  |
| 76 440            | 2 293                          | 2 450   | 1 835   | 688                   | 917                        | 1 376                  |
| 77 910            | 2 313                          | 2 450   | 1 850   | 694                   | 925                        | 1 388                  |
| 79 380            | 2 332                          | 2 450   | 1 866   | 700                   | 933                        | 1 399                  |
| 80 850            | 2 352                          | 2 450   | 1 882   | 706                   | 941                        | 1 411                  |
| 82 320            | 2 372                          | 2 450   | 1 897   | 711                   | 949                        | 1 423                  |
| 83 790            | 2 391                          | 2 450   | 1 913   | 717                   | 956                        | 1 435                  |
| 85 260            | 2 411                          | 2 450   | 1 929   | 723                   | 964                        | 1 446                  |
| 86 730            | 2 430                          | 2 450   | 1 944   | 729                   | 972                        | 1 458                  |
| 88 200 and higher | 2 450                          | 2 450   | 1 960   | 735                   | 980                        | 1 470                  |

\* Amounts also apply to double orphans' pensions and whole double child pensions.

**Flat-rate enhancement factors dependent on occurrence:  
Occurrence of insured event in 2023**

| First IA entry* | Enhancement factor | First IA entry* | Enhancement factor |
|-----------------|--------------------|-----------------|--------------------|
| 1974            | 1,118              | 1999            | 1,000              |
| 1975            | 1,106              | 2000            | 1,000              |
| 1976            | 1,094              | 2001            | 1,000              |
| 1977            | 1,082              | 2002            | 1,000              |
| 1978            | 1,071              | 2003            | 1,000              |
| 1979            | 1,059              | 2004            | 1,000              |
| 1980            | 1,047              | 2005            | 1,000              |
| 1981            | 1,036              | 2006            | 1,000              |
| 1982            | 1,026              | 2007            | 1,000              |
| 1983            | 1,016              | 2008            | 1,000              |
| 1984            | 1,006              | 2009            | 1,000              |
| 1985            | 1,000              | 2010            | 1,000              |
| 1986            | 1,000              | 2011            | 1,000              |
| 1987            | 1,000              | 2012            | 1,000              |
| 1988            | 1,000              | 2013            | 1,000              |
| 1989            | 1,000              | 2014            | 1,000              |
| 1990            | 1,000              | 2015            | 1,000              |
| 1991            | 1,000              | 2016            | 1,000              |
| 1992            | 1,000              | 2017            | 1,000              |
| 1993            | 1,000              | 2018            | 1,000              |
| 1994            | 1,000              | 2019            | 1,000              |
| 1995            | 1,000              | 2020            | 1,000              |
| 1996            | 1,000              | 2021            | 1,000              |
| 1997            | 1,000              | 2022            | 1,000              |
| 1998            | 1,000              |                 |                    |

\*The first individual account entry that can be considered as decisive for calculating the pension must not be earlier than in the calendar year when the person turns 21.

## Enquiries and further information



This leaflet merely provides an overview. Individual cases can only be assessed conclusively on the basis of the relevant legislation. The compensation offices and their branches will be pleased to answer any enquiries. A list of all compensation offices can be found at [www.ahv-iv.ch](http://www.ahv-iv.ch).

In this leaflet, the terms below describing a person's marital status also have the following meanings:

- marriage: registered partnership
- divorce: legal dissolution of a registered partnership
- widowhood: death of a registered partner

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