

3.03 OASI Benefits



# OASI Survivors' Pensions

Position as of 1<sup>st</sup> January 2024



## 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 must register your entitlement to a survivor's pension with the compensation office to which the deceased most recently paid OASI contributions. You can obtain and submit the application form *318.371 – Survivors' pension application* from the compensation offices and their branches or online 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 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 Are the contribution periods I acquired after the reference age counted in the pension calculation?**

If your contribution record is incomplete when you reach the reference age, you can, under certain conditions, fill these gaps with the contributions you have paid and contribution periods you have acquired since reaching the reference age. This can lead to a higher OASI old-age pension. When you die, your old-age pension is replaced by a survivor's pension. The individuals who are entitled to claim the survivor's pension can apply for a recalculation of the pension provided you had not already done so prior to your death.

For more information, see the leaflet *3.08 – Recalculation of the old-age pension after the reference age*.

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

A person's average annual income consists of

- average earnings,
- average parenting 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 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 parenting credits and care credits

### 19 What are parenting credits?

The deceased may be awarded parenting credits for the years when he or she had children under the age of 16. The level of the parenting 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. However, these credits are only split between the parents if they were awarded between 1<sup>st</sup> January following the 20<sup>th</sup> birthday and 31 December preceding the date on which the first spouse reaches the reference age. The average amount of parenting 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, depending on a ruling by the court, or a decision by the child and adult protection authority (KESB), or by prior agreement between the parents, either the whole parenting 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 (Parenting 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 parenting 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. However, these credits are only split between the parents if they were awarded between 1<sup>st</sup> January following the 20<sup>th</sup> birthday and 31 December preceding the date on which the first spouse reaches the reference age. The average amount of care credits is calculated by dividing the total amount credited by the total duration of the contributions.

The application for the counting of care credits for the previous year must be submitted annually to the compensation office in the canton where the care recipient lives (Form 318.270 – *Anmeldung für die Anrechnung von Betreuungsgutschriften* (application for the counting of care credits ))

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 CHF/month	Maximum 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 1974 dies in March 2024. He is survived by his wife and two children born in 2006 and 2007. This means that 17 years of parental credits can be awarded. From April 2024 a widow's pension and two orphan's pensions will be paid. As the deceased paid OASI contributions without interruption from 1995 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 1995 up to and including 2023	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 revaluation 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 revaluation factors dependent on occurrence:  
Occurrence of insured event in 2024**

<b>First IA entry*</b>	<b>Enhancement factor</b>	<b>First IA entry*</b>	<b>Enhancement factor</b>
1975	1,098	2000	1,000
1976	1,086	2001	1,000
1977	1,075	2002	1,000
1978	1,063	2003	1,000
1979	1,052	2004	1,000
1980	1,041	2005	1,000
1981	1,030	2006	1,000
1982	1,019	2007	1,000
1983	1,009	2008	1,000
1984	1,000	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	2023	1,000
1999	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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