

# Partner in the occupational benefit scheme

The most important aspects at a glance

More and more couples are now living together without a marriage licence. The need to know that if one or other of you dies, your partner will be well taken care of is just as prevalent among cohabiting couples as it is among married couples. However, in the Swiss social insurance system, death benefits are mostly still based on the assumption that marriage is the norm. For example, partners receive no benefits upon the death of the other partner from the first pillar (OASI) or from Accidence Insurance (LAI). The occupational benefit scheme (2<sup>nd</sup> pillar) offers sufficient scope, however, to counteract this financial loop-hole. As well as entitling the partner to capital benefits in the event of death, provision can also be made for the surviving partner to receive a “partner’s pension” similar to that of a spouse.

## What benefits can a pension plan from Servisa Collective Foundation include in the event of death?

- If an insured person dies, and they leave behind a spouse, the spouse is entitled to a spouse’s pension if this is provided for in the benefit plan. Registered partners enjoy the same rights as spouses as defined by the law on partnerships. Partners can also be granted the right to a partner’s pension if certain conditions are met.
- If no spouse’s pensions, pensions to divorced spouses
- or partner’s pensions are paid, the old-age savings of the deceased person will be paid as capital (so-called restitution of contributions).
- The benefit plan can also include a lump-sum death benefit in addition to the restitution of contributions.
- If the deceased leaves behind under-age children or children up to the age of 25 who are in training or education, they will be entitled to an orphan’s pension if this is provided for in the benefit plan.

## What conditions must be met for a partner’s pension?

- A spouse’s pension is included in the insured person’s benefit plan.
- The partners were neither related in the direct line of ascent nor siblings or half-siblings.
- Neither partner was married or in another civil partnership at the time of the death of the insured person.

- The surviving partner is not drawing a spouse’s pension or partner’s pension from a previous marriage or civil partnership and has not received any capital benefits in the place of such a pension.
- The “Registration for a partner’s pension” form was completed in full and sent to Servisa Collective Foundation before the full retirement of the insured person and before his/her death.
- The surviving partner can prove that he/she lived together as a couple with the deceased without interruption for at least the last five years preceding the death of the insured person, and that they maintained a joint household. The five-year condition ceases to apply if the surviving partner is responsible for the maintenance of
  - a joint child.

## How high is a partner’s pension?

The partner’s pension is based on the provisions of the regulations for spouses contained in the pension fund, and normally corresponds to the level of a spouse’s pension. Survivors’ benefits are normally paid in the event of illness or accident. You can find a detailed overview of the benefits in your insurance certificate.

### When is a partner’s pension particularly worthwhile?

Unmarried couples are insufficiently covered in the case of death. In contrast to married couples, compulsory social insurance agencies do not provide for any benefits to partners if the earned income is lost as a result of death. The effect is particularly dramatic if one partner mainly looks after the children and the other works. A partner’s pension from an occupational benefit scheme protects the surviving partner with a regular income for life.

### What else has to be borne in mind?

- A joint household must be maintained for an entitlement to a partner's pension. The partner's pension must be applied for using the form. The proof of a joint household is normally supplied at the time of death by means of confirmation of joint domicile provided by the local authorities. If partners are unable to demonstrate joint domicile, the surviving partner must prove that the intention was to live together in a shared household, but that this was not possible for reasons of health, work or other sensitive reasons.
- Whether a civil partnership giving rise to the justification of entitlement existed and whether the remaining conditions for an entitlement to benefits were satisfied, cannot be checked and definitively determined until after the death of the insured person.
- If the civil partnership with the registered partner is terminated, Servisa Collective Foundation must be informed in writing immediately.
- The forms "Announcement of partner's pension" and "Dissolution of partnership" can be found on the internet at [servisa.ch](https://servisa.ch) → Downloads → Forms.

If pensions for surviving partners or at most pensions for spouses divorced from the insured person are claimed, the old-age savings are generally used to fund them. If the partner's pension is not registered, this does not mean that the partner will go empty handed. In this case, partners, too, are entitled to restitution of contributions or at most to separately insured lump-sum death benefits.

### Who can benefit from lump-sum death benefits?

According to pension fund regulations, partners, children entitled to a pension, and at most persons enjoying a considerable degree of support are primarily entitled to lump-sum death benefits.

In the absence of any written declaration from the insured person, the benefit is split equally between all those eligible in this case. However, the insured person has the opportunity to make a declaration stipulating the shares in order to better preserve the object of the pension fund. For example, they can give the maximum amount possible to their partner.

Using these tools, the insured person can treat the surviving partner and any orphans flexibly. Any amendment of the order of beneficiaries under the regulations can be submitted to Servisa Collective Foundation using the "Order of Precedence of Beneficiaries" form.

You can find details of the order of beneficiaries in the pension fund regulations under the title "Beneficiary clause" in the remarks on survivors' benefits or in the "Order of Precedence of Beneficiaries" form. You can find this on the internet at [servisa.ch](https://servisa.ch) → Downloads → Forms.

The order of beneficiaries provides for partners to receive benefits. If there are orphans, the partner must share the restitution of contributions and any separately insured lump sum death benefits with them.

## Examples by way of illustration

**John Example** and Susan Model, both single with no children, have only been partners for two years and have only recently moved in together. Mr Example would like his partner to receive a partner's pension on his death.

The prerequisite for claiming a partner's pension is **to announce** it using the form entitled "Announcement of partner's pension". The announcement can still be submitted even if the partnership is less than five years old. The only deciding factor is whether the **condition is met at the time of Mr Example's death**.

**Frank Example** is 48 years old, divorced and has two under-age children from his first marriage. He has been living with Caroline Model, 42, for six years and they are in a long-term relationship. Mr Example's benefit scheme provides restitution of contributions as well as a lump-sum payable on death. He would like the lump-sum death benefit to be paid in full to both children.

If the lump-sum death benefit is to be paid to the children, this can be done by **submitting a declaration** ("Order of Precedence of Beneficiaries"). Without any declaration, the beneficiaries – the partner and the two children – will receive three equal shares.

**Peter Example** is 48 years old, divorced and has two under-age children from his first marriage. He has been living with Betty Model for seven years and they are in a long-term relationship. Mrs Model is 42 years old, single with no children. Mr Example would like his two children to receive his old-age savings as well as an orphan's pension in case of death. How can he achieve this?

If his old-age savings are to be paid to the children, there must be no entitlement to a partner's pension. In this case, **no announcement of a partner's pension** must be submitted. According to the regulations, the partner is entitled to restitution of contributions as well as the orphans. If the children are to be made the beneficiaries, this can be done by **submitting a declaration** ("Order of Precedence of Beneficiaries" form). Without any declaration, the beneficiaries – the partner and the two children – will receive three equal shares.

**Marc Example** is 40 years old, single and has no children. He has been in a long-term relationship with Sandra Model for the last ten years and they have lived together for the last six. Mrs Model is 35 years old and also single with no children. Mr Example would like his partner to receive a partner's pension on his death. What must he do?

The prerequisite for claiming a partner's pension is **to announce it** using the form entitled "Announcement of partner's pension".