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SOME DETAILS OF THE VOLUNTARY OLD AGE AND SURVIVORS INSURANCE FOR SWISS ABROAD.

Address given by Monsieur P. CLOTTU, Labour Counsellor at the Swiss Legation, on the occasion of the Monthly Meeting of the Swiss Mercantile Society, on Wednesday, October 13th, 1948.

I. Qualification for Voluntary Insurance.

The first and obvious qualification required for joining the insurance voluntarily is, of course, *not to be already compulsorily insured*. As you know, it is possible for a Swiss abroad to be subject to compulsory insurance; that is the case when he is working for and paid by an employer who is in Switzerland. According to law a Swiss abroad is deemed to be employed and paid by an employer in Switzerland:

- (a) when the salary or wage is paid from Switzerland;
- (b) when the remuneration is credited to him in Switzerland;
- (c) when the salary or wage is paid abroad by means of sums which the Swiss employer has at his disposal there.

Employees of a branch establishment of a Swiss firm who are paid by the branch are not compulsorily insured.

It sometimes happens that a Swiss working abroad for a firm in Switzerland is paid partly by that firm and partly by a branch establishment in the foreign country. In this case insurance is compulsory only if the part of the salary paid by the headquarters is obviously larger than the other. Contributions have then only to be paid on the former part of the salary.

Another possibility is that a member of the staff of a firm in Switzerland is sent abroad to work there for a limited period. If he stays abroad less than 12 months, he remains in any case compulsorily insured in Switzerland and his employer is responsible for the payment of the contributions.

Being now taken for granted that the Swiss abroad is not compulsorily insured, what are the other conditions to be fulfilled by him in order to be eligible for voluntary insurance?

He must first be *duly registered with the Swiss Legation or Consulate* within whose jurisdiction he resides. This condition is justified by the fact that it would be abusive for anybody to claim the benefit of insurance without having testified previously by registering with the competent Swiss representation that he is also prepared to fulfil all legal obligations incumbent on him out of his Swiss citizenship. This condition is important mainly for dual nationals, as it is by the act of registration that they give evidence of their attachment to the home country.

The second condition is a *condition of age*. As soon as the insurance will be in full operation the age limit for joining it abroad will be 30 years. In the present initial stage, however, a much higher limit has been set, as it was not intended to debar people of more advanced age to benefit from the insurance. Thus,

subject to the other conditions, voluntary insurance is open to anybody who had not reached the age of 65 years before 1st July, 1948, *i.e.*, to all persons born after 30th June, 1883.

Still another condition, this of a formal nature, is to signify the decision to join the insurance within the *time limit prescribed by law*. This time limit, as you are aware, is in principle the 31st December, 1948. As the relevant legislation came into force on January 1st of this year, the original idea was that Swiss abroad would have most of this year for thinking the matter over and taking their decision with full knowledge of the facts. Contrary to expectations, this has not been so; owing to the very high pressure of work of the Federal Department concerned, Swiss nationals abroad have not yet received the leaflet which has been drawn up specially for them. This will most likely be available in the next few days, and will then immediately be sent by the Legations and Consulates — together with registration forms — to all persons registered with them. But it has been the opinion of the Swiss Legation in London, and probably also of Legations in other countries, that taking into account cases of sickness or absence, as well as the probable and legitimate wish of many to get further particulars as to their own case, a period of two months would not give everybody a sufficiently fair deal. The Legation has therefore asked the Federal authorities for an extension of the time limit up to the 31st March, 1949, and they have every reason to hope that this request will be met favourably. Contributions will, however, be due in any case as from 1st January, 1948.

I should add that when the transitional period will be over, the time limit for joining voluntarily will be the end of the year in which the age of 30 is reached, and for people newly arrived from Switzerland 6 months counted from the day on which the conditions for compulsory insurance have ceased to be fulfilled.

As a general rule, what I have just said applies to *women* as well as to men. There are, however, a few exceptions which should be pointed out. In the case of husband and wife, the husband alone can join the insurance, his wife being then automatically covered. In two cases only is the wife entitled to join in her own right, *i.e.*, if her husband has reached the age of 65 before July 1st, 1948, or if the husband is not a Swiss national, but the wife has nevertheless retained Swiss citizenship.

There are special rules also concerning *widows*. If the deceased husband was voluntarily insured, the widow remains insured after his death. If he was not, the widow is entitled to join the insurance provided that she otherwise fulfils the required conditions and that she is employed or self-employed.

II Contributions.

BASIS FOR THE CALCULATION OF CONTRIBUTIONS.

The contributions are based for employed persons on their salary or wages, for self-employed persons on their earned income, and for non-employed persons on their fortune and their unearned income. Special forms will have to be filled in for the purpose of declaring income or fortune and sent to the nearest Legation or Consulate which will be responsible for verifying the declaration, as far as they are able to do it. Employed persons will have, if possible, to produce an attestation from their employer as to the amount of their wages or salary. From self-employed persons, some evidence will also be required, such as a profit and loss account.

It will be the duty of the Legation or Consulate to determine the amount of the contribution due and to notify it in writing to the insured person. If the latter disagrees with the amount notified, it will be open to him to lodge an appeal, within the following 30 days, with the so-called "Equalization Fund for Swiss Abroad (Ausgleichskasse für Auslandschweizer, Caisse de compensation pour les Suisses à l'étranger) in Geneva. Further appeals will be possible to a special committee and in the last resort to the Federal Insurance Court in Lucerne.

The amount of the contributions will be fixed in Swiss francs. For this purpose, income and fortune will have to be converted into Swiss francs at the official rate of exchange on January 1st of each year.

CONTRIBUTION RATES.

1. Employed Persons.

For employed persons, the contribution is 4% of the income earned in the previous year, the word "income" being interpreted in a very wide sense. It includes for instance all kinds of bonuses, the value of board and lodging if given free by the employer, tips, percentages on sales or on profits, special remuneration for attending board meetings, and so on. Any remuneration received for an accessory occupation has to be taken into account in addition to that derived from the main occupation. Not to be included in the income, however, are for instance insurance premiums paid by the employer for the account of the employee and gifts made by him on the occasion of the latter's engagement or marriage, or on the birth of a child, and so on. On the other hand, it is permitted to deduct from the income all expenses incurred in direct connection with the employment, such as travelling expenses.

For yearly incomes below 3,600 francs special contribution rates decreasing down to 2% are provided for.

2. Self-employed Persons.

Self-employed persons are those who are gainfully occupied, but not under a contract of service, that is persons who are "in business on their own account," such as independent heads of business or industrial firms, doctors, architects, and so on. They also pay contributions at the rate of 4% on their earned income. This should be understood as the net income after deduction of overall expenses (wages paid, rent and taxes for premises, etc.), interest on commercial debts, payments in sinking funds, payments for welfare or charity purposes, as well as of an interest of $4\frac{1}{2}\%$ on the capital invested in the business.



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3. *Non-employed Persons.*

Non-employed persons are defined as persons who during at least six consecutive months in the year are not gainfully occupied. These persons pay lump contributions graded according to their fortune or unearned income. The value of real estates is, of course, counted as part of the fortune. Pensions arising out of previous employment and benefits from any type of insurance (Life, invalidity, survivors, etc.) count as unearned income. For determining the contribution class, the unearned income has to be multiplied by 30, so that for instance an unearned income of 5,000 francs is equivalent to a fortune of 150,000. If the insured person has in addition a fortune of 50,000 francs both figures are added so that the contribution is calculated on a total of 200,000 francs. It would be in that case 84 francs per annum. The contribution varies from 12 francs a year for people without any income or fortune, like students, to a maximum of 600 francs per annum for a total fortune, capital value of the income included, of 750,000 francs.

The question has been frequently asked whether it will be permissible to deduct the income tax from the income for the purpose of assessment. This, I am sorry to say, is not the case according to an official communication of the Office for Social Insurance in Berne. I understand, however, that the question has been raised at the "Auslandschweizertag" in Interlaken this year, and it may therefore be considered further by the competent authorities.

PAYMENT OF CONTRIBUTIONS.

As a rule, the contributions will be paid *quarterly* to the Legation or Consulate. The contributions due for the first year, i.e. 1948, are due in principle at the end of the year, but considering that the scheme has not yet really come into operation for the Swiss abroad, I expect that some further time will be allowed.

A most important question is that of the *currency* in which the contributions will be payable. A great deal of thought was given to this question before the special regulations for the voluntary insurance for Swiss abroad were issued, and this was indeed one of the main reasons why they were issued so late. At first, two possibilities only were considered:

1. Payment in Swiss francs which appeared from the point of view of the central authorities the easiest method, as all the accounts both for contributions and pensions are being kept in Swiss francs. It was recognised, however, that it was almost impossible to single out this method, as in many countries, Swiss currency is not available or cannot be transferred.
2. Payment in the money of the country of residence. This method again could not be chosen alone, as it also raised serious objections. In the countries whose currency cannot be transferred, the Confederation would have accumulated important sums, for which there would have been no use.

The final solution reached seems to be a happy combination of these two methods with the addition of an ingenious idea: The contributions are payable in Swiss currency or in any currency transferable to Switzerland, but in a country where neither of these methods is practicable, the actual payment of the contributions will be suspended as long as this situation lasts.

As it is impossible to obtain Swiss francs in this country, as well as to transfer them to Switzerland, the possibility of paying in *Swiss francs* will be open only to those who have funds available in Switzerland or, may be, relatives who are prepared to pay the contributions for them. In those cases the contributions will be payable directly to the Equalization Fund in Geneva who will regularly inform the Legation of the payments made. Of course, the Legation should be informed from the start by the insured person that the payments will be made in Switzerland.

Payment in the *currency of a third country*, say in dollars, is probably an even more remote possibility. It is, however, explicitly mentioned in the Act and perfectly legal from the Swiss point of view, provided the currency is transferable to Switzerland. A list of the transferable currencies will be published from time to time by the Swiss Authorities.

The possibility which has the greatest practical interest is, of course, that of the *payment in the money of the country of residence*. As I already indicated, this course will be open only in countries whose currency is transferable to Switzerland. This does not mean that it would be for the insured person himself to arrange for the transfer of his contributions. The payment would have to be made by him in the money of the country where he lives, and it would be for the Legation to arrange periodically for the transfer of the sums thus collected. I am sorry to say that I cannot tell you yet whether Great Britain will be amongst the countries from which such a transfer will be possible or not. The Federal Authorities have, however, the matter in hand, and a favourable solution should

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certainly not be ruled out. If Great Britain falls within this category of countries, the contributions, the amount of which as you remember is fixed in Swiss francs, will be payable in Sterling at the official rate of exchange on the day of payment.

If on the other hand, against expectations, the transfer of the contributions should not prove possible in present circumstances, the insured persons would not be required to make any payments for the time being. They would only be informed periodically of the amount of the contributions due in Swiss francs, and the debt thus accumulated would become payable as soon as the difficulty of transfer is overcome. Should for some people a pension become due before transfers are resumed, the debt would be deducted from the sums they can claim. In order to avoid hardship the possibility exists of making this deduction by instalments.

PERIOD DURING WHICH CONTRIBUTIONS ARE PAYABLE.

The obligation to pay contributions extends in principle to the last day of the half year during which the insured person completes his 65th year. If the insured person continues to be gainfully employed after completing his 65th year, the obligation to pay contributions does not cease until gainful employment comes to an end.

III. Pensions.

QUALIFICATION FOR PENSION.

The basic condition for being entitled to a pension is to have paid contributions for at least one whole

year. Persons who join the insurance before December 31st, 1948, or before such later date as may be fixed, and who otherwise fulfil the conditions for claiming a pension, will therefore be entitled to it in 1949 already, as soon as they have paid the contributions for 1948. The right to a Swiss old age pension will not be conditional, as under British legislation, on giving up work. The principle of a "retirement" pension has not been adopted in Switzerland since economic and social conditions, especially in agriculture and handicrafts, are such that it would have been impracticable to make pension rights depend on cessation of work.

The right to any benefit is forfeited when the insured person has ceased to pay contributions continually for any reason other than force majeure. If, however, the interruption has been due to an unavoidable cause, the insured person will be restored in his rights when he resumes the payment of contributions, provided he also pays the arrears.

TYPES OF PENSION.

The various types of pensions are the following:

- (a) Single old-age pension;
- (b) Married couples' old-age pension;
- (c) Widows' pension;
- (d) Half-orphans' pension;
- (e) Full-orphans' pension.

PERSONAL CONDITIONS.

Single old-age pensions are paid to persons living alone, i.e. single persons, widows and widowers, and divorced persons of either sex of 65 years or over. As a special case married men can qualify for single old-age pension when the conditions for the grant of a married couples' pension are not yet fulfilled. The right to old-age pension exists as from the first day of the half year following that in which the insured person completes his 65th year of age.

The *old-age pension for a married couple* is paid when the husband has completed his 65th year and the wife her 60th year.

A *widow* is entitled to a pension if at the time of her husband's death she has children by blood or adoption in her care or if having no children by blood or adoption she has completed her 40th year at the time of the death of her husband, and has been married for at least 5 years. Widows who do not fulfil these conditions do not receive a pension, but are entitled to a lump-sum payment equal to the annual rate of a single old-age pension if they have not completed their 30th year at the time of their husband's death or to a lump-sum payment equal to twice the annual rate of a single old-age pension if they have completed their 30th year at the time of their husband's death.

For *orphans* the pension varies according to whether the child has lost his father only or both parents. There is no pension for children who have lost the mother only, though the Act contains a clause authorising the Federal Council to issue an order concerning pension rates for children whose mother's death entails definite material hardship.

As regards the period during which orphans' pensions are paid, the Act specifies that as a rule such pensions will be paid until the recipient reaches his 18th year. Payment of the pension can, however, be continued until completion of the orphan's 20th year, if he is following an apprenticeship or a course of



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studies, or if by reason of physical or mental defects he is incapable of engaging in gainful occupation or if his earning capacity is 20% or less.

METHOD OF CALCULATION.

The normal pensions are paid either as "full" or as "part" pensions. *Full pensions* are payable to insured persons whose age group will be required to pay contributions for at least 20 consecutive years; while insured persons whose age group will pay contributions for less than 20 years, but for at least one year, will be entitled to *part pensions* only.

When the insured person has not paid contributions during the whole period for which his age group was required to do so, the amount of the pension is subject to *reduction*. This is of importance for instance for young Swiss living abroad. Whereas in Switzerland young people have to join the insurance at the age of 20 at the latest, young Swiss abroad are allowed to join up to the age of 30. If a young Swiss living in Great Britain and born say in 1929 joins the insurance at the age of 30 in 1959, he will be entitled to a pension on January 1st, 1995. At that time he will have paid contributions during 35 years, whereas his contemporaries in Switzerland will have paid for 10 years more. On that ground, his pension will be somewhat reduced. This system of reduction will only apply in the future, and not to those who have joined the insurance in its initial stage.

The pension is calculated on the basis of the *average rate of contribution*, this average rate being obtained by dividing the total of the contributions paid by the number of years during which they have been paid.

A distinction is made, however, between average annual contributions of less than 150 francs and average annual contributions of from 150 to 300 francs. As you will see this distinction is made in order to favour contributors paying low contributions; it is one of the features by which expression is given to the social inspiration underlying the whole legislation.

To prevent the average annual contribution from being heavily reduced when particularly low contributions have been paid in certain years, owing for example to sickness, accident or unemployment, the legislation provides that those years in which contributions have been lowest, up to a maximum of 5 years, will not be taken into account at all. This can be done, however, only if contributions have been paid for not less than 8 years.

Let me give you now some indications which will enable you to calculate yourselves the pension to which you would be entitled.

(a) *Single Old-Age Pension.*

1. *When the average annual contribution is less than 150 francs*, the variable portion of the pension is equal to six times the average annual contribution. To the figure thus obtained, one has to add in every case a fixed portion of 300 francs. The sum of these two portions represents the amount of the pension for a single person. The minimum old-age pension for a single person is 480 francs a year.
2. *When the average annual contribution is between 150 and 300 francs*, the contribution is first of all divided into two parts: one of 150 francs and the other of the amount in excess of this figure. The first of these amounts, namely 150 francs, is multi-

plied by six, the second by two. The two figures thus obtained are added together and make up the variable portion of the pension to which must be added the fixed portion of 300 francs. The total sum gives the amount of the pension.

3. *When the average annual contribution is 300 francs or more*, the single old-age pension reaches the maximum of 1,500 francs, and no calculation need therefore be made.
4. *Part pensions* are paid, as we have seen, to persons whose age group is required to pay contribution for at least one year, but for less than twenty years. If the average annual contribution is 75 francs or less, the pension is, however, always granted at the full rate, without regard to the number of contributions paid. If the average annual contribution is more than 75 francs, the part pension is made up of a basic sum corresponding to the full pension to which an insured person is entitled by having paid an average annual contribution of 75 francs, i.e. 750 francs, together with an additional amount for each year of paid-up contribution equal to one twentieth of the difference between the basic rate and the corresponding full pension.

(b) *The married couple old-age pension* is in all cases 160 per cent. of the single pension. In calculating the total sum of contributions paid, any contributions paid by the wife will be added to those of the husband. The minimum pension is 770 francs and the maximum 2,400 francs.

(c) *The widow's pension* is also calculated on the basis of the single pension which would have been due

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to the husband. It may vary from 50 to 90 per cent. of that pension, according to the age of the widow at the time of her husband's death. (50% before the 30th year, 60% between 30 and 40, 70% between 40 and 50, 80% between 50 and 60, 90% between 60 and 65.) The minimum will be 375 francs a year, whatever the age of the widow, and the maximum 1,350 francs. If the widow has completed her 65th year, she is entitled to the full rate of a single old-age pension.

(d) *The orphan's pension* is calculated on the basis of the full single pension due to the father at the age of 65. For a half-orphan, the rate is 30 per cent. of the single pension and for a full-orphan 45 per cent. The minimums and maximums are for a half-orphan 145 and 360 francs and for a full-orphan 215 and 450 francs.

PAYMENT OF PENSION.

As the pensions are calculated in Swiss francs, they will also as a rule be paid in Swiss francs. A certain choice is, however, left to the insured person. If this person still resides abroad, he may ask to receive the pension in the currency of the country of residence. The payment in this currency may also become necessary, should it be impossible to transfer Swiss francs. In the latter cases the amount of the pension will be converted into the currency of the country of residence at the official rate of exchange on the date of payment.

According to circumstances the pensions will be paid out by one or other of the following authorities:

1. By the competent Legation or Consulate, if the insured person still resides abroad and has expressed the wish to receive the pension there.
2. By the Equalization Fund for the Swiss abroad, if the insured person has asked for the payment of the pension in Switzerland, for instance to a bank or to a relative.
3. By the Equalization Fund of the Canton or residence, if the person entitled to the pension has returned to Switzerland.

As a rule the pension will be paid monthly and in advance. If the insured person so wishes or in case of special circumstances payment may also be made quarterly. The Legations and Consulates will have to make the payment by post whenever possible, so that there will be no need for the beneficiaries to call. Payment may also be made to a bank account, but in that case the risks will be for the recipient.

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Advancing years and settled habits often produce a state of mind in which innovations are not readily accepted. We of the older generation are therefore apt to mistrust and airily to dismiss as "newfangled" the things that are unfamiliar to us. It was so with me when a trip to Switzerland by air was suggested to me. "No, thanks" was my first reaction, "terra-firma is good enough for me." But my curiosity had been aroused and I began to toy with the idea. I found the lure of a new experience irresistible and discovered that Oscar Wilde's whimsical epigram on his ability to resist everything except temptation also applied to me. In the end, not without trepidation, I got in touch with Swissair and booked my passage.

We set out on a rainy windswept afternoon. From Kensington air station we were taken by coach to Northolt airport. There ready to take off, the Swiss plane stood on the runway. The weather had cleared and the glittering all-metal machine with the Swiss emblem painted on the tail-fin presented a pretty picture. A little excited and with a feeling of vague apprehension I climbed into the aircraft. But the sight of the keen-eyed, competent looking pilots and the friendly smile of the steward reassured me and my nervousness soon vanished. I settled down in the luxurious arm-chair, obediently adjusted the safety belt and was prepared for the worst. With a roar the engines started and almost imperceptibly the plane rose from the ground and became airborne. In a few minutes it was above the clouds and except for a few intermittent shuddering bumps due to air pockets, it sailed steadily and smoothly through the skies. My early uneasiness changed to a sensation of delight. I felt no discomfort and experienced no sense of speed. I found it difficult to realize that, sitting snugly in a cabin provided with all the amenities of a Pullman car, we were travelling at great speed through the air, a tiny speck in space. In less than three hours we landed at the airport near Bâle, with but the slightest of jars when the landing wheels touched the ground.

The return flight, on a beautiful clear and sunny day, was delightful. Far below, the French landscape unrolled itself in the pattern of a coloured map, the towns and villages, the roads and railways clearly visible. The channel was crossed in a few minutes, the white cliffs of Dover glistening in the distance and tiny boats trailing their wake on the calm water. The English countryside and presently the huge expanse of London came into view, the many familiar landmarks being easily discernible. A smooth landing at Northolt completed the pleasant journey.

In the course of the flight a meal was served, plenty of reading matter was available and smoking was allowed. Cunningly contrived adjustable ventilators added to the comfort of the passengers and everything possible was done to make the journey pleasant. The efficient care of the steward deserves the highest praise.

One of the advantages of air-travel is the complete absence of all bother with one's luggage. The passenger is spared the scramble for seats and porters which so often mars the enjoyment of rail and sea journeys. Three cheers for the aeroplane!

The seasoned air-traveller who may read these lines will probably smile tolerantly at the enthusiasm of a novice, but the fact remains that I was tremendously impressed. Truly, the conquest of the air is one of man's greatest achievements.

J.J.F.S.