



PENSIONS FROM ZUS ESTABLISHED UNDER THE AGREEMENT ON SOCIAL SECURITY BETWEEN POLAND AND CANADA



Legal Basis for the Coordination

The Agreement on Social Security between the Republic of Poland and Canada¹ (hereinafter „the Agreement”), signed on 2 April 2008, entered into force on 1 October 2009. The Agreement constitutes a legal basis for coordination of pension systems of Poland and Canada.

Provisions of the Agreement are inter alia aimed to facilitate acquisition of pension entitlements and receipt of benefits from Poland and Canada by persons working in the territory of these states.

Pursuant to the mentioned legal act, the competent authorities concluded on 2 April 2008 the Administrative Arrangement for the implementation of the Agreement on Social Security between the Republic of Poland and Canada, which established procedures for claiming pension benefits with application of the Agreement.

¹ Journal of Laws of 2009 No. 133, Text 1095.



Who Takes Advantage of the Agreement?

Provisions of the Agreement concerning pensions apply to: • nationals of the Republic of Poland • nationals of Canada • persons not being nationals of any of these States (i.e. nationals of Third States and the so called stateless persons).

Provisions of the Agreement concern persons who have been subject to social insurance in Poland and in Canada, pursuing widely conceived occupational activity – in particular as employees and self-employed persons, persons performing work on a basis of civil law contracts – or on a basis of other insurance titles.

The Agreement also applies to pension claimants being the survivors of the above mentioned persons.

The aforementioned persons are covered by the Agreement irrespective of their State of residence (in Poland, in Canada or in the Third State).



Which Benefits are Covered by the Polish-Canadian Agreement?

The provisions of the Agreement of 2 April 2008 are applicable to the following **Polish** pension benefits awarded by the Social Insurance Institution (ZUS): • old-age pensions disability pensions • family (survivors') pensions • pensions in respect of work accidents and occupational diseases and lump-sum indemnity payments from accident insurance • funeral grants.

The Agreement also applies to pension benefits under the social insurance for farmers, awarded by the Farmers' Social Insurance Fund (Kasa Rolniczego Ubezpieczenia Społecznego, KRUS).

With respect to **Canada**, the Agreement applies to benefits awarded under:

- the Old Age Security Act and the regulations made thereunder, and
- the Canada Pension Plan and the regulations made thereunder.

The aforementioned legislation provides for: • old age benefit • retirement pension • survivors' benefits • death benefits • disability benefits • benefits for surviving child or disabled contributor's child.

However, until a complementary international Arrangement is signed, the Agreement does not apply to benefits under the Quebec Pension Plan.



Who is the Leaflet Addressed to?

The leaflet is addressed to persons who:

- claim pension insurance benefits from ZUS on the basis of insurance periods (the so called „creditable periods”) completed in Poland and in Canada, or
- reside in the territory of Canada and claim pension insurance benefits from ZUS on the basis of insurance periods completed only in Poland, or
- reside in the territory of Canada and are interested in receiving, in their place of residence, a pension insurance benefit that they are entitled to from ZUS.



The Principle of Equality of Treatment

Pursuant to the equality of treatment principle, any person covered by the Agreement is subject to the obligations of the legislation of the other Party and is eligible for the benefits of that legislation and under the same conditions as citizens of the latter Party.

It means that discrimination of a person who was covered by social insurance in Poland and in Canada is prohibited – while claiming pension benefits both from Canada and from Poland.



Old-Age, Disability and Survivors' (Family) Pensions for Persons who have been Working in Poland and in Canada

► Establishment of the Right to the Pension in Parallel by Institutions in Poland and in Canada

It is for the legislation of Poland and of Canada to define persons eligible for pension benefits and eligibility requirements in each of these States.

A person who has been working and covered by social insurance in the territory of Poland and of Canada may be granted a pension both in Poland and in Canada, if he or she satisfies the requirements under the legislation of both states. It means that persons who satisfy qualifying conditions in each of these States, may receive pensions from both of them.

Information on eligibility requirements for ZUS pensions, as well as the rules governing calculation of benefits, may be found in separate leaflets titled: *Old-age pension from the Social Insurance Fund, Old-age pension from the Social Insurance Fund awarded under the new rules, Disability pension, Survivors' pension*, which are available in each ZUS unit.

Information on eligibility requirements for and rules governing calculation of periodic funded pensions, payable from the resources of the Open Pension Fund, which are also covered by the Agreement, may be found in a leaflet titled: *Periodic funded pension payable from the resources of the Open Pension Fund*.

Information on the above mentioned benefits is also available at the website of the Social Insurance Institution: www.zus.pl.

Information on benefits under the Canadian social security system is available in the Canadian institution (address at p. 19 of the leaflet) and at the website: www.servicecanada.gc.ca.

► Taking into Consideration (Totalizing) of Periods for Granting Benefits

The Agreement provides for taking into consideration (totalizing) of **creditable periods** accumulated in one State when determining the eligibility for and amount of benefits in other State.

It means that where a person applying for a pension under the legislation of one Party to the Agreement has not accumulated sufficient creditable periods under the legislation of that Party, the eligibility of that person for that benefit is determined by taking into consideration (totalizing) also foreign creditable periods accumulated in other Party.

The term *creditable period* means for the purposes of the Agreement:

- with respect to Poland – a period used to establish a benefit under the Polish legislation, i.e. contributory and non-contributory periods under this legislation,
- with respect to Canada:
 - a period of contribution used to establish a benefit under the Canada Pension Plan, and a period during which a disability pension is payable under that Plan, as well as

- a period of residence used to establish the old-age benefit under the Old Age Security Act.

For example: where a 65-year old man born before 1 January 1949, claims an old-age pension from ZUS, but has not accumulated a 25-year insurance period in Poland (contributory and non-contributory period) required to be awarded the old-age pension under the Polish legislation, ZUS will take into account (totalize) also Canadian creditable periods, certified by the competent Canadian institution, and will check if – after totalizing – the man concerned satisfies the eligibility requirements for the Polish pension.

If on the basis of creditable periods completed in both States a person concerned is not eligible for the pension in a given State, the eligibility of that person for that benefit is determined by totalizing these periods and creditable periods completed under the legislation of a Third State, i.e. other State than Poland or Canada bound with both of them by social security instruments which provide for totalizing of periods.

For example: where a woman aged 65 years, born before 1 January 1949, has not acquired the right to the old-age pension from ZUS because she has accumulated in Poland and in Canada a total creditable period of 12 years – instead of required at least 20 years – but she has also accumulated a 10-year insurance period in France (Poland and Canada are bound with France by agreements providing for aggregation of periods), ZUS will take into account the French insurance period and will award the old-age pension, because the woman concerned has proved the required total insurance period accumulated in Poland, Canada and France.

► Calculation of the Pro-Rata Pension from ZUS Established Taking into Account Creditable Periods Accumulated in Canada

If to award a **pension from ZUS** it is necessary to take into account Canadian creditable periods completed by the person concerned, ZUS calculates a pro-rata benefit in the following way:

- first it calculates a theoretical (full) amount of the pension which would be awarded if all creditable periods accumulated in Poland and in Canada (and possibly in the Third State, if such periods are taken into account) were completed in Poland,
- subsequently, based on the theoretical amount, it calculates the actual amount of the pro-rata benefit based on the ratio of creditable periods completed in Poland to the total duration of all periods accumulated in both parties to the Agreement (and possibly in the Third State, if such periods are taken into account).

The pro-rata pension, calculated in this way, is the benefit which is due from ZUS to the person concerned.

For example, if ZUS has determined an old-age pension of a man born before 1 January 1949 based on 16 years of Polish insurance periods, taking into consideration 10 years of creditable periods under the legislation of Canada, the old-age pension payable by ZUS will be calculated in the following way:

- *first, ZUS will determine a theoretical (full) pension which would be awarded to the person concerned if all periods of insurance (26 years in Poland and in Canada) were completed in Poland,*
- *subsequently, based on the theoretical amount, ZUS will determine the actual amount of pro-rata benefit corresponding to the ratio of Polish periods to the total duration of all creditable periods under the legislation of Poland and Canada; in the described case it will be 16/26 of the theoretical amount, because the person concerned has completed 16 years of insurance periods in Poland, and a total of 26 years of creditable periods in Poland and in Canada.*

In effect the person concerned will be awarded by ZUS the pro-rata pension determined in the described way.

The principle of calculating the pro-rata benefit taking into account creditable periods completed in Canada is **not applicable to the old-age pension awarded by ZUS under the reformed system**, the so called new old-age pension², and family pensions for survivors of recipients of or persons eligible for such pensions. These benefits are based on resources accumulated on the pension account in ZUS, including social insurance contributions after indexation and the initial capital (without consideration of Canadian periods).

For example if ZUS has established the right to the old-age pension for a 65-year old man born after 31 December 1948, affiliated to the Open Pension Fund (OPF), who has completed 7-year insurance period in Poland and 17-year creditable period in Canada, the amount of the benefit will be based only on the resources accumulated on the pension account of the insured person in ZUS, including contributions paid during 7 years of insurance in Poland.

Where the amount of the old-age pension awarded by ZUS to a person residing in Poland under the new rules is lower than the minimum Polish pension, Canadian credited periods are taken into account to establish the benefit if a person concerned satisfies a condition of accumulating the insurance period of 20 years for women and 25 years for men, required to be awarded the supplement intended to bring the pension up to the Polish minimum old-age pension.

² This rule applies to persons born after 31 December 1948.

The supplement will amount to a difference between the amount of the minimum Polish pension and a totalized amount of the Polish pension from ZUS (and a pension from pillar II if a given person is a recipient of such benefit) and the Canadian pension.

Having calculated – based on resources accumulated on the pension account in ZUS – an amount of the old-age pension for a 60-year old woman, born in 1949, who resides in the territory of Poland, and is affiliated to the Open Pension Fund, ZUS discovered that an aggregated amount of her pensions, from ZUS and the periodic funded pension from OPF, is lower than the minimum Polish pension. The woman concerned has accumulated a 10-year insurance period in Poland, which does not guarantee the right to have the pension brought up to the Polish minimum old-age pension. However, after taking into account 14 years of creditable periods accumulated in Canada, she will be eligible for the supplement if the totalized amount of her pensions: from ZUS and the periodic funded pension from OPF as well as the Canadian pension, is lower than the minimum Polish pension.

The supplement will amount to a difference between the amount of the minimum Polish pension and an aggregated amount of three mentioned benefits.

► Calculation of the Pension from ZUS Established without Consideration of Canadian Periods

If under the Polish legislation the right to pension from ZUS – depending on the length of contributory and non-contributory periods – arises without consideration of Canadian creditable periods, the pension amount will be based only on insurance periods completed in Poland (national pension), without consideration of Canadian periods.

However, in this case ZUS will also determine the pro-rata pension amount that would be awarded on the basis of totalized periods completed in Poland and in Canada, and – if it is higher than the pension amount calculated only on the basis of Polish creditable periods (national pension) – the person concerned will be awarded the pro-rata pension.

If the disability pension is granted by ZUS to a person who has accumulated a 15-year period of insurance in Poland (which is sufficient to acquire the right to such pension), but also a 8-year creditable period in Canada, ZUS will determine the pension amount in the following way:

- *on the one hand it will determine a pension – based only on the Polish insurance period, equal to 15 years,*
- *on the other hand it will determine a pro-rata pension – i.e. first it will calculate a theoretical amount of the pension based on 23-year totalized creditable periods*

accumulated in both States, in Poland and in Canada, and subsequently it will calculate the pro-rata pension, which in the described case equals 15/23 of the theoretical amount,

■ *finally it will compare amounts calculated in both variants and will award the benefit in amount more favourable to the person concerned.*

► **The Basis of Assessment of Benefits from ZUS for Persons who have Accumulated – apart from the Polish Periods of Insurance – also Canadian Creditable Periods**

An amount of the old-age pension under the old rules³ or the disability pension for persons who have accumulated – apart from the Polish insurance periods – also creditable periods under Canadian legislation – is based on an average basis for assessment of a contribution to pension insurance (before 1 January 1999 – to social insurance), pursuant to the Polish legislation, from the period of 10 consecutive calendar years selected by the person concerned from the recent 20 calendar years directly preceding the year when the person concerned filed a pension claim. The mentioned 10 calendar years are determined without consideration of full calendar years of creditable periods accumulated in Canada.

If in the period of 20 calendar years directly preceding the year when the person concerned filed a pension claim, the mentioned person was not insured in Poland, an amount of the pension is based on an average basis for assessment of a contribution to social insurance pursuant to the Polish legislation, from the period of 10 consecutive calendar years directly preceding the year when the person concerned joined insurance in Canada for the first time.

On the request of the person concerned an amount of the pension may be also based on an average basis for assessment of a contribution, pursuant to the Polish legislation, from the period of 20 calendar years, preceding the year when the person concerned filed a pension claim, selected from the whole period of insurance coverage in Poland.

Pensions for survivors of persons whose right to the old-age pension under the old rules or to the disability pension has been established before their death, or who have satisfied the requirements to be granted such benefits, are based on the basis for calculating the benefits for which the deceased person was or could be eligible.

³ This rule applies to persons born before 1 January 1949 and certain persons born after 31 December 1948 but before 1 January 1969.

► **The Basis for Calculating the Old-Age Pension from ZUS for Persons who have Accumulated – apart from the Polish Periods of Insurance – also Creditable Periods under Canadian Legislation**

The old-age pension for people born after 31 December 1948 awarded under the new principles will be the quotient resulting from dividing the calculation basis by average life expectancy⁴ for persons in the age equal to the retirement age of the claimant.

The old-age pension under the new rules is calculated on the basis of amount of contributions paid to the old-age pension insurance after indexation, and the amount of the indexed initial capital.

Family pensions for survivors of persons whose right to the old-age pension has been established before their death under the new rules or who have satisfied the requirements to be granted such benefit, are based on the basis for calculating the benefit for which the deceased person was or could be eligible.

Canadian creditable periods are not taken into account in determination of the basis for calculating the old-age pension under the new rules and the pension for survivors of persons whose right to the old-age pension has been established before their death under the new rules or who have satisfied the requirements to be granted such benefit.

► **Minimum Creditable Periods subject to Aggregation with Creditable Periods Completed in other Party to the Agreement**

If the Polish insurance period is less than one year and based on that period there will be no eligibility for the Polish pension, the Polish competent institution is not under obligation to award the pension in respect of this period.

A woman born before 1 January 1949, applying for an old-age pension under the earlier rules, has completed 10-months insurance period in Poland, not sufficient to acquire the right to the pension from ZUS because the minimum contributory and non-contributory period for her is 15 years. The woman concerned has also accumulated 21-year Canadian creditable period. As the Polish insurance period is less than one year, ZUS has no basis to take into account the Canadian creditable period for the purposes of establishing the Polish old-age pension and in result it will refuse the right to this pension due to non-satisfaction of a condition of the required insurance period.

⁴ Life expectancy tables – taking into consideration average life expectancy, the same for women and men, expressed in months for the insured person's age – are published on an annual basis by the President of the Central Statistical Office in the Official Journal, in a form of an announcement.

Also when the Canadian creditable period is less than one year and based on that period there is no eligibility for Canadian pension, the Canadian institution is not under obligation to award the benefit under the Canadian system nor to take into account Polish insurance periods. Creditable periods of less than one year in respect of which no right to a benefit exists under the legislation of the State where they have been accumulated, must be taken into consideration by the institution of other Party to the Agreement to determine benefits depending on the length of completed insurance periods.

If the Polish pension was determined with consideration of the Canadian creditable period of less than one year, ZUS will calculate the pro-rata pension taking into account the ratio between the duration of the Polish insurance period and the total duration of Polish and Canadian creditable periods.

For example if a woman born before 1 January 1949, applying for an old-age pension, apart from insurance periods completed in Poland, equal to 14 years and 6 months, i.e. 174 months – has also accumulated a creditable period in Canada equal to 10 months, not sufficient to acquire the right to Canadian benefit, the Canadian institution is not under obligation to award the benefit. But ZUS, in order to establish the right to the Polish old-age pension, will take into account 10-month Canadian period and will calculate a pro-rata benefit (in proportion 174/184 of the theoretical amount in respect of 184-month period under the Polish legislation).



Pension in respect of Accident at Work or Occupational Disease

Entitlement to Polish benefits in respect of work accidents and occupational diseases is determined by ZUS only when a person concerned was covered by social insurance in the territory of Poland at the time of the work accident or at the time of the emergence of the occupational disease.

The right to and amount of these benefits is established by ZUS pursuant to the Polish legislation, without consideration of periods completed in Canada.

More detailed information in this regard is available at ZUS website: www.zus.pl.



Funeral grant

The right to the funeral grant is established and the grant is payable by the Polish and Canadian social insurance institutions independently, with application of their respective national laws.

More detailed information on funeral grant awarded by ZUS under the Polish legislation is available at a website www.zus.pl.



Pension for Persons who have Accumulated only Polish Insurance Periods and Reside in the Territory of Canada

Where a pension claimant has accumulated only periods of insurance under the Polish legislation, pension entitlement is established only by ZUS.

The mentioned person may be granted the benefit in Poland if he or she satisfies the requirements under the Polish legislation.



Evaluation of Incapacity for Work for Pension Purposes

Evaluation of such incapacity, assessment of the degree of disability, date of its occurrence, permanency or expected duration as well as other circumstances related to incapacity for work affecting the right to the pension, fall within the competence of ZUS evaluating doctor, and if the decision of ZUS doctor is appealed against – within the competence of ZUS medical board. The mentioned bodies issue a decision also when the pension claimant permanently resides in Canada. In such case ZUS evaluating doctor evaluates incapacity for work on the basis of medical opinion drawn up by a medical practitioner in charge of the person concerned or on the basis of documentation supplied by the pension claimant.

Pursuant to the Polish legislation, a person incapable of work means a person who has lost, completely or partly, earning capacity due to disturbance of body fitness and retraining does not promise the restoration of his or her earning capacity. There is distinguished:

- complete incapacity for work – certified in a case of a person who has lost capability for any work, or
- partial incapacity for work – certified in a case of a person who has lost – to a considerable degree – capability for work corresponding to his or her level of qualifications.

And the inability for independent existence is certified in a case of body impairment which requires permanent or long-term care and assistance of other person in satisfaction of primary living needs.

The Social Insurance Institution is not bound by assessment of the degree of disability made for the purposes of Canadian benefits, based on the Canadian legislation.



Where to File and how to Draw up a Pension Claim?

► Parallel Investigation of Entitlements to Polish and Canadian Pensions

A person who has accumulated creditable periods in Poland and in Canada should file his or her pension claim with the insurance institution of one of Parties to the Agreement. It means that it is not necessary to file a separate application in each State.

Such application automatically triggers off the procedure of pension entitlements' investigation in both States where the person concerned has been covered by insurance, and the date of the application is binding upon institutions of both Parties to the Agreement.

As regards a 60-year old claimant born after 31 December 1948 and affiliated to the Open Pension Fund, his or her application for the Polish old-age pension from ZUS automatically triggers off the procedure of determining by ZUS the eligibility for the old-age pension from the Social Insurance Fund (pillar I) and eligibility for the periodic funded pension payable from the resources accumulated in the Open Pension Fund (pillar II).

Important: An application for a benefit to be established by ZUS should include all necessary identification numbers, and namely: a personal identification number **PESEL** and **tax identification number NIP**, and – if the insured person has not been assigned any of these numbers – **series and number of the Country Identity Card or Passport** (it also applies to foreign passport).

► A Person who Resides in the Territory of Poland

A person who resides in Poland and **has accumulated creditable periods in Poland and in Canada** should file his or her pension claim with the competent Polish social insurance institution, i.e. with ZUS or KRUS, depending on the scheme that a given person has been recently subject to.

I ZUS Branch in Łódź – Division for Implementation of International Agreements is a competent institution to investigate the pension claim in ZUS under the Polish-Canadian Agreement on social security (see: p. 19).

A person who resides in Poland may file his or her pension claim directly with the above-mentioned ZUS body, or through the nearest ZUS body in his or her place of residence.

Persons submitting to ZUS claims for Polish and Canadian benefits must fill in an appropriate ZUS form:

- ZUS Rp-1E (*Application for an old-age pension*),
- ZUS Rp-1R (*Application for a disability pension*),
- ZUS Rp-2 (*Application for a survivors' pension*).

The claim should be accompanied with ZUS form Rp-6 and documents justifying the right to Polish benefits and enabling calculation of their amount (such as: insurance cards, employment certificates, certificates ZUS Rp-7, excerpts of registry office records, relevant medical documentation),

An appropriate claim for the Polish benefit should be accompanied with the relevant claim for the Canadian benefit, if the claimant also wants to be awarded the Canadian benefit:

- PL-CAN 1 (*Application for Canadian old age security, retirement pension and survivors' benefit under the Agreement on Social Security between Canada and the Republic of Poland*),
- PL-CAN 1 (DI) (*Application for disability pension in conformity with the provisions of the Canada Pension Plan under the Agreement on Social Security between Canada and the Republic of Poland*); the claim must be accompanied with a questionnaire on disability, a medical report (part A to be filled in by the

claimant and part B – by the medical practitioner) and with a consent to acquire one's personal data by Service Canada,

- PL-CAN 3 (*Application for benefits for surviving child or disabled contributor's child in conformity with the provisions of the Canada Pension Plan under the Agreement on Social Security between Canada and the Republic of Poland*).

Persons claiming Canadian disability benefits should also append available medical documentation.

Forms of the aforementioned applications are available at the website of the Social Insurance Institution.

After initiating the procedure ZUS forwards the claim for the Canadian benefit to the competent Canadian institution for investigation. The date on which the claim has been received by ZUS is binding on the Canadian institution.

A person who resides in Poland may also file a claim for Polish and Canadian benefits with the Canadian institution. In such situation, the claim for Canadian benefits will be investigated by the Canadian institution and the claim for benefits awarded under the Polish legislation will be forwarded for investigation by the competent Polish institution, i.e. ZUS or KRUS respectively.

A person who resides in Poland and **has accumulated only creditable periods in Canada**, should submit his or her claim for Canadian benefits directly to the Canadian institution. Such claim may be also submitted through ZUS which will send it to the competent institution in Canada.

► A Person who Resides in Canada

A person who resides in Canada **and has accumulated creditable periods in Poland and in Canada** should file his or her pension claim with the competent Canadian social insurance institution, i.e. **International Operations Service Canada, Human Resources and Social Development Canada** (see: p. 19).

A person who resides in Canada may file his or her pension claim directly with the aforementioned institution or through the nearest body of Service Canada.

Persons claiming Polish and Canadian benefits in the Canadian institution, should fill in a form provided by this institution for the purpose of acquiring the Canadian benefit, while for the purpose of acquiring the Polish benefit from ZUS they should fill in the following forms:

- CAN-PL 1 (*Application for the Polish old-age or work disability pension*),
- CAN-PL 2 (*Application for the Polish survivor's pension*),
- CAN-PL 6 (*Application for payment of the Polish funeral grant*).

The claim for benefit from ZUS should be accompanied with documents justifying the right to Polish benefits and enabling calculation of their amount. Employment periods should be documented with employers' certificates, certificates of employment or insurance cards with entries on employment made in the course of employment or immediately after termination of the employment relationship.

A certificate of **employment period in Poland** may be issued by:

- the employer based on available personal files of the employee,
- the legal successor of the employer on the basis of personal files of the employee that s/he has taken over,
- the body which stores documents of a liquidated work establishment (a founding body, a supervisory body, archives or a documents' storing company).

The detailed information on required evidence is available at the website www.zus.pl.

The following documents certify **earnings** – for the purposes of calculating the base amount of pension benefits: a certificate issued by the employer on form ZUS Rp-7 or the insurance card with relevant entries on employment periods and received remuneration. Certificate on form ZUS Rp-7 should be issued by the employer or his/her legal successor based on wage and salary documentation. If such documentation is non-existent, the certificate of earnings may be issued based on data contained in personal files of the employee, e.g. in the employment contract, letters of appointment and other letters determining remuneration of a given person. If the person concerned is not able to obtain the required certificates, copies of wage and salary documentation drawn up by the archives or certified copies drawn up by other institutions which store documentation of a given work establishment or by a private documents storage company are allowed.

Persons submitting to the Canadian institution an application for the disability benefit from ZUS should also append available medical documentation and form ZUS N-11C/KANADA filled in by the medical practitioner in charge of the claimant.

Forms of the aforementioned applications are available at the ZUS website www.zus.pl, as well as at the website of the Canadian institution

– Service Canada, Human Resources and Social Development Canada – www.servicecanada.gc.ca.

After initiating the procedure the Canadian institution forwards the claim for a Polish benefit for investigation by the competent Polish institution, i.e. ZUS or KRUS respectively. The date on which the claim has been received by the Canadian institution is binding on ZUS and KRUS.

A person who resides in Poland may also file a claim for Polish and Canadian benefits with the Canadian institution. In such situation a claim for Polish benefits will be investigated by ZUS and a claim for benefits awarded under the Canadian legislation will be forwarded for investigation by the competent Canadian institution.

A person who resides in Canada **and has accumulated only Polish insurance periods**, should submit his or her claim for Polish benefits directly to the Polish institution. Such claim may be also submitted through the Canadian institution which will send it to the competent institution in Poland, i.e. ZUS or KRUS.

► A Person who Resides in the Third State

A person concerned who resides in the Third State (other than Poland and Canada) must file the claim for a pension in respect of periods accumulated in both States with the competent Polish or Canadian institution, depending on the State in which the claimant has been recently covered by social insurance.

The procedure of filing the claim has been earlier described.



Where to File a Claim for a Benefit in respect of Accident at Work or Occupational Disease

The claim for a benefit in respect of accident at work or occupational disease must be submitted directly to the competent institution, under the principles laid down in the national legislation applied by this institution.

It means that claims for pensions in respect of accidents at work or occupational diseases and lump-sum indemnity payments from ZUS must be filed directly with ZUS. However, a claimant who resides in Canada may also file his or her claim through the Canadian institution, which will send it to the competent Polish institution for investigation.



Transfer by ZUS of Benefits to a Person Resident in Canada

ZUS benefit for an eligible person who resides in Canada may be transferred, depending on instructions given to ZUS:

- in Poland – to bank account of the pensioner or to an authorized person who resides in the territory of Poland, or
- in Canada (to pensioner's foreign bank account) – this rule also applies to Quebec.

Pension benefits for a person who resides in Canada are transferred to their bank accounts in that country by I Branch in Łódź.

An application for pension transfer to Canada may be filed with I Branch in Łódź or with other ZUS branch which has awarded or has been earlier paying the benefit. In the latter situation the case is transmitted to I Branch in Łódź – Division for Implementation of International Agreements.

No health insurance contribution to the National Health Fund is imposed on pensions transferred by ZUS to beneficiaries who reside in the territory of Canada, because residents of Canada are not covered by the health insurance in Poland.

A pension is payable on a monthly basis on a day fixed in ZUS decision as the date of benefit's payment. If the pension amount transferred to Canada is lower than the minimum old-age pension under the Polish legislation, its payment may be carried out on other than monthly basis (e.g. on a quarterly basis). If the pension is transferred to Canada, the date of bank transfer is considered as the date of payment.



Impact of Canadian Benefits on the Entitlement to and Amount of Pension Received from ZUS

The fact that a person with established entitlement to ZUS pension has also acquired the pension from the Canadian social security system does not result in reduction in or suspension of the right to pension from ZUS.



Impact of Earnings from Activity Carried out in Canada on the Entitlement to and amount of the Old-Age Pension Received from ZUS

Pensioners are obliged to notify ZUS of earnings and other incomes from activity carried out both in Poland and abroad, also in Canada, both with Polish and foreign employers. The level of such incomes may affect the due amount of ZUS pension. If the amount of foreign incomes exceeds:

- 70% of average monthly earning under the Polish legislation but is not higher than 130% of this earning – the pension is subject to reduction,
- 130% of average monthly earning under the Polish legislation – the pension is suspended.

These rules are not applicable to pensioners who have reached the age of 60 years – for women, 65 years – for men.

Detailed information in this regard is available in ZUS bodies.



Obligations of Pensioners Resident in Canada towards ZUS

ZUS pensioners are under obligation to notify ZUS body which is the payer of their benefits of any circumstances affecting their pension entitlement or payment. These circumstances include in particular: changes in personal data (e.g. name, surname) and address data, change in place of residence, changes in a number of bank account, undertaking employment or other gainful activity, the fact of receiving income resulting in benefit reduction or suspension (applicable both to income from activity carried out in the territory of Poland and abroad).

ZUS pensioners are under obligation – on demand of the pension body – to certify with their own signature further entitlement to benefit. ZUS body paying benefits to persons who reside in the territory of Canada periodically sends to pensioners a form titled *Certificate of life and residence* to be completed and sent back to ZUS.

The form should be completed and signed by the pensioner him/herself. Should the pensioner be not able to sign it personally, the form should be

signed by a person who actually takes care of the beneficiary. In both cases the signature should be authenticated by a competent body or an authorized person in the place of residence of the mentioned persons or by an authorized person in the Polish diplomatic or consular post.



How to Obtain more Information?

This leaflet has a general character. More detailed information is available at:

- the nearest local body of ZUS,
- ZUS website: www.zus.pl,
- local ZUS body designated to investigate pension claims and to transfer them under the Polish-Canadian Agreement, i.e.: 1 ZUS Branch in Łódź – Division for Implementation of International Agreements (Zamenhofa 2, 90-431 Łódź, tel.: 48 42 638 29 67, +48 42 638 24 80),
- ZUS Headquarters – in the liaison institution in pension issues subject to coordination under the Agreement, which cooperates with the Canadian liaison institution, whose role is played by the Foreign Pensions Department (Senatorska 10, 00-082 Warszawa, tel.: 0-048 22 826 05 53, e-mail: drz@zus.pl).

Information on benefits under the Canadian social security system is available at:

- a website: www.servicecanada.gc.ca,
- in the Canadian institution: International Operations Service Canada [355 North River, Ottawa, Ontario, K1A 0L4 Canada, tel.: 1 800 454-8731, 1 800 255-4786 (TTY) – available from Canada or USA; +1-613-957-1954 – available from other countries].

Warsaw, October 2009

Social Insurance Institution (Foreign Pensions Department)
00-082 Warsaw, 10 Senatorska street
Typesetting: ZUS Publishing in Warsaw. Order No 2584/09.
Print: ZUS Publishing in Wrocław. Edition of 600 copies. Order No 582/09.