

# REGULATIONS 2021

## Amendments



## Changes to the Regulations 2021

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With this information booklet, we would like to inform you about the most important amendments to the Regulations Uno and Scala of GastroSocial, which will enter into force on 1 January 2021.

Should you still have any questions after reading the information, the competent pension specialists at GastroSocial will be pleased to advise you personally and competently.

The General Regulations for the Uno and Scala pension plans can be downloaded at any time as a PDF file on the website [gastrosocial.ch/regulation](https://gastrosocial.ch/regulation).

**New/Additional Regulations text**

Deleted Regulations text

## General provisions

### Admission, beginning and end of insurance coverage

The wording of the existing article of the Regulations has been set out in greater detail and brought into line with practice.

Old Regulations 2020	New Regulations 2021
<p><b>3.5 End of insurance</b>  <b>3.5.1</b> Insurance cover for an employee ends with the termination of the employment relationship. Mandatory insurance cover also ends if the salary falls below the entry threshold pursuant to the pension plan (except for Art. 3.2.2 (a) of the Regulations).</p>	<p><b>3.5 End of insurance</b>  <b>3.5.1</b> Insurance cover for an employee ends with the termination of the employment relationship. <b>Mandatory insurance cover also ends if the salary falls below the entry threshold pursuant to the pension plan If the monthly salary falls below the entry threshold pursuant to the pension plan, insurance cover for the employee must be continued until termination of the employment relationship, but at the longest until the end of the calendar year</b> (except for Art. 3.2.2 (a) of the Regulations).</p>

### Salary subject to AHV contributions, applicable salary, pensionable salary

Deadline for submitting an application for continued insurance after age 58 has been set.

Old Regulations 2020	New Regulations 2021
<p><b>4.5 Pensionable salary for reduced working hours after age 58</b>  <b>4.5.1</b> Insured from the age of 58 whose salary subject to AHV contributions is reduced by 50% at the most, can request in writing that their previous pensionable salary continues to be covered. Insurance cover for the previous pensionable salary can be continued only until the insured reaches the regular retirement age.</p>	<p><b>4.5 Pensionable salary for reduced working hours after age 58</b>  <b>4.5.1</b> Insured from the age of 58 whose salary subject to AHV contributions is reduced by 50% at the most, can request in writing that their previous pensionable salary continues to be covered. <b>The corresponding application must be submitted before the reduction in working hours.</b> Insurance cover for the previous pensionable salary can be continued only until the insured reaches the regular retirement age.</p>

### Salary subject to AHV contributions, applicable salary, pensionable salary

New option of continuing the insurance following loss of job at age 58 or over

#### New Regulations 2021

#### 4.8 Leaving the mandatory insurance scheme after reaching the age of 58

**4.8.1** Insured persons who leave the mandatory insurance scheme after reaching the age of 58 because the employment relationship was terminated by the employer, have the option of continuing the insurance in the existing scope by paying contributions (either with or without savings contributions).

**4.8.2** The insurance ends in the event of death or disability or upon reaching regular retirement age. When moving to another pension fund, it ends if more than two thirds of the termination benefit is required for purchasing the full regulatory benefits from the new pension fund. The insurance can be terminated to the end of the month by the insured person at any time by giving notice.

**4.8.3** The regulatory employee and employer contributions must be paid annually in advance. If the contributions are not paid on time, the GastroSocial Pension Fund will send the person who owes the contributions a reminder to pay within the deadline, along with a warning that the pension relationship will be terminated if they fail to do so. If the contributions are not paid within this grace period, the insurance will be terminated with immediate effect.

**4.8.4** The application for continued insurance must be submitted before termination of the employment relationship.

**4.8.5** If the voluntary continuation of insurance lasted for more than two years, all insurance benefits must be taken in the form of a pension, and the termination benefit can no longer be withdrawn early or pledged for owner-occupied residential property.

**4.8.6** Furthermore, if there is a funding deficiency, the deficiency must be corrected through employee contributions (restructuring contributions).

**4.8.7** If the entire group of insured persons is transferred to a new pension fund, because the affiliation agreement with the former employer has been terminated, then the insured persons who are covered by continued insurance pursuant to Art. 4.8 of the Regulations will also be affected by this change.

## Benefits

### Survivors' benefits

Article of the Regulations amended on the basis of the Federal Supreme Court decision that entitlement to a partner's pension is dependent on the existence of joint children.

Old Regulations 2020	New Regulations 2021
<p><b>11.3 Partner's pension</b></p> <p><b>11.3.1</b> Upon the death of an insured or a pension recipient, the spouse or life partner (Art. 11.2 of the Regulations) is entitled to a partner's pension provided that on the date of death the partnership had lasted for at least five years or the partner is responsible for the maintenance of one or more children. The duration of the marriage or the registered partnership are added to the duration of a preceding life partnership (with the same official place of residence).</p> <p>If the life partner registered with the pension fund is not responsible for the maintenance of one or more children, they must have been officially living together continuously for at least five years before the death of the insured person in order to be eligible for a partner's pension.</p>	<p><b>11.3 Partner's pension</b></p> <p><b>11.3.1</b> Upon the death of an insured or a pension recipient, the spouse or life partner (Art. 11.2 of the Regulations) is entitled to a partner's pension provided that on the date of death the partnership had lasted for at least five years or the partner is responsible for the maintenance of one or more children. The duration of the marriage or the registered partnership are added to the duration of a preceding life partnership (with the same official place of residence).</p> <p>If the life partner registered with the pension fund is not responsible for the maintenance of one or more <b>joint</b> children, they must have been officially living together continuously for at least five years before the death of the insured person in order to be eligible for a partner's pension.</p>

### Survivors' benefits

Article of the Regulations amended on the basis of the Federal Supreme Court decision that life partners who are not eligible for a partner's pension are also not entitled to a one-time settlement.

Old Regulations 2020	New Regulations 2021
<p><b>11.3 Partner's pension</b></p> <p><b>11.3.5</b> If there is no claim to a partner's pension, the spouse or life partner (Art. 11.2 of the Regulations) is entitled to a one-time settlement equalling the amount pursuant to Art. 11.4.3 (a) of the Regulations, but at least three times the annual partner's pension.</p>	<p><b>11.3 Partner's pension</b></p> <p><b>11.3.5</b> If there is no claim to a partner's pension, the spouse <b>or life partner (Art. 11.2 of the Regulations)</b> is entitled to a one-time settlement equalling the amount pursuant to Art. 11.4.3 (a) of the Regulations, but at least three times the annual partner's pension.</p> <p><b>If the life partner (Art. 11.2 of the Regulations) does not fulfil the eligibility criteria for a partner's pension, they will not be entitled to a once-off settlement.</b></p>

### Survivors' benefits

Clarification that voluntary purchases qualify as an additional lump sum payable at death only if these purchases were known to GastroSocial at the time of death.

Old Regulations 2020	New Regulations 2021
<p><b>11.4 Death lump sum</b>  <b>11.4.3</b> The death lump sum equals:</p> <p>a) the termination benefit on the date of death, minus the present value of the other survivors' benefits that are due, if there are eligible persons pursuant to Art. 11.4.2 (a) and (b) of the Regulations;</p> <p>b) half of the interest-bearing retirement credits, half of the interest-bearing termination benefits brought into the pension fund and the total amount of voluntary purchases, if there are solely eligible persons pursuant to Art. 11.4.2 (c) of the Regulations.</p> <p>Any advance withdrawals to finance residential property and payments made and still due under a divorce decree are deducted from the death lump sum.</p>	<p><b>11.4 Death lump sum</b>  <b>11.4.3</b> The death lump sum equals:</p> <p>a) the termination benefit on the date of death, minus the present value of the other survivors' benefits that are due, if there are eligible persons pursuant to Art. 11.4.2 (a) and (b) of the Regulations;</p> <p>b) half of the interest-bearing retirement credits, half of the interest-bearing termination benefits brought into the pension fund and the total amount of voluntary purchases <b>that are known to the GastroSocial Pension Fund at the time of death</b>, if there are solely eligible persons pursuant to Art. 11.4.2 (c) of the Regulations.</p> <p>Any advance withdrawals to finance residential property and payments made and still due under a divorce decree are deducted from the death lump sum.</p>

### Promotion of home ownership

Introduction of user-based fees for a pledge in the context of the promotion of home ownership

Old Regulations 2020	New Regulations 2021
<p><b>13.6 Costs</b>  The GastroSocial Pension Fund charges a processing fee for advance withdrawals of CHF 300.–.</p>	<p><b>13.6 Costs</b>  The GastroSocial Pension Fund charges a processing fee of CHF 300.– for advance withdrawals, <b>or CHF 200.– for a pledge.</b></p>

## Financing

### Financial equilibrium

New article of the Regulations on protecting the insured persons that remain with the foundation and the foundation's assets

#### New Regulations 2021

### 16.2 Restructuring measures

**16.2.5** If these measures do not result in meeting the restructuring objectives, the GastroSocial Pension Fund may demand that insured persons and employers pay contributions to correct the funding deficiency. The amount paid by the employer must be at least equal to the total contributions paid by the insured persons. A contribution may only be collected from pension recipients on the part of the pension that was created in the last ten years before introduction of the measure through increases not prescribed by law or regulation and which does not affect the minimum benefits under the BVG. The pension amount upon entitlement will remain the same. The contribution of the pension recipients is deducted from their current pensions.

## Final provisions

### Transitional provisions

New due to aforementioned amendments to the Regulations

Old Regulations 2020	New Regulations 2021
<p><b>22 Transitional provisions</b>            Art. 2.5.2 of the Regulations, 15.7 of the Regulations and 16.2 of the Regulations will come into force for the first time on 1 January 2020 and will apply to all new affiliated employers from 1 January 2020. For employers already affiliated as at 31 December 2019, they will apply from the day after the next possible termination date (usually 1 July of the calendar year in question).</p>	<p><b>22.1 Transitional provisions</b>            Art. 2.5.2 of the Regulations, 15.7 of the Regulations and 16.2 of the Regulations will come into force for the first time on 1 January 2020 and will apply to all new affiliated employers from 1 January 2020. For employers already affiliated as at 31 December 2019, they will apply from the day after the next possible termination date (usually 1 July of the calendar year in question).</p> <p><b>22.2 Art. 16.2.5 of the Regulations will come into force for the first time on 1 January 2021 and will apply to all new affiliated employers from 1 January 2021. For employers already affiliated as at 31 December 2020, it will apply from the day after the next possible termination date (usually 1 July of the calendar year in question).</b></p>

### Imprint

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