



## PENSIONS FROM THE SOCIAL INSURANCE INSTITUTION ESTABLISHED ON THE BASIS OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN POLAND AND CANADA



### Who is the leaflet addressed to?

The leaflet is addressed to persons who:

- reside in Poland or in Canada or in a third country and 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 Canada and claim pension insurance benefits from ZUS on the basis of insurance periods completed only in Poland, or
- reside in Canada and are interested in receiving, in their place of residence, a pension insurance benefit that they are entitled to from ZUS.



### Legal basis for the coordination

**The Agreement on Social Security between the Republic of Poland and Canada<sup>1</sup>** (hereinafter 'the Agreement'), signed on 2 April 2008, which entered into force on 1 October 2009, constitutes the legal basis for the coordination of the pension systems of Poland and Canada.

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

<sup>1</sup> Journal of Laws of 2009 No. 133, Text 1095.

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 the procedures for claiming pension benefits under the Agreement.



## Who takes advantage of the Agreement?

The pension provisions of the Agreement apply to:

- nationals of the Republic of Poland,
- nationals of Canada,
- persons not being nationals of any of these States Parties to the Agreement (i.e. nationals of third countries and stateless persons).

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



## 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,
- partial old-age pensions,
- disability pensions,
- family (survivor's) 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 the periodic funded old-age pension.

It is also applicable – apart from the aforementioned benefits awarded by ZUS – to pension insurance benefits awarded from the social insurance contributions for farmers 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 security,
- retirement pension,
- survivor's benefits,
- death benefits,
- disability benefits,
- surviving child or a disabled contributor's child.

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



## 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 to the benefits of that legislation under the same conditions as citizens of that Party.

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



## Old-age, disability and survivor's (family) pensions for persons who have been working in Poland and in Canada

### ► Establishment of the right to a pension in parallel by institutions in Poland and in Canada

It is for the legislation of Poland<sup>2</sup> and of Canada to define persons entitled to pension benefits and eligibility requirements in each of these States.

A person who has been working and covered by social insurance in Poland and in 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. This means that persons who satisfy the qualifying conditions in each of these States, may receive pensions from both of them.

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<sup>2</sup> Terms and conditions for the acquisition and calculation of benefits, described in this leaflet, relate to pension benefits from ZUS, i.e. provided for in the Act of 17 December 1998 on pensions from the Social Insurance Fund, hereinafter referred to as the 'Pension Act' (Journal of Laws of 2013, Text 1440, as amended).

Information on the eligibility requirements for ZUS pensions, as well as the rules governing the 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*, *Survivor's pension*. These leaflets are available at every ZUS unit and on the website [www.zus.pl](http://www.zus.pl).

Information on the eligibility requirements for and the rules governing the calculation of a partial pension may be found on the ZUS website.

Information on benefits under the Canadian social security system is available at the relevant Canadian institution (address on p. 20 of the leaflet) and on the website: [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca).

### ► Taking into consideration (totalizing) of periods for granting benefits

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

This means that when 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 the foreign creditable periods accumulated in the other State.

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

- with respect to Poland – a period used to establish a pension under Polish legislation, i.e. the contributory and non-contributory periods under this legislation,
- with respect to Canada:
  - a period of contribution used to establish a pension 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 pension under the Old Age Security Act.

#### **Example**

*For example: when a man born before 1 January 1949, claims an old-age pension from ZUS, but has not accumulated the 25-year insurance period in Poland (contributory and non-contributory period) required under Polish legislation to be awarded an old-age pension after reaching the statutory retirement age<sup>3</sup>, ZUS will take into account (totalize) also Canadian creditable periods, certified by the competent Canadian institution, and will verify if – after totalizing – the man concerned satisfies the eligibility requirements for an old-age pension in Poland.*

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<sup>3</sup> The statutory retirement age: 60 years – for women, 65 years – for men is subject to gradual increase to reach the age of 67 years for both sexes. Retirement age tables are available on the website of the Social Insurance Institution: [www.zus.pl](http://www.zus.pl).

If, on the basis of the creditable periods completed in both States, the person concerned is not entitled to a pension in a given State (due to an insufficient insurance period), the eligibility of that person for that benefit is determined by totalizing these periods and creditable periods completed under the legislation of a third country, i.e. another State than Poland or Canada yet bound with both of them by social security instruments which provide for a totalizing of the periods<sup>4</sup>.

### **Example**

*For example: when a woman born before 1 January 1949, after reaching the statutory retirement age has not acquired the right to an old-age pension from ZUS because she had completed in Poland and in Canada a total creditable period of 12 years (instead of the minimum required 20 years) but she had also completed a 10 year insurance period in France (Poland and Canada are bound with France by agreements providing for the aggregation of periods), ZUS will take into account the French insurance period and will award an old-age pension, because – after aggregating the creditable periods, completed jointly in Poland, Canada and France, the woman has satisfied the condition of the insurance period as required under Polish legislation<sup>5</sup>.*

### **► Calculation of the pro-rata pension from ZUS established with consideration of Canadian periods**

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; ZUS calculates the pension in the following way:

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

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

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<sup>4</sup> The countries with which Poland is bound by agreements include Member States of the European Union (EU) and the European Free Trade Association (EFTA) – within the EU coordination of social security systems – and the countries with which Poland has concluded bilateral international agreements on social security. Current information on the list of EU/EFTA Member States and the countries with which Poland has concluded agreements on social security may be found on the website: [www.zus.pl](http://www.zus.pl), while a list of countries with which Canada has entered into international agreements on social security may be found on the website of the Canadian institution Service Canada <http://www.rhdcc-hrsdc.gc.ca/eng/isp/ibfa/summarytoc.shtml>.

<sup>5</sup> See footnote 2.

### Example

If ZUS has established 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 the total insurance period of 26 years, in Poland and in Canada, was completed in Poland,
  - subsequently, based on the theoretical amount, ZUS will determine the actual amount of the pro-rata benefit corresponding to the ratio of Polish periods to the total duration of all the creditable periods under the legislation of Poland and Canada; in the described case this will be 16/26 of the theoretical amount, because the man 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 man 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 an old-age pension awarded by ZUS under the reformed system**,<sup>6</sup> the so-called old-age pension under the new rules, and pensions for survivors of recipients of such a pension or persons eligible for such pension. These benefits are based on resources accumulated in the insured person's account in ZUS, including social insurance contributions after indexation, the initial capital and funds booked to the sub-account of the insured person in ZUS, i.e. without consideration of the Canadian creditable periods.

### Example

If ZUS has established the right to an old-age pension under the new rules of a man born after 31 December 1948, affiliated to the Open Pension Fund (Otwarty Fundusz Emerytalny, OFE), who had completed a 7-year insurance period in Poland and a 17-year creditable period in Canada, the amount of the benefit will be calculated based only on the resources accumulated in the insured person's individual account in ZUS for the 7 years of insurance in Poland, i.e. including old-age pension contributions booked to the individual account of the insured person, funds booked to the sub-account of the insured person and – as regards contributions paid before 1999 – the amount of the initial capital after indexation.

### ► Calculation of the pro-rata pension from ZUS established without consideration of the Canadian periods

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

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<sup>6</sup> This rule applies to persons born after 31 December 1948.

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

### **Example**

*If a disability pension is granted by ZUS to a person who has completed a 15-year period of insurance in Poland (which is sufficient to acquire the right to such a 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 the theoretical amount of the pension based on 23 years of totalized creditable periods completed 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 the amounts calculated in both variants and will award the benefit in the amount more favourable to the person concerned.*

### **► Determination of a supplement intended to bring the old-age pension up to the Polish minimum old-age pension for persons entitled to an old-age pension under the new rules from the Social Insurance Fund, who reside in Poland but who have completed creditable periods of coverage in Poland and in Canada or in a third country<sup>7</sup>**

The old-age pension awarded from the Social Insurance Fund under the new rules, whose amount is lower than the minimum Polish old-age pension, will be brought up to the level of the minimum Polish old-age pension under the condition that the person concerned proves the required insurance (contributory and non-contributory) periods under the laws of Poland, equal to 20 years for women and 25 years for men. The insurance period required of women will be gradually increased in 2014–2022 to reach 25 years.

If a person who resides in Poland satisfies the requirement of insurance periods only after taking into account creditable periods completed in Canada or after taking into account creditable periods completed in Canada and creditable periods completed under the laws of a third country, the supplement is established to bring the old-age pension up to the level of the statutory minimum. This amounts to a difference between the amount of the minimum Polish old-age pension and the aggregated amount of:

- Polish and Canadian pensions; or
- Polish and Canadian pensions and the pensions of a third country.

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<sup>7</sup> A third country, i.e. another State than Poland or Canada bound with both of them by a social security agreement which provides for the totalising of creditable periods.

### **Example**

*Having calculated – based on the resources accumulated in the pension account in ZUS – the amount of an old-age pension for a woman born in 1950 who resides in Poland and has reached the statutory retirement age, ZUS establishes the old-age pension under the new rules in an amount lower than the minimum Polish old-age pension. The woman concerned has completed a 10-year insurance period in Poland, which does not guarantee the right to have the old-age pension brought up to the Polish minimum old-age pension. However, after taking into account 15 years of creditable periods completed in Canada, she will be entitled to the supplement if the totalized amount of her old-age pension from ZUS and the Canadian pension is lower than the minimum Polish old-age pension.*

*The supplement will amount to the difference between the amount of the minimum Polish old-age pension and the totalized amount of the Polish old-age pension and the Canadian pension.*

The rules for establishing the supplement are not applicable to a partial old-age pension, because a partial old-age pension is not subject to increase to bring its amount up to the level of the minimum old-age pension.

### **► The basis for calculating pensions from ZUS for persons who have completed – apart from the Polish insurance periods – also Canadian creditable periods**

The amount of an old-age pension under the old rules<sup>8</sup> or a disability pension for persons who have completed – apart from the Polish insurance periods – also creditable periods under the Canadian legislation – is based on an average basis for the assessment of a contribution to pension insurance (before 1 January 1999 – to social insurance), pursuant to the Polish legislation, from a 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 period of 10 calendar years is 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, the amount of the pension is based on an average basis for the 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 first joined the national insurance system in Canada.

On the request of the person concerned the amount of the pension may be also based on an average basis for the assessment of a contribution, pursuant to the Polish

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<sup>8</sup> This rule applies to persons born before 1 January 1949 and certain persons born after 31 December 1948 but before 1 January 1969.



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 a 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 have been eligible.

► **The basis for calculating the old-age pension under the new rules from ZUS for persons who have completed – apart from the Polish insurance periods – also Canadian creditable periods**

The amount of an old-age pension for people born after 31 December 1948, awarded under the new rules, corresponds to the quotient resulting from dividing the assessment basis by the average life expectancy<sup>9</sup> for persons at the age equal to the retirement age of the claimant.

The basis for assessment of an old-age pension under the new rules is the total amount of contributions paid to the old-age pension insurance after indexation, the amount of the indexed initial capital and the amount of funds booked to the sub-account of the insured person in ZUS.

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

More information about the rules for determining the basis for calculating old-age pensions under the new pension scheme may be found in the ZUS leaflet titled: *The old-age pension from the Social Insurance Fund* awarded under the new rules and on the website [www.zus.pl](http://www.zus.pl), while information about the rules for determining the amount of a deceased person's pension, constituting the basis for calculating the amount of a survivor's pension, may be found in the leaflet titled: *The survivor's pension* and on the website [www.zus.pl](http://www.zus.pl).

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<sup>9</sup> 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 the form of an announcement.

► **Minimum creditable periods subject to aggregation with creditable periods completed in another State-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 a Polish pension, the Polish competent institution is not under obligation to award a pension in respect of this period.

**Example**

*A woman born before 1 January 1949, claiming an old-age pension under the earlier rules, has completed a 10-month insurance (employment) period in Poland, not sufficient to acquire the right to a pension from ZUS because the minimum contributory and non-contributory period for her is 15 years. The woman concerned has also accumulated a 21-year Canadian creditable period. However, because the period of insurance in Poland is less than one year, ZUS has no basis to take into account the Canadian creditable period for the purposes of establishing a Polish old-age pension. This means that the person concerned will not acquire the right to an old-age pension because of the failure to meet a condition of the insurance period required under the Pension Act<sup>10</sup>.*

Also when the Canadian creditable period is less than one year and based on that period there is no entitlement to a Canadian pension, the Canadian institution is under no obligation to award the benefit under the Canadian system nor to take into account Polish insurance periods.

However, 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 another Party to the Agreement to determine benefits depending on the length of the completed insurance periods. Therefore, the 10-month insurance period mentioned in the above example, completed by the person concerned in Poland, will be considered by the Canadian insurance institution in determining the right to benefits from the Canadian pension system.

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 the Polish and Canadian creditable periods.

**Example**

*If a woman born before 1 January 1949 who claims an old-age pension has accumulated, apart from insurance periods completed in Poland equal to 14 years and 6 months, i.e. 174 months, a credi-*

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<sup>10</sup> See footnote 2.

*table period in Canada equal to 11 months, not sufficient to acquire the right to a Canadian benefit, the Canadian institution is under no obligation to award the benefit. But ZUS, in order to establish the right to a Polish old-age pension, will take into account the 11-month Canadian period and will calculate the pro-rata benefit (in the proportion 174/185 of the theoretical amount in respect of the 185-month period under the Pension Act).*



## **Pension in respect of accident at work or occupational disease**

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

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

More detailed information in this regard is available on the ZUS website: [www.zus.pl](http://www.zus.pl).



## **Funeral grant**

The right to a 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 grants awarded by ZUS on the basis of Polish legislation is available on a website [www.zus.pl](http://www.zus.pl).



## **A pension for persons who have completed only Polish insurance periods, residing in 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 pension in Poland if he or she satisfies the requirements under the Polish legislation.<sup>11</sup>

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<sup>11</sup> See footnote 2.



## Evaluation of an incapacity for work for pension purposes

Evaluation of such an incapacity, assessment of the degree of disability, the date of its occurrence, its permanency or expected duration as well as other circumstances related to an incapacity for work affecting the right to a pension, fall within the competence of a ZUS evaluating doctor, and if the decision of the ZUS doctor is appealed against – within the competence of a ZUS medical board. The mentioned bodies issue a decision also when the pension claimant permanently resides in Canada. In such a case the ZUS evaluating doctor evaluates an incapacity for work on the basis of the medical opinion drawn up by the 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 who is incapable of work is a person who has lost, completely or partly, earning capacity due to a disturbance of body fitness and condition, and for whom retraining does not promise a restoration of his or her previous earning capacity. There is distinguished:

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

While the inability for independent existence is certified in the case of body impairment which requires the permanent or long-term care and assistance of another person to satisfy basic living needs.

The Social Insurance Institution is not bound by any 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?

### ► The procedure of simultaneous investigation of entitlements to Polish and Canadian pension benefits

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 these States. This means that he or she is not required to lodge a separate claim in each State.

Such a claim automatically triggers off the procedure of a pension entitlement investigation in both States where the person concerned has been covered by insurance, and the date of the claim is binding upon the institutions of both State-Parties to the Agreement.

Important: the claim for benefits awarded by ZUS should include appropriate ID numbers, and namely: the PESEL statistical identification number, or – if such a number has not been issued – **the series and number of a national ID card or passport** (this may be a foreign passport). Where NIP is the tax identification number of the person concerned, a Polish NIP should be also given.

### ► A person residing in 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 system within which a given person has been recently operating.

**First ZUS Branch in Łódź – The Division for the Implementation of International Agreements** is the competent institution to investigate the pension claim in ZUS under the Polish-Canadian Agreement on social security (see: p. 20).

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 the appropriate ZUS form:

- ZUS Rp-1E (*Old-age pension claim*),
- ZUS-ER-WEC-01 (*Partial old-age pension claim*),
- ZUS Rp-1R (*Disability pension claim*),
- ZUS Rp-2 (*Survivor's pension claim*).

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

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

- PL-CAN 1 (*Claim for Canadian old age security, retirement pension and survivor's benefit under the Agreement on Social Security between Canada and the Republic of Poland*),
- PL-CAN 1 (DI) (*Claim 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 has to be accompanied by a disability questionnaire, a medical report (part A to

be filled in by the claimant and part B – by the medical practitioner) and with the consent to make one's personal data available to Service Canada,

- PL-CAN 3 (*Claim for benefits for a surviving child or a 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 the available medical documentation.

Forms for the aforementioned claims are available on the website of the relevant 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 a 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 to 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 a claim may be also submitted through ZUS, which will send it to the competent institution in Canada.

### ► A person residing 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 – AB Service Canada (see: p. 20).**

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 in order to acquire the Canadian benefit, fill in the form provided by this institution, while in order to acquire the Polish benefit from ZUS they should fill in the following forms:

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

The claim for benefit from ZUS should be accompanied by documents justifying the entitlement to Polish benefits and enabling the 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 the termination of the employment contract.

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

- the employer based on the available personal files of the employee,
- the legal successor of the employer on the basis of the personal files of the employee inherited,
- the body which stores the documents of a liquidated work establishment (a founding body, a supervisory body, archives or a document storing company).

Detailed information on the evidence required is available on the website [www.zus.pl](http://www.zus.pl).

The following documents certify **earnings** – for calculating the base amount of pension benefits: a certificate issued by the employer on the form ZUS Rp-7 or an insurance card with the relevant entries on employment periods and received remuneration. A 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 a documentation is non-existent, a certificate of earnings may be issued based on the data contained in the personal files of the employee, e.g. in the employment contract, letters of appointment and other letters determining the 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 archives or certified copies drawn up by other institutions which store the documentation of a given work establishment or by a private document storage company are permissible.

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

Forms for the aforementioned claims are available on the ZUS website – [www.zus.pl](http://www.zus.pl), as well as on the website of the Canadian institution – Service Canada, Human Resources and Social Development Canada – [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca).

After initiating the procedure the Canadian institution forwards the claim for a Polish benefit for investigation to 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 a 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 to 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 a 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 residing in a third country

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

The procedure of filing the claim is as earlier described.



### Where to file a claim 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.**

This 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.



### Pension payment by ZUS from the Polish system to a person residing in Canada

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

- in Poland:
  - to the pensioner's bank account; or
  - to an authorised person who lives in Poland,or
- in Canada – in the form of transfer to the pensioner's foreign bank account in that State – this rule also applies to Quebec Province.

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

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



An application for benefit transfer may be filed on a form prepared by ZUS, the *Request for change of address data / surname and first name / payment of Polish benefit / change of bank account* for persons residing abroad, which is available on the ZUS website.

No health insurance contribution to the National Health Fund (NFZ) is deducted from pensions transferred by ZUS to beneficiaries who reside in Canada, because residents of Canada are not covered by the health insurance in Poland. Detailed information in this regard is available at the Polish NFZ Headquarters. Information in this regard may be also obtained on the following telephone numbers of the NFZ infoline (+ 48) 800-392-976 and (+ 48) 22 572-60-42 or via email [infolinia@nfz.gov.pl](mailto:infolinia@nfz.gov.pl).

Pensions are transferred to beneficiaries who live in Canada after the deduction – pursuant to the tax legislation<sup>12</sup> – of an advance payment to the personal income tax in Poland (in a net amount).

Detailed information on personal income tax (including the use of appropriate methods for avoiding double taxation with respect to income from old-age pensions and other similar benefits) may be obtained at the Ministry of Finance, Świętokrzyska 12, 00-916 Warsaw.

Information in this regard may be also obtained on the following telephone numbers of National Tax Information: infoline: (+48) 801-055-055 (from landline phones), (+48) 22 330-03-30 (from mobile phones or from abroad).

A pension is payable on a monthly basis on a day fixed in the ZUS decision as the date of benefit payment. If the pension amount transferred to Canada is lower than the minimum old-age pension as envisaged under Polish legislation, ZUS may decide on its payment on a different basis than monthly basis (e.g. on a quarterly basis). If the pension is transferred to Canada, the date of the bank transfer by ZUS to an intermediary bank is considered as the date of payment.



### **Impact of Canadian benefits on the entitlement to and the amount of a pension from ZUS**

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

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<sup>12</sup> The Act of 26 July 1991 *on the Personal Income Tax* (Journal of Laws of 2012, Text 361, as amended) and the Convention of 14 May 2012 between Canada and the Republic of Poland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (Journal of Laws of 2013, Text 1371).



## Impact of earnings from activity pursued in Canada on the entitlement to and the amount of a 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 a ZUS pension. If the amount of foreign incomes exceeds:

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

These rules are not applicable to pensioners who have an established entitlement to a partial old-age pension or who have reached the statutory retirement age.<sup>13</sup>

Detailed information in this regard is available at ZUS bodies.



## Impact of continuing employment in Canada on the entitlement to an old-age pension from ZUS

The right to an old-age pension awarded by ZUS is suspended regardless of the amount of a pensioner's income from employment continued without prior termination of the employment relationship with the employer on whose behalf the retired person had been working immediately before the acquisition of pension rights, established by means of a pension body decision. The mentioned rule also applies to an employment relationship established with a Canadian employer. This means that the old-age pension claimant must terminate all employment relationships, both in Poland and in Canada in order to have his or her old-age pension paid by ZUS. Otherwise, i.e. in the event of continuing employment with a previous employer, the right to a Polish old-age pension will be automatically suspended. The requirement for an employment relationship termination does not apply where the person concerned:

- has started employment already after the granting of old-age pension rights; or
- has acquired the right to a partial old-age pension.

### **Example**

*A woman, who is currently working and living in Canada, as a result of reaching the statutory retirement age under Polish law, has claimed an old-age pension from the Social Insurance Fund. Since she is employed by a Canadian company, ZUS will grant her the right to an old-age pension but at the same time will suspend its payment. ZUS will start old-age pension payment on the request of*

<sup>13</sup> See footnote 3.

*the person concerned after she has terminated employment and forwarded a certificate confirming termination of the employment relationship.*



## Obligations towards ZUS of pensioners living in Canada

ZUS pensioners are under the obligation to notify the ZUS body which is the payer of their benefits of any circumstances affecting their pension entitlement or payment. This concerns in particular changes in personal data (e.g. name, surname) and address data, change in place of residence, changes in the number of their bank account. Additionally, pensioners who have not yet reached the statutory retirement age (except for recipients of partial old-age pensions) are also required to inform ZUS of any employment or other gainful activity undertaken, of receiving income resulting in benefit reduction or suspension (applicable both to income from activities pursued in Poland and abroad), of the school graduation by a child.

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

The form should be completed and signed by the pensioner themselves. 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 certified by a competent body or an authorized person in the place of residence of the mentioned persons or by an authorized person at a Polish diplomatic or consular post.



## New forms of contact with ZUS

ZUS Electronic Services Platform (Platforma Usług Elektronicznych, PUE) provides people working and residing abroad with new opportunities of electronic contact with ZUS and access to many other services.

Setting up an account at PUE provides access to the data stored in the individual account kept by ZUS, including data on the accumulated initial capital and the contributions paid since 1999, as well as the amount of funds booked to the sub-account of the insured person. Users may also file claims/applications and receive responses by electronic means.

Telephone information can be obtained from the ZUS Call Centre (Centrum Obsługi Telefonicznej, COT) on the following numbers:

- 801-400-987 – from Polish landline phones,
- (+48) 22 560-16-00 – from mobile phones as well as Polish and foreign landline phones.

The Call Centre provides explanations in all matters, including those related to social insurance coverage abroad, and informs about the possibilities of receiving benefits in this respect, also by e-mail (cot@zus.pl), chat and Skype (zus\_centrum\_obsługi\_tel).

COT consultants provide assistance on weekdays from Monday to Friday – from 7:00 to 18:00 hours.

Detailed information for insured persons and the necessary model documents are available on the websites [www.zus.pl](http://www.zus.pl) and [www.pue.zus.pl](http://www.pue.zus.pl).



## How to obtain more information?

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

- the nearest local body of ZUS,
- the ZUS website: [www.zus.pl](http://www.zus.pl),
- the First ZUS Branch in Łódź – The Division for the Implementation of International Agreements (Zamenhofa 2, 90-431 Łódź),
- The Foreign Pensions Department at ZUS Headquarters, playing the role of a liaison body in pension issues subject to coordination on the basis of the Agreement with the Canadian liaison body (Senatorska 10, 00-082 Warszawa, e-mail: [drz@zus.pl](mailto:drz@zus.pl)).

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

- International Operations – AB Service Canada<sup>14</sup> P.O. BX 2710, Main Station Edmonton, Alberta T5J 4C2 CANADA Fax +1-780-495-2263,
- International Operations Service Canada [355 North River, Ottawa, Ontario, K1A 0L4 Canada, phone: 1 800 454-8731, 1 800 255-4786 (TTY) – from Canada or USA; +1-613-957-1954 – from other countries].
- the website: [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca).

<sup>14</sup> Service Canada Local Office, being the competent institution to investigate claims for pension benefits based on the Polish-Canadian Agreement on social security.

*Warsaw, June 2014*

Social Insurance Institution (Foreign Pensions Department)  
00-082 Warszawa, Senatorska 10

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