

**AGREEMENT ON SOCIAL SECURITY  
BETWEEN  
CANADA AND THE COMMONWEALTH  
OF DOMINICA**

*The Government of Canada  
and  
the Government of the Commonwealth of Dominica,*

*Resolved to co-operate in the Field of social security,*

*Have decided to conclude an agreement for this purpose, and*

*Have agreed as follows:*

**PART I  
GENERAL PROVISIONS**

**ARTICLE I  
*Definitions***

1. For the purposes of this Agreement.
  - (a) “Government of Canada” means the Government in its capacity as representative of Her Majesty the Queen in right of Canada and represented by the Minister of National Health and Welfare.
  - (b) “territory” means, as regards Canada, the territory of Canada; and, as regards Dominica, the territory of Dominica;
  - (c) “legislation” means the laws and regulations specified in Article II;
  - (d) “competent authority” means, as regards Canada, the Minister or Ministers responsible for the administration of the legislation of Canada; and, as regards Dominica, the Minister responsible for the subject of Social Security;
  - (e) “competent institution” means, as regards Canada, the competent authority; and, as regards Dominica, the Social Security Board;
  - (f) “creditable period” means a period of contributions, whether paid or credited, or a period of residence used to acquire the right to a benefit under the legislation of either Party; as regards Canada, it also means a period during which a disability pension is payable under the *Canada Pension Plan*;
  - (g) “benefit” means any cash benefit, pension or allowance for which provision is made in the legislation of either Party and includes any supplements or increases applicable to such a cash benefit, pension or allowance; however, for the purposes of Articles VIII, IX and X, “benefit” does not include a grant payable under the legislation of Dominica.
2. Any term not defined in this Article has the meaning assigned to it in the applicable legislation.

**ARTICLE II**  
***Legislation to Which the Agreement Applies***

1. This Agreement shall apply to the following legislation:
  - (a) with respect to Canada:
    - (i) the *Old Age Security Act* and the regulations made thereunder, and
    - (ii) the *Canada Pension Plan* and the regulations made thereunder:
  - (b) with respect to Dominica:

the *Social Security Act, 1975*, and the regulations made thereunder, as they relate to:

    - (i) age benefit,
    - (ii) invalidity benefit,
    - (iii) survivors' benefit, and
    - (iv) funeral grant.
2. With regard to Part II only, this Agreement shall apply to all aspects of the legislation of Dominica referred to in subparagraph 1(b).
3. Subject to paragraph 4, this Agreement shall apply also to any legislation which amends, supplements, consolidates or supersedes the legislation specified in paragraph 1.
4. This Agreement shall apply to laws or regulations which extend the existing legislation to other categories of beneficiaries only if no objection on the part of either Party has been communicated to the other Party within three months of notification of such laws or regulations.

**ARTICLE III**  
***Persons to Whom the Agreement Applies***

This Agreement shall apply to any person who is or who has been subject to the legislation of Canada or Dominica, and to the dependents and survivors of such a person within the meaning of the applicable legislation of either Party.

## **ARTICLE IV**

### ***Equality of Treatment***

Any person who is or who has been subject to the legislation of a Party, and the dependents and survivors of such a person, shall be subject to the obligations of the legislation of the other Party and shall be eligible for the benefits of that legislation under the same conditions as citizens of the latter Party. The preceding shall also apply to a citizen of the first Party who has never been subject to the legislation of that Party, and to the dependents and survivors of such a citizen.

## **ARTICLE V**

### ***Export of Benefits***

1. Unless otherwise provided in this Agreement, benefits acquired by any person described in Article III under the legislation of one Party, including benefits acquired by virtue of this Agreement, shall not be subject to any reduction, modification, suspension, cancellation or confiscation by reason only of the fact that the person resides in the territory of the other Party, and they shall be payable in the territory of the other Party.
2. Benefits payable under this Agreement to a person who is or who has been subject to the legislation of both Parties, or to the dependants or survivors of such a person, shall be payable in the territory of a third State.

## **PART II**

### **PROVISIONS CONCERNING THE APPLICABLE LEGISLATION**

## **ARTICLE VI**

1. Subject to the following provisions of this Article,
  - (a) an employed person who works in the territory of one Party shall, in respect of that work, be subject only to the legislation of that Party: and
  - (b) a self-employed person who ordinarily resides in the territory of one Party and who works for his or her own account in the territory of the other Party or in the territories of both Parties shall, in respect of that work, be subject only to the legislation of the former Party.

2. An employed person who is covered under the legislation of one Party and who performs services in the territory of the other Party for the same employer shall, in respect of those services, be subject only to the legislation of the former Party as though those services were performed in its territory. In the case of an assignment, this coverage may not be maintained for more than twenty-four months without the prior consent of the competent authorities of both Parties.
3. A person who, but for this Agreement, would be subject to the legislation of both Parties in respect of employment as a member of the crew of a ship shall, in respect of that employment, be subject only to the legislation of Canada if he or she ordinarily resides in Canada and only to the legislation of Dominica in any other case.
4. An employed person shall, in respect of the duties of a government employment performed in the territory of the other Party, be subject to the legislation of the latter Party only if he or she is a citizen thereof or ordinarily resides in its territory. In the latter case that person may, however, elect to be subject only to the legislation of the former Party if he or she is a citizen thereof. Article IV shall not apply to extend this right to elect to a person who is not a citizen of the former Party.
5. The competent authorities of the Parties may, by common agreement, modify the application of the provisions of this Article with respect to any persons or categories of persons.

**ARTICLE VII**  
***Definition of Certain Periods of Residence  
with Respect to the Legislation of Canada***

1. For the purpose of calculating benefits under the *Old Age Security Act*.
  - (a) if a person is subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada during any period of residence in the territory of Dominica, that period shall be considered as a period of residence in Canada for that person as well as for that person's spouse and dependants who reside with him or her and who are not subject to the legislation of Dominica by reason of employment;

- (b) if a person is subject to the legislation of Dominica during any period of residence in the territory of Canada, that period shall not be considered as a period of residence in Canada for that person and for that person's spouse and dependants who reside with him or her and who are not subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada by reason of employment;
  - (c) if a person who is ordinarily resident in the territory of Dominica is present and employed in the territory of Canada and, in respect of that employment, is subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada, the period of presence and employment in Canada shall be considered as a period of residence in Canada.
2. Subparagraph 1(c) shall apply only in respect of periods after the date of entry into force of this Agreement.

## **PART III PROVISIONS CONCERNING BENEFITS**

### **CHAPTER 1 TOTALIZING**

#### **ARTICLE VIII**

1. If a person is not entitled to a benefit on the basis of the periods creditable under the legislation of one Party, eligibility for that benefit shall be determined by totalizing these periods and those specified in paragraphs 2 and 3, provided that the periods do not overlap.
2. (a) For purposes of determining eligibility for a benefit under the *Old Age Security Act* of Canada, a period of residence in the territory of Dominica, after the age at which periods of residence in Canada are creditable for purposes of that Act and after January 1, 1971, or a creditable period under the legislation of Dominica shall be considered as a period of residence in the territory of Canada;
- (b) for purposes of determining eligibility for a benefit under the *Canada Pension Plan*, a calendar year including at least thirteen weeks which are creditable under the legislation of Dominica shall be considered as a year for which contributions have been made under the *Canada Pension Plan*.

3. For purposes of determining eligibility for a benefit under the legislation of Dominica.
  - (a) a year commencing on or after January 1, 1971 which is a creditable period under the *Canada Pension Plan* shall be considered as fifty-two weeks for which contributions have been paid under the legislation of Dominica;
  - (b) a week commencing on or after January 1, 1971 which is a creditable period under the *Old Age Security Act* of Canada and which is not part of a creditable period under the *Canada Pension Plan* shall be considered as a week for which contributions have been paid under the legislation of Dominica.

## **ARTICLE IX**

If a person is not entitled to a benefit on the basis of the periods creditable under the legislation of the Parties, totalized as provided in this Agreement, eligibility for that benefit shall be determined by totalizing these periods and periods creditable under the laws of a third State with which both Parties are bound by an international social security instrument which provides for totalizing of periods.

## **ARTICLE X**

1. If the total duration of the creditable periods completed under the legislation of one Party is less than one year and if, taking into account only those periods, no right to a benefit exists under that legislation, the competent institution of that Party shall not be required to award benefits in respect of those periods by virtue of this Agreement.
2. These periods shall, however, be taken into consideration by the competent institution of the other Party to determine eligibility for benefits under the legislation of that Party through the application of Articles VIII and IX.

**CHAPTER 2**  
**BENEFITS UNDER THE LEGISLATION OF CANADA**

**ARTICLE XI**  
***Benefits Under the Old Age Security Act***

1. (a) If a person is entitled to payment of a pension in Canada under the *Old Age Security Act* without recourse to the provisions of this Agreement, but has not accumulated sufficient periods of residence in Canada to qualify for payment of the pension abroad under that Act, a partial pension shall be paid to that person outside the territory of Canada if the periods of residence, when totalized as provided in this Agreement, are at least equal to the minimum period of residence in Canada required by the *Old Age Security Act* for payment of a pension abroad;
- (b) the amount of the pension payable shall, in this case, be calculated in conformity with the provisions of the *Old Age Security Act* governing the payment of a partial pension, exclusively on the basis of the periods creditable under that Act.
2. (a) If a person is not entitled to an Old Age Security pension or a spouse's allowance solely on the basis of periods of residence in Canada, a partial pension or a spouse's allowance shall be paid to that person if the periods of residence, when totalized as provided in this Agreement, are at least equal to the minimum period of residence in Canada required by the *Old Age Security Act* for payment of a pension or a spouse's allowance;
- (b) the amount of the pension or the spouse's allowance payable shall, in this case, be calculated in conformity with the provisions of the *Old Age Security Act* governing the payment of a partial pension or a spouse's allowance, exclusively on the basis of the periods creditable under that Act.
3. (a) Notwithstanding any other provision of this Agreement, the competent institution of Canada shall not be liable to pay an Old Age Security pension outside the territory of Canada unless the periods of residence, when totalized as provided in this Agreement, are at least equal to the minimum period of residence in Canada required by the *Old Age Security Act* for payment of a pension abroad;
- (b) the spouse's allowance and the guaranteed income supplement shall be paid outside the territory of Canada only to the extent permitted by the *Old Age Security Act*.



**ARTICLE XII**  
***Benefits Under the Canada Pension Plan***

1. If a person is not entitled to a disability pension, disabled contributor's child's benefit, survivor's pension, orphan's benefit or death benefit solely on the basis of the periods creditable under the *Canada Pension Plan*, but is entitled to that benefit through the totalizing of periods as provided in this Agreement, the competent institution of Canada shall calculate the amount of the earnings-related portion of such benefit in conformity with the provisions of the *Canada Pension Plan*, exclusively on the basis of the pensionable earnings under that Plan.
2. (a) The amount of the flat-rate portion of the benefit payable under the provisions of this Agreement shall, in this case, be determined by multiplying:
  - (i) the amount of the flat-rate portion of the benefit determined under the provisions of the *Canada Pension Plan*  
  
by
  - (ii) the fraction which represents the ratio of the periods of contributions to the *Canada Pension Plan* in relation to the minimum qualifying period required under the *Canada Pension Plan* for entitlement to that benefit;
- (b) in no case, however, shall the fraction referred to in subparagraph (a)(ii) exceed the value of one.

**CHAPTER 3**  
**BENEFITS UNDER THE LEGISLATION OF DOMINICA**

**ARTICLE XIII**

1. If a person is not entitled to an age pension, an invalidity pension or a survivors' pension solely on the basis of the periods creditable under the legislation of Dominica, but is entitled to that benefit through the totalizing of periods as provided in this Agreement, the competent institution of Dominica shall calculate the amount of benefit payable in the following manner:

- (a) it shall first determine the amount of the theoretical benefit which would be payable under the legislation of Dominica solely on the basis of the creditable periods completed under that legislation;
  - (b) it shall then multiply the theoretical benefit by the ratio that the creditable periods actually completed under the legislation of Dominica represent in relation to the minimum creditable period required under the legislation of Dominica for entitlement to the benefit in question.
2. The proportional benefit calculated in accordance with the provisions of paragraph 1 shall be the benefit payable by the competent institution of Dominica.
3. Notwithstanding any other provision of this Agreement, where an age grant, an invalidity grant or a survivors' grant is payable under the legislation of Dominica, but eligibility for a corresponding pension under that legislation can be established through the application of this Agreement, the pension shall be paid in lieu of the grant.
4. Where an age grant, an invalidity grant or a survivors' grant was paid under the legislation of Dominica in respect of an event which happened before the date of entry into force of this Agreement, and where eligibility for a corresponding pension under that legislation is subsequently established through the application of this Agreement, the competent institution of Dominica shall deduct from any benefit payable in the form of a pension any amount previously paid in the form of a grant.

## **PART IV ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS**

### **ARTICLE XIV**

1. The competent authorities and institutions responsible for the application of this Agreement:
  - (a) shall, to the extent permitted by the legislation which they administer, communicate to each other any information necessary for the application of this Agreement;
  - (b) shall lend their good offices and furnish assistance to one another with regard to the determination or payment of any benefit under this Agreement or the legislation to which this Agreement applies as if the matter involved the application of their own legislation;

- (c) shall communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Agreement or about changes in their respective legislation insofar as these changes affect the application of this Agreement.
- 2. The assistance referred to in subparagraph 1(b) shall be provided free of charge, subject to any agreement reached between the competent authorities of the Parties for the reimbursement of certain types of expenses.
- 3. Unless disclosure is required under the laws of a Party, any information about an individual which is transmitted in accordance with this Agreement to that Party by the other Party is confidential and shall be used only for purposes of implementing this Agreement and the legislation to which this Agreement applies.

## **ARTICLE XV**

- 1. The competent authorities of the Parties shall establish, by means of an administrative arrangement, the measures necessary for the application of this Agreement.
- 2. The liaison agencies of the Parties shall be designated in that arrangement.

## **ARTICLE XVI**

- 1. Any exemption from or reduction of taxes, legal dues, consular fees or administrative charges for which provision is made in the legislation of one Party in connection with the issuing of any certificate or document required to be produced for the application of that legislation shall be extended to certificates or documents required to be produced for the application of the legislation of the other Party.
- 2. Any acts or documents of an official nature required to be produced for the application of this Agreement shall be exempt from any authentication by diplomatic or consular authorities and similar formality.

## **ARTICLE XVII**

For the application of this Agreement, the competent authorities and institutions of the Parties may communicate directly with one another in any of the official languages of either Party.

## **ARTICLE XVIII**

1. Any claim, notice or appeal concerning the determination or payment of a benefit under the legislation of one Party which should, for the purposes of that legislation, have been presented within a prescribed period to a competent authority or institution of that Party, but which is presented within the same period to a competent authority or institution of the other Party, shall be treated as if it had been presented to the authority or institution of the first Party.
2. A claim for a benefit under the legislation of one Party shall be deemed to be a claim for the corresponding benefit under the legislation of the other Party, provided that the applicant:
  - (a) requests that it be considered an application under the legislation of the other Party, or
  - (b) provides information at the time of application indicating that creditable periods have been completed under the legislation of the other Party.

However, the applicant may request that the claim to the benefit under the legislation of the other Party be deferred.

3. In any case to which paragraph 1 or 2 applies, the authority or institution to which the claim, notice or appeal has been submitted shall transmit it without delay to the authority or institution of the other Party.

## **ARTICLE XIX**

1.
  - (a) The competent institution of Canada shall discharge its obligations under this Agreement in the currency of Canada:
  - (b) the competent institution of Dominica shall discharge its obligations under this Agreement:

- (i) in respect of a beneficiary resident in Dominica, in the currency of Dominica.
  - (ii) in respect of a beneficiary resident in Canada, in the currency of Canada, and
  - (iii) in respect of a beneficiary resident in a third State, in any currency freely convertible in that State.
2. In the application of subparagraphs 1(b)(ii) and (iii), the conversion rate shall be the rate of exchange in effect on the day when the payment is made.
3. Benefits shall be paid to beneficiaries free from any deduction for administrative expenses that may be incurred in paying the benefits.

## **ARTICLE XX**

The competent authorities of the Parties shall resolve, to the extent possible, any difficulties which arise in interpreting or applying this Agreement according to its spirit and fundamental principles.

## **ARTICLE XXI**

The relevant authority of Dominica and a province of Canada may conclude understandings concerning any social security matter within provincial jurisdiction in Canada insofar as those understandings are not inconsistent with the provisions of this Agreement.

## **PART V TRANSITIONAL AND FINAL PROVISIONS**

### **ARTICLE XXII**

1. Unless otherwise provided in this Agreement, any creditable period completed before the date of entry into force of this Agreement shall be taken into account for the purpose of determining the right to a benefit under the Agreement.

2. No provision of this Agreement shall confer any right to receive payment of a benefit for a period before the date of entry into force of the Agreement.
3. Subject to paragraph 2, a benefit, other than a lump sum payment, shall be paid under this Agreement in respect of events which happened before the date of entry into force of the Agreement.

## **ARTICLE XXIII**

1. This Agreement shall enter into force, after the conclusion of the administrative arrangement referred to in Article XV, on the first day of the second month following the month in which each Party shall have received from the other Party written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Agreement.
2. This Agreement shall remain in force without any limitation on its duration. It may be denounced at any time by either Party giving twelve months' notice in writing to the other Party.
3. In the event of the termination of this Agreement, any right acquired by a person in accordance with its provisions shall be maintained and negotiations shall take place for the settlement of any rights then in course of acquisition by virtue of its provisions.

***IN WITNESS WHEREOF***, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

***DONE*** in two copies at Roseau this 14th day of January, 1988, in the English and French languages, each text being equally authentic.

**FOR THE GOVERNMENT OF  
CANADA**

*Jake Epp*

**FOR THE GOVERNMENT OF  
THE COMMONWEALTH  
OF DOMINICA**

*Brian Alleyne*