

chapter R-9, r. 33

Regulation respecting the implementation of the Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines

An Act respecting the Québec Pension Plan

(chapter R-9, s. 215)

Tax Administration Act

(chapter A-6.002, ss. 9 and 96)

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail

(chapter M-15.001, s. 10)

1. The Act respecting the Québec Pension Plan (chapter R-9) and the regulations thereunder apply to any person referred to in the Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines signed on 14 April 2000 and attached as Schedule I.

O.C. 1284-2000, s. 1.

2. That Act and the regulations apply in the manner provided for in the Amendment.

O.C. 1284-2000, s. 2.

3. *(Omitted).*

O.C. 1284-2000, s. 3.

SCHEDULE 1

AMENDMENT TO THE UNDERSTANDING ON SOCIAL SECURITY

BETWEEN

QUÉBEC

AND

THE REPUBLIC OF THE PHILIPPINES

The gouvernement du Québec and the Government of the Republic of the Philippines,

Taking note of the Understanding on Social Security between Québec and the Republic of the Philippines, signed at Québec on 22 October 1996,

Wanting to further strengthen the coordination between them in the field of social security by including the Government Service Insurance System of the Republic of the Philippines in the material coverage of the Understanding, and

Being cognizant of pertinent developments from the signing of the Understanding,

HAVE CONCURRED TO CONCLUDE AN AMENDMENT TO THE UNDERSTANDING AND, TOWARDS THIS END, HAVE AGREED AS FOLLOWS:

Article 1

For the purpose of this Amendment:

(a) “the Understanding” means the Understanding on Social Security between the Republic of the Philippines and Québec, signed at Québec on 22 October 1996;

(b) any other term has the meaning given to it in the Understanding.

Article 2

Article 1 of the Understanding is hereby amended to read as follows:

“In the Understanding, unless a different meaning is indicated by the context, the following expressions shall mean:

(a) “competent authority”: the Minister of Québec or the President and Chief Executive Officer of the Social Security System and the President and General Manager of the Government Service Insurance System, each to the extent of his or her responsibility for the administration of the legislations specified in Article 2;

(b) “competent institution”: the department or agency of Québec or the Social Security System and the Government Service Insurance System of the Republic of the Philippines responsible for the administration of the legislations referred to in Article 2;

(c) “period of insurance”: for Québec, any year for which contributions have been paid or for which a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent; and, for the Republic of the Philippines, a period of contribution or creditable service used to acquire the right to a benefit under the legislation of the Republic of the Philippines, including a period during which a disability benefit is payable under that legislation, but excluding a period of contribution or creditable service for which contributions have been refunded;

(d) “benefit”: a pension, an allowance, a lump-sum grant or any other benefit in cash or in kind provided under the legislation of each Party, including any extension, supplement or increase thereto;

(e) “national”: for Québec, a person of Canadian citizenship who is or has been subject to the legislation referred to in Article 2 1 (a); and, for the Republic of the Philippines, a person of Philippine citizenship, who is or has been subject to the legislations referred to in Article 2 1 (b).

Any term not defined in the Understanding shall be understood as having the meaning given to it in the applicable legislation.”

Article 3

Paragraph 1 or Article 2 of the Understanding is amended to read as follows:

“1. The Understanding shall apply:

(a) with respect to Québec, to the legislation concerning the Québec Pension Plan;

(b) with respect to the Republic of the Philippines:

(i) to the Social Security Act of 1997 as it relates to retirement, disability, death and funeral benefits;

(ii) to the Government Service Insurance Act of 1997 as it relates to retirement, disability, survivorship

and funeral benefits; and

(iii) to the Portability Law as it relates to totalizing creditable service or contributions under the acts specified in sub-paragraphs *i* and *ii*.”

Article 4

Article 12 of the Understanding is hereby amended to read as follows:

“When persons have accumulated periods of insurance under the legislation of both Parties and are not eligible for benefits in the case of Québec, or for the monthly pensions in the case of the Republic of the Philippines, by virtue of the periods of insurance accumulated solely under the legislation of one Party, the competent institution of that Party shall totalize, to the extent necessary for the entitlement of the benefits or monthly pensions under the legislation which it applies, the periods of insurance accumulated under the legislation of each of the Parties, provided that they do not overlap.”

Article 5

Paragraph 3 (*b*) of Article 13 of the Understanding is hereby amended to read as follows:

“(b) the amount of the flat-rate portion of the benefit payable under the provisions of this Understanding shall be determined by multiplying:

(i) the amount of the flat-rate portion of the benefit determined under the provisions of the Québec Pension Plan

by

(ii) the fraction which represents the ratio of the periods of contributions to the Québec Pension Plan in relation to the contributory period as defined in the legislation regarding that plan.”

Article 6

Paragraphs 1, 2, 3 and 4 of Article 14 of the Understanding are amended by deleting reference to the words “benefit(s)” and replace in its stead the phrase “monthly pension(s)”.

Article 7

Article 17 of the French version of the Understanding is amended by the deletion of the words “conformément à” in the first line of paragraph 2.

Article 8

Article 18 of the Understanding is amended by inserting the following new paragraph 4 immediately after paragraph 3:

“4. In the event that a Party imposes currency controls or other similar measures that restrict payments, remittances or transfers of funds or financial instruments to persons who are outside its territory, that Party shall, without delay, take suitable measures to ensure the payment of any amount that must be paid in accordance with this Understanding to persons described in Article 3.”

Article 9

Paragraph 2 (*c*) of Article 27 of the Understanding is hereby amended to read as follows:

“(c) in the case of a benefit or of a monthly pension payable by virtue of the application of Article 12 and when the claim for such benefit or monthly pension is made within 2 years from the date of the coming into force of the Understanding, the rights created by virtue of the Understanding shall be acquired from that date or from the date of retirement, the death or the invalidity as confirmed by a medical practitioner creating the right to benefit, whichever is later, notwithstanding the provisions of the legislation of both Parties relative to the forfeiture of rights;”

Article 10

Articles 13, 14, 15, 17 and 27 of the Understanding are amended by deleting reference to the word "completed" and replace in its stead the word "accumulated".

Article 11

(1) Any period of insurance accumulated before the date of entry into force of this Amendment shall be taken into account for the purpose of determining the right to a benefit under the Understanding as amended.

(2) This Amendment shall not confer any right to receive payment of a benefit prior to its date of entry into force.

(3) Benefits under the Understanding, as amended, shall also be granted in respect of events which happened before the date of entry into force of this Amendment.

Article 12

(1) The Contracting Parties shall notify each other when the internal procedures required for the coming into force of the Amendment have been completed.

(2) The Amendment shall be entered into for an indefinite duration beginning with the date of its coming into force, which shall be set by an exchange of letters between the Contracting Parties. In the event of denunciation of the Understanding through the application of paragraph 2 of Article 28 thereof, this Amendment shall also be denounced, with effect on the same date as the termination of the Understanding.

Done at Québec City, Canada on 14 April 2000, in duplicate, in the English and French languages, each text being equally authentic.

For the Gouvernement
du Québec

For the Government of the
Republic of the Philippines,

MARTINE TREMBLAY

FRANCISCO L. BENEDICTO

O.C. 1284-2000, Sch. 1.

REFERENCES

O.C. 1284-2000, 2000 G.O. 2, 5307

S.Q. 2010, c. 31, s. 91