

ADMINISTRATIVE AGREEMENT FOR THE APPLICATION OF THE CONVENTION ON SOCIAL SECURITY IN THE ORGANISATION OF EASTERN CARIBBEAN STATES

The Member States of the Organisation of Eastern Caribbean States signatories to the Convention on Social Security in the Organisation of Eastern Caribbean States;

Considering that by the terms of paragraph 1 of Article 54 of the Convention on Social Security in the Organisation of Eastern Caribbean States the application of that Convention is governed by an Administrative Agreement,

Have agreed as follows:

PART 1

GENERAL PROVISIONS

Article 1

1. For the purposes of this Administrative Agreement:

“Agreement” means the Administrative Agreement for the application of the Convention;

“Convention” means the Convention on Social Security in the Organisation of Eastern Caribbean States;

“Committee” means the Committee of Experts whom the Ministers responsible for Social Security may designate to carry out the duties mentioned in Article 2 of this Agreement;

2. The terms defined in Article 1 of the Convention have the meanings given them in that Article.

Article 2

1. The Committee shall settle every administrative question arising out of the provisions of the Convention and of this Agreement without prejudice to the right of the authorities, institutions and persons concerned to have recourse to the procedures and jurisdictions provided for in the legislation of the Participating States.

2. Models of the certificates, statements, declarations, claims and other documents required or the application of the Convention and of this Agreement shall be prepared by the Committee.

3. The Committee may assemble information on the provisions of the legislation to which the Convention applies at the request of the competent authorities of any Participating State.

4. The Committee may prepare leaflets for the purpose of informing the persons concerned of their rights and of the administrative formalities with which they must comply in order to secure them.

Article 3

Any institution of a Participating State, and likewise any insured person residing or staying in the territory of a Participating State, may approach directly the institution of another Participating State.

Article 4

1. Each Participating State shall, as soon as possible after the Agreement becomes applicable to its territory, supply the Director-General with the following information:

- (a) The name or names of its competent authority or authorities;
- (b) The name or names of its competent institution or institutions;
- (c) The name and address of the bank referred to in paragraph 1 of Article 27, of this Agreement.

2. Any modification to be made to the information given in accordance with the provisions of paragraph 1 shall be supplied to the Director- General within three months of the modification being made.

PART III
APPLICATION OF PART 1 OF THE CONVENTION
(GENERAL PROVISIONS)

Article 5

In order to benefit from the provisions of the article 6 of the Convention, the person concerned shall submit to the institution of the Participating State concerned a certificate of the periods of insurance completed under the legislation of any other Participating State. This certificate shall be issued at the request of the person concerned, or the said institution, by the institution or institutions within the purview of which he has completed the periods in question.

Application of Article 8 of the
Convention

Article 6

Where a person in receipt of benefits under the provisions of the legislation of one Participating State is also entitled to benefits under the provisions of the legislation of one or more of the other Participating States, the following rules shall apply:

- (a) where the application of the provisions of paragraph 2, of Article 8, of the Convention would entail the reduction, suspension or suppression of such benefits, none of them may be reduced, suspended or suppressed to an extent greater than the amount which would be obtained by dividing the sum affected by the reduction, suspension or suppression in accordance with the legislation under which benefit is due by the number of benefits subject to reduction, suspension or suppression to which the beneficiary is entitled;
- (b) nevertheless, where the benefits concerned are invalidity, old age, or survivor's benefits paid out in accordance with the provisions of Article 16 of the Convention by the institution of a Participating State, that institution shall take account of the benefits, income or remuneration entailing the reduction, suspension or suppression of the benefits due from it solely for the purposes of the reduction, suspension or suppression of the amount referred to in the said paragraph 3 of Article 16, but not for

the calculation of the notional amount referred to in the said paragraph 2 of Article 16, however, account shall be taken of such benefits, income or remuneration only to the extent of that fraction of their amount corresponding to the ratio of the periods completed, as prescribed in paragraph 3 of Article 16, of the Convention;

- (c) for the application of the provisions of paragraph 2 of Article 8 of the Convention, the competent institution concerned shall communicate all relevant information to one another on request;
- (d) for the application of the provisions of paragraph 2 of Article 8 or the Convention, the official rate of exchange shall be the rate prevailing on the first day of the month in which the final payment is made or, if the pension is recalculated, at the rate then prevailing.

Article 7

Where a person or a member of that person's family has a claim to maternity benefit under the provisions of the legislation of two or more Participating States benefits shall be provided solely under the provisions of the legislation of the State in whose territory the birth took place, or, if the birth did not take place in the territories of either of those States, then solely under the provisions of the legislation to which the person concerned was last subject.

Article 8

1. Where death occurs in the territory of a Participating State and there is entitlement under the provisions of the legislation of that State, and also under the provisions of the legislation of one or more of the other Participating States, the legislation of all the States shall be applied in accordance with the provisions of paragraph 3 of Article 33 of the Convention.

2. When death occurs in the territory of a Participating State and entitlement to funeral benefit has been acquired solely under the provisions of the legislation of two or more other Participating States, the funeral benefit acquired under the provisions of the legislation of

the other Participating States shall be apportioned in accordance with the provisions of paragraph 3 of Article 33 of the Convention.

Part III

APPLICATION OF PART II OF THE CONVENTION

(Provisions which determine the legislation applicable)

Application of Article 9, paragraphs 2 and 3 of the Convention

Article 9

1. In the cases covered by paragraph 2 and paragraph 3, of Article 9 of the Convention, the institution designated by the competent authority of the Participating State whose legislation is applicable shall issue to the employed person on his or her employer's request, if the requisite conditions are fulfilled, a certificate of such employment abroad stating that he is still subject to that legislation.

2. The agreement referred to in paragraphs 2 of Article 9 of the Convention, shall be requested by the employer. The consent of each employed person concerned shall be required if so provided in the legislation of the Participating States referred to in the preceding paragraph.

Article 10

Where, under paragraph 2 of Article 9 of the Convention, the legislation of a Participating State is applicable to an employed person whose employer is not in the territory of that Participating State that legislation shall apply as if the person were employed at his place of residence determining the competent institution.

PART IV

THE ADDING TOGETHER OF INSURANCE PERIODS

Application of Articles 6,15, 32 and 34 of the Convention

Article 11

1. In the cases referred to in Article 6, Article 15, Article 32 and Article 34 of the Convention, as the case may be, insurance periods shall be added together in accordance with the following rules:

- (a) to the insurance periods completed under the provisions of the legislation of one Participating State shall be added the insurance periods completed under the provisions of the legislation of any other Participating State to the extent necessary to make up the total insurance period required under the provisions of the legislation of the first-mentioned Participating States for the acquisition of maintenance of entitlement to benefit provided always these periods do not overlap. In the case of invalidity, old age, or survivors' benefits to be paid by the institutions of two or more Participating States in accordance with the provisions of Article 16 of the Convention, each of the institutions concerned shall separately add together all the insurance periods completed by the person concerned under the provisions of the legislation of all the Participating States to which he has been subject;
- (b) where a period of compulsory insurance completed in accordance with the legislation of one Participating State coincides with a period of voluntary insurance completed under the provisions of the legislation of another Participating State, the first only shall be taken into account;
- (c) where the time at which certain insurance periods were completed under the provisions of the legislation of a Participating State cannot be accurately determined, such periods shall be presumed not to overlap with periods completed under the legislation of another Participating State and shall be taken into account as may be necessary;

(d) where according to the legislation of one Participating State, certain insurance periods are taken into account only if they have been completed within a specified time, the institution which applies this legislation shall take into account only periods completed under the provisions of the legislation of another Participating State as have been completed within the same specified time.

2. Where under the provisions of the legislation of a Participating State a Social Security Scheme falling within the scope of the Convention takes account of insurance periods in respect of schemes not falling within the scope of the Convention such insurance periods shall be considered by the Participating States to be taken into account for the purpose of adding together.

PART V

APPLICATION OF PART III OF THE CONVENTION

Chapter I: Invalidity, Old Age and Survivors' Benefits

Application of Article 14 to 20 of the Convention

Submission and Examination of Benefit Claims

Article 12

1. In order to receive the benefits provided for in Articles 15 to 19 of the Convention, the claimant shall submit a claim to the institution of his place of residence in the manner prescribed by the legislation which that institution applies. If the claimant or the deceased person has not been subject to that legislation, the institution of the place of residence shall transmit the claim to the Participating State to whose legislation the claimant or the deceased person was last subject, indicating the date on which the claim was submitted. That date shall then be considered as the date of submission of the claim to the last-mentioned institution.

2. Where the claimant resides in the territory of a Participating State to whose legislation he or the deceased person has not been subject, he may submit his claim to the

institution of the Participating State to whose legislation he or the deceased person was last subject.

Article 13

The submission of the claims referred to in Article 12 of this Agreement shall be subject to the following rules:

- (a) the claim shall be accompanied by the requisite supporting documents and shall be submitted on the forms prescribed:
 - (i) either by the legislation of the Participating State in whose territory the claimant resides, in the case referred to in paragraph 1 or Article 12, or
 - (ii) by the legislation of the Participating State to which the claimant or the deceased person was last subject, in the case referred to in paragraph 2 of Article 12.
- (b) the accuracy of the information furnished by the claimant shall be substantiated by official documents attached to the claim form, or corroborated by the authorities of the Participating State in whose territory he resides;
- (c) the claimant shall indicate, as far as possible, either the invalidity, old age, or survivors' benefit institution or institutions of each of the Participating States to whose legislation he or the deceased has or had been subject, or the employer or employers by whom he or the deceased has or had been employed in the territory of any Participating State, and submit any certificates of employment that may be in his possession.

Article 14

1. In order to benefit from the provisions of paragraph 2, of Article 17, of the Convention, the claimant shall, where required, submit a certificate regarding dependants who are residing in the territory of a Participating State other than that where the institution which pays the benefit is situated. The certificate shall be issued by the competent institution of the Participating State in whose territory the said dependents reside.

2. The certificate referred to in the preceding paragraph shall be valid for a period of 12 months from the date of issue and shall be renewable. When renewed, its validity shall begin to run from the date of its renewal. The claimant shall immediately notify the competent institution of any change to be made in the certificate. Such change shall have effect from the date on which it occurred.

3. Instead of the certificate referred to in paragraph 1 of this Article the competent institution may require the claimant to submit other relevant documents of proof or relationship of the dependents who are residing in the territory of a Participating State other than the relevant State, if such papers are normally issued by authorities of that Participating State.

4. The provisions of paragraph 2 of Article 17, of the Convention as well as the preceding paragraphs of this Article are to be construed without prejudice to the consideration of dependents residing outside of the territory of any Participating State.

Article 15

In determining the degree of invalidity, the institution of a Participating State shall take account of all the medical and administrative information assembled by the institutions of any other Participating State. However, each institution shall retain the right to have the claimant examined by a doctor of its choice at its own expense.

Article 16

1. Claims shall be examined by the institution to which they have been submitted or to which they have been transmitted, as the case may be, as provided for in Article 12 of this Agreement. The institution shall be known as “the examining institution”.

2. The examining institution shall immediately advise all the institutions concerned so that the claim may be examined by them simultaneously and without delay.

Article 17

1. In examining claims, the examining institution shall use a form setting out details of, and the total of, the insurance periods completed by the insured person or in respect of the deceased person under the provisions of the legislation of all the Participating States concerned.

2. The transmission of this form to the institution of any other Participating State shall take the place of the transmission of supporting documents.

Article 18

1. The examining institution shall enter on the form referred to in paragraph 1 of Article 17 of this Agreement, the insurance periods completed under the provisions of its own legislation, and shall send a copy of the form to the appropriate institution of each Participating State to whose legislation the insured person or the deceased person has or had been subject, attaching any employment certificates produced by the claimant.

2. Where one or more institutions are involved, each institution shall complete the form submitted to it in accordance with the provisions of paragraph 1 of this Article, indicating the insurance periods completed under the legislation it applied, and return the form to the examining institution. That institution shall send the completed form to the examining institutions involved, each of which shall determine entitlement under the legislation it applies having regard to the provisions of Article 15 of the Convention and shall state on the form the notional and actual amounts of any benefit calculated in accordance with the provisions of paragraphs 2 of Article 16 of the Convention as well as, where appropriate, the amount of any benefit claimed, without applying the provisions of Articles 15 to 18 of the Convention, solely for the periods completed under the provisions of the legislation it applies. The form, which should also contain information concerning appeals procedure, including time-limits, shall then be returned to the examining institution.

3. When the examining institution has received all the information referred to in paragraph 2 of this Article, it shall determine entitlement under the provisions of the legislation it applies, having regard to the provisions of Article 15 of the Convention and shall calculate the notional and actual amounts of the benefit in accordance with the provisions of paragraphs 2 or 3 of Article 16 of the Convention as well as, where appropriate, the amount of any benefit which could be claimed without applying the provisions of Articles 15 to 18 of the Convention, solely for the periods completed under the legislation it applies.

4. Should the examining institution, upon receiving the information referred to in paragraphs 2 of this Article, find it necessary to apply the provisions of paragraph 1 of Article 19, of the Convention, it shall so inform the other institutions concerned.

Article 19

1. If the examining institution finds that the claimant is entitled to benefit under the provisions of the legislation it applies, without reference to the insurance periods completed under the provisions of the legislation of the other Participating States to which the insured person concerned or deceased person was subject, it shall make an immediate payment of the benefit on a provisional basis, subject to paragraph 6 of this Article.

2. Where the examining institution pays benefit under paragraph 1 of this Article, it shall deduct from the amount of such benefit the amount of benefit paid by any other institution as soon as it knows the amount in question.

3. If, while a claim is being examined, an institution other than the examining institution finds that the claimant is entitled to benefit in accordance with the legislation it applies without needing to take account of insurance periods completed under the provisions of the legislation of the other Participating Parties to which the insured person or the deceased person was subject, it shall at once advise the examining institution, which shall immediately make a provisional payment of such benefit on behalf of the first institution, without prejudice, however, to the provisions of paragraph 2 of this Article.

4. Where the examining institution is required to pay benefit under paragraphs 1 and 3 of this Article, shall pay only the highest rate of benefit, without prejudice, however, to the provisions of paragraph 2 of this Article.

5. Where the examining institution does not pay benefit under paragraphs 1 or 3 of this Article, and in cases where there might be delay it shall make the insured person a recoverable advance determined in accordance with the provisions of paragraph 1 to 3 of Article 16 of the Convention.

6. When the final settlement of the benefit claim is in process, the examining institution and the other institutions concerned shall adjust their accounts as regards the amount of any provisional benefit paid or the advance made in accordance with the provisions of the preceding paragraphs of this Article. Sums overpaid by the said institutions may be deducted from the amount of benefits they are required to pay to the person concerned.

Article 20

In the case referred to in paragraph 2 of Article 19, of the Convention, the examining institution shall calculate the final amount of the supplement which each institution shall calculate the final amount of the supplement which institution concerned has to pay and advise them accordingly.

Article 21

For the purpose of applying the provisions of paragraph 2 of Article 19 of the Convention, the provisions of Article 18 and 20 of this Agreement shall apply, mutatis mutandis.

Article 22

After the examining institution has consulted with each of the institutions concerned in the payment of a claim and those institutions have agreed upon the amounts due from each of the institutions concerned, the examining institution shall inform the claimant to the component part of the total benefit payable by each institution. The examining institution shall also inform the claimant concerning appeals procedure, including time-limits prescribed by the legislations concerned.

Administrative and Medical Supervision
Article 23

1. If a recipient of :
 - (a) An invalidity benefit;
 - (b) An old-age benefit awarded on retirement from gainful employment;
 - (c) A survivors' benefit awarded on grounds on invalidity or incapacity for work;
 - (d) A benefit awarded or payment by way of assistance subject to a means test;

stays or resides in the territory of a Participating State other than the competent State, administrative and medical supervision shall be exercised at the request of the competent institution by the institution of the place or stay or residence, in accordance with the rules laid down by the legislation which the latter institution applies. However, the competent institution may have the recipient examined by a doctor of its choice at its own expense.

2. If the supervision referred to in the preceding paragraph reveals that a person receiving benefit or payment by way of assistance is employed or has means in excess of the prescribed limit, that information and any other information requested shall be reported to the competent institution by the institution of the place of stay or residence.

Article 24

Where, after suspension of the benefit he had been receiving a person requalifies for benefit while residing in the territory of a Participating State other than the competent State, the institution concerned shall exchange all the information necessary to enable payment of benefit to be resumed.

Payment of Benefits

Article 25

The competent institution of a Participating State shall, in the normal case, pay a benefit to a beneficiary residing in the territory of another Participating State through the institution of the latter in accordance with the provisions laid down in Articles 26 to 29 of this Agreement. However, where in any particular case the competent institution of the Participating State pays benefit directly to such beneficiary, it shall so notify the institution of the place of residence.

Article 26

The institution responsible for paying benefits shall forward to the institution of the place of residence of the beneficiary - hereinafter called the "paying agency" - a notice in duplicate, a copy of which is to be acknowledged by the paying agency, setting out the benefit due at the commencement of such payments to the beneficiary. The paying agency shall forward statements of payments made on behalf of the institution responsible for payments at intervals to be agreed upon by both institutions.

Article 27

1. Fifteen days before the date on which the benefit is payable, the institution responsible for payment shall remit, to the Participating State in whose territory the paying agency is situated, an amount sufficient to meet the cost of payments authorized on its behalf. The remittance shall be made to a bank to the account opened by the paying agency in its territory for that purpose. The institution responsible for payment shall at the same time notify the paying agency of the remittance.

2. The bank to which the amount has been transferred shall credit the paying agency with the amount.

3. The Participating States may make arrangements to cover cases where the remittance does not arrive in time, or where the amounts received are insufficient, or in any other circumstance, in the interest of the insured persons concerned.

Article 28

1. The benefit due as shown in the notice referred to in Article 26 of this Agreement, shall be paid to the beneficiary by the paying agency on behalf of the competent institution in accordance with the procedure prescribed by the legislation which the paying agency applies.

2. If the paying agency, or any other agency it may designate, becomes aware of any matter or circumstance justifying the suspension or suppression of benefit, it shall immediately cease payment. This shall also be done when the beneficiary transfer his residence to the territory of a Participating State other than that in which the paying agency is situated.

3. The paying agency shall advise the institution responsible for payment of any reason for non-payment and inform it of the date of any event justifying such action.

Article 29

1. The payments referred to in paragraph 1 of Article 28, of this Agreement shall be examined at the end of each payment period in order to determine the amounts actually paid to the beneficiaries or their legal or appointed representatives and the amounts outstanding.

2. The total amount of the actual payments expressed in figures and in words shall be stated as agreeing with the payments affected by the paying agency and this statement shall be countersigned by the latter's representative.

3. The paying agency shall vouch for the fact the payments shown are in order.

Article 30

When the recipient of benefit payable under the legislation of one or more Participating State transfers his residence from the territory of one or more Participating State transfers his residence from the territory of one Participating State to that of another Participating State, he shall notify the competent institution or institutions responsible for the payment of such benefit and also, where appropriate, the paying agency.

Chapter II: Employment Injuries and Occupational Diseases

General Provisions

Application of Article 21 of the Convention

Article 31

1. In order to receive the benefits in kind provided for in paragraph 1 (a) of Article 21, of the Convention, the insured person shall submit to the institution of his place of residence a certificate that he is entitled to such benefits. This certificate shall be issued by the competent institution on the basis of information supplied, where appropriate, by the employer. In addition, where the legislation of the competent State so provides, the insured person shall submit to the institution of his place of residence as an acknowledgement of the notification of his employment injury or occupational disease. If he fails to submit these documents, the institution of the place of residence shall apply for them to the competent institution.

2. The certificate referred to in the preceding paragraph shall be valid until such time as the institution of the place of residence receives notice of its cancellation.

3. For any claim for benefits in kind the insured person shall submit the supporting documents normally required for the provision of benefits in kind under the legislation of the Participating States in whose territory he resides.

4. In the event of hospitalisation the institution of the place of residence shall notify the competent institutions, as soon as this information is available, of the date of entry, the probable duration of hospitalisation, and the date of discharge.

5. The insured person shall advise the institution of his place of residence of any change of his circumstances which might affect his entitlement to benefits in kind, in particular of any change of his residence or stay. The competent institution shall likewise inform the institution the place of residence when an insured person's entitlement to benefit ceases. The institution of the place of residence may at any time request the competent institution to supply any information in relation to the insured person's entitlement to benefit.

Article 32

1. In order to receive the case benefits other than pensions provided for in paragraph 1 (b) of Article 21, of the Convention, the insured person shall apply to the institution of his place of residence within the time limit required by the legislation applied by the competent institution on becoming incapable of work, and submit a certificate to the effect that he has ceased to work or, if the legislation applied by the competent institution or by the institution of the place of residence so requires, a certificate of incapacity for work issued by the doctor attending him. He shall also submit any other documents required by the legislation of the competent State, according to the type of benefit claimed.

2. The institution of the place of residence shall immediately transmit to the competent institution the documents referred to in the preceding paragraph of this Article, indicating at the same time probable duration of incapacity for work.

3. As soon as possible, the institution of the place of residence shall undertake a medical examination of the insured person and make the necessary administrative enquiries regarding his case as if the said insure person were insured by it, and shall notify the competent institution without delay of the finds. The competent institution may, if it so desire, have the insured person concerned examined by a doctor of its choice at the own expense. Where this institution decides to refuse benefit on the grounds that the insured person has failed to comply with the rule relating to the investigation of his case, it shall notify him of this decision, and at the same time send a copy of the decision to the institution of the place of residence.

4. Termination of incapacity for work shall be notified without delay to the insured person by the institution of the place of residence which shall at the same time notify the competent institution. When this latter institution itself decides that insured person is again capable of work, it shall notify him of its decision and at the same time send a copy of the decision to the institution of the place of residence.

5. When the insured person resumes work, he shall notify the competent institution, if so required by the legislation which that institution applies.

6. The competent institution shall pay cash benefits by any appropriate means, for example by international money order, and shall advise the institution of the place of residence of such payments. Where benefit is paid by the institution of the place of residence on behalf of the competent institution, the competent institution shall inform the insured person of his entitlement in the manner prescribed by the legislation which it applies, and shall also advise him of the institution charged with paying the benefits. It shall at the same time inform the institution of the place of residence of the amount of benefit payable, the dates of payment, and the maximum period for which it is payable under the provisions of the legislation of the competent State.

Application of Article 22 of the Convention

Article 33

1. In order to receive benefits in kind, the insured person referred to in paragraphs 2, or 3 of Article 9, of the Convention, shall submit to the institution of his place of stay the certificate prescribed in paragraph 1 of Article 9, of this Agreement. When he has submitted this certificate he shall be presumed to have satisfied the conditions for entitlement to benefits in kind.

2. The institution of the place of stay shall apply without delay to the competent institution to ascertain whether the insured person referred to in paragraph 1 of this Article, satisfied the conditions for entitlement to benefits in kind. The institution of the place of stay shall provide the said benefits until a reply has been received from the competent institution, but for not longer than 30 days.

3. The competent institution shall reply to the institution of the place of stay within 10 days of receiving that institution's enquiry. If the reply is in the affirmative, the competent institution shall indicate the maximum period, if any, during which the benefits in kind may be provided under the legislation applies, and the institution of the place of stay shall continue to provide the said benefits.

4. Instead of the certificate referred to in paragraph 1 of this Article, the insured person may submit to the institution of the place of stay the certificate referred to in paragraph 1 of Article 34 of this Agreement. In that case, the provisions of the preceding paragraphs of this Article shall not apply.

5. The provisions of paragraph 4 of Article 31, of this Agreement shall apply, *mutatis mutandis*.

Article 34

1. In order to receive the benefits in kind provided for in paragraph 1 of Article 22, of the Convention, the insured person shall submit to the institution of his place or residence a certificate that he is authorized to continue to receiving such benefits may continue to be provided under the legislation of the competent State. The competent institution shall send a copy of the certificate to the institution of the Participating State to whose territory the insured person concerned has returned or transferred his residence. The certificate may be issued after the insured person's departure, at his request, when for reasons outside for his control, it could not have been prepared earlier.

2. The provisions of paragraph 5 of Article 21 of this Agreement shall apply *mutatis mutandis*.

3. The provisions of the preceding paragraphs of this Article shall apply, *mutatis mutandis*, in the case covered by paragraph 1 of this Article 22, of the Convention.

Article 35

1. In order to cash benefits other than pensions provided for in paragraph 1 and subparagraph (c) (ii) of the Article 22 of the Convention, the insured person shall apply to the institution of his place of stay within the time limit required by the legislation applied by the competent institution on becoming incapable of work, and submit a certificate of incapacity for work issued by the doctor attending him, if so required by the legislation applied by the competent institution or by the institution of the place of stay. He shall also indicate his address in the country of stay and the name and address of the competent institution.

2. The institution of the place of stay shall, without delay, transmit to the competent institution the documents referred to in the preceding paragraph of this Article indicating in particular the probable duration of incapacity for work.

3. Insured persons other than those referred to in paragraph 2 and paragraph 3 of Article 9 of the Convention, whose state of health is found by medical examination to be such as not to prevent them from returning to the territory of the Participating State where they reside shall immediately be notified to this effect by the institution of the place of stay, which shall also send a copy of the notification to the competent institution.

4. In addition, the provisions of paragraphs 3 to 6 of Article 32 of this Agreement shall apply, *mutatis mutandis*.

Article 36

1. In order to receive to receive cash benefits other than pensions provided for in paragraph 1, subparagraph (c) (ii) of Article 22, of the Convention, the insured person shall apply to the institution of his place of stay within the time limit required by the legislation applied by the competent institution on becoming incapable of work, and submit a certificate of incapacity for work issued by the doctor attending him, if so required by the legislation applied by the competent institution or by the institution of the place of stay. He shall also indicate his address in the country of stay and the name and address of the competent institution.

2. The institution of the place of stay shall, without delay, transmit to the competent institution the documents referred to in the preceding paragraph of this Article indicating in particular the probable duration of incapacity for work.

3. Insured persons other than those referred to in paragraph 2 and paragraph 3 of Article 9, of the Convention, whose state of health is found by medical examination to be such as not to prevent them from returning to the territory of the Participating State where they reside shall immediately be notified to this effect by the institution of the place of stay, which shall also send a copy of the notification to the competent institution.

4. In addition, the provisions of paragraphs 3 to 6, of Article 32, of this Agreement shall apply, *mutatis mutandis*.

Application of Articles 21 and 22
of the Convention

Article 37

1. Where an employment injury or occupational disease occurs in the territory of a Participating State other than the competent State, it should be declared in accordance with the provisions of the legislation of the Participating State, without prejudice to any existing legal provisions in the territory of the Participating State where the injury or disease occurred, the application of which is mandatory in the case, this declaration shall be sent to the competent institution and, if necessary, a copy to the institution of the place of residence.

2. The institution of the Participating State in whose territory the employment injury or occupational disease occurred shall send in duplicate to the competent institution the medical certificates issued in that territory and, at the request of the latter institution, all relevant information.

3. The certificate indicating that the victim of the injury or disease has fully recovered or that his condition has stabilized must where appropriate, give a detailed description of his condition and contain information on the final consequences of the employment injury or occupational disease. Any costs incurred shall be met by the institution of the place of residence or by the institution of the place of stay, as the case may be, at the rate applied by that institution and at the expense of the competent institution.

4. The competent institution shall notify the institution of the place of residence or of stay, as the case may be, of the date of recovery of the insured person or the stabilization of his condition and also, if relevant, of any decision regarding an award of a pension.

Article 38

1. Where in a case covered by paragraph 1 of Article 21, or paragraph 1 of Article 22, of the Convention, the competent institution is in doubt as to whether its legislation relating to employment injuries or occupational diseases is applicable, it shall immediately inform the institution of the place of stay which shall cease to provide benefits in kind.

2. When a final decision on the question has been reached, the competent institution shall immediately notify the institution of the place of residence or the institution of the place of stay which has provided the benefits in kind. If it is accepted that an employment injury or occupational disease has occurred, the institution of the place of residence or stay shall continue to provide the benefits in kind.

Application of Article 26 of
the Convention

Article 39

1. To enable the degree of incapacity to be assessed, for the purpose of Article 26 of the Convention, the insured person shall provide the competent institution of the Participating State to whose legislation he was subject when the employment injury or occupational disease occurred with full information concerning any previous employment injuries or occupational diseases he suffered while subject to the legislation of any other Participating State, whatever the degree of incapacity caused by such previous employment injuries or occupational diseases.

2. The competent institution may apply to any other institution previously competent for whatever information it considers necessary.

Application of Article 28,
paragraph 3 of the Convention

Article 40

In order to benefit from the provisions of Article 28 of the Convention, the claimant shall, where required submit to the competent institution a certificate regarding dependents who are residing in the territory of a Participating State other than the competent State. This certificate shall be issued by the institution designated by the competent authority of the Participating State in whose territory these dependent reside. In addition, the provisions of paragraphs 2, 3 and 4 of Article 14, of this Agreement shall apply, mutatis mutandis.

Application of Article 29 of
the Convention

Article 41

1. In a case covered by paragraph 1 of Article 29 of the Convention, the declaration notifying an occupational disease shall be sent either to the institution, competent in respect of occupational diseases, of the Participating State under the provisions of whose legislation the insured person was last engaged in an occupation liable to cause the disease under consideration, or to the institution of the place of residence, which shall transmit the declaration to the first-mentioned institution.

2. If the institution receiving the declaration considers that an occupation liable to cause the disease in question was last followed under the legislation of another Participating State, it shall transmit the declaration and the accompanying documents to the corresponding institution of that State and inform, at the same time, the person concerned.

3. If the institution of the Participating State under the provisions of whose legislation the insured person was last engaged in an occupation liable to cause the disease in question finds that there is failure to satisfy the conditions of that legislation, taking into account the provisions of paragraph 2 of Article 29, of the Convention, the institution in question:

- (a) shall immediately send to the institution of the Participating State under the provisions of whose legislation the insured person was previously engaged in an occupation liable to cause the disease in question the declaration and all accompanying document, including the findings and reports of medical examinations carried out by the former institution, together with a copy of the decision referred to in the following subparagraph;
- (b) shall, at the same time, inform the person concerned of its decision stating the grounds on which benefit is refused, the procedure and time-limits for appeal, and the date on which the records of the case were transmitted to the institution referred to in the preceding subparagraph.

4. If necessary, the case shall be referred, following the same procedure, to the corresponding institution of the Participating State under the provisions of whose legislation the insured person was first engaged in an occupation liable to cause the disease in question.

Article 42

1. Where an appeal is made against rejection of a claim by the institution of one of the Participating States under the provisions of whose legislation the insured person was engaged in an occupational liability to cause the disease in question, that institution shall inform the institution to which the declaration, if any, was transmitted, in accordance with the procedure prescribed in paragraph 3 of Article 41, this Agreement, and subsequently inform it of the final decision taken.

2. Where entitlement to benefit is established under the legislation applied by the institution to which the declaration was transmitted in accordance with the procedure prescribed in paragraph 3 of Article 41, of this Agreement, account being taken of the provisions of paragraph 2 of Article 29 of the Convention that institution shall make advance payments to the person concerned the amounts being determined in consultation with the institution against whose decision the appeal was lodged. If, following the appeal, the latter institution is obliged to provide benefits, it shall refund to the former institution the advance payments made, deducting an equivalent amount from the benefit payable to the person concerned.

Application of Article 30 of the Convention

Article 43

In the case referred to in Article 30 of the Convention, the insured person shall provided the institution of the Participating State from which he claims benefit with full information on any benefits previously received by him in respect of the occupational disease in question and on any occupations he has followed since the award of these benefits. That

institution may request such information as it considers necessary from any other previously competent institution.

Submission and Examination of Claims
for Pensions - other than Claims for
Pensions for Occupational Diseases to
which the Provisions of Article 29 of
the Convention are applicable

Article 44

1. If a pension or allowance to supplement a pension provided for in accordance with the legislation of one Participating State is claimed by an insured person or his survivors residing in the territory of another Participating State the claim shall be submitted either to the competent institution or to the institution of the place of residence which shall then transmit it to the competent institution. The claim must comply with the following rules:

- (a) it must be accompanied by the requisite supporting documents and shall be submitted on the forms prescribed by the legislation of the competent State ;
- (b) the accuracy of the information supplied by the claimant must be substantiated by official documents attached to the claim form or corroborated by the competent authorities of the Participating State in whose territory he resides.

2. The competent institution shall convey its decision directly to the claimant.

Administrative and Medical Supervision

Article 45

Pensions payable by the institution of a Participating State to claimants residing in the territory of another Participating State shall be paid in accordance with the provisions of Article 25 to 30 of this Agreement.

Chapter III: Funeral Benefit

Application of Articles 32 and 33 of the Convention

Article 47

Where a person residing in the territory of one Participating State claims a funeral benefit under the legislation of another Participating State, he shall submit his claim either to the competent institution, or to the institution of the place of residence, together with the supporting documents required under the legislation applied by the competent institution. The accuracy of the information supplied by the claimant shall be substantiated by the official documents attached to the claim form or corroborated by the competent institution of the Participating State in whose territory he resides.

Article 48

1. In order to benefit from the provisions of Articles 32 and 33 of the Convention, upon the application of the insured person concerned, the competent institution shall apply to the institution of the Participating State to whose legislation the person in respect of whom the funeral benefit is payable was last subject, for a certificate setting out the insurance periods completed by the person in respect of whom the funeral benefit is payable.

2. Where it is necessary to take into account insurance periods completed previously under the legislation on any other Participating State in order to satisfy the conditions prescribed by the legislation of the competent State, the provisions of the preceding paragraph of this Article shall apply *mutatis mutandis*.

Chapter IV: Sickness and Maternity Benefits

Application of Article 34 of the Convention

Article 49

1. In order to benefit from the provisions of Article 34 of the Convention, upon the application of the insured person the competent institution shall apply to the institution of the Participating State to whose legislation the insured person was last subject, for a certificate setting out the insurance periods completed under the legislation by the person concerned.

2. Where it is necessary to take into account insurance periods previously completed under the legislation of any other Participating State in order to satisfy the conditions prescribed by the legislation of the competent State, the provisions of the preceding paragraph of this Article shall be applied mutatis mutandis.

Application of Article 35 of the Convention

Article 50

1. In order to receive the cash benefits provided in paragraph 1 of Article 35, of the Convention, the insured person shall apply to the institution of his place of residence within the time limit required by the legislation applied by the competent institution on becoming incapable of work , and submit, where required, a certificate to the effect that he has ceased to work or, if the legislation applied by the competent institution or by the institution of the place of residence so requires, a certificate of incapacity for work issued by the doctor attending him. He shall also submit any other documents required by the legislation of the competent State, according to the type of benefit claimed.

2. The institution of the place of residence shall immediately transmit to the competent institution the documents referred to in the preceding paragraph of this Article, indicating at the same time probable duration of incapacity for work.

3. As soon as possible, the institution of the place of residence shall undertake, if appropriate, a medical examination of the insured person and make the necessary administrative enquiries regarding his case, and shall notify the competent institution without the delay of the findings. The competent institution may, if it so desires, have the insured person examined by a doctor of its choice at its own expense. Where this institution decides to refuse benefit on the grounds that the insured person has failed to comply with the rules relating to the investigation of his case, it shall notify him of this decision and at the same time send a copy of the institution of the place of residence.

4. Termination of incapacity for work shall be notified without delay to the insured person by the institution of the place of residence, which shall at the same time, notify the competent institution. When this latter institution itself decides that the insured person is again capable of work, it shall notify him of its decision and at the same time send a copy of the decision to the institution of the place of residence.

5. When the person concerned resumes work, he shall notify the competent institution, if so required by the legislation which that institution applies.

6. The competent institution shall pay cash benefits by any appropriate means, and shall advise the institution of the place of residence of such payments. Where benefit is paid by the institution, the competent institution shall inform the insured person of his entitlement in the manner prescribed by the legislation which it applies, and shall also advise him of the institution charged with paying the benefits. It shall at the same time inform the institution of the place of residence, of the amount of benefit payable, the dates of payment, and maximum period from which it is payable under the legislation of the competent State.

Application of Article 36 of
the Convention

Article 51

1. In order to receive the cash benefits provided for in paragraph 1 (a) of Article 36, of the Convention, the insured person shall apply to the institution of his place of stay within the time-limit required by the legislation applied by the competent institution on becoming incapable of work, and submit a certificate of incapacity for work issued by the doctor attending him, if so required by the legislation applied by the competent institution or by institution of the place of stay. He shall also indicate his address in the country of stay as well as the name and address of the competent institution.

2. The institution of the place of stay shall without delay transmit to the competent institution the documents referred to in the preceding paragraphs of this Article indicating in particular the probable duration of incapacity for work.

3. Insured person other than those referred to in paragraph 2 and 3 of Article 9, of the Convention, whose state of health is found to be such as not to prevent them from returning to the territory of the Participating State where they reside, shall immediately be notified to this effect by the institution of the place of stay, which shall also send a copy of the notification to the competent institution.

4. In addition, the provisions of paragraphs 3 to 6 of Article 50 of this Agreement shall apply, mutatis mutandis.

Application of Article 37, paragraph
3 of the Convention

Article 52

1. In order to benefit from the provisions of Article 37, of the Convention, the person concerned shall, where required, submit to the competent institution a certificate regarding his dependents who are residing in the territory of a Participating State other than the competent

State. This certificate shall be insured by the institution of the place of residence of the said dependents.

2. The certificate referred to in the preceding paragraph shall be valid for a period of 12 months from the date of issue and shall be renewable. When renewed, its validity shall begin to run from the date of its renewal. The person concerned shall immediately notify the competent institution of any change to be made in the certificates. Such change shall have effect from the date on which the contingency occurred.

3. Instead of the certificate referred to in paragraph 1 of this Article, the competent institution may require the person concerned to submit other relevant documents of proof of the relationship of the dependents who are residing in the territory of a Participating State other than the competent State, if such papers are normally issued by the authorities of that Participating State.

4. In addition, the provisions of paragraph 4 of Article 13, of the Agreement, shall apply mutatis mutandis.

Application of Article 38 of the Convention

Article 53

For the purpose of applying the provisions of Article 38 of the Convention, the institution of a Participating State from which benefits are due may apply to the institution of another participating State for information concerning the period for which the latter has been providing such benefits for the same case of sickness or maternity.

Part VI

MISCELLANEOUS PROVISIONS

Article 54

The institution of the place of residence of a person who has received benefits that were not payable to him, or the institution designated by the competent authority of the Participating State in whose territory that person resides, shall co-operate with the institution of any other

Participating State which has paid such benefits should the latter institution seek recovery from the person in question.

Article 55

Where the institution of a Participating State has paid to a beneficiary a sum in excess of his entitlement, that institution may request the institution of any other Participating State responsible for payment of corresponding benefits to that person to deduct the amount overpaid from the payments it is making to him. The latter institution shall withhold that amount to the extent to which such a deduction is permissible under the provisions of the legislation it applies, as if the overpayment had been made by it, and transfer the amount so withheld to the creditor institution.

Article 56

Where the institution of a Participating State has made an advance payment of benefits, it may request the institution of any other Participating State responsible for payment of corresponding benefits to that person to deduct the amount of the advance from the payments due to him. The latter institution shall transfer the amount withheld to the creditor institution.

Article 57

1. Where entitlement to benefits is not recognized by the institution stated to be the competent one, the cost of the benefits in kind provided by the institution of the place of stay under the presumption in paragraph 1 of article 33, of this Agreement shall be refunded by the first-mentioned institution.

2. Where the person concerned is not entitled to benefits in kind, expenditure incurred by the institution of the place of residence or stay in respect of benefits in kind provided in a case covered by paragraph 1 of Article 38, of this Agreement shall be refunded by the institution designated by the competent institution of the Participating State concerned.

3. Where an institution has refunded benefits incorrectly paid, in accordance with the provisions of paragraph 1 or 2 of this Article, it shall remain the creditor of the recipient for the amount of the benefit incorrectly paid.

Article 58

In the event of a dispute between the institutions or competent authorities of two or more Participating States concerned either the legislation applicable under Part II of the Convention or the institution which is to provide benefit, the person who would have been able to claim benefit in the absence of such a dispute shall provisionally receive the benefit prescribed by the legislation which the institution of the place of residence applies or, where the person concerned does not reside in the territory of one of the Participating State concerned, by the legislation of the Participating State to which he was previously last subject. After settlement of the dispute, the cost of the benefits paid provisionally shall be borne by the institution declared as liable to pay the benefits.

Article 59

Any agreements concluded under Article 23 or Article 24 of the Convention shall be communicated to the Director-General of the Organisation of Eastern Caribbean States within three months of the date of their entry into force.

Article 60

1. This Agreement may be amended by all the Participating States.
2. Any such amendment shall enter into force one month after notification or acceptance by all Participating State.

Part VII

TRANSITIONAL AND FINAL PROVISIONS

Article 61

The submission of a claim for invalidity, old age or survivors benefits to the institution of a Participating State after the entry into force of the Convention shall automatically entail the revision, in accordance with the provisions of the Convention, of benefits awarded for the same contingency by the institution or institutions of one or more other Participating States before its entry into force, save that in no circumstance shall such a revision operate to lessen the former rights of the person concerned

Article 62

The Director-General shall, within one month, notify the Participating States, of any communication received in pursuance of the provisions of Article 59 of this Agreement.

Article 63

This Agreement shall enter into force on the same date as the Convention.

Done at Grenada this 21st day of June, 1991

For the Government of

ANTIGUA AND BARBUDA

THE COMMONWEALTH OF DOMINICA

GRENADA

ST KITTS AND NEVIS

SAINT LUCIA

SAINT VINCENT AND THE GRENADINES

MONSTERRAT

BRITISH VIRGIN ISLANDS