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Summary

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Draft Regulations

Notice

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic — Implementation of the provisions relating to industrial accidents and occupational diseases

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic, the text of which appears below, will be made by the Commission de la santé et de la sécurité du travail with or without amendment on the expiry of 45 days following this publication.

The Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic was signed on 7 December 2004.

As regards industrial accidents and occupational diseases, the Commission must, under section 170 of the Act respecting occupational health and safety, make the Agreement by regulation to make it effective.

The provisions relating to industrial accidents and occupational diseases contained in the Agreement constitute a consolidation and update of the provisions appearing in the complementary agreement signed on 17 September 1984 and came into force on 1 January 1988.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Daniel Gauthier, Secretary General, Commission de la santé et de la sécurité du travail, 1199, rue de Bleury, Montréal (Québec) H3C 4E1.

RÉAL BISSON,
*Interim Chairman of the Board
and Chief Executive Officer,
Commission de la santé et de la
sécurité du travail*

Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, ss. 170 and 223, 1st par., subpar. 39)

1. Benefits under the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and the regulations thereunder shall be extended to all persons referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic, signed on 7 December 2004, and appearing as Schedule 1.

2. The benefits shall apply in the manner prescribed in the Agreement and in the Administrative Arrangement appearing as Schedule 2.

3. This Regulation replaces the Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Supplementary Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic made by Order in Council 2019-87 dated 22 December 1987.

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE 1

AGREEMENT ON SOCIAL SECURITY BETWEEN
QUÉBEC AND GREECE

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE HELLENIC
REPUBLIC

TAKING NOTE of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic signed at Québec on 23 June 1981;

TAKING ALSO NOTE of the Supplementary Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic signed at Athens on 17 September 1984;

RESOLVED to guarantee to their respective nationals the advantages of the coordination of their social security statutes; and

RESOLVED to take into consideration the changes made to their respective statutes;

HAVE AGREED AS FOLLOWS:

TITLE I **GENERAL**

ARTICLE 1 **DEFINITIONS**

In this Agreement, unless the context otherwise requires,

(a) “Greece” means the Hellenic Republic;

(b) “competent authority” means the Minister of Québec or the Minister of Greece responsible for the social security plans under the statutes referred to in Article 2;

(c) “competent institution” means the department or body of Québec or the body of Greece responsible for the administration of the statutes referred to in Article 2;

(d) “statutes” means existing or future statutes, regulations, statutory provisions and any other application measures relating to the social security branches and plans referred to in Article 2;

(e) “period of insurance” means as regards 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, as regards Greece, a period during which contributions have been paid under the statutes of Greece referred to in Article 2 and any other period considered as equivalent to a period of contribution or recognized as such under the statutes;

(f) “dependent” means as regards Québec, the spouse and dependents according to Québec statutes; and as regards Greece, the family members designated under the statutes of Greece;

(g) “benefit” means a pension, an annuity, an allowance, a lump-sum grant or any other benefit in cash or in kind provided under the statutes of each Party, including any extension, supplement or increase;

(h) “national” means a person of Canadian citizenship who is or who has been subject to the statutes referred to in subparagraph *a* of paragraph 1 of Article 2 and who has acquired rights under those statutes or a person of Greek nationality who is subject to the statutes referred to in subparagraph *b* of paragraph 1 of Article 2;

(i) “reside” means for the purposes of Title III, to ordinarily live in the territory of a Party with the intent to establish or maintain therein a domicile and to have been legally authorized to do so;

(j) “stay” means to be temporarily in the territory of a Party without intending to live therein permanently.

Any term not defined in the Agreement has the meaning given to it under the applicable statutes.

ARTICLE 2 **MATERIAL SCOPE**

1. The Agreement shall apply

(a) as regards Québec, to the statutes respecting the Québec Pension Plan, industrial accidents, occupational diseases, health insurance, hospital insurance and other health services;

(b) as regards Greece,

i. to the general social security statutes applicable to salaried and assimilated workers;

ii. to the statutes on the special schemes concerning the social security of all categories of salaried workers as well as of self-employed workers and professionals, other than the special statutes concerning the pensions of public servants and the statutes concerning seamen; and

iii. to the statutes concerning persons insured under the OGA system (Agricultural Insurance Organization);

for the purposes of Article 5 only:

iv. to the statutes providing for cash maternity and death benefits;

v. to the special statutes concerning the pensions of public servants and the statutes concerning seamen; and

vi. to Law 435/76, Article 5, providing for a lump-sum payment which is granted on retirement.

2. The Agreement shall also apply to any Act or regulation which amends, adds to or replaces the statutes referred to in paragraph 1.

3. The Agreement shall also apply to any Act or regulation of one Party which extends the existing plans to new classes of beneficiaries or to new benefits; notwithstanding the preceding, that Party may, within three months of the date of publication of the Act or regulation, notify the other Party that the Agreement shall not apply.

4. The Agreement shall not apply to an Act or regulation covering a new branch of social security, unless the Agreement is amended to that effect.

ARTICLE 3 PERSONAL SCOPE

Unless otherwise provided, the Agreement shall apply to every person who is subject to the statutes of one Party or who has derived rights under those statutes.

ARTICLE 4 EQUALITY OF TREATMENT

Unless otherwise provided in the Agreement, the persons referred to in Article 3 shall, in the application of the statutes of one Party, receive the same treatment as the nationals of that Party.

ARTICLE 5 EXPORT OF BENEFITS

1. Unless otherwise provided in the Agreement, any benefit acquired under the statutes of one Party, with or without the application of the Agreement, shall not be subject to any reduction, modification, suspension, suppression or forfeiture by reason only of the fact that the beneficiary resides or stays in the territory of the other Party; the benefit shall be payable in the territory of the other Party.

2. Any benefit payable under the Agreement by one Party in the territory of the other Party shall also be payable outside the territories of both Parties, under the same conditions that the first Party applies to its nationals under its own statutes.

TITLE II APPLICABLE STATUTES

ARTICLE 6 GENERAL RULE

Unless otherwise provided in the Agreement and subject to Articles 7, 8, 9, 10, 11, 12 and 13, persons working in the territory of one Party shall be subject to the statutes of that Party.

ARTICLE 7 SELF-EMPLOYED PERSONS

Persons residing in the territory of one Party and working as self-employed persons in the territory of the other Party or in the territory of both Parties shall, with respect to such work, be subject only to the statutes of the Party in the territory of their place of residence.

ARTICLE 8 DETACHED PERSONS

1. A person subject to the statutes of one Party and performing work for his or her employer in the territory of the other Party, for a period not exceeding 60 months, shall, with respect to such work, remain subject to the statutes of the first Party for the duration of the detachment.

2. Notwithstanding the preceding paragraph, if the period of work extends beyond the proposed initial period and exceeds 60 months, the statutes of the first Party shall remain applicable provided that the competent institutions of Québec and the competent authorities of Greece concur.

ARTICLE 9 DUAL STATUS

A person simultaneously subject to the statutes of Greece by reason of the person's professional affiliation or self-employed activity and to the statutes of Québec by reason of a salaried activity shall be subject only to the statutes of Québec for the duration of the salaried activity.

ARTICLE 10 TRAVELLING PERSONNEL EMPLOYED IN INTERNATIONAL TRANSPORT

1. Persons working in the territory of both Parties as travelling personnel for an international carrier which, on behalf of others or on its own account, transports passengers or goods by air or by sea, and which has its

head office in the territory of one Party, shall, with respect to such work, be subject only to the statutes of the Party in whose territory the head office is located.

2. Notwithstanding the preceding paragraph, if those persons are employed by a branch or permanent agency which the undertaking has in the territory of a Party other than the Party in whose territory it has its head office, they shall, with respect to such work, be subject only to the statutes of the Party in whose territory the branch or permanent agency is located.

3. Notwithstanding paragraphs 1 and 2, if employees work for the most part in the territory of the Party in which they reside, they shall, with respect to such work, be subject only to the statutes of that Party even if the carrier employing them has no head office, branch or permanent agency in that territory.

ARTICLE 11 PERSONS IN THE PUBLIC SERVICE

1. Persons in the public service for one of the Parties and assigned to a post in the territory of the other Party shall be subject only to the statutes of the first Party for all matters relative to that post.

2. Persons residing in the territory of one Party and who are in the public service for the other Party in that territory shall, with respect to that service, be subject only to the statutes of the first Party. If those persons are nationals of the Party employing them, the persons may, within six months from the start of the service or the coming into force of the Agreement, elect to be subject only to the statutes of that Party.

ARTICLE 12 ABSENCE OF ESTABLISHMENT IN THE TERRITORY OF WORK

1. Persons recruited by an employer established in the territory of one Party to perform salaried work in the territory of the other Party in which they reside although the employer has no establishment in that territory shall be subject to the statutes of the Party in the territory of their place of residence.

2. For the purposes of the statutes of Québec respecting industrial accidents and occupational diseases, where the persons referred to in paragraph 1 reside and have an office in Québec where the persons perform most of the work, the office shall be considered, with respect to the contribution, as the establishment of their employer.

ARTICLE 13 DEROGATION FROM THE PROVISIONS ON COVERAGE

The competent authorities of the Parties may, by mutual agreement, derogate from the provisions of Articles 6, 7, 8, 9, 10, 11 and 12 with respect to any persons or categories of persons.

ARTICLE 14 VOLUNTARY INSURANCE UNDER THE STATUTES OF GREECE

To determine eligibility of a person for voluntary insurance with a competent institution of Greece, periods of insurance completed under Québec statutes shall be considered as periods of insurance under the statutes of Greece if the person fulfils the other requirements provided in the statutes of Greece.

ARTICLE 15 MILITARY SERVICE UNDER THE STATUTES OF GREECE

To meet the conditions of the statutes of Greece respecting recognition of military service for entitlement to an old age, disability or survivors' pension, the periods of insurance completed under the statutes of Québec shall be totalized with the periods of insurance completed under the statutes of Greece.

TITLE III BENEFITS

CHAPTER 1 RETIREMENT, DISABILITY AND SURVIVORS' BENEFITS

ARTICLE 16 BENEFITS

1. This Chapter shall apply to all benefits provided for in the statutes respecting the Québec Pension Plan.

2. This Chapter shall also apply to all benefits provided for in the statutes of Greece respecting old age, disability and survivors.

ARTICLE 17 PRINCIPLE OF TOTALIZATION

When persons have completed periods of insurance under the statutes of both Parties and are not eligible for benefits by virtue of the periods of insurance completed solely under the statutes of one Party, the competent

institution of that Party shall totalize, to the extent necessary for the entitlement to benefits under the statutes it applies, the periods of insurance completed under the statutes of each Party, provided that the overlapping periods are counted only once. As regards Greece, the periods of residence within the meaning of the Old Age Security Act shall also be totalized for entitlement to a benefit under the statutes of Greece.

ARTICLE 18
MINIMUM PERIOD TO BE TOTALIZED

Notwithstanding any other provision of the Agreement, if the total duration of the periods of insurance completed by a person under the statutes of a Party is less than one year and if, taking into account only those periods, a person is not entitled to a benefit under the statutes of that Party, the competent institution of that Party shall not be required to pay a benefit to that person.

ARTICLE 19
BENEFITS UNDER QUÉBEC STATUTES

1. If persons who have been subject to the statutes of both Parties meet the requirements for entitlement to benefits, for themselves or for dependents, survivors or successors, under Québec statutes, without having recourse to the totalization referred to in Article 17, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the statutes it applies.

2. If the persons referred to in paragraph 1 do not meet the requirements for entitlement to benefits without totalization, the competent institution of Québec shall

(a) recognize one year of contribution when the competent institution of Greece certifies that a period of insurance of one year or at least 75 days or 3 months has been credited in a calendar year under the statutes of Greece, provided that the year is included in the contributory period as defined in Québec statutes; and

(b) totalize years recognized under subparagraph *a* with periods of insurance completed under Québec statutes, in accordance with Article 17.

3. If the totalization provided for in paragraph 2 entitles persons to benefits, the competent institution of Québec shall determine the amount payable by adding the amounts calculated in accordance with the following subparagraphs *a* and *b*:

(a) that part of the benefit which is related to earnings is calculated according to the provisions of the statutes of Québec;

(b) the amount of the flat-rate portion of the benefit payable under the provisions of this Agreement is determined by multiplying

the amount of the flat-rate benefit determined under the provisions of the Québec Pension Plan

by

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 statutes relating to that Plan.

ARTICLE 20
BENEFITS UNDER THE STATUTES OF GREECE

1. If persons who have been subject to the statutes of both Parties meet the requirements for entitlement to benefits, for themselves or for dependents, survivors or successors, under the statutes of Greece without having recourse to the totalization referred to in Article 17, the competent institution of Greece shall determine the amount of the benefits in accordance with the provisions of the statutes it applies.

2. If the persons referred to in paragraph 1 do not meet the requirements for entitlement to benefits without having recourse to the totalization, the competent institution of Greece shall

(a) recognize 300 days, 12 months or one year of insurance in accordance with the statutes of Greece for each year of insurance certified by the competent institution in Québec; and

(b) totalize periods of insurance in Québec recognized under subparagraph *a* with periods of insurance completed under the statutes of Greece, in accordance with Article 17.

3. If entitlement to a benefit is not acquired despite the application of paragraph 2, the competent institution of Greece shall

(a) recognize 25 days of insurance in accordance with the statutes of Greece for each month of residence within the meaning of the Old Age Security Act which applies in the territory of Québec, provided that the month does not overlap a period of insurance within the meaning of the statutes of Québec; and

(b) totalize the periods recognized under subparagraph *a* of paragraphs 2 and 3 with the periods of insurance completed under the statutes of Greece, in accordance with Article 17.

4. To determine the amount of a benefit acquired under totalization, the competent institution of Greece shall

(a) calculate the theoretical amount of the benefit that would be payable as if all the periods of insurance totalized under paragraph 2 and, where necessary, paragraph 3, had been completed under the statutes it applies;

(b) take into account the salaries (earnings), income, contributions or the average of the contributions paid during the periods of insurance completed under the statutes of Greece for the calculation of the theoretical amount;

(c) use the minimum benefit as theoretical amount if the theoretical amount determined is less than the minimum benefit;

(d) take the benefit amount as theoretical amount if the amount is not dependent on the period of insurance; and

(e) calculate the partial benefit payable by multiplying the theoretical amount of the benefit by the fraction representing the ratio between the periods of insurance completed under the statutes of Greece and the periods of insurance of both Parties totalized under Article 17.

5. Only the periods of insurance completed under the statutes of Greece shall be taken into account to determine the type of benefit and the competent institution.

6. If the granting of a benefit under a special plan requires the completion of periods of insurance in a specific profession or employment, the periods of insurance completed under the statutes of Québec in the same profession or employment shall be taken into account to determine eligibility to the benefit. If the total of the periods completed is not sufficient for entitlement to a benefit of the special plan, the periods shall be taken into account for the granting of a benefit under the general plan.

ARTICLE 21 PERIODS COMPLETED UNDER THE STATUTES OF A THIRD PARTY

If a person is not entitled to a benefit after the totalization under Article 19 or Article 20, the periods of insurance completed under the statutes of a third Party bound to each Party by a bilateral or multilateral agreement on social security containing provisions related to the totalization of periods of insurance are taken into account to establish entitlement to benefits, in accordance with the terms and conditions set out in this Title.

CHAPTER 2 BENEFITS IN CASE OF AN INDUSTRIAL ACCIDENT OR OCCUPATIONAL DISEASE

ARTICLE 22 BENEFITS

This Chapter shall apply to all benefits related to industrial accidents and occupational diseases provided for in the statutes of Québec and the statutes of Greece.

ARTICLE 23 RESIDENCE OR STAY IN THE TERRITORY OF THE OTHER PARTY

A person who receives or commences to receive a benefit under the statutes of one Party following an industrial accident or an occupational disease and who resides or stays in the territory of the other Party is entitled to

(a) the cash benefits paid by the competent institution under the statutes it applies; and

(b) the benefits in kind provided, on behalf of the competent institution, by the institution in the place of stay or residence designated in the Administrative Arrangement, under the statutes it applies.

ARTICLE 24 AGGRAVATION FOLLOWING AN INDUSTRIAL ACCIDENT

A person who receives or has received benefits following an industrial accident and is the victim of an aggravation while residing or staying in the territory of the other Party is entitled to benefits in accordance with paragraphs *a* and *b* of Article 23.

ARTICLE 25 OCCUPATIONAL DISEASE CONTRACTED AFTER EXPOSURE UNDER THE STATUTES OF BOTH PARTIES

1. Where the victim of a disease recognized as an occupational disease under the statutes of both Parties has performed under the statutes of each Party work likely to have caused the disease, the person, the person's dependents or successors must file a claim with the competent institution of the Party under whose statutes the person performed for the longest period work likely to have caused the occupational disease. Before calculating the benefit under its own statutes, the institution shall process the claim taking into account the following provisions:

(a) if the granting of occupational disease benefits is subject to the condition that the disease be first diagnosed in the territory of the Party to which the institution is subject, the condition shall be considered met when the disease is first diagnosed in the territory of the other Party;

(b) if the granting of the benefits is subject to the condition that the disease be diagnosed within a fixed period after the cessation of the work likely to have caused the disease, the institution, in determining when the work was last performed, shall take into account, if necessary, similar work performed under the statutes of the other Party, as if it had been performed under the statutes it applies;

(c) if the granting of the benefits is subject to the condition that work likely to have caused the disease be performed for a certain period of time, the institution shall take into account, if necessary, periods during which such work was performed under the statutes of the other Party, as if it had been performed under the statutes it applies.

2. If the duration of the periods of work likely to have caused the occupational disease completed under the statutes of each Party is identical, the person, the person's dependents or successors must file a claim with the competent institution of the Party under whose statutes the person has performed the last period of work likely to have caused the occupational disease. The institution shall process the claim taking into account subparagraphs *a* to *c* of paragraph 1 before calculating the amount of the benefits according to its own statutes.

3. If the claim is accepted, cash benefits shall be provided directly and covered by the competent institution that processed the claim in accordance with paragraph 1 or 2 and benefits in kind shall be provided by that institution, or if the beneficiary stays or resides in the territory of the other Party, by the institution in the territory designated in the Administrative Arrangement on behalf of the competent institution.

4. If the claim is denied, the person, the person's dependents or the person's successors may file a claim with the competent institution of the other Party that processes the claim according to the Party's statutes, without applying subparagraphs *a* to *c* of paragraph 1.

ARTICLE 26 AGGRAVATION OF AN OCCUPATIONAL DISEASE

In case of an aggravation of an occupational disease for which a person received or receives benefits under the statutes of one Party, the following provisions shall apply:

(a) if the person did not perform under the statutes of the other Party work likely to have caused an aggravation of the occupational disease, the competent institution of the first Party must pay the benefits related to the aggravation according to the provisions of the statutes it applies;

(b) if the person performed work likely to have caused an aggravation of the occupational disease only under the statutes of the other Party, the competent institution of that Party must pay the benefits related to the aggravation according to the statutes it applies;

(c) if the person performed, under the statutes of both Parties, work likely to have caused an aggravation of the occupational disease, the competent institution of the Party under the statutes of which the person performed the longest period of work likely to have caused the aggravation must pay the benefits related to the aggravation according to the statutes it applies.

ARTICLE 27 CALCULATION OF CASH BENEFITS

1. Where the statutes of one Party provide that the amount of cash benefits varies according to the size of a family, the competent institution of that Party shall take into account the family members of the person concerned who reside in the territory of the other Party as if they were residing in the territory of the first Party.

2. Where the statutes of one Party provide that cash benefits are calculated on the basis of the average remuneration, the competent institution of that Party shall determine the remuneration taking into account only the remuneration related to the periods of work completed under those statutes.

3. Where the statutes of one Party provide that cash benefits are calculated on the basis of remuneration from contract work, the competent institution of that Party shall take into account only that remuneration or, if applicable, the average of the remunerations from contract work related to periods of work completed under those statutes.

CHAPTER 3 HEALTH AND HOSPITAL BENEFITS

ARTICLE 28 ENTITLEMENT TO BENEFITS

1. For entitlement to, maintenance or recovery of health and hospital benefits covered by the statutes of one Party, the periods of insurance completed under the statutes of the other Party shall be totalized to the extent

necessary with the periods of insurance completed under the statutes of the first Party, provided that they do not overlap.

2. For the purposes of this Chapter, “periods of insurance” means,

(a) in Québec, any period of eligibility for health insurance;

(b) in Greece, any period of insurance entitling to a benefit of the health-maternity insurance.

3. The benefits under the requirements provided for in this Chapter are granted only on presentation of the required documents, specified in the Administrative Arrangement.

ARTICLE 29 PERSONS COVERED

1. This Chapter shall apply to persons insured under the statutes of Québec or Greece.

2. For the purposes of this Chapter, “insured person” means

(a) as regards Québec, a person who, immediately before the person’s arrival in Greece, was a person residing in Québec within the meaning of the Health Insurance Act;

(b) as regards Greece, a person entitled to health insurance benefits according to the statutes of Greece referred to in subparagraph *b* of paragraph 1 of Article 2 and, for the purposes of Article 32, a person who has an acquired right as family member.

ARTICLE 30 TRANSFER OF THE PLACE OF STAY OR RESIDENCE

1. An insured person other than the person referred to in Article 7, Article 8, paragraphs 1 and 2 of Article 10, Article 11 and Article 13 who leaves Greece to reside or stay in Québec to work and dependents accompanying or joining the person shall be entitled to benefits under the conditions set out in the Québec statutes. The protection shall apply as of the day of arrival in Québec, considering the totalization referred to in paragraph 1 of Article 28, regardless of the duration of the work, if applicable.

2. An insured person who leaves Québec to work in Greece and the person’s dependents shall receive benefits under the Greek statutes, considering the totalization referred to in paragraph 1 of Article 28.

ARTICLE 31 INSURED PERSONS REFERRED TO IN ARTICLES 7, 8 AND 13

Insured persons referred to in Article 7, Article 8 or Article 13 who stay in the territory of the other Party to work and their dependents accompanying or joining them shall be entitled to

(a) benefits in kind provided by the institution of the place of stay on behalf of the competent institution according to the statutes that institution applies, for the duration of the stay in the territory of the Party where they are working;

(b) cash benefits provided by the competent institution, according to the statutes it applies.

ARTICLE 32 STAY FOR STUDIES

1. To the extent that an insured person is not entitled to health care in the territory of stay, the insured person staying in the territory of one Party to study shall be entitled to benefits in kind provided on behalf of the competent institution by the institution of the place of stay, according to the provisions of the statutes that institution applies.

2. For the purposes of paragraph 1, the word “study” means

(a) in Québec, being enrolled full-time for at least three months in a college-level or university-level educational institution recognized by the Minister responsible for higher education of Québec in a program leading to a diploma;

(b) in Greece, studying or being enrolled, where applicable, in a third-level educational institution or in a corresponding institution recognized as such by the department responsible in Greece.

ARTICLE 33 BENEFITS

1. Benefits provided by the institution of one Party to the persons referred to in Articles 31 and 32 shall be paid by the competent institution of the other Party.

2. The institution that pays benefits shall determine the status of dependent according to the provisions of the statutes it applies.

TITLE IV **MISCELLANEOUS**

ARTICLE 34 **ADMINISTRATIVE ARRANGEMENT**

1. The terms and conditions for the application of the Agreement shall be set out in an Administrative Arrangement to be agreed to by the Parties.

2. The liaison agencies shall be designated in the Administrative Arrangement.

ARTICLE 35 **CLAIM FOR BENEFITS**

1. To be entitled to a benefit under the Agreement, a person shall file a claim in accordance with the terms and conditions set out in the Administrative Arrangement.

2. For the purposes of Title III, a claim for a benefit filed under the statutes of one Party after the date of coming into force of the Agreement shall be deemed to be a claim for a corresponding benefit under the statutes of the other Party

(a) where a person asks that the claim be considered as a claim under the statutes of the other Party; or

(b) where a person indicates, at the time of the claim, that periods of insurance have been completed under the statutes of the other Party.

The date of filing of the claim is deemed to be the date on which the claim was filed in accordance with the statutes of the first Party.

3. The presumption set out in paragraph 2 shall not prevent a person from requesting that a claim for benefits under the statutes of the other Party be deferred.

ARTICLE 36 **PAYMENT OF BENEFITS**

Cash benefits under the Agreement shall be paid directly to the beneficiary in the currency of the Party making the payment, without any deduction for administrative charges, for transfer costs or for any other costs incurred for the payment of the benefits.

ARTICLE 37 **FILING PERIOD**

1. A request or a remedy which, under the statutes of one Party, must be filed within a prescribed time with the authority or institution of that Party shall be accepted

if it is filed within the same time period to the corresponding authority or institution of the other Party. In such a case, the authority or institution of the latter Party shall immediately forward the request or remedy to the authority or institution of the first Party.

2. The date on which the request or remedy is filed with the authority or institution of one Party shall be considered as the date of filing with the authority or institution of the other Party.

ARTICLE 38 **EXPERT APPRAISALS**

1. At the request of the competent institution of one Party, the competent institution of the other Party shall make the necessary arrangements to provide the expert appraisals required for persons residing or staying in the territory of the latter Party.

2. The expert appraisals referred to in paragraph 1 shall not be considered invalid solely because they have been made in the territory of the other Party.

ARTICLE 39 **EXEMPTION FROM FEES AND AUTHENTICATION**

1. Any reduction of or exemption from fees provided for in the statutes of one Party with respect to the issuing of a certificate or document required in accordance with those statutes shall be extended to the certificates and documents required in accordance with the statutes of the other Party.

2. Any document required for the application of the Agreement shall be exempt from authentication or from any other similar formality.

ARTICLE 40 **PROTECTION OF PERSONAL INFORMATION**

1. In this Article, “information” means any information from which the identity of a natural or a legal person may be easily established.

2. Unless disclosure is required under the statutes of one Party, any information communicated by an institution of one Party to the institution of the other Party shall be confidential and shall be used exclusively for the application of the Agreement.

3. Access to personal information shall be subject to the statutes of the Party in whose territory the file is located.

ARTICLE 41
ADMINISTRATIVE ASSISTANCE

The competent authorities and institutions shall

(a) communicate to each other any information required in the application of the Agreement;

(b) assist each other free of charge in any matter concerning the application of the Agreement;

(c) forward to each other any information on measures adopted for the application of the Agreement or on amendments to their statutes to the extent that such amendments affect the application of the Agreement; and

(d) inform each other of the difficulties encountered in the interpretation or in the application of the Agreement.

ARTICLE 42
REIMBURSEMENT BETWEEN INSTITUTIONS

1. The competent institution of one Party must reimburse the cost of the benefits provided on its behalf in accordance with the provisions of Chapters 2 and 3 of Title III.

2. The competent institution of one Party must reimburse to the competent institution of the other Party fees pertaining to each expert appraisal produced pursuant to Article 38. The forwarding of medical information or other information already in the possession of the competent institutions shall be an integral part of the administrative assistance and shall be free of charge.

3. The Administrative Arrangement shall determine the terms and conditions respecting the reimbursement of the costs and fees referred to in paragraphs 1 and 2.

4. The competent authorities of the Parties may, by mutual agreement, derogate from the provisions in the preceding paragraphs of this Article.

ARTICLE 43
COMMUNICATION

1. The competent authorities and institutions, and liaison agencies of the Parties may communicate with one another in French or in Greek.

2. A decision of a tribunal or an institution may be communicated directly to a person residing in the territory of the other Party.

ARTICLE 44
SETTLEMENT OF DISPUTES

Any dispute between the Parties concerning the interpretation or the application of the Agreement not settled by negotiation or other means agreed to by the Parties shall be referred to an arbitration tribunal composed of three arbitrators; the tribunal is authorized to render a final decision. Each Party shall appoint an arbitrator and those two arbitrators shall appoint a third arbitrator.

TITLE V
TRANSITIONAL AND FINAL**ARTICLE 45**
TRANSITIONAL PROVISIONS

1. The Agreement shall not confer any right to the payment of benefits before the date of its coming into force.

2. For the purposes of Title III and subject to the provisions of paragraph 1,

(a) a period of insurance completed prior to the date of coming into force of the Agreement shall be taken into consideration for the purpose of determining entitlement to benefits under the Agreement;

(b) a benefit, other than a death benefit, is due under the Agreement even if it is related to an event prior to the date of coming into force of the Agreement;

(c) benefits granted before the date of coming into force of the Agreement shall be revised at the request of the person concerned. They may also be revised by the competent institution. If the revision leads to benefits that are lower than the benefits paid before the coming into force of the Agreement, the amount of benefits previously paid shall be maintained;

(d) if the request referred to in subparagraph *c* is filed within two years of the date of coming into force of the Agreement, rights arising from the Agreement shall be acquired as of that date, notwithstanding the provisions of the statutes of either Party relative to the forfeiture of rights; and

(e) if the request referred to in subparagraph *c* is filed after the limit of two years following the coming into force of the Agreement, rights which are not forfeited shall be acquired as of the date of the request, unless there are more favourable provisions in the applicable statutes.

3. Requests for benefits being examined on the date of coming into force of the Agreement and requests for benefits received after that date in the case of a right that existed before that date following the application of the Agreement on social security between the Gouvernement du Québec and the Government of the Hellenic Republic signed at Québec on 23 June 1981 shall be determined based on that Agreement as regards rights established up to the date of coming into force of this Agreement and in accordance with this Agreement as regards rights arising from this Agreement.

ARTICLE 46
COMING INTO FORCE AND TERM OF THE
AGREEMENT

1. The Contracting Parties shall notify one another when their respective internal procedures required for the coming into force of the Agreement have been completed.

2. The Agreement comes into force on the first day of the month following the month in which the last notification referred to in paragraph 1 was sent.

3. The Agreement is entered into for an indefinite term. It may be denounced by either Party by notification to the other Party. The Agreement expires on the 31st day of December which follows the date of notification by at least 12 months.

4. If the Agreement is terminated, all rights acquired under the provisions of the Agreement and the rights in the process of being acquired shall be maintained.

ARTICLE 47
TERMINATION OF THE AGREEMENTS OF
23 JUNE 1981 AND 17 SEPTEMBER 1984

On the date of the coming into force of the Agreement, agreements on social security between the Government of the Hellenic Republic and the Gouvernement du Québec signed at Québec on 23 June 1981 and at Athens on 17 September 1984 cease to be in force. The Agreement on social security between the Government of the Hellenic Republic and the Gouvernement du Québec signed at Québec on 23 June 1981 remains in force for the application of paragraph 3 of Article 45 of this Agreement.

In witness whereof the undersigned, duly authorized to that effect by their respective governments, have signed the Agreement.

Done at Québec on 7 December 2004, in two copies, in French and in Greek, both texts being equally authentic.

FOR THE GOUVERNEMENT
DU QUÉBEC

FOR THE GOVERNMENT
OF THE HELLENIC
REPUBLIC

MONIQUE GAGNON-TREMBLAY,
*Minister of International
Relations*

YANNIS MOURIKIS,
*Ambassador of the Hellenic
Republic*

SCHEDULE 2

ADMINISTRATIVE ARRANGEMENT FOR THE
IMPLEMENTATION OF THE AGREEMENT ON
SOCIAL SECURITY BETWEEN QUÉBEC AND
GREECE

THE COMPETENT AUTHORITY OF QUÉBEC

AND

THE COMPETENT AUTHORITY OF GREECE

CONSIDERING Article 34 of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic signed at Québec on 7 December 2004;

HAVE AGREED AS FOLLOWS:

TITLE I
GENERAL

ARTICLE 1
DEFINITIONS

In this Administrative Arrangement,

(a) the term "Agreement" shall mean the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic signed at Québec on 7 December 2004; and

(b) all other terms shall have the meaning given to them in Article 1 of the Agreement.

ARTICLE 2
LIAISON AGENCIES

In accordance with the provisions of paragraph 2 of Article 34 of the Agreement, the liaison agencies designated by each Party shall be,

as regards Québec,

the Bureau des ententes de sécurité sociale of the Régie des rentes du Québec or any other body that the competent authority of Québec may subsequently designate;

as regards Greece,

(a) the Agricultural Insurance Organization (OGA) for social security benefits under that system; and

(b) the General Social Security Scheme (IKA) for social security benefits under other systems referred to in subparagraph *b* of paragraph 1 of Article 2 of the Agreement.

ARTICLE 3
INSTITUTIONS OF THE PLACE OF STAY
OR RESIDENCE

For the purposes of Chapters 2 and 3 of Title III of the Agreement and the corresponding Chapters of the Arrangement, institutions of the place of stay or residence shall be the institutions authorized to provide benefits in kind, namely

(a) for Greece: the General Social Security Scheme (IKA);

(b) for Québec:

i. the Commission de la santé et de la sécurité du travail for the benefits referred to in Chapter 2; and

ii. the Régie de l'assurance maladie du Québec for the benefits referred to in Chapter 3.

TITLE II
APPLICABLE STATUTES

ARTICLE 4
CERTIFICATE OF COVERAGE

1. For the purposes of Article 7, Article 8 and paragraphs 1 and 13 of Article 11 of the Agreement, where a person remains subject to the statutes of one Party while working in the territory of the other Party, a certificate of coverage is issued, at the request of the employer or the self-employed person,

(a) by the Québec liaison agency, where the person remains subject to the statutes of Québec; and

(b) by the General Social Security Scheme (IKA), where the person remains subject to the statutes of Greece.

2. For the purposes of paragraph 2 of Article 8 or Article 13 of the Agreement, the request referred to in paragraph 1 shall be made to the competent institution or authority of the Party whose statutes remain applicable. The request for approval and the reply shall be made by letter, through the liaison agency in the case of Québec.

ARTICLE 5
DUAL STATUS

1. For the purposes of Article 9 of the Agreement, the Québec liaison agency, at the request of the person concerned, shall verify coverage of the person under the statutes of Québec and shall inform the Greek liaison agency by means of a form provided for that purpose, indicating the nature and duration of employment under the statutes of Québec.

2. The Greek liaison agency shall forward the form to the competent institution.

ARTICLE 6
ABSENCE OF ESTABLISHMENT IN THE
TERRITORY OF WORK

For the purposes of Article 12 of the Agreement, the person concerned shall submit to each competent institution of the place where the person resides proof of professional activity and income to determine the amount of applicable contributions. Where the person resides in Greece, the person shall pay the contributions required of the employee and the employer.

ARTICLE 7
VOLUNTARY INSURANCE UNDER GREEK
STATUTES

For the purposes of Article 14 of the Agreement, the Québec liaison agency, at the request of the Greek liaison agency, shall certify the period of insurance completed under the statutes of Québec using the liaison form.

TITLE III
BENEFITS

CHAPTER 1
RETIREMENT, DISABILITY AND SURVIVORS'
BENEFITS

ARTICLE 8
CLAIM FOR BENEFITS

1. A claim for a benefit in accordance with Chapter 1 of Title III of the Agreement must be filed with the competent institution or the liaison agency of the place of the person's residence.

2. In the case of a person residing in the territory of a third State, the claim for a benefit under the Agreement may be filed with a liaison agency of either Party or with the competent institution.

3. Where the claim for a benefit is received by the liaison agency or the competent institution, that agency or institution shall forward the claim to the liaison agency or the competent institution of the other Party using the form provided for that purpose.

4. Any information on civil status appearing on a claim form shall be certified by the liaison agency forwarding the claim, which shall exempt the agency from having to forward the supporting documents.

5. Any original document or its copy shall be kept by the liaison agency with which it was originally filed and a copy shall be made available to the competent institution of the other Party, on request.

6. A liaison form shall accompany the claim and the supporting documents referred to in this Article.

7. If so requested by the competent institution or by the liaison agency of one Party, the liaison agency or the competent institution of the other Party shall indicate, on the liaison form, the periods of insurance recognized under the statutes it applies.

8. As soon as a decision regarding a claim has been made pursuant to the statutes it administers, the competent institution shall notify the claimant and inform the claimant about recourses and time limits for such recourse prescribed by such statutes; the competent institution shall also inform the liaison agency of the other Party of the decision using the liaison form.

CHAPTER 2

BENEFITS FOLLOWING AN INDUSTRIAL ACCIDENT OR AN OCCUPATIONAL DISEASE

ARTICLE 9

STAY OR RESIDENCE IN THE TERRITORY OF THE OTHER PARTY

For the purposes of Articles 23 and 24 of the Agreement,

(a) a person qualified for a benefit under the statutes of one Party must submit an attestation certifying that the person is authorized to receive benefits to be entitled to benefits in kind provided by the institution of the place of stay or residence of the other Party;

(b) the attestation referred to in paragraph *a* shall be issued by the competent institution and shall indicate, if applicable, the maximum duration for which benefits in kind may be provided. The attestation may be issued after the person concerned has left, at the person's request or at the request of the institution of the place of stay or of the new residence;

(c) where a person referred to in Article 8 of the Agreement files a claim under the statutes of one Party while staying in the territory of the other Party, the person may submit a disability certificate issued by a physician to the institution of the place of stay. The certificate shall immediately be sent to the competent institution. That institution may ask the institution of the place of stay to proceed as soon as possible with the administrative review on the circumstances of the accident and, if necessary, to the medical assessment as if the person was insured by that institution. The administrative review report and, if applicable, the medical assessment indicating the probable duration of the disability shall be immediately sent by the institution of the place of stay to the competent institution for a decision. The cost of the medical assessment shall be borne by the competent institution;

(d) the institution of the place of stay or residence may provide, in an emergency, benefits in kind required by the condition of the person without prior authorization and at the expense of the competent institution;

(e) orthoses, prostheses and large devices shall be subject to a specific authorization from the competent institution. The authorization is not required in an emergency;

(f) the competent institution and the person concerned must inform the institution of the place of stay or residence of any change likely to affect entitlement to benefits in kind, in particular any change of residence or place of stay, and the termination of entitlement to benefits. The institution of the place of stay or residence may request at any time that the competent institution provide the information on a person's entitlement to benefits in kind.

ARTICLE 10

AGGRAVATION

For the purposes of Chapter 2 of the Agreement and the Arrangement, the word "aggravation" includes a relapse or a recurrence.

ARTICLE 11
OCCUPATIONAL DISEASE CONTRACTED
AFTER EXPOSURE UNDER THE STATUTES
OF EACH PARTY

1. For the purposes of paragraphs 1 and 2 of Article 25 of the Agreement, the institution receiving the claim shall establish the period of exposure completed under the statutes of each Party and shall determine which institution is competent to process the claim after verifying with the institution of the other Party, if necessary.

2. If the institution that received the claim referred to in paragraph 1 is the institution competent to process the claim, the institution shall establish entitlement to the benefit in accordance with paragraph 1 of Article 25 of the Agreement. Otherwise, the institution that received the claim shall send the claim to the competent institution of the other Party along with supporting documents and shall inform the claimant.

3. For the purposes of paragraph 3 of Article 25 of the Agreement, a beneficiary entitled to benefits in kind payable by the institution located in a territory other than the territory in which the beneficiary stays or resides shall submit the certificate referred to in paragraph *a* of Article 9 of the Arrangement to the institution of the place of stay or residence.

CHAPTER 3
HEALTH AND HOSPITAL BENEFITS

ARTICLE 12
STAY OR RESIDENCE IN QUÉBEC

To be entitled to benefits in kind in the territory of Québec,

(*a*) an insured person referred to in Articles 30 to 32 of the Agreement must register with the Régie de l'assurance maladie du Québec using the form provided for that purpose and filing immigration documents corresponding to the person's status in Québec and, if applicable, proof of domicile. The same applies to dependents accompanying or joining an insured person referred to in Article 30 or 31;

(*b*) at the time of registration, the following certificates must also be filed:

i. a certificate of eligibility issued by the competent Greek institution indicating entitlement to benefits of the insured person or the person's dependents immediately before their departure for Québec, in the cases referred to in Article 30 of the Agreement;

ii. a certificate of eligibility issued by the competent Greek institution certifying entitlement to benefits of the insured person and the person's dependents as well as the maximum duration, in the cases referred to in Article 31 of the Agreement;

iii. a certificate of eligibility issued by the competent Greek institution certifying entitlement to benefits and an attestation of enrolment as full-time student, in the cases referred to in Article 32 of the Agreement.

ARTICLE 13
STAY OR RESIDENCE IN GREECE

To benefit from the provisions of Articles 30 to 32 of the Agreement, an insured person must file,

(*a*) in the cases referred to in Article 30 of the Agreement, a form issued by the competent institution of Québec indicating the periods of health insurance completed under the statutes of Québec;

(*b*) in the cases referred to in Article 31 of the Agreement, a form certifying entitlement to benefits for the insured person and the person's dependents, and the maximum duration of entitlement; and

(*c*) in the cases referred to in Article 32 of the Agreement, a form issued by the competent institution of Québec indicating entitlement to benefits and maximum duration of the entitlement as well as an attestation of the person's enrolment as student.

ARTICLE 14
TERM OF VALIDITY OF ATTESTATIONS
AND CERTIFICATES

1. Persons referred to in Article 32 must renew every year entitlement to benefits in the territory of stay by filing a new certificate of eligibility.

2. The institution or agency issuing an attestation or certificate must inform the institution in the place of stay of any change likely to affect entitlement to benefits, including the addition or deletion of a dependent or the expected expiry of the document issued.

TITLE IV
MISCELLANEOUS

ARTICLE 15
REIMBURSEMENT BETWEEN INSTITUTIONS

1. Benefits in kind provided pursuant to Articles 31 and 32 of the Agreement shall be reimbursed on the basis of the expenses incurred by the institution of the place of stay as described in the individual statements of expenses that it submits.

2. The statements of expenses established by the Greek institutions shall be consolidated by the Greek liaison agency. That agency and the Régie de l'assurance maladie du Québec send each other every year current statements along with a summary report, including a copy that is sent to the Québec liaison agency.

3. For the purposes of paragraph *b* of Article 23 and Article 38 of the Agreement and paragraph *c* of Article 9 of the Arrangement, at the end of each calendar year, where the institution of the place of stay or residence has paid benefits in kind or has had medical assessments or examinations made on behalf or at the expense of the competent institution of the other Party, the institution of the first Party shall send to the institution of the other Party, through liaison agencies, a statement of benefits paid or of the fees pertaining to the assessments and examinations made during the year under consideration, indicating the amount owed. That statement shall be accompanied by all supporting documents.

4. Each debtor institution shall pay the amounts owed to the other institution within six months following the date of receipt of the reimbursement claims sent in accordance with the provisions of paragraphs 2 and 3.

ARTICLE 16 FORMS

Any form or document necessary to implement the procedures provided in the Administrative Arrangement shall be determined by mutual agreement by the competent institutions and bodies responsible for the implementation of the Agreement for each of the Parties.

ARTICLE 17 STATISTICS

The liaison agencies of both Parties shall exchange, in the form agreed upon, statistical data concerning the payments made to the beneficiaries during each calendar year under the Agreement. Such data may include the number of beneficiaries and the total amount of benefits, by benefit category.

TITLE V FINAL

ARTICLE 18 COMING INTO FORCE AND TERM

This Administrative Arrangement shall come into force on the same date as the Agreement and its term is the same as the term of the Agreement.

Done at Québec on 7 December 2004, in two copies, in French and in Greek, both texts being equally authentic.

FOR THE COMPETENT
AUTHORITY OF QUÉBEC

FOR THE COMPETENT
AUTHORITY OF THE
HELLENIC REPUBLIC

MONIQUE GAGNON-TREMBLAY,
*Minister of International
Relations*

YANNIS MOURIKIS,
*Ambassador of the Hellenic
Republic*

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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