

**CARICOM AGREEMENT ON SOCIAL SECURITY
LAYMAN'S GUIDE**



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This booklet contains information about the CARICOM Agreement on Social Security. It provides general guidance only and should not be treated as a complete and authoritative statement of the law.

INTRODUCTION

The CARICOM Agreement on Social Security/the National Insurance and Social Security Order, 1997 was signed at Georgetown, Guyana on March 1st, 1996. It is intended to protect CARICOM Nationals entitlement to benefits and provide equality of treatment when moving from one country to another. The agreement is seen as key in facilitating the free movement of labour within CARICOM.

HOW THE AGREEMENT APPLIES

The agreement allows countries to co-ordinate the social security programmes and refers to payments of pensions for invalidity, disablement, old age or retirement, survivors', and death benefits.

Under this Reciprocal Agreement, insured persons are entitled to benefits by one or more of the Social Security Schemes in the various countries for which they qualify.

It is important to note that when going to another CARICOM country to work, or you receive benefits under the Social Security Scheme where you reside, you must inform the Director, National Insurance/Social Security of your date of departure, and overseas address.

It would also help if you would inform the department of any subsequent change of address. On returning to your usual place of residence, it is essential that you let the Director know that you have returned.

COVERAGE

Social Security Schemes require all employed persons to register and pay contributions. Migrant or traveling workers are usually at a disadvantage when they leave a particular country before they have made sufficient contributions to qualify for benefits.

The Agreement therefore ensures that the rights and obligations of certain workers are secured. As such, if you work in Trans-national enterprises, international transport, on a ship, in Diplomatic Missions, Consulates and International Organisations, are self-employed, travelling from country to country, the Agreement applies to you.

10. St. Lucia

The Director
National Insurance Scheme
Block A The Waterfront
Castries
ST. LUCIA

11. Trinidad and Tobago

The Executive Director
National Insurance Board
2A Cipriani Boulevard
Port-of-Spain
Republic of Trinidad and Tobago

12. Montserrat

The Director
Social Security Board
P.O. Box 170
Cheapend
St. Peters
MONTSERRAT

13. St. Vincent & The Grenadines

Executive Director
National Insurance Scheme
P.O. Box 305
Administrative Centre
Kingstown
ST. VINCENT

5. St. Christopher & Nevis

The Director
Social Security Board
P.O. Box 79
Basseterre
ST. KITTS

6. Dominica

The Director
Dominica Social Security
P.O. Box 772
Roseau
Commonwealth of Dominica

7. Grenada

The Director
National Insurance Scheme
P.O. Box 322
Melville Street
St. Georges
GRENADA

8. Guyana

The General Manager
National Insurance Scheme
Brickdam & Winter Place
Georgetown
GUYANA

9. Jamaica

The Director
National Insurance Scheme
Ministry of Labour, Welfare & Sports
14 Heroes Circle
P.O. Box 10
Kingston 4
JAMAICA

Workers in Transnational Enterprises

If you are insured and employed in one country, for example Dominica, and your employer sends you to work in another CARICOM country, for example Barbados, for a period not exceeding twenty-four (24) months, you will remain insured under the Dominica Scheme while you are working in Barbados. If the work exceeds this time, due to unforeseen circumstances, the laws and regulations of Dominica remain applicable until the work is completed, subject to the Agreement of the Barbados Social Security institution.

Workers in International Transport

If you are insured and employed in international transport (the transport of passengers or goods by road, inland waterway or air) in two or more CARICOM countries, you will be insured in the country where:

1. the principal place of business is located;
2. a subsidiary, branch or agency of your company is located if you are employed by any of these and the location is different from the country of the company's principal place of business; or
3. you are resident and ordinarily employed, even if the company employing does not have its principal place of business, nor a branch, subsidiary or agency in that country.

Workers on Ships

1. If you are insured and employed by a company that is your regular employer, either in one country, example Dominica, or on board a ship flying the flag of that country, and you are sent by that company to work on board a ship flying the flag of another country example St. Lucia, you will remain insured in Dominica subject to:
 - a) the legislation of the first country (in this case Dominica), provided that employment does not exceed twenty-four months;
 - b) the legislation of the first country, if due to unforeseen circumstances the work exceeds twenty-four months. This legislation will apply subject to agreement by the two countries concerned (in this case Dominica and St. Lucia).
2. If you normally follow your occupation in the territorial waters, in a port in one country e.g. Dominica or on board a ship flying the flag of another country e.g. St. Lucia, but you are not a member of the ship's crew, you will remain insured in the country where you normally follow your occupation i.e. Dominica in this example.

3. If you are insured and employed on board a ship flying the flag of one country, but you are paid by an organization or person having the principal place of business/residence in another, you will be insured under the Scheme of the second country if you reside there. The company or person paying the salary/wage is considered the employer for the purpose of the application of the legislation.

Workers in Diplomatic Missions, Consulates and International Organisations

The regulation for workers on ships and international transport also applies to members of the service staff of diplomatic missions, consulates or international organizations and persons employed in the private service of officials of such organizations. However, such workers who are nationals of a CARICOM country e.g. Dominica, which is a sending state, may opt to be insured under the Scheme in the country where that person is a national (the Dominica Scheme in this case).

Note:

The agreement does not apply to diplomatic agents, consular officers or to persons of equal status in international organizations of which a CARICOM country is a member.

Self-employed Persons

1. If you are self-employed and you reside in one CARICOM country (example Dominica), and follow your occupation in another CARICOM country example St. Lucia, you will remain insured under Dominica Scheme if the St. Lucia Scheme is not applicable to you.
2. If you are a self-employed person who lives in one CARICOM country (example Dominica), and you normally follow your occupation in two or more CARICOM countries example Dominica, Barbados, and Grenada, you will remain insured in the country in which you live, in this case Dominica, if you work partly in that country.
3. In addition, if you do not follow part of your occupation in the country in which you live, e.g. Dominica, or there is no legislation applicable to you, you will be insured under the regulations jointly agreed upon by the Social Security institutions of the other country/countries e.g. Grenada and St. Lucia.

Should you require additional information about the CARICOM Social Security Agreement you should send your enquiries to the following Social Security institutions:

1. Antigua and Barbuda

The Director
Social Security Scheme
P.O. Box 1125 Long Street
St. John's
ANTIGUA

2. Bahamas

The Director
The National Insurance Board
P.O. Box N-7508
Nassau
BAHAMAS

3 Barbados

The Director
National Insurance Office
Frank Walcott Building
'Flodden'
Culloden Road
St. Michael
BARBADOS

4. Belize

The Manager
Belize Social Security Board
P.O. Box 18
Bliss Parade
Belmopan
BELIZE

Examination of Claims

All claims should be examined by the institution to which they have been submitted or to which they have been sent. The institutions concerned will then be advised immediately so that the examination of the claims can be done at the same time to avoid delays.

After each Social Security institution has agreed on the portion of the benefit, which is to be paid, you will be informed of the amount you should receive from each institution

You will also be informed of Appeal Procedures.

Provision for Recovery of Excess or Advanced Payments.

If the Social Security institution in one country has overpaid you, or has made an advance payment of benefits, that institution may request any other institution responsible for paying you corresponding benefits, to deduct the amount overpaid or advanced from the payments it is making to you.

Currency of Payment

If you are entitled to a benefit from one country, e.g. Guyana, you will be paid in the currency of the country in which you reside i.e. Guyana, but at the same rate as if you lived in the first country e.g. Dominica.

TERMINATION OF AGREEMENT

In the event of a withdrawal from or termination of the CARICOM Agreement, all rights acquired will be maintained /honoured and negotiations will take place for the settlement of any rights.

GENERAL INFORMATION

When writing to the Director, Social Security Scheme

You should state-

Your full name

Your address

Your telephone number (where applicable)

Your National Insurance Number/Social Security Number

Your National Registration Number (in the case of Barbados) or

Your Electoral Identification Card Number

Itinerant Workers (Workers traveling from country to country)

If you are an insured person who lives in one country e.g. Dominica, and you are employed other than in international transport and normally follow your occupation in two or more CARICOM countries including Dominica, you will remain insured in the country where you normally reside i.e. Dominica in this example. This rule also applies if you are employed by two or more employers who have their principal places of business or residence in different countries.

Compulsory and Voluntary Insurance Schemes

If you are insured under the Scheme of one country e.g. Dominica, and at the same time you are permitted to voluntarily contribute to another compulsory insurance scheme, you will be insured under the first country's scheme only (in this case Dominica).

If you are permitted to voluntarily contribute to two or more compulsory insurance schemes, you are entitled to be insured under the scheme in the country where you reside. If you do not live in one of the CARICOM countries, you should be insured under the scheme of the country where you last worked.

BENEFITS

Invalidity Pensions;
Disablement Pensions;
Old Age or Retirement Pensions;
Survivors' Pension; and
Death Benefits.

As already stated, benefits payable under this Agreement are long term i.e. pensions. If you have been subject to the legislation of two or more CARICOM countries and you satisfy the conditions for a benefit in all of these countries, you or your survivors are entitled to a benefit in all of these countries, you or your survivors are entitled to a benefit according to the legislation of the CARICOM countries concerned.

If you do not have enough contributions to qualify for a benefit in the CARICOM country in which you reside, then the contributions you have paid in other CARICOM countries will be taken into account. You may receive the portion of the benefit to which you are entitled if you have satisfied the relevant conditions. The portion of the benefit you receive will bear the same ratio that your contributions bear to the total contributions required to qualify for the benefit.

For example, in Barbados a person requires at least 500 contributions in order to qualify for an Old Age Contributory Pension. The minimum pension payable is \$98.00 per week. Suppose you are living in Barbados and you have only made 300 contributions. However, you had previously worked in Dominica where you made 200 contributions. The portion of the pension to which you are entitled in Barbados is:

$$300/500 \times \$98.00 = \$58.80$$

If the qualifying age for a benefit in one country e.g. Antigua is lower than the qualifying age in another country e.g. Dominica, then the first country i.e. Antigua should pay you or your survivors directly. On the other hand if the qualifying age in the first country i.e. Antigua, is higher than the qualifying age in the second country i.e. Dominica, then you will not be entitled to receive the portion of the benefit payable by Antigua before attaining the qualifying age stipulated in the first country's (Antigua) legislation.

Invalidity Pension

The National Insurance Scheme under whose legislation you are making your claim will take into account all of the medical and administrative information provided by the Social Security Institutions of any other CARICOM country in which you would have made contributions.

NOTE: *Each Institution retains the right to have you examined by a doctor of its choice at its own expense.*

If the legislation of the countries in which you are insured allows, invalidity pension could be converted to old age or retirement pension.

Dependants

If the legislation of one CARICOM country e.g. Dominica specifies that the amount of a benefit varies according to the number of dependants, those who are resident in another CARICOM country e.g. St. Lucia will be taken into account as if they were resident in Dominica.

Where required, a certificate issued by the Social Security institution of the other CARICOM country (in this case St. Lucia) should be submitted regarding dependants who are living there.

The Certificate is valid for twelve months from the date of issue and is renewable.

If you reside in one CARICOM country but you are entitled to receive a benefit from one country, that benefit may be paid directly to you or it may be paid to you through the National Insurance institution in which country you reside. However, if the latter arrangement will be put in place then you will be notified.

CLAIMING BENEFITS

Submission of Claims

You may submit your claim to the Social Security institution in the country where you reside.

The claim will then be referred to the relevant institution(s).

Any claim, application declaration or appeal should be submitted within the time period specified in the national legislation.

The date on which your claim is received in the country where you reside will be considered as the date of the claim.

Documents to Accompany Claims

PROOF OF AGE

Your certified Birth Certificate and Affidavit if applicant's name does not appear on the Birth Certificate; or

Valid Passport; or

Electoral Identification Card where applicable;

CHANGE OF NAME

Marriage Certificate

Deed Poll

OTHER

Letter of Co-habitation

The claims should be accompanied by the aforementioned documents where necessary and should be submitted on the forms prescribed either by the legislation of the country in which you or the deceased person was last insured;

The accuracy of the information given by you should be supported by official documents which should be attached to the claim form, or confirmed by the authorities in the country/countries where you worked and paid contributions; You should indicate where possible, the invalidity, retirement, old-age or survivors' benefit institution(s) of each country to whose legislation you or the deceased have or had been subject, or the employer(s) by whom you or the deceased have or had been employed by in a CARICOM country. Any certificates of employment that may be in your possession should be submitted.