

**No. 53225\***

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**Canada  
and  
Chile**

**Agreement on social security between the Government of Canada and the Government of the Republic of Chile. Ottawa, 18 November 1996**

**Entry into force:** *1 June 1998, in accordance with article XXIX*

**Authentic texts:** *English, French and Spanish*

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**Canada  
et  
Chili**

**Accord sur la sécurité sociale entre le Gouvernement du Canada et le Gouvernement de la République du Chili. Ottawa, 18 novembre 1996**

**Entrée en vigueur :** *1<sup>er</sup> juin 1998, conformément à l'article XXIX*

**Textes authentiques :** *anglais, français et espagnol*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Canada, 10 décembre 2015*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT ON SOCIAL SECURITY  
BETWEEN  
THE GOVERNMENT OF CANADA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF CHILE**

**THE GOVERNMENT OF CANADA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF CHILE,**

hereinafter referred to as “the Parties”,

**RESOLVED** to co-operate in the field of social security,

**HAVE DECIDED** to conclude an agreement for this purpose, and

**HAVE AGREED AS FOLLOWS:**

**PART I  
GENERAL PROVISIONS**

**Article I  
*Definitions***

1. For the purposes of this Agreement, the expressions and terms given below shall have the following meaning:

“benefit” means any cash benefit, pension or allowance payable under the legislation of either Party, and includes any supplements or increases applicable to such a benefit, pension or allowance;

“competent authority” means, as regards Canada, the Minister or Ministers responsible for the application of the legislation of Canada; and, as regards the Republic of Chile, the Minister of Labour and Social Insurance (el Ministro del Trabajo y Previsión Social);

“competent institution” means, as regards Canada, the competent authority; and, as regards the Republic of Chile, the institution responsible for the application of the legislation specified in Article II;

“creditable period” means, as regards Canada, any period of contributions or residence used to acquire the right to a benefit under the legislation of Canada, and includes a period during which a disability pension is payable under the *Canada Pension Plan*; and, as regards the Republic of Chile, all periods of contributions or equivalent periods used to acquire any benefit under the legislation of Chile;

“dependent worker” means, as regards Canada, an employed person; and, as regards the Republic of Chile, any person who provides services to an employer under an employer/employee relationship;

"legislation" means the laws, regulations and other provisions specified in Article II;

"national" means, as regards Canada, a Canadian citizen; and, as regards the Republic of Chile, anyone declared as such in its political Constitution;

"self-employed person" means any person who carries out an activity on his or her own account for which that person receives an income.

2. Any expression or term not defined in this Article has the meaning assigned to it in the applicable legislation.

## **Article II**

### ***Legislation to Which the Agreement Applies***

1. This Agreement shall apply to the following legislation:
  - (a) with respect to Canada:
    - (i) the *Old Age Security Act* and the regulations made thereunder; and
    - (ii) the *Canada Pension Plan* and the regulations made thereunder;
  - (b) with respect to the Republic of Chile, the legislation concerning:
    - (i) the New System of Pensions for old age, disability and survivors based on individual capitalization;
    - (ii) the plans for old age, disability and survivors pensions administered by the Institute for Social Insurance Standardization (el Instituto de Normalización Previsional); and
    - (iii) for the purposes of Article XVII only, health care plans.
2. Subject to paragraphs 3 and 4, this Agreement shall also apply to laws, regulations and other provisions which amend, supplement, consolidate or supersede the legislation specified in paragraph 1.
3. This Agreement shall apply to laws, regulations and other provisions which extend the schemes specified in paragraph 1 to other categories of beneficiaries or to new benefits only if no objection by the competent authority of either Party has been communicated to the competent authority of the other Party within three months of the notification of the publication or proclamation, as the case may be, of such laws, regulations or other provisions.
4. In the application of this Agreement, no account shall be taken of the provisions of other bilateral or multilateral agreements concluded by either Party insofar as they relate to the legislation specified in paragraph 1.

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

This Agreement shall apply:

- (a) as regards Canada, to any person who is or who has been subject to the legislation of Canada, and to the dependants and survivors of such a person; and
- (b) as regards the Republic of Chile, to any person who is or who has been subject to the legislation of the Republic of Chile, and to his or her beneficiaries to the extent they derive rights from him or her.

**Article IV**  
***Equality of Treatment***

In the application of the legislation of a Party, all persons described in Article III shall be eligible for the benefits, and subject to the obligations, of the legislation of that Party under the same conditions as its nationals.

**Article V**  
***Export of Benefits***

- 1. Unless otherwise provided in this Agreement, benefits payable under the legislation of a Party to any person described in Article III, including benefits acquired by virtue of this Agreement, shall not be subject to any reduction, modification, suspension, cancellation or confiscation by reason only of the fact that the person resides in the territory of the other Party, and those benefits shall be paid in the territory of the other Party.
- 2. Benefits payable under this Agreement to a person described in Article III shall be paid in the territory of a third State, provided the person so requests.

**PART II**  
**PROVISIONS CONCERNING THE APPLICABLE  
LEGISLATION**

**Article VI**  
***General Rule***

Subject to the provisions of Articles VII to X, a person who carries out an employment activity in the territory of a Party shall be subject, in respect of that employment activity, only to the legislation of that Party.

**Article VII**  
***Self-Employed Persons***

A self-employed person who ordinarily resides in the territory of a Party and who works for his or her own account in the territory of the other Party or in the territories of both Parties shall, in respect of that work, be subject only to the legislation of the first Party.

**Article VIII**  
***Detached Workers***

A dependent worker who is subject to the legislation of a Party and who is temporarily sent by his or her employer to work in the territory of the other Party for a period that does not exceed 60 months shall, in respect of that work, be subject only to the legislation of the first Party during the period of the detachment.

**Article IX**  
***Persons in Government Employment***

1. A person in government employment for a Party who is posted to work in the territory of the other Party shall, in respect of that employment, be subject only to the legislation of the first Party.
2. A person who resides in the territory of a Party and who is engaged therein in government employment for the other Party shall, in respect of that employment, be subject only to the legislation of the first Party. However, if that person is a national of the employing Party, he or she may, within six months of the start of that employment or of the entry into force of this Agreement, elect to be subject only to the legislation of the latter Party.
3. Nothing in this Agreement shall be interpreted as modifying the provisions of the *Vienna Convention on Diplomatic Relations* of 18 April 1961 or of the *Vienna Convention on Consular Relations* of 24 April 1963.

**Article X**  
***Exceptions***

At the request of workers and employers, the competent authorities of the Parties may, by common agreement, modify the application of the provisions of Articles VI to IX for the benefit of any person or category of persons.