

No. 11017

**UNITED NATIONS
and
CANADA**

Exchange of letters constituting an agreement concerning the continuity of pension rights between the Government of Canada and the United Nations Joint Staff Pension Fund (with annex). New York, 16 and 29 July 1970

Authentic text of the Canadian note and annex: English and French.

Authentic text of the Secretary-General's note: English.

Registered ex officio on 1 April 1971.

**ORGANISATION DES NATIONS UNIES
et
CANADA**

Échange de lettres constituant un accord relatif à la continuité des droits de pension entre le Gouvernement du Canada et la Caisse commune des pensions du personnel des Nations Unies (avec annexe). New York, 16 et 29 juillet 1970

Texte authentique de la note canadienne et de l'annexe: anglais et français.

Texte authentique de la note du Secrétaire général: anglais.

Enregistré d'office le 1^{er} avril 1971.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF CANADA CONCERNING THE CONTINUITY OF PENSION RIGHTS BETWEEN THAT GOVERNMENT AND THE UNITED NATIONS JOINT STAFF PENSION FUND

I

THE PERMANENT MISSION OF CANADA TO THE UNITED NATIONS
LA MISSION PERMANENTE DU CANADA AUPRÈS DES NATIONS UNIES

New York, July 16, 1970

Excellency,

I have the honour to refer to discussions which have taken place between representatives of the Government of Canada and of yourself concerning arrangements to secure continuity of pension rights in accordance with Article 13 of the Regulations of the United Nations Joint Staff Pension Fund. Attached to this note is a statement concerning the continuity of pension rights between the Government of Canada and the United Nations Joint Staff Pension Fund.

I have the honour to propose that this Note and its annex, both of which are authentic in English and French, and your reply shall constitute an Agreement between the Government of Canada and the Secretary-General of the United Nations, which shall enter into force on approval by the United Nations Joint Staff Pension Board and the concurrence of the General Assembly and shall remain in force until terminated by either party on six months' notice to the other.

Accept, Excellency, the renewed assurances of my highest consideration.

[Signed]

DAVID C. REECE

Acting Permanent Representative

His Excellency U Thant
Secretary-General of the United Nations
New York

¹ Came into force on 11 December 1970, on approval by the United Nations Joint Staff Pension Board and the concurrence of the General Assembly of the United Nations (resolution 2696 (XXV)*), in accordance with the provisions of the said letters.

* United Nations, *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 28 (A/8028)*, p. 108.

CONTINUITY OF PENSION RIGHTS BETWEEN THE GOVERNMENT OF CANADA
AND THE UNITED NATIONS JOINT STAFF PENSION FUND

I. In this agreement, unless the context otherwise requires:

- (a) "Act" means the Public Service Superannuation Act, being Chapter 47 of the Statutes of Canada, 1952-53, as amended, and includes the Regulations made thereunder;
- (b) "Employee" means a person who is on leave of absence from the "Public Service", as defined by the Act, who
 - (i) on or after the coming into force of this agreement commences to serve with a member organization, or
 - (ii) prior to the coming into force of this agreement commenced to serve with a member organization and who, by giving notice in writing to the Secretary of the United Nations Joint Staff Pension Board, elects to have this agreement apply in respect of him;
- (c) "member organization" means a member organization of the United Nations Joint Staff Pension Fund; and
- (d) words importing male persons include female persons.

II. Where an employee ceases to serve with a member organization and resumes his employment with the Government of Canada and he is not entitled to a deferred retirement benefit but is entitled under article 32 of the Regulations of the United Nations Joint Staff Pension Fund to a withdrawal settlement payable in one lump sum, the United Nations Joint Staff Pension Fund shall cause to be paid to the Receiver General of Canada to be credited on behalf of that employee to the Superannuation Account maintained for the purposes of the Act, the lesser of

- (a) the whole amount of the withdrawal settlement, or
- (b) a portion of the withdrawal settlement that is equal to the amount that the employee is required to pay under the Act in order to count as pensionable service for the purposes of the Act his period of contributory service with the member organization.

III. The Receiver General of Canada shall apply the amount paid to him pursuant to this requirement towards the payment of the contributions required to be paid by the employee to enable him to count as pensionable service under the Act his period of contributory service with the member organization.

IV. Where the whole amount of the withdrawal settlement is not paid to the Receiver General of Canada, the balance shall be paid to the employee in accordance with article 32 of the Regulations of the United Nations Joint Staff Pension Fund.

II

29 July 1970

Dear Mr. Reece,

I have the honour to acknowledge your letter of 16 July 1970 with which you transmitted a proposed agreement designed to secure continuity of pension rights in accordance with Article 13 of the Regulations of the United Nations Joint Staff Pension Fund.

Your note and its annex will be considered at a meeting later this year of the Standing Committee of the United Nations Joint Staff Pension Fund which is empowered to act for the Board when the latter is not in session.

It is expected that the Standing Committee's action regarding the proposal will be taken in time so that if it is favourable the concurrence of the General Assembly could be sought at its forthcoming twenty-fifth session.

I have instructed my representative on the Standing Committee to support the proposed agreement and I trust that the Committee will approve it.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General

Mr. David C. Reece
Acting Permanent Representative
Permanent Mission of Canada
to the United Nations
New York