

AGREEMENT BETWEEN THE  
GOVERNMENT OF CANADA

AND THE

GOVERNMENT OF THE UNITED STATES OF AMERICA

Effective 1942, Amended 1951

ARTICLE I

(a) In this agreement, unless the context otherwise requires:

(i) "Agency" means any officer, board, commission or other authority designated by an unemployment insurance law in force in any state or in Canada to administer the Unemployment Insurance Fund for which provision is made by such unemployment insurance law;

(ii) "State" means any state of the United States of America, the territories of Alaska and Hawaii, and the District of Columbia;

(iii) "Federal agency" means the agency authorized to administer those provisions of the law of the United States of America which relate to the Federal-State unemployment insurance program;

(iv) "Jurisdiction" means any state or Canada.

(b) Services performed by an individual for an employer shall be deemed to be localized within a jurisdiction if --

(i) such services are performed entirely within such jurisdiction, or

(ii) such services are performed both within and without such jurisdiction, but the services performed without such jurisdiction are incidental to the individual's services performed within such jurisdiction, for example - are temporary or transitory in nature or consist of isolated transactions.

ARTICLE II

This agreement shall not be applicable to employment with respect to which contributions are payable under the Railroad Unemployment Insurance Act of the United States of America or to periods of unemployment with respect to which benefits are payable under the Act.

### ARTICLE III

The Government of the United States of America agrees that the Federal agency will recommend to each of the states that it carry out the provisions herein contained and Canada agrees to carry out such provisions: Provided that if any state does not substantially carry out any such provisions, the Unemployment Insurance Commission of Canada may suspend the operation of such provision with reference to such state.

### ARTICLE IV

(a) An individual's entire services for an employer in insurable employment as defined in the unemployment insurance law of a jurisdiction will be insured under the unemployment insurance law of such jurisdiction in respect to services performed by him within, or both within and without such jurisdiction if -

(1) his services are localized in such jurisdiction, or

(2) his services are not localized in any jurisdiction but some of his services are performed in such jurisdiction, and

(i) his base of operations, or if he has no base of operations, the place from which his services are directed or controlled, is in such jurisdiction, or

(ii) his base of operations or the place from which his services are directed or controlled, is not in any jurisdiction in which some of his services are performed but his residence is in such jurisdiction.

(b) If clauses 1 and 2 of paragraph (a) of this article do not apply with respect to an individual's services, the agency of any jurisdiction may approve, subject to such conditions as it may prescribe or as may be prescribed by its unemployment insurance law, an election by such individual's employer pursuant to which such individual's entire services for that employer shall be deemed to be insured employment under the unemployment insurance law of such jurisdiction.

### ARTICLE V

The agency of any jurisdiction may perform services for the agency of any other jurisdiction in the taking and development of any claim for benefits by an individual absent from such latter jurisdiction and desirous of claiming benefits under the unemployment insurance law of such jurisdiction.

## ARTICLE VI

To avoid the duplication of unemployment insurance payments with respect to the same period of unemployment, the order in which an individual who has benefit rights under the unemployment insurance laws of two or more jurisdictions shall exhaust or otherwise terminate his rights to benefits shall be determined jointly by the Federal agency of the United States of America and the Unemployment Insurance Commission of Canada in such manner as to be reasonable and just as between all affected interests.

## ARTICLE VII

This agreement may be amended by mutual agreement, evidenced by an exchange of notes between the two governments and may be terminated by either government after sixty days notice to the other government.

## ACCEPTANCE

The Executive Agreement - Series 244, permits Canada to participate in the Interstate Benefit Payment Plan only on a reciprocal basis. Since the states cannot enter into agreements with a foreign government under the provisions of the United States Constitution, it is necessary for any state which wishes to include Canada in its interstate claims operation to notify the headquarters office of the Bureau of Employment Security (changed to Employment and Training Administration in December, 1975) through its regional office. The Bureau will in turn notify the Canadian Unemployment Insurance Commission and advise the state.