

# Survivors

benefits guide



Workplace Safety &  
Insurance Board

Commission de la sécurité  
professionnelle et de l'assurance  
contre les accidents du travail

## About this guide

This guide explains the WSIB's benefits and services for dependants of workers who have died as a result of a work-related disease or injury.

In addition to this guide, the WSIB has several other information products meant for survivors and dependants. They are:

***For families*** (2813)...a booklet developed to help survivors through this difficult time, with practical advice about who can help and what financial and other assistance is available.

***Coping with a traumatic event*** (2962)...while meant for someone who has witnessed or experienced a traumatic event, many of the tips in this pamphlet also apply to people who are grieving the loss of a family member.

***Handling a critical incident in the workplace*** (2963)...a pamphlet written to help employers be prepared in case of a tragedy. Again, many of the tips in this pamphlet may be useful for grieving families and co-workers.

### **Fact sheets:**

***Survivor benefits: Basic Information*** (1813)

***Survivor benefits: Financial Benefits*** (0899)

This information is available in several languages.

You may also want to look through our web site at [www:wsib.on.ca](http://www.wsib.on.ca) to learn more about the workplace safety and insurance system.

# We're here for you

If you have any questions, please don't hesitate to call us, the Occupational Disease and Survivor Benefits Program (ODSBP):

Telephone: (416) 344-1000 (in the Toronto region) or 1-800-387-0080 (toll-free)

FAX: (416) 344-2380 (in the Toronto region) or 1-866-268-7797

E-mail: [wsibcomm@wsib.on.ca](mailto:wsibcomm@wsib.on.ca)

Web site: [wsib.on.ca](http://wsib.on.ca)

Teletypewriter (TTY) for hearing impaired persons, toll-free 1-800-387-0050.

This must be a difficult time, and we sympathize with your loss. We want you to know that the Workplace Safety and Insurance Board (WSIB) is here to help you.

As a spouse or dependant of a person who has died of a work-related injury or disease, you can claim WSIB benefits and services designed to support and help you.

## How we help

The WSIB has a number of survivor benefits that will:

- pay burial or cremation costs, and cover costs of transporting the deceased back home for burial
- provide crisis intervention and bereavement counselling for the surviving spouse and children in the first year after the worker's death
- provide lump sum and monthly survivor payments and
- help a spouse return to the workforce.

Please check the Compensation Amounts insert to this booklet. It provides this year's amount for payments for lump sums, monthly awards and burial costs. This information is also available on our web site. [www.wsib.on.ca](http://www.wsib.on.ca)

## Some Useful Terms

### **Consumer Price Index (CPI)**

The Consumer Price Index (CPI) is set annually by Statistics Canada to reflect the change in average shopping costs for Canadians due to the rise and fall of the dollar.

### **Cost of Living**

To reflect the cost of living, the monthly payments change each year on January 1, based on the Consumer Price Index (CPI).

### **Dependants**

These are members of the deceased worker's family who were wholly or partly dependent on the worker for his or her earnings at the time of the worker's death.

### **Dependent Children**

Children of a deceased worker who are

- under 19 years of age, or
- under 30 years of age and enrolled in school, or
- 19 or over but, due to physical or mental impairment, were wholly dependent on the worker at the time of his or her death.

### **Material change**

If you have any changes that might affect your entitlement to our WSIB services and benefits, you need to tell us. It is important to let us know within 10 days or it could affect benefits. Some examples of material change are:

- receiving benefits under the Canada Survivor Pension Plan, or
- children no longer attending school.

If you aren't sure if there is a material change in your circumstances please call us so we can guide you. Call the number at the front of this booklet.

### **Net Average Earnings**

WSIB benefits are based on a percentage of the worker's net average earnings, up to the annual maximum. The WSIB determines net average earnings by deducting probable income tax, Canada Pension Plan (CPP) premiums and employment insurance premiums from the worker's earnings at the time of death.

### **Pension Plan Benefits**

When calculating the monthly payment, WSIB considers the Canada Pension Plan or Quebec Pension Plan benefits paid to the surviving spouse.

### **Spouse**

A spouse is a person who was living with, and married to, the worker at the time of his or her death. Or, if not married, this person had lived with the worker for at least one year prior to his/her death in a recognized common-law relationship (includes same-sex partners).

A separated spouse, not living with the deceased worker at the time of the worker's death, is entitled to benefits if:

- the worker was required to make support payments at the time of his or her death, or
- the spouse can prove financial dependency on the worker at the time of his or her death.

# Who receives Survivor Benefits?

Family members who depended on the worker's earnings when he or she died will receive survivor benefits.

Dependants can include:

- ❑ the spouse (either by marriage or common-law),
- ❑ natural or legally adopted children, or stepchildren who were financially dependent on the worker.

If there is no surviving spouse or child(ren), other dependants may be eligible for survivor benefits — for example, parents, step-parents or an individual who acted as a parent to the worker.

## **Funeral and Transport Costs**

We will pay all expenses reasonably connected to the burial or cremation as well as the costs of bringing your loved one home to be buried.

## **Bereavement Counselling**

We offer surviving spouses and children supportive counselling by an experienced professional. You may request these services any time during the first year after the worker's death. Call us to find out more.

## **Payments to Survivors**

We pay survivors and/or dependent children a lump sum and a continuing monthly payment. The lump sum payment is based on age, using age 40 as a starting point. The monthly benefit is a percentage of the worker's earnings. It changes yearly to reflect the annual rate of inflation.

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# Lump Sum Payment

## Spouses

Using age 40 as a starting point for the base amount, you will receive a lump sum. This sum decreases for every year you are over 40 and increases for every year you are under 40. The base amount and the percentage by which the base is increased or decreased are tied to the cost of living index (CPI) and change each January.

There is a maximum and a minimum payment. The example shows how the lump sum amount increases and decreases (these are not actual figures). To calculate your own lump sum payment, use the numbers listed on the 'Compensation Amounts' insert provided.

Both the base lump sum and the amount added or subtracted change every year for cost of living. The WSIB adjusts these amounts by the Consumer Price Index (CPI) effective January 1 each year.

## Example with:

- ❑ Base lump sum of \$40,000 for a 40-year-old surviving spouse and
- ❑ \$1,000 as the amount to be added or subtracted for each year over or under 40:

<i>Age</i>	<i>Lump Sum Amount</i>
20 or younger	\$60,000 (Maximum Amount Payable)
25	\$55,000
30	\$50,000
35	\$45,000
40	\$40,000
45	\$35,000
50	\$30,000
55	\$25,000
60 or older	\$20,000 (minimum amount payable)

## **Separated Spouses**

A separated spouse is entitled to benefits if:

- ❑ the worker had to make support payments to you at the time of his or her death, or
- ❑ you can prove financial dependency on the worker at the time of his or her death.

If more than one person is entitled to spousal benefits, the lump sum payment and the monthly ongoing payments are shared. The split is based upon your emotional and financial dependency on the worker.

The total lump sum payments to all spouses cannot exceed the maximum set for the spousal lump sum benefit for that year.

## ***Dependent Children with No Surviving Spouse***

To receive survivor benefits, dependent children must be either:

- ❑ under age 19, or
- ❑ under age 30 and enrolled in an educational program.

Dependent children share equally the lump sum payment that would have been payable to a dependent spouse at age 40. We may pay children directly or send the benefits to a:

- ❑ parent
- ❑ guardian
- ❑ attorney
- ❑ Public Guardian and Trustee, or
- ❑ another person acting in their best interest.

# Monthly Benefit

## Spouses

To determine your monthly benefit, we first look at what the deceased's net average earnings were (earnings at the time of death less deductions for income tax, CPP and employment insurance premiums). You will receive a percentage of those earnings. The amount is based on your age and what other family dependants are entitled to receive.

The monthly benefit payment decreases 1% for every year younger than 40 to a minimum of 20%. The monthly benefit payment increases 1% for every year older than 40 to a maximum of 60%.

<i>Age</i>	<i>Percentage of Net Average Earnings</i>
20	20 % (minimum)
25	25 %
30	30 %
35	35 %
40	40 %
45	45 %
50	50 %
55	55 %
60	60 % (maximum)

## Separated Spouses

If more than one person is entitled to spousal benefits, the ongoing monthly payments are shared. The split is based on emotional and financial dependency on the worker.

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### **Surviving spouse with no children**

You will receive a percentage of your spouse's earnings based on your age at the time your spouse died. This percentage does not change as you get older and is paid for life. You cannot receive less than 20% or more than 60% of your spouse's net average earnings.

#### **Examples:**

If you are 30 years old, you will receive 30% of your spouse's net average earnings. If you are 45, you will receive 45% of those net average earnings.

If you are 18 you will still receive 20% of your spouse's net average earnings while a 65-year-old spouse will receive 60% of the net average earnings.

### **Surviving spouse with dependent children**

Your monthly benefit will be based on a percentage of the worker's net average earnings when he or she died, up to a maximum amount.

When your first child turns 19, we review the benefits. If your child is enrolled in an educational program, we deduct up to 10% of your payment and pay it directly to your child. This lasts until he or she completes their education, or turns 30. When your child is no longer entitled to the 10% payment, it reverts back to you if one or more dependent children remain in your care and custody.

When your youngest child turns 19, your monthly benefits are adjusted to reflect your age on the child's 19th birthday. See the age/percentage chart on page 7 for details.

### **Example:**

If you are 50 when the youngest child turns 19, we adjust the benefits to 50% of your spouse's net average earnings. This percentage is then paid to you for life. Each child aged 19-30 will continue to receive up to 10% as long as they continue to attend school.

### **Dependent children when there is no surviving spouse**

Dependent children are entitled to monthly payments. These benefits are paid until they complete their education or turn age 30. The total combined payments cannot exceed 85% of the deceased worker's net average earnings.

The payments are:

- ❑ First or only child gets 30% of the deceased parent's net average earnings until they reach 19, when the amount drops to 10%
- ❑ More than one child - 30% for the first child, as above then
- ❑ 10% for each additional child, for example:
  - first child - 30%;                      • second child - 10%
  - third child - 10%;                      • fourth child - 10%

### **Children unable to earn wages**

When a dependent child is unable to earn wages due to physical or mental disability, the monthly payments will likely continue until:

- ❑ he or she can earn wages, or
- ❑ death.

A person who acts as a guardian will continue to receive benefits until the youngest child turns 19.

### **Other dependants but no surviving spouse or children**

To receive benefits, other dependants must prove they were financially dependent on the worker. Benefits will be paid for as long as the worker would reasonably have been expected to provide support. The maximum benefit is 50% of the worker's net average earnings at the time of death.

### ***Labour Market Re-entry for Surviving Spouses***

We offer surviving spouses help to enter or return to the workforce. You may be eligible for a Labour Market Re-entry (LMR) Assessment. If you think you may need this help, you must request this assessment within the first year after your spouse's death. The assessment need not take place right away.

If you request this assistance we will work with you when you are ready. The assessment involves determining a suitable employment or business. We base this on your skills, employment history, and aptitudes. With the results, we can decide whether you need a Labour Market Re-entry Plan. Depending on your needs, the plan will help improve your existing skills or develop new skills. It could include any of the following:

- English as a second language
- education upgrading
- skills training
- formal training
- training in job-search techniques.

We hope this guide was helpful to you.

Contact us if you need more explanation or guidance.

Occupational Disease and Survivor Benefits Program  
(ODSBP)

(416) 344-1000 or 1-800-387-0080.





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