

## SURVIVORS' BENEFITS

### When Does This Information Apply?

This information applies where an injury or disease resulting in a worker's death occurred on or after January 1, 1998. Please note, if the injury or disease resulting in the worker's death occurred before March 1, 2000, then the information below may not apply to you if you are a same-sex partner of the worker. You should speak to a qualified representative.

### Who Is Eligible For Survivors' Benefits?

The Workplace Safety and Insurance Board (WSIB) makes payments and provides services to surviving spouses (which now includes same-sex partners), dependent children, or other dependants when a worker dies as a result of a work-related injury or disease. **A survivor must apply for these benefits and services within six months of the worker's death.** For information on what to do if you run out of time see OWA Fact Sheet 26 called "Extensions of Time Limits For Filing a Claim".

### What Kinds of Benefits Are Available?

There are four kinds of benefits and services that survivors may receive:

- payments of money, which are fully indexed for inflation
- help for a spouse (which now includes same-sex partners) to enter the workforce, if he or she asks for it within **one year** of the worker's death
- counselling to help deal with the loss of the worker, if the worker's spouse or children ask for it within **one year** of the worker's death
- funeral expenses and, in some cases, transportation costs for the worker's body

### What Payments Does WSIB Make to Survivors?

WSIB will pay a lump sum to a spouse (which now includes same-sex partners) who, at the time of the worker's death, is living with the worker, receiving payments from the worker under a court order or separation agreement, or is financially dependent on the worker. If there is no surviving spouse, any dependent children will receive a lump sum.

WSIB will make monthly payments to only **one** of the following groups (there may be one or more than one person in the group):

- spouses (which now includes same-sex partners);
- dependent children who are under the age of 19 or over the age of 19 and physically or mentally unable to earn wages;
- parents or people acting in the roles of parents to the deceased worker's dependent children, but who were not a spouse of the worker;
- other dependants of the worker.

The payment amounts will be different depending on:

- the age of the spouse (which now includes same-sex partners);
- the number of spouses;
- the number of dependent children and whether any of them are unable to work, or are over 19 years of age but continuing their education in a program approved by WSIB;
- the number of other dependants who received money from the worker; and
- the net average earnings (NAE) of the worker.

See OWA Fact Sheet 8 called “Average Earnings” for more information on how to arrive at a worker’s NAE. The total amount of monthly payments cannot exceed 85% of the worker’s NAE. For details regarding lump sum and periodic payments to survivors, see OWA Fact Sheet 16 called “Calculating Survivors’ Benefits”.

Survivors must report to WSIB any change in their situation that may affect the level of benefits they can receive. They must report the change within **10 days** of it happening. See OWA Fact Sheet 7 called “Material Change in Circumstances”.

### **IMPORTANT INFORMATION**

There are time limits for appealing WSIB decisions. If you wish to appeal a decision, contact a qualified representative as soon as possible. For more information on time limits, see OWA Fact Sheets 24 and 25 called “Appealing to WSIB” and “Appealing to WSIAT”.

**This Fact Sheet contains general information only. It is not a legal document. To see what the law says, you should look at the Workplace Safety and Insurance Act and WSIB policies. If you require help and do not have a union to assist you, contact the Office of the Worker Adviser:**

- Our toll free telephone number is 1-800-435-8980 (English) or 1-800-661-6365 (French)
- or visit our website at: <http://www.owa.gov.on.ca>

*Cette feuille-info est aussi disponible en français*

