

Survivors

Benefits Guide



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Survivors

Benefits Guide

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. You can request them by calling the phone number at the end of this guide.

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.

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
1-800-387-0750 (toll-free)

FAX: 1-888-313-7373

E-MAIL: wsibcomm@wsib.on.ca

WEB SITE: 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.

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

The WSIB considers a spouse to be either of two persons (whether male and female or of the same sex) who were married to each other or who:

- Had been living together for at least one year at the time of the worker's death, or
- Were together the parents of a child and had at some point lived together in a relationship of some permanence, or
- Had together entered into a cohabitation agreement under s.53 of the Family Law Act.

When more than one person fits the definition of spouse, benefits are split between them.

Separated spouses may also be eligible for benefits if the worker had been required to make support payments, or if there is proof the separated spouse was dependent on the worker at the time of death.

Who receives Survivor Benefits?

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

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).

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:

Age	Lump Sum Amount
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

If you are separated from the worker who died, you are 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 each spouse's relative 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 an Accountant of the Superior Court of Justice for the child.

Monthly Benefit

Spouses

To determine your monthly benefit, we first look at what the deceased worker'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 you are younger than 40, to a minimum of 20%. The monthly benefit payment increases 1% for every year you are older than 40, to a maximum of 60%.

Age	Percentage of Net Average Earnings
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 the spouse's relative emotional and financial dependency on the worker.

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 benefit is paid until the child completes a degree, diploma or certificate program, or turns 30, whichever comes first. 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

A dependent child is entitled to monthly payments until he or she:

- Completes a degree, diploma or certificate program, or
- Turns 30,

whichever comes first.

The total combined payments to all dependent children cannot exceed 85% of the deceased worker's net average earnings.

The first (or only) child of a deceased worker receives 30% of the parent's net average earnings until the age of 19, at which point the amount drops to 10%.

If there is more than one dependent child, the first receives 30%, then 10% as detailed above. Ten percent is paid to each additional child. For example:

- First child – 30%
- Second child – 10%
- Third child – 10%

Children unable to earn wages

When a dependent child is unable to work because of a physical or mental disability, the monthly benefit payments described above will likely continue until he or she starts earning wages or dies.

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.

WORK REINTEGRATION SERVICES FOR SURVIVING SPOUSES

We offer surviving spouses help to enter or return to the workforce. You may be eligible for a Work Transition 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 occupation. We base this on your skills, employment history, and aptitudes. With the results, we can decide whether you need a Work Transition 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 training
- 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 1-800-387-0750.

