

DEPENDENCY BENEFITS – SURVIVOR BENEFITS - SUMMARY – 2011

Also see [Summary of Rehabilitation Services by Jurisdiction](#)

	DEPENDENCY BENEFITS - CURRENT PRACTICE	Section of Act	Policy (if any)	Additional info at:
AB	<p>After Jan. 1, 1982:</p> <p><u>General:</u></p> <ul style="list-style-type: none"> • The minimum rate for a dependent spouse, or dependent adult interdependent partner, and children, effective January 1, 2010, is \$1,350.46 per month. For accidents prior to January 1, 1974, this applies to spouses only. • The maximum rate for a spouse, or dependent adult interdependent partner, and children, effective January 1, 2011, is \$4,526.42 per month for accidents on or after April 1, 2003, or \$4,584.82 per month for accidents on or before March 31, 2003. • Effective January 1, 2010, a 2.20% increase was applied to pensions where the minimums are not applicable. The new amounts are not to exceed the maximum monthly rate in effect. • A dependent child, not residing with the dependent spouse or dependent adult interdependent partner, receives \$250.79 per month, effective January 1, 2010. • The Board may pay additional amounts to dependent spouses, dependent adult interdependent partners, or children under necessitous circumstances because of illness. • Other dependants may be paid amounts proportionate to the loss. Aggregate payments to all dependants shall not exceed the maximum compensation rate for total disability, applicable to the particular case. <p><u>Accidents After December 31, 1982</u></p> <ul style="list-style-type: none"> • A dependent spouse or dependent adult interdependent partner with dependent children under 18 years of age receives the amount which would have been payable to the worker for permanent total disability using the 90% of net income calculation method until the youngest dependent child reaches 18. • If a dependent spouse (which includes an dependent adult interdependent partner) has no dependent children under 18, or once the youngest dependent child reaches 18 years of age, the spouse is entitled to a 5 year reducing pension if the spouse is gainfully employed or refuses to seek gainful employment. If the spouse is capable of becoming gainfully employed with the assistance of the Vocational Rehabilitation Department, he or she is entitled to up to 60 months of the full pension while actively involved in a rehabilitation program. Once the spouse becomes gainfully employed, or upon the expiration of the 60 months, whichever occurs first, he or she would receive the five-year reducing term pension. Term pensions are paid at the rate of 100% for the first 12 months and then reduced by 20% each year thereafter until all benefits have been paid at the end of the fifth year. • If a dependent spouse or dependent adult interdependent partner without dependent children is incapable of employment due to age, invalidity, etc., a pension is payable for as long as the incapability exists. • When there are dependent children but no dependent spouse (which also includes a dependent adult interdependent partner), payments in the same amount as a dependent spouse would have received are made in trust to the guardian of the child's estate for the maintenance and education of the child. If there is more than one dependent child, the pension is divided equally and paid into separate trusts. Payments continue until the youngest child reaches the age of 18, when the reducing pension previously described is payable and divided among the surviving children. Guardianship refers to situations where the worker was supporting children at the time of the fatal accident. 		Benefits – Fatalities Policy	

Source: Association of Workers' Compensation Boards of Canada – 2011

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	DEPENDENCY BENEFITS - CURRENT PRACTICE	Section of Act	Policy (if any)	Additional info at:
BC	<p>On or after June 30, 2002:</p> <ul style="list-style-type: none"> • Compensation for a dependent widow/widower is payable for life.¹ • Widow/widower 50 and over - 60% of compensation wage rate that would have been paid to the deceased worker for permanent total disability, less 50% CPP (not less than \$1,030.98 per month). • Widow/widower under 50 - the product of the percentage determined by subtracting 1% from 60% for each year that the age of the widow/widower is under 50 years at the date of the worker's death, to a minimum of 30%, and the compensation wage rate that would have been paid to the deceased worker for permanent total disability; less 50% CPP (not less than \$1,030.98 per month). • Widow/widower and one child – 85% of compensation wage rate that would have been paid to the deceased worker for permanent total disability, less 50% CPP (minimum average used is \$34,371.71). • Widow/widower and two children – 100% of compensation wage rate that would have been paid to the deceased worker for permanent total disability, less 50% CPP (minimum average used is \$34,371.71). • Widow/widower and more than 2 children – same as with two children, plus \$319.05 (less 50% CPP) for each additional child over two in number. • Dependent children where there is no dependent widow/widower: <ul style="list-style-type: none"> • for one dependent child, 40% of the compensation that would have been paid to the deceased worker for permanent total disability, less 50% of the CPP benefits payable. • for two children, 50% of the compensation that would have been paid to the deceased worker for permanent total disability, less 50% of the CPP benefits payable. • for three or more children, 60% of the compensation that would have been paid to the deceased worker for permanent total disability, plus \$319.05 per month for each child over three in number. • Other dependants – maximum of \$564.67 depending on pecuniary loss, payable for life or for a lesser period, as determined by the WCB • Separated surviving spouse - an amount equal to the monthly payments under a separation agreement or court order, regardless of the deceased worker's past compliance with the agreement or order. Benefits cannot exceed the compensation that would have been payable under the <i>Workers Compensation Act</i> if the spouse had not been separated from the worker at the date of the worker's death. • Common-law spouse: <ul style="list-style-type: none"> • if there is no dependent widow/widower, an amount equal to the amount a dependent widow/widower would have been entitled; or • if there is a dependent widow/widower from whom the worker was living separate and apart, and there is a difference in the amount of compensation payable to the widow/widower by reason of the separation, up to the amount of that difference. • Foster parent – where the worker leaves dependent children but no widow/widower, and the WCB considers it desirable to continue the existing household, the same benefits may be payable to the foster parent and children as would have been payable to a widow/widower and children. <p>Note: "less 50% CPP" means only 50% of CPP benefits payable as a result of a worker's death (i.e., excludes a spousal retirement benefit).</p>		Rehabilitation Services & Claims Manual - Compensation on the Death of a Worker	Permanent disability and death Benefits

1 Section 17 and RSCM Vol. II #C8-52.00 to #C8-62.00.

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	DEPENDENCY BENEFITS - CURRENT PRACTICE	Section of Act	Policy (if any)	Additional info at:
MB	<ul style="list-style-type: none"> The spouse or common-law partner is entitled to monthly payments based on 90% of the deceased worker's actual net average earnings. These monthly payments are payable for 60 months or until the youngest child reaches 18 or the spouse or common-law partner turns 71. If the spouse or common-law partner is 61 years of age or older, monthly payments are paid for 48 months. Benefits paid to surviving children and other dependants are subtracted from the periodic payments paid to the spouse or common-law partner. Dependent children under 18 are entitled to a monthly payment of \$380. The monthly limit for children is \$1,530. Where the child is 18 years of age or older and is continuing his or her education, the child receives \$380 per month. Where the dependent child is an orphan, the monthly payment increases to \$770 but the monthly limit still remains the same. Other dependants of the deceased worker are entitled to the same benefit levels as children are. (\$380/\$1,530) The limit monthly limit for children and other dependants is \$3,070. A spouse or common-law partner with no dependants may elect to convert the monthly payments into a lump sum. In cases of hardship where the spouse or common-law partner is over 49 years of age, or an invalid, the spouse or common-law partner may elect not to receive the fatal lump sum payment and instead receive monthly payments until age 65. After two years, the benefit levels of surviving dependants are adjusted annually to reflect changes in the provincial average wage. The indexing factor reflects the percentage change from one twelve month period to the previous twelve month period. The twelve month period ends in June. 	Manitoba Regulation 171/2010, Adjustment in Compensation Regulation		Benefits for Dependants of Fatally Injured Workers
NB	<p>After January 1, 1998</p> <p>First year following death: 80% of the deceased worker's average net earnings less CPP. Spouse then elects (a) or (b):</p> <p>(a) 85% of deceased worker's average net earnings less CPP to age 65 and 5% set-aside for annuity at age 65 (When a spouse remarries, the monthly benefits are subject to a family means test. When the benefits paid to the surviving spouse combined with the net earnings of the new spouse exceed 85% of the deceased worker's average net earnings plus the net earnings of the new spouse, the monthly benefits are reduced.).</p> <p>(b) lump sum payment of 60% net annual income of deceased worker; benefits of 60% of deceased worker's net average earnings, less CPP to age 65, 8% set-aside for annuity at age 65. Under this plan, monthly amounts are also paid in respect of each child that was dependent on the deceased worker. The children are paid a percentage of the New Brunswick Industrial Aggregate Earnings (NBAIE). The monthly amounts for 2011 are as follows:</p> <p style="margin-left: 40px;">0- 6 yrs: 10.0% (\$314.88) 7-13 yrs: 12.5% (\$393.59) 14-17 yrs: 15.0% (\$472.31) Age 17 to (including) age 21 & in school: \$472.31</p> <p>Where a child is 18-21 years old and in school full-time, the parent or the child is paid 15% of the NBAIE and such other supplements as the Commission may award.</p>	Workers' Compensation Act Sections 38.51 through 38.54	Policy No. 21-515: Benefits for Survivors	

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NL	<p>After June 30, 1996:</p> <p>Dependent spouse:</p> <p>(a) Lump sum payment equal to 26 times the worker's average weekly net earnings at the time of the injury, or \$15,000, whichever is greater; AND</p> <p>(b) compensation in an amount equal to 80% of the worker's average weekly net earnings at the time of the injury less a survivor's pension payable to the surviving spouse under CPP; payable periodically until the date that the worker would have reached 65 years of age.</p> <p>If survived only by dependent children - lump sum amount equal to 26 times the worker's average weekly net earnings at the time of injury, or \$15,000, whichever is the greater, shared equally if more than one child, paid as above for dependent spouse.</p> <p>Guardian of dependent children - compensation equal to 80% of the worker's average weekly net earnings.</p>	<p>Workplace Health, Safety and Compensation Act (s. 65 - 72)</p> <p>Workplace Health, Safety and Compensation Regulations (s. 17-17.2)</p>	<p>EN-09 - Child Dependency Benefits;</p> <p>RH-08- Vocational Rehabilitation- Surviving Spouses</p>	
NT/ NU	<p>Spouse - \$2,316.16/month (based on 3.08% of YMIR). Additional benefits are available for necessitous circumstances because of illness.</p> <p>Child - To age 19 or until receipt of first school degree or Voc. Certificate - \$470.00/month (based on 0.625% of YMIR).</p> <p>For invalid children, there is no age limit for payment of benefits. Additional benefits are available at the discretion of the Commission.</p> <p>For other dependants (where there is no spouse or children), payment is made on the basis of pecuniary loss as determined by the Commission, subject to a maximum of \$2,316.16 per month.</p>		<p>Policy 06.01 - Pension Entitlement</p>	
NS	<p>Applies when death occurred on or after Feb 1, 1996</p> <ul style="list-style-type: none"> - 85% of net average earnings before the accident. - Payable until either the spouse reaches 65 years of age or the worker would have reached 65 years of age whichever is later (unless injury is before February 1, 1996, in which case it is payable for life). <p>Spouse – 2011 - \$641.38 weekly maximum (TD1 code 5). No minimum.</p> <p>Child/Orphan \$196.00 per month is the base rate. Indexed, the 2011 rate is \$224.44 per month To age 18, or end of the school year in which the child attains the age of 25 years of age if attending an approved educational facility.</p>	<p>Workers' Compensation Act (s. 59-68)</p>	<p>Survivor Benefits Policies</p> <p>Policy 6.2.4 Discretionary Benefits to Surviving Dependants</p>	

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ON	For Deaths on or After April 1, 1985:		Workplace Safety and Insurance Act (s. 48)	The Occupational Disease and Survivor Benefits Program
	<u>Lump Sum to Spouse:</u>	\$73,136.05 increased by \$1,828.40 for every year under 40 years of age or reduced by \$1,828.40 for every year over age 40. \$36,567.99 (min) - \$109,704.01 (max).		
	<u>Monthly Pensions:</u>			
	Spouse - no children:	40% net average earnings - add 1% for every year past 40 years of age, or subtract 1% for every year under 40. Range 20% - 60% of net average earnings.		
	Spouse with 1 or more children	<u>January 1, 1998</u> 85% of net average earnings at time of injury payable until oldest child reaches age 19. <u>Pre-1998</u> 90% of net average earnings at time of injury payable until youngest child reaches age 19.		
	A spouse is entitled to a life pension, at a percentage, based on his/her age on the day following the youngest child reaching age 19. Where the Board is satisfied that it is advisable for a child or children over age 19 to continue education, the Board will pay for each child 10% of the net average earnings of the worker, but the total benefits to the spouse and children shall not exceed 85% (90% pre-1998) of the net average earnings of the worker.			
	Spousal benefits are payable for life regardless of remarriage (as of April 1, 1985).			
Children - no spouse	<ul style="list-style-type: none"> - 1 child, 30% net average earnings; - 2 or more children, 30% net average earnings plus 10% each additional child after the first; - maximum 85% net average earnings (Jan. 1, 1998) - maximum 90% net average earnings (pre-1998); - \$73,136.05 lump sum (median) payment also applies to such children as a group; - no age limit for children who are incapable of earning wages. 			
Other dependants	- Where there is no dependent spouse or children, benefits are based on loss as determined by the Board, the maximum being 50% of net average earnings.			
Burial Expenses	- Minimum \$2,742.60 (statute); No statutory maximum (effective Jan.1/04).			

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PE	<p>After Jan. 1, 1995</p> <p>Spouse - \$10,000 lump sum + where the accident occurred after January 1, 1992 monthly payment based on 70% of deceased spouse pre-accident net income. Where the accident occurred before December 31, 1991, the amount of \$650 per month is payable for life.</p> <p>Child - For accidents that occurred after December 31, 1991, allowance of up to 10% of deceased worker's net earnings calculated on the 12 month period immediately prior to accident. Payable up to 18, or 22 if going to school. Maximum 3 children. For accidents that occurred before January 1, 1992, the amount of \$250 per month payable until the child reaches age 18; or until the child reaches age 22, if the child continues to be enrolled full time in an educational institution recognized by the Board.</p> <p>Orphan - A \$10,000 lump sum is paid into a fund under management of WCB for the purpose of post secondary education of each orphaned child.</p> <p>Other Dependants - For the monthly payment to other dependants, where there is no payment made under other clauses of the Act, an amount proportionate to the pecuniary loss to the dependants but not to exceed \$250 per month for any dependant or \$500 per month in total for all dependants.</p>		Survivor Benefits Policy (POL-12)	
QC	<p>Spouse – Lump sum depending on the age of the surviving spouse at the time of death and the gross annual employment income of the deceased worker from \$96,561 to \$192,000². Monthly benefit equal to 55% of the income replacement indemnity the deceased worker was or would have been entitled to during a period of 1 to 3 years (maximum monthly amount of \$2,084.74. \$484/month paid to every minor child; lump sum of \$17,385 to every major child attending school at the time of death. A minor disabled child who becomes major and remains disabled is entitled to a lump sum of \$96,561 if he does not receive an indemnity from other sources or \$17,385 if he does.</p> <p>Since June 18, 2009, a new lump sum is payable to children of a worker deceased without a spouse. It is added to the death benefits already provided (sections 102 to 105 ARIAOD). This lump sum amounts to between \$96,561 and \$192,000, and it is equally shared between minor children, major children under 25 who are full-time students, and major children for whom the worker met more than 50 % of their needs at the time of his death.</p> <p>For persons other than spouse and children:</p> <p>(a) If needs were provided for by the worker in excess of 50% and the dependant was less than 35 years old, there is entitlement to a lump sum of \$11,590.</p> <p>(b) If needs were provided for by the worker in excess of 50% and the dependant was more than 35 years old, there is entitlement to a lump sum of 75% of gross annual income of the worker, to a maximum of \$48,000 in 2010.</p> <p>(c) If invalid, a lump sum of \$96,561 to a dependant age 18 or less, ranging downwards on the basis of age to \$48,283 at age 65 or over, if the person is not receiving benefits from other sources; if the dependant is receiving such other benefits, paragraphs (a) and (b) apply.</p> <p>For any other person not previously mentioned whose needs were provided for by the worker:</p> <ul style="list-style-type: none"> - from 25% to 50%, entitlement to a lump sum of \$11,590. - from 10% to 25%, entitlement to a lump sum of \$5,795. <p>The father and mother of a worker who died without dependants or the estate if the parents are dead are entitled to a lump sum of \$25,105 each. The share of a deceased parent or of a parent deprived of parental authority is paid to the other parent.</p>			www.csst.qc.ca

2 The disabled surviving spouse receives \$189,894.

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SK	<p>Deaths On or after Jan. 1, 1980:</p> <p>Payment to dependent spouse - Equivalent of permanent total disability. If there are dependent children, then compensation will be extended until the youngest school child is 18, or (if no child is attending school) the youngest child is 16.</p> <p>Maximum \$3,396.78 / month based on a spouse with 2 dependent children. Minimum \$1,833.09 / month. Amounts are payable to a dependent spouse for a period of 5 years (may be extended if there is undue hardship). Full rehabilitation services are available to the spouse to promote independence.</p> <p>Payments to dependent children only – The monthly amount is \$384.84 per dependent child under the age of 18 years. If the child is between 18 and 25 years, and is in a secondary or post-secondary institution, then there is a monthly payment of \$362.72. This is payable for a maximum of 3 years, and will cease if the child leaves school or turns 25.</p> <p>Other Dependants - Awards in recognition of pecuniary loss are payable as determined by the Board.</p> <p>Benefits are subject to annual review based on CPI changes.</p>	<p>Workers' Compensation Act, 1979 (s. 82(1) to s.98)</p>	<p>Policy Manual: Section 5.0 (Benefits to Dependents)</p>	<p>PRO 51/2011 – Table of Net Compensation Payable (married + 2 dependents)</p>
YT	<p>Spouse - 2011 - \$2,435/month. The pension is payable for life.</p> <p>Child/Orphan - 2011 - To age 19 or until 21 if in school - \$974/month. In exceptional circumstances, the board may extend the period of payment beyond 21 years of age, but not beyond 25 years of age.</p> <p>There are discretionary allowances for spouse or child, as the board determines.</p> <p>For other dependants, where there are no regular dependants, payment for pecuniary loss is determined by the Board.</p>			<p>Benefits</p>

Note: Due to the variety of dependent benefits, only the basic payments are shown.

For further information go to the Board/Commission website or contact the Board/Commission at '[Links to Workers' Compensation Boards/Commissions](#)'.

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