

Dependency Benefits and Fatalities - Summary



The following tables describe benefits for dependents of fatally injured workers and identify benefits related to workplace fatalities such as immediate lump sum payments, funeral costs; transportation of body and lump sums payable on remarriage.

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

Go to Jurisdiction / Workers' Compensation Board / Commission:

[Newfoundland and Labrador / WorkplaceNL](#)

[Prince Edward Island / Workers' Compensation Board of PEI](#)

[Nova Scotia / Workers' Compensation Board of Nova Scotia](#)

[New Brunswick / WorkSafeNB](#)

[Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#)

[Ontario / Workplace Safety and Insurance Board \(WSIB\)](#)

[Manitoba / Workers' Compensation Board of Manitoba](#)

[Saskatchewan / Saskatchewan Workers' Compensation Board](#)

[Alberta / Worker' Compensation Board of Alberta](#)

[British Columbia / WorkSafeBC](#)

[Yukon / Yukon Workers' Compensation Health and Safety Board \(YWCHSB\)](#)

[Northwest Territories / Workers' Safety and Compensation Commission \(WSCC\)](#)



Newfoundland and Labrador

The following table describes benefits for dependents of fatally injured workers and benefits related to workplace fatalities for Newfoundland and Labrador.

| Newfoundland and Labrador / WorkplaceNL | Dependency Benefits and Fatalities |
|---|--|
| Dependency Benefits – Current Practice | <p>After June 30, 1996: Dependent spouse: (a) lump sum payment equal to 26 times the worker’s average weekly net earnings at the time of the injury, subject to the MCAE or \$15,000, whichever is greater; AND (b) compensation in an amount equal to 85% (after March 31, 2018) of the worker’s average weekly net earnings at the time of the injury, subject to the MCAE, 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. (c) where the worker is 63 years old or more at the time of death, compensation will be payable periodically for a period of not more than 2 years following the death of the worker. 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 greater, shared equally if more than one child, paid as above for dependent spouse. Compensation equal to 85% (after March 31, 2018) of the worker’s average weekly net earnings, paid as above for the dependent spouse, will be issued to the guardian of the dependent children.</p> |
| Immediate Lump Sum | Payable to dependent spouse, as noted above, equal to 26 times the worker’s average weekly net earnings at the time of the injury subject to the MCAE, or \$15,000, whichever is greater. |
| Funeral Costs | \$5,000 maximum where the death occurs on or after May 28, 1998 but before January 1, 2019: \$10,000 maximum where the death occurs on or after January 1, 2019. |
| Transportation of Body | Necessary costs. |
| Lump Sum Payable on Remarriage | Benefits continue after remarriage. |
| Legislation | Workplace Health, Safety and Compensation Act (sections 65-72 and 90 - 91) Workplace Health, Safety and Compensation Regulations (sections 17- 17.2) |
| Policy | EN-09 - Child Dependency Benefits |
| Additional Info | - |

Back to [top](#)
 Or go to Jurisdiction / Workers' Compensation Board / Commission: [Newfoundland and Labrador / WorkplaceNL](#) | [Prince Edward Island / Workers' Compensation Board of PEI](#) | [Nova Scotia / Workers' Compensation Board of Nova Scotia](#) | [New Brunswick / WorkSafeNB](#) | [Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#) | [Ontario / Workplace Safety and Insurance Board \(WSIB\)](#) | [Manitoba / Workers' Compensation Board of Manitoba](#) | [Saskatchewan / Saskatchewan Workers' Compensation Board](#) | [Alberta / Worker' Compensation Board of Alberta](#) | [British Columbia / WorkSafeBC](#) | [Yukon / Yukon Workers' Compensation Health and Safety Board \(YWCHSB\)](#) | [Northwest Territories / Workers' Safety and Compensation Commission \(WSCC\)](#)



Prince Edward Island

The following table describes benefits for dependents of fatally injured workers and benefits related to workplace fatalities for Prince Edward Island.

| Prince Edward Island / Workers' Compensation Board of PEI | |
|---|---|
| Dependency Benefits and Fatalities | |
| Dependency Benefits – Current Practice | <p>After January 1, 1995</p> <p>Spouse - A spouse who is a sole dependent will be paid a lump sum payment in the amount equal to 40% of the maximum annual earnings in the year the death occurred.</p> <p>Child - For death resulting from an accident that occurred after December 31, 1991, for each child an amount equal to 10% of the wage loss benefits that would have been payable to the worker under the Workers Compensation Act until the child reaches age 18, or age 22 if the child continues to be enrolled full time in an educational institution recognized by the Workers Compensation Board; provided that the total payment for all children shall not exceed 30% of the wage loss benefits that would have been payable to the worker.</p> <p>For death resulting from an accident 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 Workers Compensation Board.</p> <p>Dependent child of the deceased worker who is under 18 and has no other parent - A guardian of dependent children under the age of 18 years without a parent will be paid a monthly amount based on the following:</p> <ul style="list-style-type: none"> for accidents that occurred before January 1, 1992, the amount of \$250 per child per month but not to exceed \$1,000 per month in total for all children under the age of 18 years in the custody of a guardian; for accidents that occurred after December 31, 1991, an amount equal to 20% of the wage loss benefits that would have been payable to the worker under the Workers Compensation Act for each child under the age of 18 years but not to exceed 60% in total of the wage loss benefits that would have been payable to the worker. <p>Other Dependents - For the monthly payment to other dependents, an amount proportionate to the pecuniary loss to the dependents but not to exceed \$250 per month for any dependent or \$500 per month in total for all dependents.</p> |
| Immediate Lump Sum | 40% of the maximum annual earnings in the year the death occurred (section 37(1)(b)) |
| Funeral Costs | The maximum amount as of July 1, 2020 is \$8,158.22 |
| Transportation of Body | Necessary costs. |
| Lump Sum Payable on Remarriage | Remarriage has no impact. |
| Legislation | Workers Compensation Act (sections 37, 38, 39) Workers Compensation Act General Regulations (section 8) |
| Policy | POL-12 Survivor Benefits |
| Additional Info | Survivor Benefits |

Back to [top](#)

Or go to Jurisdiction / Workers' Compensation Board / Commission: [Newfoundland and Labrador / WorkplaceNL](#) | [Prince Edward Island / Workers' Compensation Board of PEI](#) | [Nova Scotia / Workers' Compensation Board of Nova Scotia](#) | [New Brunswick / WorkSafeNB](#) | [Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#) | [Ontario / Workplace Safety and Insurance Board \(WSIB\)](#) | [Manitoba / Workers' Compensation Board of Manitoba](#) | [Saskatchewan / Saskatchewan Workers' Compensation Board](#) | [Alberta / Worker' Compensation Board of Alberta](#) | [British Columbia / WorkSafeBC](#) | [Yukon / Yukon Workers' Compensation Health and Safety Board \(YWCHSB\)](#) | [Northwest Territories / Workers' Safety and Compensation Commission \(WSCC\)](#)

Nova Scotia

The following table describes benefits for dependents of fatally injured workers and benefits related to workplace fatalities for Nova Scotia.

| Nova Scotia / Workers' Compensation Board of Nova Scotia | Dependency Benefits and Fatalities |
|--|---|
| Dependency Benefits – Current Practice | <p><u>Applies when death occurred on or after February 1, 1996</u></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: 2015 - \$693.24; 2021 - \$784.26 weekly maximum (TD1 code 5). No minimum. Child/Orphan: \$196.00 per month is the base rate. Indexed, the 2015/2021 rate is \$234.36/\$242.91 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> |
| Immediate Lump Sum | A sum not less than \$15,000 (section 59(a) of Act) (date of death on or after February 1, 1996) |
| Funeral Costs | \$5,000 maximum (per <i>General Regulations</i>) (date of death on or after February 1, 1996) |
| Transportation of Body | Actual expenses for out of province. \$500 maximum within province. |
| Lump Sum Payable on Remarriage | Pension continues after remarriage. |
| Legislation | Workers' Compensation Act (sections 59-68) |
| Policy | Survivor Benefits Policies |
| Additional Info | Claim Benefits and Services – Survivor Benefits |

Back to [top](#)

Or go to Jurisdiction / Workers' Compensation Board / Commission: [Newfoundland and Labrador / WorkplaceNL](#) | [Prince Edward Island / Workers' Compensation Board of PEI](#) | [Nova Scotia / Workers' Compensation Board of Nova Scotia](#) | [New Brunswick / WorkSafeNB](#) | [Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#) | [Ontario / Workplace Safety and Insurance Board \(WSIB\)](#) | [Manitoba / Workers' Compensation Board of Manitoba](#) | [Saskatchewan / Saskatchewan Workers' Compensation Board](#) | [Alberta / Worker' Compensation Board of Alberta](#) | [British Columbia / WorkSafeBC](#) | [Yukon / Yukon Workers' Compensation Health and Safety Board \(YWCHSB\)](#) | [Northwest Territories / Workers' Safety and Compensation Commission \(WSCC\)](#)

New Brunswick

The following table describes benefits for dependents of fatally injured workers and benefits related to workplace fatalities for New Brunswick.

| New Brunswick / WorkSafeNB | Dependency Benefits and Fatalities |
|---|--|
| Dependency Benefits – Current Practice | <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>(d) 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>(e) 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 2015 are as follows:</p> <ul style="list-style-type: none"> • 0 - 6 years: 10.0% (\$338.46) • 7 - 13 years: 12.5% (\$423.07) • 14 - 17 years: 15.0% (\$507.69) • Age 17 to (including) age 21 & in school: \$507.69 <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> |
| Immediate Lump Sum | <p>“an amount equal to 50% of the New Brunswick Industrial Aggregate Earnings”</p> <p>2021: \$22,379.50</p> |
| Funeral Costs | <p>“an amount equal to 40% of the New Brunswick Industrial Aggregate Earnings to assist with necessary expenses of death such as burial”</p> <p>2021: \$17,903.60</p> |
| Transportation of Body | <p>Additional expenses may be covered when the body is transferred a considerable distance for burial</p> |
| Lump Sum Payable on Remarriage | <p>Surviving Spouse Pension Benefits: if a spouse remarries, a family income test may apply and the surviving spouse's pension benefits could be reduced. Other benefits relating to the fatality (such as burial) would be paid regardless of surviving spouse's remarriage.</p> |
| Legislation | <p>Workers' Compensation Act (sections 38.22, 38.5, 38.51, 38.52, 38.53, 38.54, 38.6, 38.7, 38.8)</p> |
| Policy | <ul style="list-style-type: none"> • Policy No. 21-515: Benefits for Survivors • Policy No. 21-513: Who is a Survivor |
| Additional Info | <p>Workers' Compensation A Guide for New Brunswick Workers</p> |

Back to [top](#)

Or go to Jurisdiction / Workers' Compensation Board / Commission: [Newfoundland and Labrador / WorkplaceNL](#) | [Prince Edward Island / Workers' Compensation Board of PEI](#) | [Nova Scotia / Workers' Compensation Board of Nova Scotia](#) | [New Brunswick / WorkSafeNB](#) | [Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#) | [Ontario / Workplace Safety and Insurance Board \(WSIB\)](#) | [Manitoba / Workers' Compensation Board of Manitoba](#) | [Saskatchewan / Saskatchewan Workers' Compensation Board](#) | [Alberta / Worker' Compensation Board of Alberta](#) | [British Columbia / WorkSafeBC](#) | [Yukon / Yukon Workers' Compensation Health and Safety Board \(YWCHSB\)](#) | [Northwest Territories / Workers' Safety and Compensation Commission \(WSCC\)](#)

Quebec

The following table describes benefits for dependents of fatally injured workers and benefits related to workplace fatalities for Quebec.

| Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) | Dependency Benefits and Fatalities |
|--|---|
| Dependency Benefits – Current Practice | <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 \$113,826 to \$250,500 in 2021¹. 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 \$2,614 in 2021. \$571/month in 2021 paid to every minor child; lump sum of \$20,494 in 2021 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 \$113,826 in 2021 if he does not receive an indemnity from other sources or \$20,494 in 2021 if he does. A 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 \$113,826 and \$250,500 in 2021, 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>(f) If needs were provided for by the worker in excess of 50% and the dependent was less than 35 years old, there is entitlement to a lump sum of \$13,660 in 2021.</p> <p>(g) If needs were provided for by the worker in excess of 50% and the dependent 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 \$62,625 in 2021.</p> <p>(h) If invalid, a lump sum of \$113,826 in 2021 to a dependent age 18 or less, ranging downwards on the basis of age to \$56,916 in 2021 at age 65 or over, if the person is not receiving benefits from other sources; if the dependent 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 \$13,660 in 2021; from 10% to 25%, entitlement to a lump sum of \$6,831 in 2021. <p>The father and mother of a worker who died without dependents or the estate if the parents are dead are entitled to a lump sum of \$29,592 2021 each. The share of a deceased parent or of a parent deprived of parental authority is paid to the other parent.</p> |
| Immediate Lump Sum | \$2,277 in 2021 |
| Funeral Costs | |
| Transportation of Body | \$5,534 in 2021 |
| Lump Sum Payable on Remarriage | Actual costs. |
| Legislation | Not applicable. |
| Policy | Act Respecting Industrial Accidents and Occupational Diseases (sections 92-111) |
| Additional Info | Politique 2.07 – Les indemnités de décès |

References:

¹ The disabled surviving spouse receives between \$103,796 and \$210,000 in 2015.

Back to [top](#)

Or go to Jurisdiction / Workers' Compensation Board / Commission: [Newfoundland and Labrador / WorkplaceNL](#) | [Prince Edward Island / Workers' Compensation Board of PEI](#) | [Nova Scotia / Workers' Compensation Board of Nova Scotia](#) | [New Brunswick / WorkSafeNB](#) | [Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#) | [Ontario / Workplace Safety and Insurance Board \(WSIB\)](#) | [Manitoba / Workers' Compensation Board of Manitoba](#) | [Saskatchewan / Saskatchewan Workers' Compensation Board](#) | [Alberta / Worker' Compensation Board of Alberta](#) | [British Columbia / WorkSafeBC](#) | [Yukon / Yukon Workers' Compensation Health and Safety Board \(YWCHSB\)](#) | [Northwest Territories / Workers' Safety and Compensation Commission \(WSCC\)](#)

Ontario

The following table describes benefits for dependents of fatally injured workers and benefits related to workplace fatalities for Ontario.

| Ontario / Workplace Safety and Insurance Board (WSIB) | Dependency Benefits and Fatalities | | | | | | | | |
|---|--|----------------------|--|--------------------------------|--|----------------------|--|------------------|--|
| Dependency Benefits – Current Practice | <p>For Deaths on or after April 1, 1985 Lump Sum to Spouse: \$86,211.87 increased by \$2,155.29 for every year under 40 years of age or reduced by \$2,155.29 for every year over age 40</p> <p>Monthly Pensions:</p> <table border="1" data-bbox="749 469 3008 606"> <tr> <td data-bbox="749 469 1289 540">Spouse – no children</td> <td data-bbox="1299 469 3008 540">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</td> </tr> <tr> <td data-bbox="749 540 1289 606">Spouse with 1 or more children</td> <td data-bbox="1299 540 3008 606">January 1, 1998: 85% of net average earnings at time of injury payable until youngest child reaches age 19 Pre-1998: 90% of net average earnings at time of injury payable until youngest child reaches age 19.</td> </tr> </table> <p>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).</p> <table border="1" data-bbox="749 751 3008 1084"> <tr> <td data-bbox="749 751 1289 1014">Children – no spouse</td> <td data-bbox="1299 751 3008 1014"> <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); - \$86,211.87 lump sum (median) payment also applies to each children as a group - no age limit for child who is incapable of earning wages - Where someone is acting in the role of parent, would pay the full 85%/90% versus those lesser percentages for where there are children only </td> </tr> <tr> <td data-bbox="749 1014 1289 1084">Other dependents</td> <td data-bbox="1299 1014 3008 1084">- 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</td> </tr> </table> | 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 | January 1, 1998: 85% of net average earnings at time of injury payable until youngest child reaches age 19 Pre-1998: 90% of net average earnings at time of injury payable until youngest child reaches age 19. | 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); - \$86,211.87 lump sum (median) payment also applies to each children as a group - no age limit for child who is incapable of earning wages - Where someone is acting in the role of parent, would pay the full 85%/90% versus those lesser percentages for where there are children only | Other dependents | - 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 |
| 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 | January 1, 1998: 85% of net average earnings at time of injury payable until youngest child reaches age 19 Pre-1998: 90% of net average earnings at time of injury payable until youngest child reaches age 19. | | | | | | | | |
| 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); - \$86,211.87 lump sum (median) payment also applies to each children as a group - no age limit for child who is incapable of earning wages - Where someone is acting in the role of parent, would pay the full 85%/90% versus those lesser percentages for where there are children only | | | | | | | | |
| Other dependents | - 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 | | | | | | | | |
| Immediate Lump Sum | \$43,105.88 (minimum) to \$129,317.72 (maximum). | | | | | | | | |
| Funeral Costs | \$3,232.94 minimum. No maximum | | | | | | | | |
| Transportation of Body | Necessary costs. | | | | | | | | |
| Lump Sum Payable on Remarriage | Pension continues after remarriage. | | | | | | | | |
| Legislation | Workplace Safety and Insurance Act, 1997 (section 48) | | | | | | | | |
| Policy | See Survivors chapter in Operational Policy Manual | | | | | | | | |
| Additional Info | Survivors' Benefits | | | | | | | | |

Back to [top](#)

Or go to Jurisdiction / Workers' Compensation Board / Commission: [Newfoundland and Labrador / WorkplaceNL](#) | [Prince Edward Island / Workers' Compensation Board of PEI](#) | [Nova Scotia / Workers' Compensation Board of Nova Scotia](#) | [New Brunswick / WorkSafeNB](#) | [Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#) | [Ontario / Workplace Safety and Insurance Board \(WSIB\)](#) | [Manitoba / Workers' Compensation Board of Manitoba](#) | [Saskatchewan / Saskatchewan Workers' Compensation Board](#) | [Alberta / Worker' Compensation Board of Alberta](#) | [British Columbia / WorkSafeBC](#) | [Yukon / Yukon Workers' Compensation Health and Safety Board \(YWCHSB\)](#) | [Northwest Territories / Workers' Safety and Compensation Commission \(WSCC\)](#)



Manitoba

The following table describes benefits for dependents of fatally injured workers and benefits related to workplace fatalities for Manitoba.

| Manitoba / Workers' Compensation Board of Manitoba | Dependency Benefits and Fatalities |
|--|--|
| Dependency Benefits – Current Practice | <p>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.</p> <ul style="list-style-type: none"> • 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 dependents 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 \$480. The monthly limit for children is \$1,940. Where the child is 18 years of age or older and is continuing his or her education, the child receives \$480 per month. Where the dependent child is an orphan, the monthly payment increases to \$970 but the monthly limit still remains the same. • Other dependents of the deceased worker are entitled to the same benefit levels as children are. (\$480 / \$1,940) • The monthly limit for children and other dependents is \$3,870. • A spouse or common-law partner with no dependents 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. <p>After two years, the benefit levels of surviving dependents 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.</p> |
| Immediate Lump Sum | \$88,150 ^{2,3} |
| Funeral Costs | \$13,570 ⁴ |
| Transportation of Body | Necessary costs |
| Lump Sum Payable on Remarriage | Monthly payments continue after remarriage, or entry into a common-law relationship. |
| Legislation | Workers Compensation Act (sections 28, 29 to 35, 36) Manitoba Regulation 132/2020, Adjustment in Compensation Regulation |
| Policy | Policy 44.110.55, Spousal or Common-Law Partner Options - Undue Hardship |
| Additional Info | Fact Sheet – Benefits for Dependents of Fatally Injured Workers |

References:

² For accidents on or after January 1, 2006, the date of death, not the accident date, will be used to determine benefit levels provided to the deceased worker's estate or dependents.

³ The surviving spouse or common-law partner may elect to receive this fatal lump sum payment as an annuity.

⁴ For accidents on or after January 1, 2006, the date of death, not the accident date, will be used to determine benefit levels provided to the deceased worker's estate or dependents.

Back to [top](#)

Or go to Jurisdiction / Workers' Compensation Board / Commission: [Newfoundland and Labrador / WorkplaceNL](#) | [Prince Edward Island / Workers' Compensation Board of PEI](#) | [Nova Scotia / Workers' Compensation Board of Nova Scotia](#) | [New Brunswick / WorkSafeNB](#) | [Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#) | [Ontario / Workplace Safety and Insurance Board \(WSIB\)](#) | [Manitoba / Workers' Compensation Board of Manitoba](#) | [Saskatchewan / Saskatchewan Workers' Compensation Board](#) | [Alberta / Worker' Compensation Board of Alberta](#) | [British Columbia / WorkSafeBC](#) | [Yukon / Yukon Workers' Compensation Health and Safety Board \(YWCHSB\)](#) | [Northwest Territories / Workers' Safety and Compensation Commission \(WSCC\)](#)

Saskatchewan

The following table describes benefits for dependents of fatally injured workers and benefits related to workplace fatalities for Saskatchewan.

| Saskatchewan | |
|---|---|
| Dependency Benefits and Fatalities | |
| Dependency Benefits – Current Practice | <p><u>Deaths On or after January 1, 1980:</u> 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. Amounts based on a spouse with 2 dependent children:</p> <ul style="list-style-type: none"> • Minimum = \$2,402.60/month. • Maximum: <ul style="list-style-type: none"> ○ If fatality occurred between September 1, 1985 and December 31, 2013 (inclusive) = \$4,799.63/month ○ If fatality occurred on or after January 1, 2014 = \$6,832.50/month. <p>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 \$454.36 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 \$428.26. This is payable for a maximum of 3 years, and will cease if the child leaves school or turns 25.</p> <p>Other Dependents - Awards in recognition of pecuniary loss are payable as determined by the Board. Benefits are subject to annual review based on CPI changes.</p> |
| Immediate Lump Sum | <p>For dependents other than a spouse or child, compensation may be made wholly or partly in a lump sum if the board considers it suitable. When the death of the worker is not due to a work-related injury and the worker was receiving benefits for less than 24 consecutive months, the WCB will provide benefits for a period of three months. The payee will have the choice of receiving either three monthly payments or a one-time lump sum.</p> |
| Funeral Costs | \$14,002.00 effective January 1, 2021 |
| Transportation of Body | Actual costs in Canada. |
| Lump Sum Payable on Remarriage | For injuries occurring on or after September 1, 1985: Benefits continue irrespective of remarriage for a period of 5 years. |
| Legislation | Workers' Compensation Act, 2013 (sections 80(1) to section 94) |
| Policy | Policy & Legislation : Policy and Procedure Manual - Policy Manual: Section 5.0 (Benefits to Dependents) PRO 10/2020 PRO 02/2020 |
| Additional Info | Information for Workers Brochure |

Back to [top](#)

Or go to Jurisdiction / Workers' Compensation Board / Commission: [Newfoundland and Labrador / WorkplaceNL](#) | [Prince Edward Island / Workers' Compensation Board of PEI](#) | [Nova Scotia / Workers' Compensation Board of Nova Scotia](#) | [New Brunswick / WorkSafeNB](#) | [Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#) | [Ontario / Workplace Safety and Insurance Board \(WSIB\)](#) | [Manitoba / Workers' Compensation Board of Manitoba](#) | [Saskatchewan / Saskatchewan Workers' Compensation Board](#) | [Alberta / Worker' Compensation Board of Alberta](#) | [British Columbia / WorkSafeBC](#) | [Yukon / Yukon Workers' Compensation Health and Safety Board \(YWCHSB\)](#) | [Northwest Territories / Workers' Safety and Compensation Commission \(WSCC\)](#)

The following table describes benefits for dependents of fatally injured workers and benefits related to workplace fatalities for Alberta.

| Alberta | Dependency Benefits and Fatalities |
|--|--|
| <p>Dependency Benefits – Current Practice</p> | <p><u>After January 1, 1982:</u> General:</p> <ul style="list-style-type: none"> • The minimum rate for a dependent spouse, or dependent adult interdependent partner, and children, effective January 1, 2021, is \$1,877.66 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, 2021, is \$5,435.13 per month for accidents on or after April 1, 2003, or \$5,509.55 per month for accidents on or before March 31, 2003. • Effective January 1, 2021, a 0.84% 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, for claims with a date of accident on or after September 1, 2018 receives \$441.46 per month, effective January 1, 2021 or for claims with a date of accident on or before August 31, 2018 receives \$286.91 per month effective January 1, 2021. • The Board may pay additional amounts to dependent spouses, dependent adult interdependent partners, or children under necessitous circumstances because of illness. • Other dependents may be paid amounts proportionate to the loss. Aggregate payments to all dependents shall not exceed the maximum compensation rate for total disability, applicable to the particular case. <p>Accidents After August 31, 2018:</p> <ul style="list-style-type: none"> • A dependent spouse or dependent adult interdependent partner with dependent children receives the amount which would have been payable to the worker for permanent total disability using the 90% of net income calculation method until all dependent children are no longer dependent. • Children are considered dependent until they reach age 18, or, if age 18 or over, if they are a student in secondary or post-secondary school, approved by WCB, until they are no longer attending school or they reach age 25, whichever comes first. • If a dependent spouse (which includes a dependent adult interdependent partner) has no dependent children, or once the children are no longer dependent, the spouse is entitled to a full pension for 5 years. At the end of this 5-year period, WCB will review the dependent spouse's vocational status. If the spouse is gainfully employed or refuses to seek gainful employment, the fatality pension ends. If the spouse is capable of becoming gainfully employed with the assistance of vocational services, they are 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, the pension ends. • 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 child is no longer dependent, at which point the child is entitled to an equal share of the 5-year pension referenced above. Guardianship refers to situations where the worker was supporting children at the time of the fatal accident <p>Accidents After December 31, 1982 and Before September 1, 2018:</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 a 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 |

| Alberta | |
|---------------------------------------|---|
| Dependency Benefits and Fatalities | |
| | 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. |
| Immediate Lump Sum | \$2,287.96 effective January 1, 2021 (all fatalities) plus, depending on date of accident, a lump sum up to a maximum of \$95,409.26 (fatalities with a date of accident after August 31, 2018) |
| Funeral Costs | \$16,900 maximum effective January 1, 2020 |
| Transportation of Body | Reasonable and actual expenses to transport the body |
| Lump Sum Payable on Remarriage | For pre-1982 cases only. Term pension concept introduced in 1982. Under the <i>Special Payment Act</i> , spouses whose pensions are terminated because of remarriage may also receive a one-time payment of \$80,000 in addition to the lump sum payable under the <i>Workers' Compensation Act</i> . |
| Legislation | Workers' Compensation Act (sections 70-77) |
| Policy | Fatalities, 04-08 Parts I & II |
| Additional Info | Work-related fatalities (Benefits for dependents) |

Back to [top](#)

Or go to Jurisdiction / Workers' Compensation Board / Commission: [Newfoundland and Labrador / WorkplaceNL](#) | [Prince Edward Island / Workers' Compensation Board of PEI](#) | [Nova Scotia / Workers' Compensation Board of Nova Scotia](#) | [New Brunswick / WorkSafeNB](#) | [Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#) | [Ontario / Workplace Safety and Insurance Board \(WSIB\)](#) | [Manitoba / Workers' Compensation Board of Manitoba](#) | [Saskatchewan / Saskatchewan Workers' Compensation Board](#) | [Alberta / Worker' Compensation Board of Alberta](#) | [British Columbia / WorkSafeBC](#) | [Yukon / Yukon Workers' Compensation Health and Safety Board \(YWCHSB\)](#) | [Northwest Territories / Workers' Safety and Compensation Commission \(WSCC\)](#)

British Columbia

The following table describes benefits for dependents of fatally injured workers and benefits related to workplace fatalities for British Columbia.

| British Columbia | |
|---|--|
| Dependency Benefits and Fatalities | |
| Dependency Benefits – Current Practice | <p><u>On or after June 30, 2002:</u></p> <ul style="list-style-type: none"> • Compensation for a dependent surviving spouse is payable for life.⁵ • Surviving spouse 50 and over or incapable of earning - 60% of compensation wage rate that would have been paid to the deceased worker for permanent total disability, less 50% federal benefits payable to or for the dependent spouse (not less than \$1,207.50 per month). • Surviving spouse under 50 and not an invalid - the product of the percentage determined by subtracting 1% from 60% for each year that the age of the dependent spouse 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% federal benefits payable to or for the dependent spouse (not less than \$1,207.50 per month). • Surviving spouse and one child – 85% of compensation wage rate that would have been paid to the deceased worker for permanent total disability, less 50% federal benefits payable to or for the dependent spouse (minimum average used is \$40,256.48). • Surviving spouse and two children – 100% of compensation wage rate that would have been paid to the deceased worker for permanent total disability, less 50% federal benefits payable to or for the dependent spouse (minimum average used is \$40,256.48). • Surviving spouse and more than 2 children – same as with two children, plus \$373.66 (less 50% federal benefits payable to or for the dependent spouse) for each additional child over two in number. • Dependent children where there is no dependent spouse – <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 federal benefits payable to or for those children. ○ for two children, 50% of the compensation that would have been paid to the deceased worker for permanent total disability, less 50% of the federal benefits payable to or for those children. ○ for three or more children, 60% of the compensation that would have been paid to the deceased worker for permanent total disability, plus \$373.66 per month for each child over three in number, less 50% of the federal benefits payable to or for those children. • Other dependents – maximum of \$661.34 per month 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. If separated for less than 3 months without court order or separation agreement, benefits are calculated as if there had been no separation. If separated for more than three months without court order or separation agreement (with the intention to live separate and apart), monthly benefits are based on the amount the Board believes the dependent spouse and children would likely have received from the worker if the worker had not died, up to the maximum payable if there had been no separation. • Common-law spouse – <ul style="list-style-type: none"> ○ if there is no dependent surviving spouse, an amount equal to the amount a dependent spouse would have been entitled; or ○ if there is a dependent surviving spouse from whom the worker was living separate and apart, and there is a difference in the amount of compensation payable to the surviving spouse by reason of the separation, up to the amount of that difference. • Foster parent – where the worker leaves dependent children but no surviving spouse, 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 surviving spouse and children. <p>Note: “less 50% federal benefits payable to or for the dependent spouse” means only 50% of federal benefits payable to or for the dependent spouse as a result of a worker’s death (i.e., excludes a spousal retirement benefit).</p> |
| Immediate Lump Sum | \$2,856.72 (section 167) ⁶ |
| Funeral Costs | \$9,736.05 (section 166) ⁷ |
| Transportation of Body | \$1,538.23 (section 166) ⁸ |
| Lump Sum Payable on Remarriage | Benefits continue after remarriage. ⁹ |
| Legislation | Workers Compensation Act (sections 165, 166, 167, 168, 195, 196, 225) |
| Policy | Chapter 8, Compensation on the Death of a Worker, Rehabilitation Services & Claims Manual, Vol. II; C8-52.00 – C8-63.00 |
| Additional Info | Permanent disability and death benefits |



References:

- 5 Section 168 (2); RSCM #C8-62.00
- 6 Rehabilitation Services & Claims Manual Volume II C8-55.00.
- 7 Rehabilitation Services & Claims Manual Volume II C8-54.00.
- 8 Rehabilitation Services & Claims Manual Volume II C8-54.00.
- 9 Rehabilitation Services & Claims Manual Volume II C8-56.00.

Back to [top](#)

Or go to Jurisdiction / Workers' Compensation Board / Commission: [Newfoundland and Labrador / WorkplaceNL](#) | [Prince Edward Island / Workers' Compensation Board of PEI](#) | [Nova Scotia / Workers' Compensation Board of Nova Scotia](#) | [New Brunswick / WorkSafeNB](#) | [Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#) | [Ontario / Workplace Safety and Insurance Board \(WSIB\)](#) | [Manitoba / Workers' Compensation Board of Manitoba](#) | [Saskatchewan / Saskatchewan Workers' Compensation Board](#) | [Alberta / Worker' Compensation Board of Alberta](#) | [British Columbia / WorkSafeBC](#) | [Yukon / Yukon Workers' Compensation Health and Safety Board \(YWCHSB\)](#) | [Northwest Territories / Workers' Safety and Compensation Commission \(WSCC\)](#)



Yukon

The following table describes benefits for dependents of fatally injured workers and benefits related to workplace fatalities for Yukon.

| Yukon | Dependency Benefits and Fatalities |
|---|--|
| Dependency Benefits – Current Practice | <p>Spouse - 2015 - \$2,651.16/month. Represents 3.125% of maximum wage rate. The pension is payable for life.</p> <p>Child/Orphan - 2015 - To age 19 or until 21 if in school - \$1,060.46/month. Represents 1.25% of maximum wage rate. 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 dependents, where there are no regular dependents, payment for pecuniary loss is determined by the Board.</p> |
| Immediate Lump Sum | Dependents may apply for lump sum if in financial distress |
| Funeral Costs | Actual to \$9,016. Additional expenses incurred to max. \$4,507. |
| Transportation of Body | Reasonable and actual costs within Canada ¹⁰ . |
| Lump Sum Payable on Remarriage | Compensation for spouse continues after remarriage and is for life |
| Legislation | Workers' Compensation Act (sections 43, 44, 45, 46, 47, 48, 49) |
| Policy | N/A |
| Additional Info | - |

References:

¹⁰ Costs of transporting the body to the deceased's residence within Canada

Back to [top](#)

Or go to Jurisdiction / Workers' Compensation Board / Commission: [Newfoundland and Labrador / WorkplaceNL](#) | [Prince Edward Island / Workers' Compensation Board of PEI](#) | [Nova Scotia / Workers' Compensation Board of Nova Scotia](#) | [New Brunswick / WorkSafeNB](#) | [Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#) | [Ontario / Workplace Safety and Insurance Board \(WSIB\)](#) | [Manitoba / Workers' Compensation Board of Manitoba](#) | [Saskatchewan / Saskatchewan Workers' Compensation Board](#) | [Alberta / Worker' Compensation Board of Alberta](#) | [British Columbia / WorkSafeBC](#) | [Yukon / Yukon Workers' Compensation Health and Safety Board \(YWCHSB\)](#) | [Northwest Territories / Workers' Safety and Compensation Commission \(WSCC\)](#)

Northwest Territories & Nunavut

The following table describes benefits for dependents of fatally injured workers and benefits related to workplace fatalities for Northwest Territories & Nunavut.

| Northwest Territories & Nunavut | Dependency Benefits and Fatalities |
|---|---|
| Dependency Benefits – Current Practice | <p>Spouse - A spouse's pension is based on the calculation of 3.08% of YMIR¹¹ in the year of the worker's death. A dependent surviving spouse receives a monthly pension for life. Additional benefits are available for circumstances because of illness.</p> <p>Child - To age 19 or until receipt of first school degree or Voc. Certificate - A child's pension is based on the calculation of 0.625% of YMIR in the year of the worker's death.</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 dependents (where there is no spouse or children), payment is made on the basis of pecuniary loss as determined by the Commission - Payment to caregiver to child of deceased worker... If two or more persons assume full or shared responsibility for a child of the deceased worker, compensation is divided among them in proportion to their share of responsibility for the child. Compensation ends when the child is no longer entitled to compensation or the natural parent is no longer responsible for the child, whichever comes first.</p> |
| Immediate Lump Sum | 30% of YMIR ¹¹ |
| Funeral Costs | 13% of YMIR ¹¹ |
| Transportation of Body | Expense of transporting body to place of last usual residence within Canada, if death occurs away from that place. |
| Lump Sum Payable on Remarriage | Benefits continue after remarriage. |
| Legislation | Workers' Compensation Act (sections 7, 11, 48, 50, 51) |
| Policy | 06.01 - Pension Entitlement |
| Additional Info | Workers' Compensation Act |

References:

¹¹ Yearly Maximum Insurable Remuneration

Back to [top](#)

Or go to Jurisdiction / Workers' Compensation Board / Commission: [Newfoundland and Labrador / WorkplaceNL](#) | [Prince Edward Island / Workers' Compensation Board of PEI](#) | [Nova Scotia / Workers' Compensation Board of Nova Scotia](#) | [New Brunswick / WorkSafeNB](#) | [Québec / Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#) | [Ontario / Workplace Safety and Insurance Board \(WSIB\)](#) | [Manitoba / Workers' Compensation Board of Manitoba](#) | [Saskatchewan / Saskatchewan Workers' Compensation Board](#) | [Alberta / Worker' Compensation Board of Alberta](#) | [British Columbia / WorkSafeBC](#) | [Yukon / Yukon Workers' Compensation Health and Safety Board \(YWCHSB\)](#) | [Northwest Territories / Workers' Safety and Compensation Commission \(WSCC\)](#)

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Disclaimer:

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