



## **BENEFITS FOR DEPENDANTS OF FATALLY INJURED WORKERS**

### **If my spouse or common-law partner dies as a result of a workplace injury, how do I apply for workers compensation benefits?**

You must file a claim with the Workers Compensation Board of Manitoba (WCB) within one year after the death.

### **If the claim is accepted, what workers compensation benefits am I entitled to?**

If the claim is accepted, as the dependent spouse or common-law partner, you may be entitled to the following:

- a lump sum payment of \$91,700 which may be converted into a tax-free annuity (regular monthly payments) administered by the WCB
- in most cases, a monthly payment equal to 90% of the deceased worker's net average earnings before the date of death (less any amount payable to another dependant) for a period of five years or until your youngest child turns 18 (special provisions apply to dependent spouses or common-law partners over the age of 60); benefits continue for the full period, even if your marital status changes
- in some cases, the WCB will provide you with vocational rehabilitation services to help you return to the workforce, become self-sufficient, or increase your workforce participation to become self-sufficient.

In addition, either you or the worker's estate is entitled to an immediate payment of \$14,110 that may be used to help with expenses.

### **Are my children entitled to WCB benefits?**

If the claim is accepted, a monthly payment of \$500 for each child under 18 years of age will be paid. In addition, a monthly payment may be paid to dependent children 18 years of age or older if they are continuing their education.

The term "child" includes all dependent children of the worker and all children to whom the worker stands in the place of a parent (e.g. a step-parent).

### **Do my benefits change if benefits are paid to other dependants?**

Yes, the total monthly payments made to all dependants cannot exceed 90% of the worker's net average earnings before the date of death. Net average earnings are calculated based on a maximum average earnings of \$150,000. Where there are dependent children, the monthly payment to the spouse or common-law partner may change depending on the age of the children.



## **How do I know who qualifies for benefits?**

A dependant typically includes those members of the family of a worker who were wholly or partly dependent on the worker's earnings at the time of their death. Dependants may include:

- a spouse who was living with the worker at the time of the worker's death
- a common-law partner – registered under *The Vital Statistics Act* and living with the worker prior to the death of the worker OR cohabiting with the worker in a conjugal relationship for at least three years immediately before the death of the worker (the three year period is reduced to one year if you and the deceased worker are the parents of a child).
- children under 18 years of age
- children 18 years of age or older attending school or university
- children mentally or physically incapable of earning; until they become eligible for Old Age Security or they are no longer incapable of earning, whichever comes first
- former or separated spouse or former common-law partner if they were entitled to receive spousal support
- other individuals who meet the meaning of 'dependant' within *The Workers Compensation Act*.

## **Do I, as the dependent spouse or common-law partner, have to file for the fatality claim myself?**

Yes. In some cases, the employer or the Workplace Safety and Health Division of the provincial Department of Labour and Regulatory Services notifies the WCB when a death occurs in the workplace. But it is important to call the WCB to file your claim, as benefits can only be paid if a claim is filed. A claim form will be sent to you right away. We can help you fill out the form if needed.

## **What information will the WCB need to process my claim?**

- A marriage certificate and a birth certificate for a dependent spouse
- A dependent common-law partner needs to provide a birth certificate and:
  - a) a certificate of registration of your common-law relationship under *The Vital Statistics Act*, or
  - b) evidence regarding your cohabitation with the deceased
- A birth certificate for the deceased worker
- Where appropriate, a statement from the school or university to establish attendance of children 18 years of age or over
- A birth certificate for dependent children
- A separation agreement or court order, if applicable.



In all cases, baptismal certificates will be satisfactory in the absence of birth certificates. In some cases, sworn or affirmed statements or further investigation may be required.

This publication is provided for general information. It is not intended to be legal advice, and should not be relied on as such. For more specific information, see *The Workers Compensation Act* and Regulations, and WCB Policies. These documents are available on the WCB website at [wcb.mb.ca](http://wcb.mb.ca).