

Compensation to Dependants

Compensation and expenses payable on death of worker

- 80** (1) Compensation is payable in accordance with sections 81 to 86 to the dependants of a worker who died or who dies after January 1, 1983 as a result of the worker's injury.
- (2) In addition to any compensation payable pursuant to this Act to a worker's dependants, the board shall also pay:
- (a) a fixed amount determined in accordance with subsection (3) to assist with necessary expenses of the death of the worker, including burial; and
 - (b) if the death of the worker occurred at a place other than the worker's usual place of residence and, in the opinion of the board, transportation of the body to the usual place of residence is desirable, the necessary expenses of that transportation within Canada.
- (3) The amount of the fixed amount mentioned in clause (2)(a) is:
- (a) for the year 2003, \$10,000; and
 - (b) for each year after 2003, the amount mentioned in clause (a) adjusted annually by the percentage increase in the Consumer Price Index.
- (4) For the purposes of subsection (3), the percentage increase in the Consumer Price Index must be the percentage increase for the 12 months ending on November 30 in each year, and that percentage increase must be applied to determine the fixed amount for the year following the year in which the calculation is made.

Surviving dependent spouse

- 81** (1) If the worker is survived by a dependent spouse, compensation in the form of a monthly allowance is payable to that spouse for a period of five years in an amount equal to the greater of:
- (a) in the case of a worker:
 - (i) who sustained an injury before September 1, 1985, 75% of the deceased worker's average weekly earnings multiplied by 4.33; or
 - (ii) who sustained an injury on or after September 1, 1985, 90% of the deceased worker's average weekly earnings multiplied by 4.33; and
 - (b) 50% of the amount equal to the average weekly wage as of June in the preceding year multiplied by 4.33.
- (2) If a surviving dependent spouse has dependent children of the worker, the compensation payable pursuant to subsection (1) is to be extended until the youngest child:
- (a) reaches the age of 16 years; or
 - (b) if any dependent child is in full-time attendance at a secondary or post-secondary institution, reaches the age of 18 years.
- (3) If compensation is paid to a surviving dependent spouse pursuant to subsection (1) for a period exceeding 24 consecutive months:
- (a) the board shall set aside an amount equal to 10% of the compensation paid during the 24-month period and of the future compensation to be paid after the expiry of the 24-month period; and
 - (b) the amount mentioned in clause (a), together with accrued interest, must be used to provide an annuity for the surviving dependent spouse at age 65.

- (4) If compensation is paid to a surviving dependent spouse pursuant to subsection (2):
 - (a) the board shall set aside an amount equal to 10% of the compensation paid; and
 - (b) the amount mentioned in clause (a), together with accrued interest, must be used to provide an annuity for the surviving dependent spouse at age 65.
- (5) In addition to any compensation payable pursuant to subsection (1), the board may provide to the surviving dependent spouse the same counselling and vocational assistance as would be provided to a worker in order to enable the dependent spouse to enter the labour force and become self-sufficient.
- (6) On and from the expiration of entitlement to compensation pursuant to subsection (1) or (2) and subject to section 101, a surviving dependent spouse of a deceased worker is entitled to compensation, until the surviving dependent spouse reaches the age of 65 years, equal to the difference between:
 - (a) the amount of the monthly allowance that would be payable pursuant to subsection (1) if the surviving dependent spouse were entitled to that allowance; and
 - (b) the earnings that the surviving dependent spouse is earning from employment.
- (7) For the purposes of subsection (6), the definition of "earnings" in clause 2(1)(k) applies, with any necessary modification.

If dependants do not live together

- 82** If the board determines that there is a dependent spouse and one or more additional dependants of the deceased worker and that they do not live together as a family unit, the board may, in its discretion, divide the payment mentioned in section 81 among those dependants in any manner that it considers just and equitable.

Certain dependent children 18 to 25 years

- 83** (1) Subject to subsections (2) to (7), each dependent child of a deceased worker who is at least 18 years of age and in full-time attendance at a secondary or post-secondary institution is to be paid:
- (a) a monthly allowance in an amount determined in accordance with subsections (4) and (5);
 - (b) in the case of attendance at a post-secondary institution, the cost of tuition and other required fees; and
 - (c) the cost of any required books.
- (2) No amount is payable pursuant to subsection (1) after the later of:
- (a) the day on which the dependent child reaches the age of 25 years; and
 - (b) the last month in the school term in which the dependent child reaches the age of 25 years.
- (3) The amounts described in subsection (1) are payable for a maximum of three years.
- (4) Subject to subsection (5), the amount of the monthly allowance mentioned in clause (1)(a) is \$376.61 in 2013 adjusted annually by the percentage increase in the Consumer Price Index.
- (5) For the purposes of subsection (4), the percentage increase in the Consumer Price Index must be the percentage increase for the 12 months ending on November 30 in each year, and that percentage increase must be applied to determine the monthly allowance for the year following the year in which the calculation is made.

- (6) If the board is paying an allowance pursuant to subsection (1), the board may increase the monthly allowance to an amount that it considers fair and just.
- (7) Notwithstanding subsection (1), if the amount of compensation payable pursuant to section 85 with respect to any child to whom subsection (1) applies is greater than the amount payable pursuant to subsection (1), the board shall pay that greater amount.

Adopting parent, etc., of dependent children

- 84** (1) This section applies if:
- (a) a deceased worker leaves no surviving spouse or the surviving spouse subsequently dies;
 - (b) the deceased worker leaves one or more dependent children; and
 - (c) an adopting parent or a person who the board is satisfied is suitable acts as foster parent in maintaining the household and taking care of the dependent children in a manner that the board considers satisfactory.
- (2) In the circumstances mentioned in subsection (1), the person mentioned in clause (1)(c) while acting in the capacity mentioned in that clause is entitled to receive an allowance in the amounts set out in clauses 83(1)(a) to (c) for each dependent child until:
- (a) the dependent child reaches the age of 16 years; or
 - (b) if the dependent child is in full-time attendance at a secondary or post-secondary institution, the dependent child reaches the age of 18 years.
- (3) In addition to any compensation payable pursuant to subsection (2), the board may provide to that adopting parent or foster parent any amount that the board may determine.

If there are only dependent children

- 85** (1) If the only dependants of a deceased worker are children, a monthly allowance for each child under the age of 18 years must be paid in an amount determined by the board in accordance with subsection (2).
- (2) The amount of the monthly allowance mentioned in subsection (1) is \$399.58 in 2013 adjusted annually by the percentage increase in the Consumer Price Index.
- (3) For the purposes of subsection (2), the percentage increase in the Consumer Price Index must be the percentage increase for the 12 months ending on November 30 in each year, and that percentage increase must be applied to determine the monthly allowance for the year following the year in which the calculation is made.
- (4) If the dependants are children both of whose parents are deceased, the board in its discretion may pay to each child under the age of 18 years, in addition to any other amount payable to the child, any amount that the board may determine.
- (5) A child with a disability who is physically or mentally restricted in his or her ability to earn a livelihood must continue to receive compensation mentioned in subsection (1) after he or she has reached the age of majority and for as long as he or she remains so restricted.

Other dependants

- 86 (1) The board may recognize persons other than a spouse or children as dependants of a deceased worker and may award a payment in recognition of the pecuniary loss that the board may determine.
- (2) A payment pursuant to subsection (1) is to continue only so long as, in the opinion of the board, it might reasonably have been expected that, had the worker lived, the worker would have continued to contribute to the support of the dependants.
- (3) Compensation payable pursuant to subsection (1) may be made wholly or partly in a lump sum or in any other form that the board, in the circumstances, considers most suitable.

Partial dependency

- 87 The board may recognize partial dependency and provide an amount that it considers reasonable and proportionate to the pecuniary loss or loss of valuable services suffered by the dependants who are recognized as partially dependent.

Proof of necessities, etc.

- 88 (1) The board may require any evidence of the necessities, condition and existence of any dependants in receipt of compensation that the board considers necessary.
- (2) The board may withhold any compensation payments until it receives the evidence required pursuant to subsection (1).

General

Compensation reduced by certain benefits under *Canada Pension Plan*

- 95 (1) In this section, "**periodic benefits**" means periodic benefits relative to the death or injury of a worker that the worker or the worker's surviving spouse is entitled to receive pursuant to the *Canada Pension Plan* or the *Québec Pension Plan*.
- (2) On the expiration of 12 months from the date of commencement of the worker's loss of earnings resulting from the injury, one-half of the worker's or the worker's surviving spouse's periodic benefits are to be considered as wages that the worker is capable of earning for the purposes of:
- (a) calculating the compensation to be paid by the board for loss of earnings; or
 - (b) determining the worker's surviving spouse's entitlement.
- (3) Subsection (2) does not apply to benefits paid pursuant to subsection 70(5), sections 74 and 77, clause 81(1)(b) and sections 83, 84, 85 and 89.

Other benefits to be taken into account

- 96** (1) In fixing the amount of compensation to be paid to a worker or the worker's dependants, the board may deduct any payment, allowance or benefit paid to the worker or worker's dependants by the worker's employer with respect to the injury, including any gratuity or other allowance provided wholly at the expense of the employer.
- (2) If the compensation is payable out of the fund, any amount deducted from the compensation pursuant to subsection (1) may be paid to the employer out of the fund.

If worker or dependant under legal disability

- 97** If a worker or a worker's dependant is under the age of 18 years or is under any other legal disability, the compensation to which he or she is entitled may be paid to any person or be applied in any manner that the board considers most appropriate for the worker's or dependant's advantage.

Board may fix periods of payment

- 98** If the board considers it advisable to do so, the board may:
- (a) provide that compensation payments be made bi-weekly or monthly instead of weekly; or
 - (b) fix any other periods of payment.

Suspension of payment

- 99** If a right to compensation is suspended pursuant to this Act, no compensation is payable with respect to the period of suspension.

CONTACT LIST, FORMS AND PUBLICATIONS

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Saskatoon office

115 24th Street East
Saskatoon SK S7K 1L5

All phone inquiries

306.787.4370
Toll free: 1.800.667.7590

Claims inquiries

Fax: 306.787.4311
Toll free fax: 1.888.844.7773
Email: askwcb@wcbsask.com

Appeal inquiries

Mail: Head office, c/o Appeals department
Email: appeals@wcbsask.com
Online: myaccount.wcbsask.com/online-services/worker-appeal

Finance department (for T5007)

Fax: 306.787.4311
Toll free fax: 1.888.844.7773
Email: financeT5007@wcbsask.com

Threads of Life

www.threadsoflife.ca

Mail: P.O. Box 9066, 1795 Ernest Avenue
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Toll free: 1.888.567.9490
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Email: contact@threadsoflife.ca

Government of Saskatchewan

Labour Relations and Workplace Safety Occupational Health and Safety Division

www.saskatchewan.ca

Office: 300 – 1870 Albert Street
Regina SK S4P 4W1
Toll free: 1.800.567.SAFE(7233)
Fax: 306.787.2208

eHealth Saskatchewan

www.ehealthsask.ca

Office: 2130 11th Avenue
Regina SK S4P 0J5
Phone: 1.855.347.5465
Email: vitalstatistics@ehealthsask.ca

Saskatchewan Government Insurance

www.sgi.sk.ca

Head office: 2260 11th Avenue
Regina SK S4P 0J9
Toll free: 1.844.855.2744

Service Canada (Government of Canada)

Canada Pension Plan (Benefits)

www.servicecanada.gc.ca

Regina office: 1783 Hamilton Street
Saskatoon office: 2325 Preston Avenue South
Toll free: 1.800.277.9914

Canada Revenue Agency (Income Tax)

www.canada.ca

Phone: 1.800.959.8281
Regina Tax Services office:
1955 Smith Street
Regina SK S4P 2N9
Saskatoon Tax Services office:
340 3rd Avenue North
Saskatoon SK S7K 0A8

BENEFITS AND YOUR INCOME TAX RETURN

Even though compensation benefits are not taxable, they must be included as net income when you claim certain tax credits and payments.

The T5007 is a statement issued by the Saskatchewan Workers' Compensation Board that reports total compensation benefits paid to you as a survivor during a calendar year. The forms are mailed in February each year.

T5007 statements sent to the estate of a deceased worker

A T5007 statement will be issued to the estate of a deceased worker if there is a lump-sum payout of his/her annuity fund.

T5007 statements sent to dependent spouses

As a dependent spouse, you will be sent a T5007 statement for the benefits you receive.

When completing your income tax return:

1. Enter the amount from Box 10 of the T5007 on line 144 of your return as part of your net income.
2. This amount will be deducted on your return at line 250 to arrive at your taxable income.

Remember to attach the T5007 statement to your income tax return with your other statements.

T5007 statements sent to dependent children

Dependent children who receive monthly allowances as part of their educational benefit will receive a T5007 statement. However, the cost of tuition and books is not included in this statement since they are considered expenses.

When completing the income tax return for a dependent child:

1. Enter the amount from Box 10 of the T5007 on line 144 of the return as part of net income.
2. This amount will be deducted on the return at line 250 to arrive at the dependant's taxable income.

Remember to attach the T5007 statement to the dependant's income tax return with any other statements.

SPOUSAL BENEFITS

The WCB provides benefits to a dependent spouse of a worker whose death was the result of a work injury. These benefits are described in Sections 80 to 94 of *The Workers' Compensation Act, 2013*.

You can also contact the Federal Government's Service Canada department at 1.800.277.9914 to apply for survivor benefits through the *Canada Pension Plan (CPP)*. Please note that WCB legislation states that after 12 months, one-half of any *Canada Pension Plan* monthly survivor's pension received under CPP may be considered as income. This income is deducted from the WCB benefits payable to a dependent spouse.

Spousal Benefits

Wage-loss benefits

As a dependent spouse (either married or common law), you will receive a monthly allowance. This benefit cannot be transferred upon your death; however, it will continue if you remarry.

Wage-loss benefits are adjusted every year to keep up with the Consumer Price Index and are not affected by benefits you may receive from private life insurance companies.

Wage-loss benefits are divided into two time periods:

- *First five years*

You will receive a monthly allowance of 90 per cent of your deceased spouse's average net weekly earnings for the first five years or until the youngest child is 16 years old (or 18 years old if the child is enrolled in a secondary or post-secondary institution).

In some cases, a worker may have no earnings at the time of death. If this is your situation, you are eligible for minimum compensation.

- *After five years (or when the youngest child is 16 years of age or 18 years old if enrolled in a secondary or post-secondary institution)*

If you are able to work, the WCB will top up your employment earnings to the amount of the monthly allowance (indexed annually) until you reach 65.

If you can work but choose not to, the WCB may estimate what you could earn and deduct that amount from the monthly allowance (payable until you reach 65.)

When you receive benefits, you can ask the WCB to either issue a cheque or directly deposit the benefits into your bank account. In 2021, monthly allowances will be issued on:

Cheques mailed:

Jan. 26, 2021
Feb. 23, 2021
March 26, 2021
April 27, 2021
May 26, 2021
June 25, 2021
July 27, 2021
Aug. 26, 2021
Sept. 27, 2021
Oct. 26, 2021
Nov. 25, 2021
Dec. 16, 2021

Deposit due:

Jan. 27, 2021
Feb. 24, 2021
March 29, 2021
April 28, 2021
May 27, 2021
June 28, 2021
July 28, 2021
Aug. 27, 2021
Sept. 28, 2021
Oct. 27, 2021
Nov. 26, 2021
Dec. 16, 2021

Retirement Benefit (also called Annuity Program)

WCB established this program to help supplement retirement income for clients who receive long-term benefits. There is no cost to you; your benefits are not affected since contributions to the Annuity Program are made in addition to these benefits.

After you have received benefits for 24 months as a dependent spouse, the WCB will set aside an amount equal to 10 per cent of the total wage-loss benefits paid up to that time to provide retirement income.

The WCB will continue to set aside 10 per cent of these benefits for you as long as you are eligible to receive benefits.

When you turn 65, you must use this money, plus any interest earned, to purchase an annuity (a sum of money paid out at regular intervals). Annuities are available from life insurance companies, trust companies or other eligible financial institutions of your choice. If the amount set aside in your annuity program (including any interest it has earned) is less than \$26,300, you can either buy an annuity or have the full amount paid out as cash.

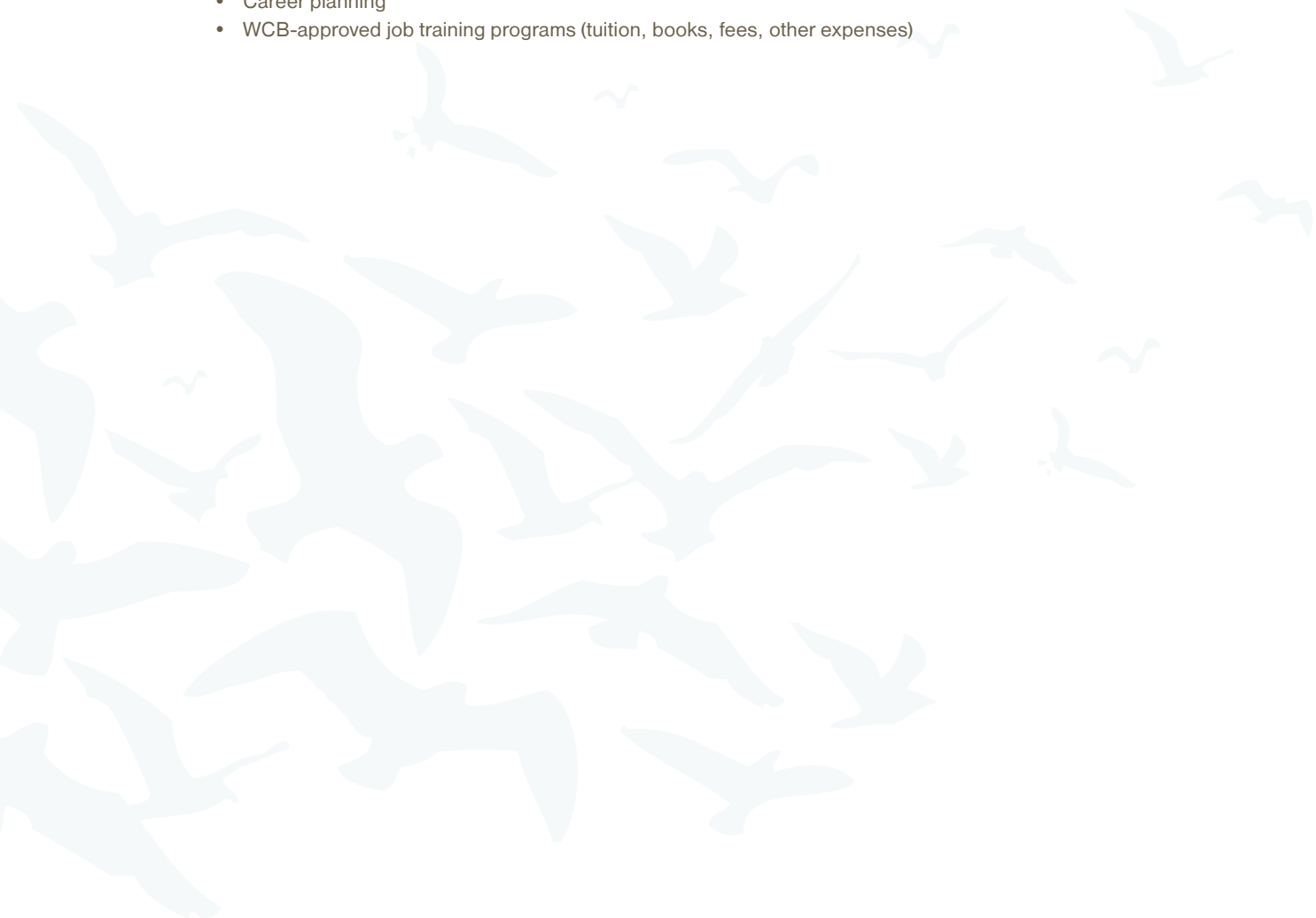
You cannot access funds in the Annuity Program before you turn 65. Funds in the Annuity Program will be paid to your estate if you pass away before you turn 65.

Vocational Benefits

As a dependent spouse, you can use any of WCB's vocational services to change careers or to obtain the skills to enter the workforce.

Vocational services available include:

- Vocational counselling
- Skills assessment
- Career planning
- WCB-approved job training programs (tuition, books, fees, other expenses)



SURVIVOR'S PENSION

(Excerpt from Service Canada website)

The Canada Pension Plan (CPP) survivor's pension is paid to the person who, at the time of death, is the legal spouse or common-law partner of the deceased contributor.

If you are a separated legal spouse and the deceased had no cohabiting common-law partner, you may qualify for this benefit.

How much will I get?

For current CPP payment amounts, consult the Service Canada website at www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-survivor-pension.html

The amount you receive as a surviving spouse or common-law partner will depend on:

- Whether you are also receiving a CPP disability benefit or retirement pension (visit the Service Canada website for Combining Canada Pension Plan Pensions)
- Your age
- How much, and for how long, the deceased contributor has paid into the CPP

When and how do I apply?

As the survivor, you are responsible for applying for your monthly pension. If you are incapable of applying, you may have a representative (such as a trustee) apply for you.

You should apply as soon as possible after the contributor's death. If you delay, you may lose benefits. The Canada Pension Plan can only make back payments for up to 12 months.

To apply, you must complete the application form on the Service Canada website.

When will my survivor's pension start?

The survivor's pension starts at the earliest the month after the contributor's death.

As soon as the Canada Pension Plan (CPP) has all the information and documentation, your application will be processed.

It takes approximately 6 to 12 weeks to receive your first payment from the date Service Canada receives your completed application. If more than 12 weeks have passed and you would like to find out the status of your application, contact Service Canada at 1.800.277.9914.

See the Service Canada website for more information regarding the CPP survivor's pension at www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-survivor-pension.html.

Online: Service Canada (Government of Canada), Survivor's Pension, www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-survivor-pension.html

DEPENDENT CHILDREN BENEFITS

The WCB provides benefits to the children of a worker whose death was the result of a work injury. These benefits are described in Sections 80 to 94 of *The Workers' Compensation Act, 2013*.

At age 18, each dependent child who is a full-time student at either a high school or post-secondary school will receive a monthly allowance plus reimbursement of costs such as tuition, books and other required educational fees.

Each dependent child is eligible to receive this benefit for up to three years between the ages of 18 and 25.

Children Who Are Sole Surviving Dependents

There are some situations when children may be the sole surviving dependant of a deceased worker. In addition to the education benefits described above, these children may also receive assistance with funeral expenses and a monthly allowance benefit.

Monthly allowance benefits are provided to each dependent child if that child is under 16 years old and is being taken care of by an adoptive parent or legal guardian.

This allowance is paid to each dependent child until he or she is 16 years old (or is 18 years old if a full-time student at either a high school or post-secondary institution).

APPLYING FOR BENEFITS

Once the WCB has determined the death is a result of a workplace injury, you can apply for benefits by:

- Filling out the “Statutory Declaration – Spouse” form
(a copy is enclosed in this package and on our website at www.wcbsask.com)
- Attaching to the form a copy of the following:
 - Death certificate
 - Marriage certificate or confirmation of common-law relationship over one year previous to date of death
 - Birth certificate for yourself and any dependent children
 - Social Insurance Number for yourself and any dependent children

Note: To ensure that you receive statements and information concerning your benefits, please notify the WCB of any changes to your address or telephone numbers.

FUNERAL EXPENSES

The WCB assists with burial expenses if a worker's death is the result of a work injury.

As soon as it is determined that the death is a result of a workplace injury, the WCB will:

- Issue a cheque to the worker's estate to help pay for funeral expenses. For 2021, this payment is \$14,002.
- Pay for the cost of transporting the body inside Canada, if the death happened away from the worker's home community.

What is an estate?

An estate is a process for dealing with the property of the deceased, including WCB compensation, after death. For more information, visit the Saskatchewan Court of Queen's Bench website at sasklawcourts.ca. Also consult with a lawyer and your financial institution.

Additional resources are available from the Public Legal Education Association of Saskatchewan at www.plea.org/death-estates

- A death in the family
- Estates

SASKATCHEWAN WORKERS' COMPENSATION BOARD

If you have lost a loved one due to a workplace injury, the Saskatchewan Workers' Compensation Board has several programs and benefits for legal spouses and dependants.

Staff is available to answer your questions and help you with your claim for WCB benefits. Often a WCB staff member will visit you to explain the process; however, meetings can also be arranged at either the Regina or Saskatoon offices.

As well, the WCB can arrange for grief counseling for you and any dependent children.

Legislation

The Saskatchewan Workers' Compensation Board is governed by *The Workers' Compensation Act, 2013*. The WCB is an independent, quasi-judicial tribunal that provides benefits and services to Saskatchewan workers injured or fatally injured on the job. It is a no-fault insurance system for workplace injuries, meaning workers in covered industries do not have to pay for the benefits they receive or sue their employers to get them.

Costs are paid entirely by Saskatchewan employers in covered industries.