

2010

# WCB facts

Workers Compensation Board of Manitoba

## **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 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 dependant spouse or common-law partner, you are entitled to the following:

- an immediate payment to help with expenses
- a lump sum payment which may be converted into a tax-free annuity (regular monthly payments) administered by the WCB
- in most cases, a pension 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; benefits continue for the full five years, even if your marital status changes (special provisions apply to dependant spouses or common-law partners over the age of 60)
- in some cases, the WCB will provide you with vocational rehabilitation services to help you return to the workforce and become self-sufficient.

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

If the claim is accepted, a monthly payment for each child under 18 years of age will be paid. In addition, a monthly payment may be paid to dependant children 18 years of age or older if they are continuing their education. This benefit will continue for a reasonable period of time.

Child includes all dependant children of the worker or for whom the worker stands in the place of a parent.

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

Yes, the total monthly pensions paid to all dependants cannot exceed 90% of the worker's net average earnings before the date of death. Where there are dependant children, the monthly payment to the spouse or common-law partner may change depending on the age of the children. There is no insurable earnings maximum for claims with injury dates on or after January 1, 2006.

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

To qualify for benefits, you must have been financially dependent on the deceased worker. Dependants may include:

- a spouse – legally married
- a common-law partner – registered under *The Vital Statistics Act* and living with the worker prior to the death of the worker OR living 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)

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- children under 18 years of age
- in some cases, children 18 years of age or older attending school or university
- children mentally or physically handicapped; until they become eligible for Old Age Security or they are no longer handicapped, whichever comes first
- parents
- ex-spouse or common-law partner receiving spousal maintenance according to a separation agreement or court order.

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

Yes, you do. In some cases, the employer or the Workplace Safety and Health Division of the provincial Department of Labour and Immigration notifies the Workers Compensation Board when a death occurs in the workplace. But it is important to call the WCB to file your claim. 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 dependant spouse
- a birth certificate and certificate of registration of your common-law relationship under *The Vital Statistics Act* if applicable
- a birth certificate for the deceased worker
- where appropriate, a statement from the school or university to establish full-time attendance of children 18 years of age or over
- a birth certificate for dependant children
- a separation agreement or court order.

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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. For more specific information see *The Workers Compensation Act of Manitoba and Regulations*, available through Statutory Publications by calling (204)-945-3101. WCB Policies are available by calling (204)-954-4655. These documents are also on the WCB website at [www.wcb.mb.ca](http://www.wcb.mb.ca).