



For families

A guide to WSIB benefits and services
and other important information for survivors

About this guide

At the WSIB, we're here to help. This guide has important information for survivors and details on WSIB benefits and services. We developed the guide in partnership with Threads of Life, a not-for-profit organization that supports families who've lost a loved one to a workplace injury or illness.

Families who've experienced a workplace tragedy reviewed the guide and gave us valuable tips and insight on what they felt it should include. We want to thank them for their guidance and help.



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The WSIB

When you lose a loved one to a workplace injury or illness, we're here to help. Our specially trained, professional employees are available to answer your questions and guide you through the claim process for WSIB benefits.

We're here to help

A death of a loved one can leave you shocked, overwhelmed and in need of immediate support. Our crisis intervention counsellors may provide emotional and practical support in the days, weeks and months following a loved one's death. This can include:

- contacting family members for you
- helping with funeral arrangements
- helping you complete forms
- contacting school counsellors
- setting up ongoing grief counselling
- explaining what WSIB benefits you are eligible to receive
- helping you through the difficult time

Another WSIB employee may also call you. They'll determine if you are eligible for WSIB benefits and co-ordinate WSIB services.

Getting in touch with us

If you lost a family member due to a workplace incident and you haven't heard from us, please call 1-800-387-0750, Monday to Friday 7:30 a.m. to 5 p.m., and we will arrange for a crisis intervention counsellor or nurse to call you as soon as possible.

For more information on the WSIB, visit wsib.ca.

Useful WSIB terms and definitions

Consumer price index

The consumer price index (CPI) is set annually by Statistics Canada and reflects the change in average shopping costs for Canadians due to the rise and fall of the dollar.

Dependants

Family members of a person who are entirely or partly dependent on their earnings.

Dependent children

A dependent child must be either:

- under 19 years old, or
- or under 30 years old and enrolled in school, or
- 19 or over but, due to physical or mental impairment, are dependent on their parent(s) earnings.

Material change

Changes that affect entitlement to WSIB services and benefits. Some examples of material change are:

- receiving benefits under the Canada Survivor Pension Plan, or
- children no longer attending school.

Net average earnings

Calculated by deducting probable income tax, Canada Pension Plan (CPP) premiums and employment insurance premiums from a person's earnings.

Spouses

Two people (whether opposite sex or same sex) who were married to each other or who:

- had been living together for at least one year, or
- were parents of a child and had at some point lived together in a relationship, or
- had entered into a cohabitation agreement under s.53 of the Family Law Act.

WSIB survivor benefits

We provide benefits and services for surviving spouses and dependants designed to support and help you. If there is no surviving spouse or child(ren), other dependants may be eligible for survivor benefits (e.g., parents).

Funeral and transportation costs

We pay all expenses reasonably connected to burial or cremation and can pay these expenses directly. We may also pay for expenses to bring your family member home for burial.

Bereavement counselling

We offer grief counselling for spouses and children. You can request grief counselling at any time during the first year after your family member's death.

Support to rejoin the workforce

We provide help for spouses entering or returning to the workforce. If you think you may need this help, you need to request it during the first year after your spouse's death, but our services can be delayed until it is appropriate.

Payments to survivors

We pay spouses and/or dependent children a lump-sum payment and a continuing monthly payment. The amount of these payments will be different for every claim.

Lump-sum payment

Surviving spouses

You are eligible to receive a one-time lump sum payment. Using age 40 as a starting point for the base amount, your lump sum will decrease for every year you are over 40 and increase for every year you are under 40. We determine the base amount and percentage increase or decrease using the cost of living index (CPI) and these change each year on January 1. There is also a maximum and a minimum payment.

Example:

- You are 38 when your loved one passes away.
- Based on the table below, you'll receive a \$42,000 lump sum payment. **Please note, the table below is an example. The base amount changes every year to reflect the cost of living index.**

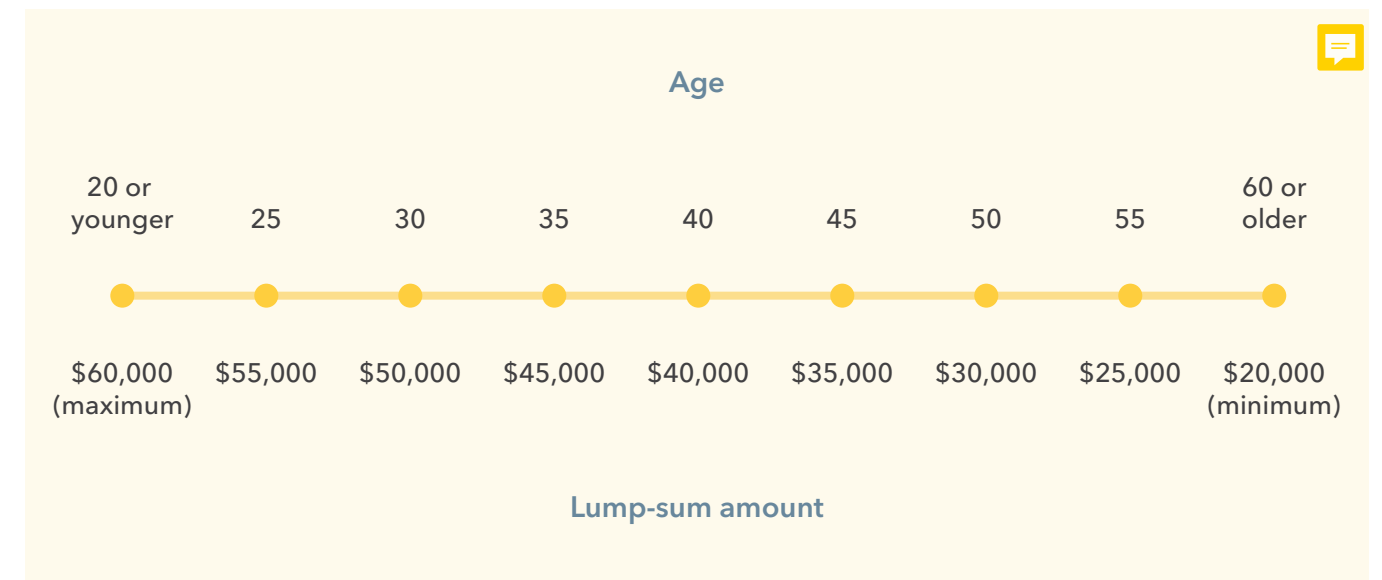


Figure 1: Calculating your lump-sum payment

No spouse but dependent children

To receive survivor benefits, dependent children must be either:

- under age 19, or
- under age 30 and enrolled in an educational program.

Dependent children equally share the lump sum payment that would have been paid to a dependent spouse at age 40. We put the lump sum to the Office of the Public Guardian and Trustee, who will act in the child or children's best interest.

Separated spouses

If you are separated from the person who died, you are eligible to receive benefits if:

- the person made support payments to you at the time of their death, or
- you were financially dependent on the person at the time of their death.

If more than one person is eligible for spousal benefits, the lump sum payment is shared. The split is based upon each person's dependency on the person who died.

Monthly payments

Surviving spouses

As a surviving spouse, you are eligible to receive a monthly ongoing benefit. To determine the amount, we first look at your spouse's earnings at the time of their death. We then deduct income tax, Canada Pension Plan (CPP) premiums and employment and insurance premiums to determine their net average earnings. You'll receive a percentage of the net average earnings.

The percentage is based on your age and what other dependants are eligible to receive (different scenarios explained below). The monthly benefit payment decreases one per cent for every year you are younger than 40, to a minimum of 20 per cent, and increases 1 per cent for every year you are older than 40, to a maximum of 60 per cent.

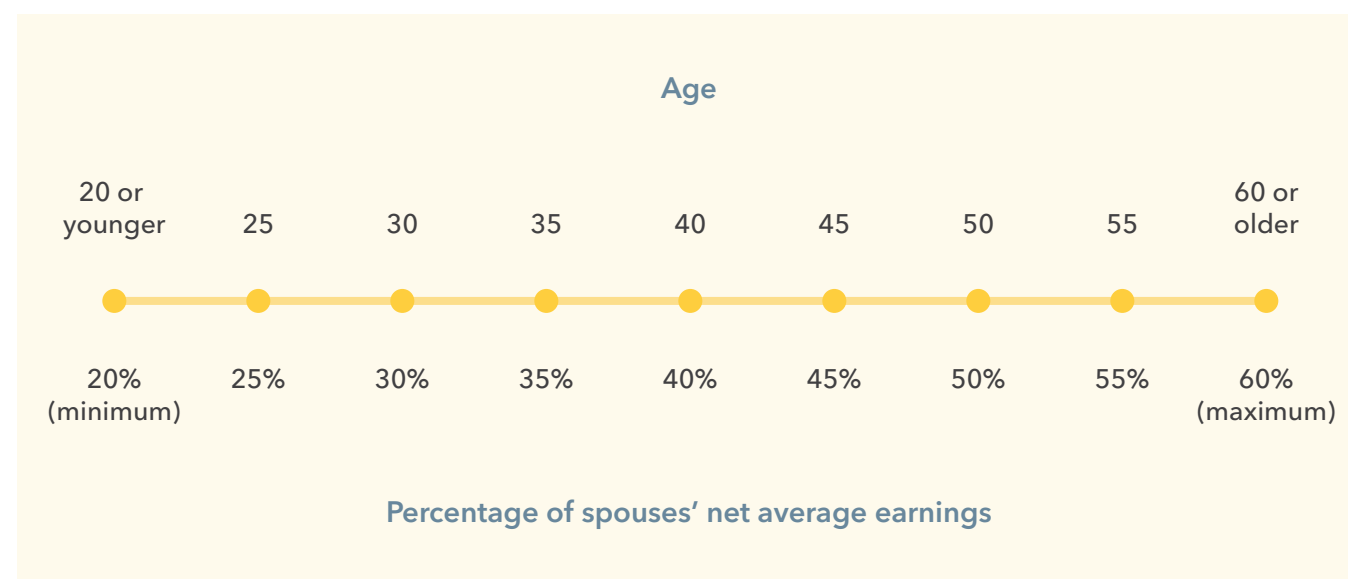


Figure 2: Calculating your monthly benefit payment

Every year we update your monthly benefit to reflect the annual rate of inflation.

Surviving spouse with dependent children

If you are a surviving spouse with dependent children, your monthly benefits will be based on the percentage of your spouse's net average earnings. The percentage is based on how many dependents are eligible to receive monthly benefits (e.g. children from previous relationship or dependent ex-spouse) at the time of their death, up to a maximum amount.

When your first child turns 19, we'll review your benefit. If your child is enrolled in an educational program, we'll subtract up to 10 per cent of your payment and pay it directly to your child. This benefit is paid until your child completes a degree, diploma or certificate program, or turns 30, whichever comes first.

When your child is no longer entitled to the 10 per cent payment, it goes back to you if one or more dependent children remain in your care and custody. When your youngest child turns 19, your monthly benefits are adjusted to reflect your age on your child's 19th birthday.

No surviving spouse but dependent children

If you are a dependent child and your parent had no surviving spouse, you're eligible for monthly payments until you complete a degree, diploma or certificate program, or turn 30, whichever comes first.

The total combined payments to all dependent children can't exceed 85 per cent of a parent's net average earnings. The first (or only) child receives 30 per cent of their parent's net average earnings until the age of 19. At 19, the amount drops to 10 per cent. If there is more than one dependent child, then 10 per cent is paid to each additional child. For example:

- First child — 30 per cent
- Second child — 10 per cent
- Third child — 10 per cent

Dependent children unable to work

If a dependent child is unable to work because of a physical or mental disability, the monthly benefit payment will continue until they start earning wages or die. You must provide medical evidence that supports a physical or medical disability.

Other dependants but no surviving spouse or children

To receive benefits, other dependants (e.g., parents) must prove they were financially dependent on their family member. Benefits will be paid for as long as the person who died would reasonably have been expected to provide support. The maximum benefit is 50 per cent of the person's net average earnings at the time of their death.

Seperated spouses

If more than one person is entitled to spousal benefits, the ongoing monthly payments are shared. The split is based on the spouse's relative emotional and financial dependency on person who died.

Your crisis intervention counsellor can provide more information about our benefits and services and how we calculate payments. You can also find the most up-to-date survivor payment information on our website.

Receiving your benefits

If we get the information we need quickly, we usually start paying benefits within a few weeks. To make this process easier, your crisis intervention counsellor will help you:

- complete the WSIB's Dependency Claim form, and
- explain what documents you need to submit with your claim (e.g., birth certificates, marriage certificate, death certificate).

Your counsellor can also make copies of the documents for you and submit to the claim file.

If you disagree with a WSIB decision

If you disagree with a decision you can call us to discuss the decision and your options. All decision letters come with a written explanation of why we made the decision, an invitation to discuss your concerns with the decision-maker, and information on appealing the decision.

Office of the Worker Adviser

An agency of the Ministry of Labour, the Office of the Worker Adviser (OWA) provides information and advice on workplace insurance and compensation and appealing WSIB decisions to non-unionized survivors of workplace-related deaths. This service is free and confidential.

Office of the Worker Adviser	Toll-free phone 1-800-435-8980 (English) 1-800-661-6365 (French)	Website owa.gov.on.ca
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Union members

If your family member was a member of a union, the union can provide help and advice.

Option to sue when a third party is involved

The WSIB provides compensation to families who lost a loved one to a workplace injury or illness under a no-fault insurance system. This means that generally, the person's family and estate can't sue.

When a third party is involved you may be able to sue. A third party can be a person or company that is not part of the workplace safety insurance system and may have contributed to your loved one's death (e.g., members of the general public, the owner of a private residential property, a treating doctor, the manufacturer of a defective product). If a third party is involved, you have the choice of either suing the third party or claiming WSIB benefits. You cannot do both.

If we receive information that suggests a third party may have been involved, we'll give you an information package and form explaining your options. You have the right to speak with a lawyer before making your decision. If you need more information or have questions, you can call us.

Responding to media calls

When someone dies at a workplace, the media usually report on it. Members of the media may contact you, your family or friends for a comment. You can set boundaries with the media — do only what you are comfortable with.

- You do not have to speak to the media if you don't want to. Simply tell them that you have no comment.
- If you choose to speak to the media, you may want a spokesperson. This can be a family member or a friend of the family.
- Always ask the name of the journalist and what media outlet they represent. Take all contact numbers.
- Don't feel pressured. You can tell the reporter that you will call them back if you're feeling rushed, you're not ready to talk or if you've changed your mind and no longer want to speak to them.
- Be firm about what you do and do not want to discuss with the media. Talk with your family members and be very clear as a family about what is okay to say publicly.
- If you do speak with the media, avoid speculation or guessing.
- If you are not comfortable with a question, don't answer it.

Investigations

Workplace deaths are investigated by one or more organizations. Your WSIB crisis intervention counsellor can help you find out who is or will be involved.

- The Ministry of Labour (MOL) investigates all workplace deaths within its jurisdiction (i.e., deaths that happen in Ontario or involve an employer based in Ontario). Workplace deaths in agriculture, federally regulated organizations or traffic accidents on public roadways are not usually within the MOL's jurisdiction.
- Human Resources and Skills Development Canada investigate workplace deaths in federally regulated organizations.
- The Office of the Chief Coroner investigates all accidental deaths in Ontario and, in some cases, an inquest may be held.
- Depending on circumstances, other agencies (e.g., the police or fire department) may also investigate.

The Ministry of Labour

The Ministry of Labour enforces the Occupational Health and Safety Act and its regulations to protect people from work-related injury and illness.

Investigation by the Ministry of Labour

If your family member dies from a work-related injury, a representative from the Ministry of Labour will contact you by mail and call you, normally within three weeks of the incident. The representative will let you know about the status of its investigation (e.g., still ongoing), but can't discuss details. They will also answer any questions you have about the role of the Ministry of Labour in the investigation. When you speak to someone from the Ministry of Labour, write down their name and phone number. Ask when you can expect to hear from them again and set a date for your next call.

If someone from the Ministry of Labour hasn't called you, your WSIB crisis intervention counsellor can help. They'll contact the ministry and ask that a representative call you.

An investigation begins right away, but can take up to a year to complete. Once the investigation is done, the Ministry of Labour will decide if they're going to lay charges against workplace parties (e.g., employers, supervisors or other parties outside the workplace). They have one year from the date of the incident to lay charges.

If there are no charges, the investigation report will be available after the investigation is complete.

If there are charges, the Ministry of Labour representative will let you know. You will receive a notice if it goes to court. If you choose to attend the trial, your WSIB crisis intervention counsellor will be available for support. The investigation report will be available after the trial is over.

To get a copy of the report, you can call the Ministry of Labour's Freedom of Information and Privacy Office at 416-326-7786.

Ontario Ministry of Labour

Ontario Ministry of Labour
400 University Avenue
14th Floor
Toronto, ON
M7A 1T7

Toll-free phone
1-877-202-0008

Website
labour.gov.on.ca

The Office of the Chief Coroner for Ontario

The Office of the Chief Coroner for Ontario is responsible for fatality investigations in the province, which can include ordering autopsies and leading inquests.

Autopsies

The coroner may need an autopsy to determine cause of death. Usually, an autopsy takes place within 24 hours of death. If the circumstances of the death are complex or involve many investigators (e.g., police, Ministry of Labour) the autopsy may be delayed by a day or two. Every effort is made not to inconvenience the family or to interfere with religious or cultural practices.

Autopsy or coroner's report

The pathologist who performs the autopsy will provide an opinion on the cause of death and submit a report to the coroner. The coroner looks at the report and other investigative findings to determine the cause and manner of death. It can be several months before all of the information is available, and the more complex the circumstances, the longer it may take.

You can get the following documents from the coroner by requesting them in writing and indicating your relationship (e.g., spouse, child):

- a copy of the coroner's information summary,
- the toxicology report (if performed), and
- the post-mortem report (if there was an autopsy).

You can also ask that the reports be sent directly to a third party (e.g., family doctor or a legal or insurance representative).

Coroner's inquest

A coroner's inquest is a public hearing to investigate the circumstances of a death. At the inquest, the jury (five members of the community) determine:

- Who was the person who died?
- How did the person die?
- By what means did the person die?
- Where did the person die?
- When did the person die?

An inquest usually won't take place until the Ministry of Labour's criminal proceedings are complete. Inquests are mandatory for work-related deaths in mining or construction. If you would like to request an inquest into your family member's death, you can make a request to the coroner. The coroner will consult with the Office of the Chief Coroner and make a decision.

Attending the inquest

If you want to attend the inquest and/or participate, you can apply through the coroner. This is called a standing request. The inquest may not take place until several years following your loved one's death.

Going through an inquest can be difficult. Details that come up may reopen wounds that you may have thought were healed. Feelings of loss and anger may resurface and leave you feeling drained and hurt, again. You can call us and we will be available to support you through the process. If you received grief counselling in the past and would like to meet with the counsellor again, your WSIB crisis intervention counsellor will make sure you have support.

Inquest recommendations

After the inquest, the jury may make recommendations to help improve public safety and to prevent further deaths in similar circumstances. Implementing these recommendations isn't mandatory, but in most cases, there is an effort made to implement them.

Office of the Chief Coroner

Office of the Chief Coroner,
Government of Ontario
26 Grenville Street
Toronto, ON
M7A 2G9

Toll-free phone
1-877-991-9959

Website
mcscs.jus.gov.on.ca

Other helpful information

We've made a list to give you an idea of what you may need to do during this difficult time. It's not a complete list and not everything will apply to your situation. You should also visit the Ontario Government's website for answers to common questions about what to do, and what support is available, when a loved one dies in Ontario.

Canada Pension Plan

The Canada Pension Plan (CPP) provides contributors and their families with partial replacement of earnings in the case of retirement, disability or death.

When someone dies, the CPP pays survivor benefits to a(n):

- estate
- surviving spouse or common-law partner
- dependent children

There are three types of benefits available to people who have made contributions to the CPP.

- The death benefit is a one-time payment to, or on behalf of, the estate of a contributor who has died.
- The survivor's pension is a monthly pension paid to the surviving spouse or common-law partner.
- The children's benefit is a monthly benefit for dependent children.

Applying for Canada Pension Plan benefits

It is important to apply for CPP benefits. If you don't apply, you may miss out.

You must complete an application for each type of benefit. Usually, you can get application forms from funeral homes and funeral directors often offer to help complete these forms. You can also apply online. Your WSIB crisis intervention counsellor can also help you complete these forms.

Receiving Canada Pension Plan benefits

It'll take several weeks for the CPP to process your application(s). Benefits start the month following the contributor's death. The death benefit for funeral expenses is paid as soon as they process your application.

Canada Pension Plan

Toll-free phone
1-800-277-9914 (English)

1-800-277-9915 (French)

Wills

Review the will to see if there are any instructions regarding funeral arrangements.

- If there is no will, the individual is said to have died intestate. The estate will be distributed according to the law. You may want to contact a lawyer to guide you through this process.
- If there is no will, you (or your lawyer) may have to apply for a Letter of Administration with Will Annexed from the Ontario courts.

Proof of death and death certificate

- Funeral homes automatically provide proof of death certificates that you can use in certain situations.
- There are some organizations and situations (e.g., settling an estate, insurance purposes), that may require an official death certificate from the Province of Ontario. Once the death is registered by the funeral home (it can take up to 12 weeks), the next of kin, executor or estate administrator may apply for a death certificate. Death certificate applications can be made online, or by mail or fax, or in person.

Bank accounts, credit cards and insurance

- If you had a joint account, you will still have access but will need to change the account into the survivor's name only, or set up a new account. If your loved one who died had a separate bank account in their name only, the bank freezes the funds and they become part of the estate.
- Cancel credit cards.
- Contact insurers (home, car, other).
- Check for mortgage insurance and arrange to update any mortgage related documents.
- Determine assets and liabilities. Contact insurance companies, brokers, employers, financial institutions, etc.

Government offices

- If your loved one was receiving benefits from any government agency at the time of their death (e.g., Old Age Security), contact the agency and stop the benefit payments. Check to see if survivor's benefits are available.
- The executor should contact the necessary government offices (e.g., Service Canada) to cancel documentation, including Canadian passport, citizenship card, health card, driver's licence, firearms licence, social insurance number, etc.
- Get your loved one's tax returns from last year and file any T1 returns for previous years with the Canada Revenue Agency. File an income tax return for the current year with the Canada Revenue Agency. There are many tax rules that apply when someone has died. For general information, contact the Canada Revenue Agency.

Service Canada

Toll-free phone
1-800-OCANADA
(1-800-622-6232)

Website
Canada.ca

Canada Revenue Agency

Toll-free phone
1-800-959-8281

Website
Canada.ca/revenue-agency

Information for new Canadians

Recent immigrants to Canada may also want to contact the consulate for their country of birth. This would apply to Canadians with dual citizenship and permanent residents of Canada.

Law Society of Upper Canada

The Law Society's Lawyer Referral Service matches people with local lawyers. A member directory, with lawyers' contact information, is also available online.

Law Society of Upper Canada

The Law Society –
Lawyer Referral Service
Osgoode Hall
130 Queen St. W.
Toronto, ON
M5H 2N6

Toll-free phone
1-800-668-7380

Website
lsuc.on.ca

Legal Aid Ontario

Legal aid is available to low-income individuals for a variety of legal situations. This includes disability support and family benefits payments.

Legal Aid Ontario

Legal Aid
375 University Ave., Suite 404
Toronto, ON
M5G 2G1

Toll-free phone
1-800-668-8258

Website
legalaid.on.ca

Support organizations

Threads of Life

Threads of Life is a national registered charity dedicated to supporting families who have been affected by a workplace tragedy. Our mission is to help families heal through a community of support and to promote the elimination of life-altering workplace injuries, illnesses and deaths.

How Threads of Life can help

Talk to someone who understands

Your experience is unique, but there are others who've lived in the aftermath of a work-related death, serious injury or disease, and they understand what you're going through. Threads of Life's Volunteer Family Guide program offers one-on-one peer support from a trained volunteer.

Whatever your circumstances, coping and healing is made easier with the warmth, acceptance and listening ear of Volunteer Family Guides.

Learn new ways to cope and heal

Threads of Life regional Family Forums have helped many families along their journey of healing. Spouses, parents and siblings, along with injured and ill people, gather to learn coping skills for grief, active listening skills, tips on how the occupational health and safety system works, self-care, and so much more. You'll find a warm and welcoming community of support where you can meet others who have also experienced workplace tragedy.

Forums are held annually in Ontario and elsewhere across Canada.

Threads of Life

Toll-free phone
1-888-567-9490

Email
info@threadsoflife.ca

Website
threadsoflife.ca

Other organizations

Bereaved Families of Ontario	Bereaved Families provides support for people who've lost a family member by connecting you with someone to talk to.	Phone 416-440-0290 email info@bereavedfamilies.net Website bereavedfamilies.net
Ontario Distress Centres	Distress Centres across Ontario are staffed by volunteers who provide support and a variety of services to their communities.	Website dcontario.org
Ontario Psychological Association	The Ontario Psychological Association offers a free, confidential referral service to help you find a psychologist in your area.	Toll-free phone 1-416-961-5552 Website psych.on.ca
Kids Help Phone	Kids Help Phone offers counselling in French and English to kids aged 4 to 19 and will help adults aged 20 and over find the counselling services.	Toll-free phone 1-800-668-6868 Text Text CONNECT to 686868 (no charge for sending or receiving texts)
Compassionate Friends of Canada	The Compassionate Friends offers support in the grief education to all families who have experienced the death of a child at any age.	Website tcfcanada.net

The Dougy Center	The Dougy Center website provides a safe place for children, teens, young adults and their families who are grieving a death to share their experiences.	Website dougy.org
Griefnet.org	Griefnet.org is an internet community of people coping with grief, death and loss.	Website Griefnet.org

Books that may help

WSIB crisis intervention counsellors recommend books written about grief. You can find these books and many others at your local library.

For adults

Now What

Dr. Bill Webster writes from personal and professional experience about the emotions and reactions that are part of grieving.

A Time to Grieve: Meditations for Healing after the Death of a Loved One

A self-help guide through grieving the loss of a loved one.

Beginnings

Comfort and advice for widows of all ages. Reliable, relevant and useful.

Life's Losses: Living through Grief, Bereavement & Sudden Change

I Wasn't Ready to Say Goodbye: Surviving, Coping and Healing after the Sudden Death of a Loved One

A guide to grief after a sudden death.

When Bad Things Happen to Good People

Facing his son's illness and subsequent death, Rabbi Kushner shares his thoughts and feelings about why we humans suffer. Explores the questions of life and faith after a tragedy.

Grief in Children: A Handbook for Adults

A handbook for understanding children dealing with grief and trying to help them.

When Men Grieve: Why Men Grieve Differently and How You Can Help

Psychologist Elizabeth Levang explains the special ways that men grieve so those who love them can better understand what they're going through.

For children

After the Funeral

Offers help for children and families to move forward after a loss.

How It Feels When a Parent Dies

Children aged 7 to 16 talk openly about their experiences of having a parent die.

For teens

How to Go on Living When Someone You Love Dies

A helpful and informative book addressing grief and how to work with it.

Teenagers Face to Face with Bereavement

Teens talk about their strong emotions of sadness, anger and guilt after the death of a parent, sibling or friend. Honest and insightful.

Notes

