

**Operational
Policy**

Section
Average Earnings

Subject
**Determining Average Earnings - Periodic Payments for
Survivors**

Policy

The average earnings used to calculate periodic payments for survivors are generally based on the deceased worker's long-term average earnings on the date of injury.

If the deceased worker was no longer engaged in the accident/exposure job on the date of injury, the WSIB may take into account the average earnings on the date of the worker's injury of a person engaged in the same trade, occupation, profession, or calling as the worker was engaged in and out of which the injury/disease arose.

A worker's date of injury varies based on the nature of the event(s) that give rise to the worker's claim for benefits, see 11-01-04, Determining the Date of Injury for guidelines regarding date of injury by claim type.

NOTE

For information about the different types of survivor benefits, see section 20, "Survivors," in the Operational Policy Manual.

Purpose

The purpose of this policy is to identify the average earnings used to calculate periodic payments for survivors.

Guidelines

Average earnings for periodic payments

Periodic payments are generally based on the deceased worker's long-term average earnings on the date of injury.

In cases where a worker was no longer engaged in the accident/exposure job on the date of injury (e.g., occupational disease diagnosed after the worker had moved to a different job or after the worker had permanently left the workforce), the periodic payment is generally based on the greater of

- the worker's long-term average earnings (if any), or
- the average earnings of a person engaged in the same trade, occupation, profession, or calling as the worker was engaged in and out of which the worker's injury/disease arose on the date of injury.

For more information about long-term average earnings see 18-02-03, Determining Long-term Average Earnings: Workers in Permanent Employment, 18-02-04, Determining Long-term Average Earnings: Workers in Non-permanent Employment and 18-02-08, Determining Average Earnings - Exceptional Cases (for exceptional cases that include a recalculation of

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average earnings [e.g., learners, students], the periodic payment is based on the recalculated average earnings).

Once average earnings are established, net average earnings (NAE) are calculated. Information about calculating NAE, including the statutory maximum, can be found in 18-02-07, Calculating Net Average Earnings.

Statutory minimum

In specific circumstances, periodic payments may be based on a statutory minimum rather than the earnings outlined above, see 20-03-04, Spouse with No Children, 20-03-06, Spouse with One or More Children, and 20-03-10, Children and No Spouse.

Application date

This policy applies to all decisions made for entitlement periods on or after January 1, 2018, if the injury or disease that resulted in a worker's death occurred on or after January 1, 1998.

Policy review schedule

This policy will be reviewed within three years of the publication date.

Document history

This document replaces 18-02-09 dated April 1, 2016.

References**Legislative authority**

Workplace Safety and Insurance Act, 1997, as amended
Sections 48, 48.1, 53

Minute

Administrative
#7, December 11, 2017, Page 551