

**Operational  
Policy**Section  
Benefits for SurvivorsSubject  
**Children Cared for by Parent or Other Person**

## Policy

Where a worker's death results from a work-related injury/disease and the deceased worker is not survived by a spouse but is survived by dependent children under age 19 who are in the care and control of:

- a parent who does not qualify as a spouse, or
  - another person acting in the role of a parent,
- that parent or other person receives a periodic (monthly) payment equal to 85 per cent of the deceased worker's net average earnings (NAE) at the time of the injury.

The children are entitled to a lump sum payment, [see-refer to 20-03-10, Children and No Spouse](#).

## Purpose

The purpose of this policy is to provide guidelines respecting the determination of survivors' benefits where there is no surviving spouse and the deceased worker's dependent children are cared for by someone who does not qualify as a spouse.

## Guidelines

### Lump sum payment

If a child is a minor (i.e., under the age of 18), the payment to which the child is entitled may be paid on the child's behalf. Payments may be paid to a child's spouse, if not a minor, parent or guardian, or to the Accountant of the Superior Court of Justice.

If a child is not a minor and is incapable of managing ~~his or her~~[their](#) own affairs, the lump sum to which the child is entitled may be paid on behalf of the child to the guardian or attorney. If no guardian or attorney has been appointed, the payments may be paid to such other person for such purposes as the ~~Board~~[WSIB](#) considers to be in the person's best interest. If there is no guardian or attorney or other suitable person, the payments shall be paid to the Public Guardian and Trustee.

### Periodic payments

The periodic payments to a parent or other person are in lieu of the periodic payments to which the children would have been entitled had they not been in the care of a parent or another person.

### Apportionment

Periodic payments are apportioned if there is more than one person acting in the parental role. Payments are apportioned equally, based on the number of dependent children living with each parent and/or other person acting in the role of parent.

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The total amount of the periodic payments cannot exceed 85 per cent of the deceased worker's NAE, subject to the statutory maximum, [see-refer to 18-02-07](#), Calculating Net Average Earnings.

**Example**

NAE of \$3,000 per month

Two children who are minors and living with the deceased worker's sister

One child who is a minor and living with a family friend

 $(85\% \text{ of NAE}) \times (2/3) = \text{deceased worker's sister's periodic payment}$  $(\$2,550) \times (67\%) = \$1,708.50 \text{ per month}$  $(85\% \text{ of NAE}) \times (1/3) = \text{family friend's periodic payment}$  $(\$2,550) \times (33\%) = \$841.50 \text{ per month}$ **Child 19 years or older**

Periodic payments paid in respect of a child generally cease when the dependent child turns 19 unless the child is continuing in education and the WSIB considers it advisable to do so, [see-refer to 20-03-12](#), Child 19 Years or Older Continuing in Education.

**Annual indexing**

On January 1 every year, the WSIB indexes ongoing periodic payments by the indexing factor, [see-refer to 18-01-14](#), Annual Indexing for more information about annual indexing.

**Application date**

This policy applies to all decisions made [on or after December 5, 2024](#), for entitlement periods on or after January 1, 2018, if the injury or disease that resulted in the worker's death occurred on or after March 9, 2005.

The guidelines for annual indexing apply to all decisions made [on or after December 5, 2024](#), for entitlement periods on or after January 1, 2018, if the injury or disease that resulted in the worker's death occurred on or after January 1, 1998.

**Document history**

This document replaces 20-03-11 dated ~~April 6, 2009~~ [January 2, 2018](#).

This document was previously published as:

[20-03-11 dated April 6, 2009](#)

20-03-11 dated January 5, 2005

20-03-11 dated October 12, 2004

20-03-13 dated June 15, 1999

13.13 dated January 1, 1998.

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## References

### Legislative authority

*Workplace Safety and Insurance Act, 1997, ~~as amended~~*  
Sections 2(1), 48(13), ~~(16)~~, ~~(19)~~, ~~(20)~~, ~~(24)~~, 50(1), ~~(2)~~, 49, 52, 60

### **Minute Approval**

*Administrative*  
~~#25, November 15, 2017, Page 546~~