

**Operational
Policy**

Section
Benefits for Survivors

Subject
Child 19 Years or Older Continuing in Education

Policy

Where a worker's death results from a work-related injury/disease, a surviving child who is between the ages of 19 and 30 and who is continuing in education is entitled to periodic (monthly) payments if the WSIB considers it advisable for the child to continue in an educational program.

Purpose

The purpose of this policy is to outline the circumstances in which the WSIB provides periodic payments to a surviving child(ren) who is/are between the ages of 19 and 30 and continues in an educational program.

Guidelines

Eligibility

This policy applies to a deceased worker's child(ren) who is/are dependent, or would likely have been dependent on the worker:

- at the time of the worker's death as a result of the work-related injury/disease, or
- upon turning 19, [refer to see](#) 20-01-02, Definitions and Application Dates, 20-03-08, Separated Spouses, and 20-03-10, Children and No Spouse.

Periodic payments

If the WSIB considers it advisable for a child of the deceased worker who is between the ages of 19 and 30 to continue in education, the child directly receives periodic payments equal to 10 per cent of the deceased worker's net average earnings (NAE) at the time of the injury.

An eligible child continues to receive periodic payments during the summer months or during a co-operative (co-op) term as long as the child continues in an educational program at the end of the summer or co-op term.

The deceased worker's earnings are subject to the statutory maximum, [refer to see](#) 18-02-07, Calculating Net Average Earnings.

The total amount of the periodic payments payable to all of the deceased worker's survivors is limited to 85 per cent of the NAE.

NOTE[Note](#)

For work-related injuries/diseases resulting in death that occurred prior to January 1, 1998, the 10 per cent payment in respect of the child is paid directly to the spouse, [see refer to](#) 20-03-16, Payment to Dependants ([Accidents before 1998](#)).

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NAE of \$3,000 per month

Two children who are minors and living with the spouse

One child 19 years or older continuing in education

 $(10\% \times \text{NAE}) = \text{child continuing in education's periodic payment}$ $(10\% \times \$3,000) = \300 per month $(85\% \times \text{NAE}) - (\text{child continuing in education's periodic payment}) = \text{spouse's periodic payment}$ $(\$2,550) - (\$300) = \$2,250 \text{ per month}$ **Approved programs**

The child's educational program must be:

- an approved certificate program (e.g., leads to a degree, diploma, or certificate), and
- carried out from an approved educational institution that the child regularly attends.

Approved educational programs include university, college, technical, or vocational programs. They can also include apprenticeship and distance education (correspondence) programs.

Regular attendance means full- or part-time attendance. Part-time means no less than 50 per cent of the full-time program.

Authorization for educational program

To authorize the child's attendance in the program, the child must provide a copy of the:

- term or annual enrollment form or acceptance letter, and
- paid fee statement,

either each semester or each year, whichever is applicable for the particular educational program.

The WSIB continues periodic payments until the child:

- completes the educational program
- fails to demonstrate continued regular attendance in the educational program
- stops attending the educational program, or
- turns 30,

whichever is earliest.

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

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Application date

This policy applies to all decisions made [on or after December 5, 2024](#), for entitlement periods on or after January 1, 2018 in cases where a surviving child is enrolled in an educational program on or after March 9, 2005, for all accidents.

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.

Document history

This document replaces 20-03-12 dated ~~April 6, 2009~~ [January 2, 2018](#).

This document was previously published as:

[20-03-12 dated April 6, 2009](#)

20-03-12 dated January 5, 2005

20-03-12 dated October 12, 2004

20-03-12 dated June 15, 1999

13.12 dated January 1, 1998.

References

Legislative Authority

Workplace Safety and Insurance Act, 1997

Sections 2(1), 48(16), 48(17), 48(19), 48(24), 49, 51

Workers' Compensation Act, R.S.O. Revised Statutes of Ontario 1990, as amended

Sections 1(1), 35, 144, 145, 146

Workers' Compensation Act, R.S.O. Revised Statutes of Ontario 1980, as amended

Sections 1(1), 36

~~Minute Approval~~

~~Administrative~~

~~#26, November 15, 2017, Page 547~~