

Work-related fatalities (Benefits for dependents)

When a work-related fatality occurs, the worker's dependant spouse or adult interdependent partner* may be entitled to benefits. Dependent children† living with the spouse or partner are included within these benefits. Dependent children may also be eligible for benefits if:

- there is no dependent spouse or partner at the time of the worker's death
- they did not reside with the dependent spouse or partner at the time of death, however were financially supported by the deceased worker prior to death
- they resided with the dependent spouse or partner at the time of the worker's death, however ceased living with this person after the fatality

Funeral expenses

WCB-Alberta pays a maximum of \$8,150 towards the burial, cremation or memorial service. WCB-Alberta will pay up to \$550 towards any costs incurred in the transportation of the body within Alberta, or up to \$1,000 if the body must be transported outside of Alberta. There is also a separate payment of \$1,300 to the family to assist with any extra costs associated with arranging the funeral. No receipts are required for this payment.

A special needs case manager at WCB-Alberta is available to discuss how reimbursement for these costs can be arranged, or any other funeral expense-related matters.

Survivor benefits

A survivor is defined as the dependent spouse or adult interdependent partner of a deceased worker or any surviving children. A WCB-Alberta special needs case manager will be assigned to survivors and will be an important long-term contact. They will be there to provide support and assist survivors with understanding WCB-Alberta benefits they may be eligible for.

The deceased worker might already have been receiving benefits from WCB-Alberta before death. In this case, surviving partners should notify WCB-Alberta of the loss. If the death is related to the condition for which they were receiving benefits, further entitlements may be awarded. If the death isn't related, the benefits cease on the last day of the month of death, unless the deceased was receiving TDD, in which case the benefits would cease on the same day.

Grief Counselling: If a survivor needs help coping with grief following the loss, WCB-Alberta will refer survivors to a licensed psychologist authorized by WCB-Alberta. These services are often offered during initial contact with a case manager, and are paid by WCB-Alberta and are available immediately and in the future. Counselling is available for spouses and partners only.

Pension: In general, compensation for dependents includes a pension and often appropriate vocational services for spouses or partners. WCB-Alberta's overall objective, and legislative requirement, is to assist spouses and interdependent partners with becoming gainfully employed and self-sufficient. Case managers will help surviving spouses and partners understand and apply for WCB-Alberta benefits and services which they, and any surviving children, may be entitled to. This section is a general overview, however there are a number of detailed conditions to WCB-Alberta's Policy 04-08 available at <http://www.wcb.ab.ca/public/policy/legislation.asp> on benefits to survivors. Benefits also depend on the legislation in effect

on the date of the accident. Case managers are able to provide more information on these conditions.

There are three main factors that will affect survivor benefits:

- the survivor’s current employment status
- whether there are dependent children under the age of 18
- the ability to become gainfully employed in the future

| Employment | Dependent children under 18 who were living with the worker at the time of death | No dependent children |
|------------------------|--|--|
| Gainfully Employed | Full pension‡ is paid – regardless of employment status – until the youngest child turns 18. After this time survivors will receive a five-year reducing term pension if they are still gainfully employed. | Five-year reducing term pension◊. |
| Not Gainfully Employed | <p>Full pension until the youngest dependent child reaches age 18 (Note: During this time, these benefits are not affected by future employment status, remarriage or relocation).</p> <p>After the youngest child is 18, the ability to become gainfully employed will be assessed and the survivor may be offered vocational services.</p> <p>The benefits received will depend on the outcome of this assessment. (See below)</p> | <p>The ability to become gainfully employed will be assessed, and the survivor may be offered vocational services.</p> <p>The benefits received will depend on the outcome of this assessment. (See below)</p> |

Capable of becoming gainfully employed:
Survivors will receive a full pension for a maximum of 60 months or until they become gainfully employed if they are participating in vocational rehabilitation. This 60-month, full-pension term begins the month after the youngest child turns 18, or, if there are no children under 18, the day after death. After gainful employment is obtained – regardless of where the survivor is in the 60-month term – he/she will then be placed on a five-year reducing term pension.

If you are capable of obtaining gainful employment, but refuse WCB-Alberta vocational assistance, compensation will be reduced to the five-year reducing pension, effective the first day of the month following the youngest child turning 18 or, if there are no children, the first day of the month following the workers death.

Unable to benefit from vocational services or to become gainfully employed:
WCB-Alberta pays the survivor the worker’s full pension. This pension is paid until the survivor reaches age 65 or for 24 months or until the worker would have retired (whichever is the longer period).

Factors WCB-Alberta uses to determine if a person is capable of gainful employment:

| | |
|----------------------|----------------------------------|
| • Age | • Skills |
| • Medical Condition | • Local employment opportunities |
| • Education | • Cost of vocational services |
| • Employment history | • Gainful employment figure |

Earnings that are considered less than gainful employment

There are cases where the survivor is engaged in employment which is considered less than what would be classified as gainful employment. This would not affect the benefits received from WCB-Alberta.

- As long as there is a child under the age of 18, any earnings – considered gainful or not – will not affect the full benefit amount.
- If the survivor is found to be capable of gainful employment, and is taking all the appropriate vocational steps with WCB-Alberta, any earnings that are considered less than gainful employment will not affect the benefits received during the 60-month, full-benefit term (i.e. working part-time while undergoing vocational training or schooling).
- The survivor is considered unable to attain gainful employment, but has some employment earnings.

Benefits for dependent children

No dependent spouse or partner

If there are dependent children, but no dependent spouse or partner – or if the spouse or partner later dies and there are still dependent children – the full pension is paid to the Office of the Public Trustee for the care of the children. The guardians of the children would then have access to these funds to provide for their care until the age of 18. If there are multiple children, the pension is divided proportionately according to the number of children involved. As the children turn 18, the pension is divided among the remaining underage children. After the youngest child turns 18, the five-year reducing term pension is then divided between all of them.

Not living with the dependent spouse or partner

Children who were not living with the dependent spouse or partner at the time of the worker's death, or children who ceased to live in this arrangement afterwards, may be eligible for benefits. There are a number of possible scenarios in this case, including if there are multiple dependent children, with some living with the dependent spouse and some not. All of the dependents are considered, and the worker's pension is apportioned at the discretion of WCB-Alberta.

Benefits for other dependents

If there is no dependent spouse, partner or child, other dependents may be eligible for compensation. Other dependents may be a parent, grandparent, step-parent, brother, sister, half-brother or half-sister. They must have been wholly or partially dependent on the worker's earnings when the worker died, or would have been dependent on the worker's earnings if not for the fatality. If eligible, WCB-Alberta pays an amount that is reasonable and proportionate to the pecuniary loss caused by the worker's death.

*Please see questions 2-6, Policy 04-08 Part II (Jan. 22, 2002) for the criteria of a person who could be eligible for benefits.

†Dependent children are those that are under the age of 18, and who were wholly or partially dependent on the worker's earnings at the time of death. In addition to children of a current marriage, they can be a child born out of wedlock, a grandchild, the child of a spouse by a former marriage and any other child to whom the worker stood in *loco parentis* (in the place of a parent).

‡A full pension is defined as the pension the worker would have received if the work accident had resulted in permanent total disability instead of death.

◇The five-year reducing term pension is equal to three years of full pension benefits and is paid in reducing percentages of 100, 80, 60, 40 and 20 per year. It may also be paid as one lump sum at the beginning of the five-year period.