

# Alberta WCB Policies & Information

Chapter:

**BENEFITS**

Subject:

**FATALITIES**

Authorization:

**BoD Resolution 2018/01/05**

Date:

**February 21, 2018****REFERENCE:**

[Workers' Compensation Act, RSA 2000, Sections 1\(1\)\(e\)\(h\)\(i\)\(l\)\(n\)\(q\), 17, 47, 49.1, 51, 56, 70-77, 87, 89, 96, and 158](#)

[Workers' Compensation Regulation, Section 16](#)

[Adult Interdependent Relationships Act, Sections 1-13 and 81](#)

[Adult Interdependent Partner Agreement Regulation](#)

**POLICY:**

If a worker dies as a result of a compensable accident, WCB pays *compensation* to the worker's *dependants* and assists with the payment of *costs associated with the worker's death*.

This policy is effective **September 1, 2018**, applying to all fatalities accepted on or after that date, except when noted otherwise in a specific policy section(s).

**INTERPRETATION****1.0 Compensation**

The compensation that dependants are eligible for depends on the legislation in effect on the date of the worker's accident. In general, compensation for dependants includes a pension and, for a dependent spouse or a dependent adult interdependent partner, may include appropriate vocational services.

Depending on the circumstances and date of accident, a variety of benefits such as allowances and pensions may be paid to individuals other than the dependent spouse or the dependent adult interdependent partner (for example, dependent children and guardians).

**2.0 Dependants**

In workers' compensation, the term, "dependant" has a specific meaning for the administration of the *Workers' Compensation Act (WCA)*. The terms, "dependant", "dependent child" and "member of a family", are defined in s.1 of the *WCA*. A dependent spouse is usually the worker's

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**2.0 Dependants (continued)**

legal spouse at the time of death. These definitions apply to claims with a date of accident on or after January 1, 1982.

Some definitions have changed since January 1, 1982; the correct definition to use in each case is the definition in the legislation in effect on the date of accident.

For claims with a date of accident on or after September 1, 2018, the definition of “dependent child” has been expanded to include children 18 years or older but under age 25, who are enrolled in an education program approved by WCB.

For claims with a date of accident on or after June 1, 2003, a spouse is defined in the *Adult Interdependent Relationships Act* as the husband or wife of a married person.

It should be noted that for claims with a date of accident before June 1, 2003, the term spouse includes common-law spouse, as defined in the legislation in effect on the date of accident.

It should be further noted that for claims with a date of accident on or after June 1, 2003, an adult interdependent partner, as defined in the *Adult Interdependent Relationships Act*, may be considered a dependant and, as such, may be eligible for the same benefits as a spouse.

Different definitions apply to accidents occurring before January 1, 1982. The workers’ compensation legislation in effect at the time of the accident determines who is considered a dependant.

Additional information about dependants and their eligibility for benefits is contained in Part II of this policy. Please refer to the applications listed below.

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### 3.0 Costs Associated with the Death

Costs include:

- an immediate lump sum to help with incidental costs arising from the death of the worker;
- the cost of bereavement counselling for family members within the first 24 months following the worker's death (this is in addition to the counselling provided to the dependent spouse or adult interdependent partner);
- expenses for burial, cremation, and funeral or memorial services; and
- the reasonable cost of transporting the body.

The maximum amounts payable are set by an order of the Board of Directors (see Addendum A at the end of this policy).

Please see Part II for additional information on the following subjects:

#### Application

1 – [General](#)2 – [Accidents on or after September 1, 2018 – Dependent Spouses and Dependent Adult Interdependent Partners](#)3 – [Accidents on or after September 1, 2018 – Dependent Children and Other Dependents](#)4 – [Accidents from January 1, 1982, to August 31, 2018, Inclusive – Dependent Spouses and Dependent Adult Interdependent Partners](#)5 – [Accidents from January 1, 1982, to August 31, 2018, Inclusive – Dependent Children and Other Dependents](#)6 – [Accidents between January 1, 1974 and December 31, 1981, Inclusive](#)

#### Addendum

[Addendum A – Funeral and Death Expenses](#)[Addendum B – Payments to Dependent Children](#)

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[Document History](#)

**Previous versions**

- [Policy 0408 Part I - April 2018](#)
- [Policy 0408 Part I - August 2015](#)
- [Policy 0408 Part I - July 2011](#)
- [Policy 0408 Part I - July 2004](#)
- [Policy 0408 Part I - January 2004](#)
- [Policy 0408 Part I - June 2003](#)
- [Policy 0408 Part I - January 2003](#)
- [Policy 0408 Part I - February 2002](#)
- [Policy 0408 Part I - January 2002](#)
- [Policy 0408 Part I \(consolidated manual 1st Issue\) - February 1997](#)