

**Operational  
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## Policy

If a worker dies as a result of a work-related accident, the worker's survivors, as defined, are entitled to benefits based on the date of the worker's death.

## Definitions

### Survivor

A spouse, child, or dependant of a deceased worker.

### Spouse

Spouse means a person:

- to whom a person is married, or
- with whom the person is living in a conjugal relationship outside marriage if the two persons:
  - have cohabited for at least one year
  - are together the parents of a child-, or
  - have together entered into a cohabitation agreement under s.53 of the *Family Law Act*.

### Child

As defined under subsection 1(1) of the *Family Law Act*, a person to whom a parent has demonstrated a settled intention to treat as a child of ~~his or her~~[their](#) family, except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody.

### Dependent child

A child of the worker who was wholly or partly dependent on the worker's earnings at the time of the worker's death, including a child to whom the worker has demonstrated a settled intention to treat as a child of the family.

### Other dependant

Any of the following who were wholly or partly dependent on the worker's earnings at the time of the worker's death:

- a parent, step-parent-, or person who stood in the role of parent to the worker
- a sibling or half-sibling
- a grandparent, or
- a grandchild.

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If the injury occurred on or after January 1, 1998, survivors' benefits are determined according to s.48 of the *Workplace Safety and Insurance Act, 1997*. In these cases, survivors' benefits are based on 85% of the worker's pre-injury net average earnings (NAE).

The *Workers' Compensation Act, Revised Statutes of Ontario 1990* effective April 1, 1985 to December 31, 1997, applies:

- when the date of injury is before April 1, 1985, and death occurs on or after April 1, 1985, and
- when the date of injury is between April 1, 1985, and December 31, 1997, and death occurs on or after January 1, 1998.

In these cases, survivors' benefits are based on ~~the~~ 90% of the deceased worker's pre-injury NAE.

**Application date**

This policy applies [to all decisions made on or after December 5, 2024](#), if a worker dies on or after March 9, 2005, as a result of a work-related injury or disease, for all accidents.

**Document History**

This document replaces 20-01-02 dated ~~October 12, 2004~~ [January 3, 2007](#).

This document was previously published as:

[20-01-02 dated October 12, 2004](#)

20-01-02 dated April 29, 2002

20-01-02 dated June 15, 1999

13.1 dated January 1, 1998.

**References****Legislative Authority**

*Workplace Safety and Insurance Act, 1997*

Sections 2(1), 48, 103.1

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

Sections 1(1), 35

**[Minute Approval](#)**

~~Administrative~~

~~#19, November 15, 2006, Page 431~~