

**Operational  
Policy**Section  
Benefits for SurvivorsSubject  
**Children and No Spouse**

## Policy

Where a worker's death results from a work-related injury/disease and the deceased worker is survived by one or more dependent children, but no spouse, the children are entitled to a lump sum payment and, until they turn 19, periodic payments based on the deceased worker's net average earnings (NAE) at the time of the injury.

## Purpose

The purpose of this policy is to outline how the WSIB determines survivors' benefits for the deceased worker's dependent child(ren) where there is no spouse.

## Guidelines

If a child is a minor (i.e., under the age of 18), the payments 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 payments 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.

For the definition of "dependent child," [see refer to 20-01-02, Definitions and Application Dates](#); for [more information about a child incapable of earning wages](#) "~~incapable child,~~" [see refer to 20-03-13, Child Incapable of Earning Wages](#).

## Lump sum payment

Dependent children under age 19 are entitled to share a lump sum payment of ~~\$98,443.63~~ ~~80,673.30~~; ~~this is the~~ (amount for 20~~24~~~~17~~); ~~see~~ [Refer to 18-01-02, Benefit Dollar Amounts - Accidents from 1998 for the amount as indexed each year from 1998 onward](#).

The age limit for entitlement is increased to 30 if a child is enrolled in an educational program. There is no age restriction for ~~an incapable~~ a child [incapable of earning wages](#). The lump sum payment is apportioned equally among the dependent children.

## Periodic payments

Periodic payments are based on the deceased worker's NAE, subject to the statutory maximum and minimum, [see refer to 18-02-07, Calculating Net Average Earnings](#).

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If the deceased worker's NAE are less than the statutory minimum, they are deemed to be the minimum. The minimum is indexed annually.

**One dependent child**

If a deceased worker is survived by one dependent child, the child is entitled to periodic payments equal to 30 per cent of the deceased worker's NAE.

**Two or more dependent children**

If a deceased worker is survived by more than one dependent child, the children are entitled as a group to periodic payments equal to 30 per cent of the deceased worker's NAE, plus an additional 10 per cent for each additional child (i.e., two children would share 40 per cent NAE).

The total periodic payments must not exceed 85 per cent of the NAE.

**Example**

NAE of \$3,000 per month  
Two children who are minors

$(\text{one child} + \text{additional child}) \times (\text{NAE}) = \text{children's periodic payment}$   
 $(30\% + 10\%) \times \$3,000 = \$1,200 \text{ per month}$

**Child 19 years or older continuing in education**

Periodic payments in respect of a dependent child generally cease when the 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](#).

**Parent or other person**

If a parent who is not the deceased worker's spouse is caring for the child(ren), or if there is another person acting in the role of parent, that parent or other person is entitled to periodic payments in the amount of 85 per cent of the deceased worker's NAE. These payments are made in lieu of those the child(ren) would have received, [see-refer to 20-03-11, Children Cared for by Parent or Other Person](#).

The lump sum payment is paid only on behalf of the child(ren).

**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.

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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, 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 20-03-10 dated ~~April 6, 2009~~ [January 2, 2018](#).

This document was previously published as:

[20-03-10 dated April 6, 2009](#)

20-03-10 dated January 5, 2005

20-03-10 dated October 12, 2004

20-03-10 dated June 15, 1999

13.10 dated January 1, 1998.

**References****Legislative authority**

*Workplace Safety and Insurance Act, 1997, ~~as amended~~*

Sections 2(1), 48(13), ~~(14), (15), (16), (17), (19), (20), (24)~~, 49, 51, 52, 60

**~~Minute~~Approval**

~~Administrative~~

~~#24, November 15, 2017, Page 546~~