

Section	Policy
30	36.55

Section Title: Finance, Assessments and Administration - Payments
Subject: Continuation of Monthly Spousal Benefits
Effective Date: July 1, 1985, for fatal accidents occurring before January 1, 1992.

POLICY PURPOSE

The policy describes how benefits will be handled for spouses of fatally injured workers who remarry or enter into common-law relationships.

A. Effective July 1, 1985, for fatal accidents occurring before January 1, 1992, *The Workers Compensation Act* provides:

24(4) Where the surviving spouse of a deceased worker is receiving compensation, and the board determines that the surviving spouse is cohabiting with a person of the opposite sex in a relationship in which the surviving spouse is dependent upon the other person for support, the board may discontinue or suspend the payment of compensation to the spouse and may divert the compensation in whole or in part to, or for the benefit of, any other dependent of the deceased worker.

35(1) Where a surviving spouse of a worker is receiving compensation and he or she remarries, and the board determines that the surviving spouse is dependent upon his or her new spouse for support, the board may terminate monthly payments to the surviving spouse, but upon so doing shall pay the surviving spouse a lump sum of \$3,600.

B. The WCB has discretion not to terminate monthly spousal benefits under these subsections.

A. POLICY

1. The WCB exercises its discretion under subsections 24(4) and 35(1), noted above, to continue to pay monthly benefits for the lifetime of the spouse and not to terminate these benefits.
 2. The WCB reinstates monthly benefits to all spouses whose benefits were terminated under subsections 24(4) and 35(1), noted above, with reinstatement to be effective the date such benefits were terminated.
 3. This policy applies to spouses of workers whose fatal accidents occurred before January 1, 1992, where the spouse remarries or enters into a new common-law relationship on or after July 1, 1985.
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B. REFERENCES

The Workers Compensation Act, sections 24(4), 35(1)
Policy 36.50, *Interest on Compensation Payments*

History:

1. Policy 36.55 established by Board Order 25/99 on May 28, 1999.
2. Minor formatting changes were made to the policy, June 27, 2012.