



Policy Amendment Proposal

RE-11 Vocational and Academic Assistance for Surviving Spouse

This policy amendment proposal relating to vocational and academic assistance for the surviving spouse will reflect the issues consulted on during the engagement for the *Workers' Safety and Compensation Act* (the 'Act') and will align the amendments made in the new legislation.

The new Act comes into force July 1, 2022. The intended effective date of the proposed policy amendments will be July 1, 2022.

The proposed amended Vocational and Academic Assistance for Surviving Spouse policy will reflect minor changes to ensure consistency with the provisions of the Act.

A five-year policy review plan will be developed later in 2022. After July 1, 2022, all amended policies to align with the new Act will be prioritized for a more detailed review.

The purpose of this policy is to outline vocational training or retraining options to a surviving spouse of a deceased worker.

Relevant sections of the Act

The following sections of the Act are relevant:

- 124 other benefits for spouse and dependants

Proposed minor changes to this policy are highlighted in yellow

- changes to section references, language and definitions
- addition of separate section title, "Vocational or academic training assistance for a spouse" to provide clarity

Board Orders/Regulations

N/A

Current policy

[RE-11 Vocational and Academic Assistance for Surviving Spouse](#)



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The Board of Directors is providing this policy amendment proposal to stakeholders seeking their input, comments, questions and suggestions.

Some questions for consideration:

1. Are there any general comments about this policy proposal?
2. Are there any gaps in this policy proposal?
3. Additional comments?

The views of our stakeholders are important to us. All feedback will be considered prior to the Board of Directors approving any amendments.

Engagement on this policy proposal closes on **May 31, 2022**. Please provide your feedback by:

1. Downloading a [fillable form](#) our website and sending it as an attachment to Policy.Feedback@wcb.yk.ca
2. Emailing comments directly to Policy.Feedback@wcb.yk.ca
3. Receipt in our building by May 31, 2022, by mail or drop off at
Yukon Workers' Compensation Health and Safety Board
401 Strickland Street
Whitehorse, Yukon Y1A 5N8

By the end of June a summary of all feedback on this policy amendment proposal will be published on our website at www.wcb.yk.ca



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Preventing work-related injuries is the most important job in any workplace. The *Workers' Safety and Compensation Act* establishes the responsibilities of all workplace parties to work together to ensure the physical and psychological health and safety of workers. When injuries do occur, workers and employers must continue to work together to facilitate an injured worker's early and safe return to health and work.

Purpose

This policy outlines vocational training or retraining options to a surviving spouse of a deceased worker.

Definitions

board means the Workers' Safety and Compensation Board

spouse in respect of a worker means the individual who, at the date of the worker's death, cohabitated with the worker, and

- a. to whom the worker was legally married at the date of the worker's death, or
- b. with whom the worker had cohabitated as a couple for at least 12 months immediately before the worker's death

vocational assessment means the surviving spouse's aptitudes, skills, interests, culture and gender, labour market opportunities, age, income and employment profile to determine whether the surviving spouse needs additional skills, training or education in order to work and earn the deceased worker's compensation benefits level had the worker survived, taking into account any spousal or dependant benefits arising from the work-related death of the worker

worker means a person who performs work or services for an employer under a contract of service or apprenticeship, written or oral, express or implied and as further defined in section 77 of the Act

Policy Statement

1. General

When compensation is payable as the result of the death of a worker, the board may provide counselling services and vocational or academic training to their spouse, if the board considers it appropriate. The board may also provide counselling and placement services to the dependants of a deceased worker, if the board considers it appropriate.



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2. Vocational or academic training assistance for a spouse (new title)

If a surviving spouse is eligible for compensation benefits under Part 4 of the Act, they are eligible to request vocational or academic training assistance. Requests should be made within one year of the death of the worker. Any requests received after that time would not necessarily be denied, but the board would be less likely to conclude that the training or academic upgrading was needed as a result of the death of the worker.

The first step in determining the need for vocational rehabilitation assistance is a vocational assessment. A surviving spouse may be eligible for a vocational assessment where, at the time of or as a result of the worker's work-related death, the spouse is unemployed, under-employed, unemployable or financially disadvantaged. The goal is to restore the surviving spouse's household income to the pre-fatality level, taking into account the maximum compensable benefit ceiling.

If the vocational assessment determines that the spouse may be eligible for a vocational rehabilitation plan and/or employment readiness program, such decisions will be made using policies [RE-10 Vocational Rehabilitation](#) and [RE-12 Employment Readiness](#).

Related Policies

[RE-10 Vocational Rehabilitation](#)

[RE-12 Employment Readiness](#)
