

**Chapter:** Return to Work

**Legislative authority:** section 124

*Prevention statement*

*Preventing injuries is one of the most important responsibilities in the workplace. The Workers' Safety and Compensation Act (the '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.*

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## Purpose

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

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## 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

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## 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.

### 2. Vocational or academic training assistance for a spouse

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 4.14 Vocational Rehabilitation and 4.16 Employment Readiness.

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## History

RE-11 Vocational and Academic Assistance for Surviving Spouse, effective July 1, 2012, revoked July 1, 2022

RE-11 Vocational and Academic Assistance for Surviving Spouse, effective July 1, 2008, revoked July 1, 2012