

**Operational
Policy**

Section
Benefits for Survivors

Subject
Calculating CPP/QPP Offsets from Survivors' Benefits

Policy

When a spouse receives both Canada Pension Plan (CPP)/Quebec Pension Plan (QPP) monthly survivors' benefits and WSIB survivors' periodic (monthly) payments in relation to a worker's death, the WSIB offsets (deducts) 100 per cent of the CPP/QPP monthly survivors' benefits from the deceased worker's monthly pre-injury net average earnings (NAE) prior to determining WSIB periodic payments.

Purpose

This policy outlines the circumstances in which CPP/QPP monthly survivors' benefits impact WSIB periodic payments.

Guidelines

NOTE

All references to CPP in this document are also meant to refer to QPP.

Benefits affected

There are a variety of benefits paid under the CPP program. However, the WSIB only offsets CPP monthly survivors' benefits paid to the spouse (in relation to the deceased worker) from WSIB periodic payments.

The WSIB does not offset CPP monthly survivors' benefits paid to children or incapable children.

The WSIB also does not offset any CPP disability or retirement benefits for which a survivor has separate entitlement (i.e., not paid in relation to the deceased worker).

NOTE

The statutory minimums for periodic payments apply despite the above.

For periodic payments payable for entitlement periods prior to January 1, 2004, the WSIB does offset CPP monthly survivors' benefits paid to children or incapable children from periodic payments.

Reporting CPP benefits

Survivors who are receiving WSIB periodic payments, or who may be entitled to receive such payments, must notify the WSIB within 10 days of being advised they are entitled to CPP monthly survivors' benefits, see 22-01-02, Material Change in Circumstances - Worker. The date of the material change is the date survivors are notified by the federal government that they are entitled to CPP monthly survivors' benefits.

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Whether reported on time or not, the WSIB offsets CPP monthly survivors' benefits retroactively to the date of entitlement to the CPP monthly survivors' benefits (i.e., 1st of the month after the date of the worker's death).

Steps for offsetting CPP benefits

The WSIB deducts the net CPP weekly survivors' benefits paid to the spouse from the deceased worker's weekly pre-injury NAE at the time of the injury and converts this to an adjusted monthly NAE. For information about how NAE is determined, including the statutory maximum, see 18-02-07, Calculating Net Average Earnings.

Example:

(for illustration purposes only)

$(\$800.00 \text{ pre-injury gross average earnings} - \$150.00 \text{ probable deductions}^*) - (\$100.00 \text{ gross CPP survivors' benefits} - \$5.00 \text{ probable deductions}) \times 52/12 = \$2,405.00$

Periodic payments are based on the resulting figure (i.e., \$2,405.00). Survivors receive a percentage of this figure (i.e., \$2,405.00) depending on the date of accident and other factors such as the number and age of children. See 20-03-04 to 20-03-14 for specific information about how the WSIB determines periodic payments in various situations.

*Probable deductions means probable income tax, CPP premiums, and employment insurance (EI) premiums payable by the worker, see 18-02-07, Calculating Net Average Earnings.

NOTE

For deaths resulting from accidents that occurred prior to September 1, 2005, for all entitlement periods, the CPP is offset by deducting the monthly gross CPP survivors' benefits from the deceased worker's monthly pre-injury gross average earnings. The adjusted monthly pre-injury gross average earnings are then used to determine the deceased worker's monthly pre-injury NAE from which the WSIB periodic payments are determined.

Application date

This policy applies to all decisions made for entitlement periods on or after January 1, 2018, for accidents on or after January 2, 1990.

Document history

This document replaces 20-03-03 dated September 1, 2005.

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20-03-03 dated June 1, 2005

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20-03-03 dated June 15, 1999

13.5 dated January 1, 1998

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References

Legislative authority

Workplace Safety and Insurance Act, 1997, as amended
Sections 2(1), 48

Workers' Compensation Act, R.S.O. 1990, as amended
Sections 1(1), 35

Minute

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