

Government Employees Compensation Act – Dependant – 610-6 IPG 025
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Background

Purpose

This directive establishes guidelines for the definition of “dependant” as set out under section 2 of the *Government Employees Compensation Act* (the Act).

Scope

This directive applies to the Federal Workers’ Compensation Service (FWCS) with respect to the interpretation of “dependant” under section 2 (dependant) of the Act.

Interpretation Guidelines

Definition

The Act states the definition of “dependant” which includes “common-law partner”:

Section	Definition
2	<i>dependant, in relation to an employee, includes (a) a common-law partner of the employee, and (b) a person who was cohabiting with the employee immediately before the employee’s death and is a parent of the employee’s child; (personne à charge)</i>
2	<i>common-law partner, in relation to an employee, means a person who was, immediately before the employee’s death, cohabiting with the employee in a conjugal relationship, having so cohabited for a period of at least one year; (conjoint de fait)</i>

Guiding principles

The following principles should guide the interpretation of “dependant” under the Act:

- the Act incorporates provincial workers’ compensation legislations, except where they conflict with the Act
- dependants are entitled to receive compensation and under the same conditions as provided under the law of the province where the employee is usually employed
- the definition of “dependant” is not restrictive and may include other persons

Interpretation of dependant

Under the Act, a “dependant” may be:

- a common-law partner
- a person who was cohabiting with the employee immediately before the employee’s death and is a parent of the employee’s child

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Interpretation Guidelines, Continued

Interpretation of dependant,
continued

A “dependant” may be a common-law partner only if immediately before the employee’s death the common-law partner :

- was cohabiting with the employee in a conjugal relationship, and
- that the cohabitation period was lasting for at least one (1) year

Other persons may be considered a “dependant” under the Act according to the provincial legislation where the employee is usually employed, such as, but not limited to other members of the family dependent on the worker’s earnings at the time of the worker’s death.

Examples:

- children
- civil or legal spouse
- sons and daughters-in-law
- grandchildren
- parents
- grandparents
- brothers and sisters

Other persons and additional criteria according to provincial legislation may determine compensation eligibility, for example:

- age
- disabilities
- cohabitation
- legal status
- financial dependency

For more details on provincial legislations, consult the provincial workers’ compensation legislation listed in Appendix A.

Appendix A – Provincial Workers' Compensation Legislation

Alberta:

[Workers' Compensation Act Chapter W-15](#)

British Columbia:

[Workers Compensation Act, \[RSBC 2019\] Chapter 1](#)

Manitoba:

[The Workers Compensation Act, C.C.S.M. c. W200](#)

New Brunswick:

[Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act](#)

Newfoundland and Labrador :

[Workplace Health, Safety and Compensation act, RSNL1990 Chapter W-11](#)

Nova Scotia:

[Workers' Compensation Act](#)

Ontario:

[Workers' Compensation Act, R.S.O. 1990, c. W.11](#)

Prince Edward Island:

[Workers Compensation Act Chapter V-7.1](#)

Quebec:

[Act respecting industrial accidents and occupational diseases, A-3.001](#)

Saskatchewan:

[The Workers' Compensation Act, 2013, Chapter W-17.11](#)