

1999

CHAPTER S-56.01

An Act respecting a Special Payment to Certain Dependent Spouses of Deceased Workers and making a consequential amendment to *The Workers' Compensation Act, 1979*

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(Assented to May 6, 1999)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Special Payment (Dependent Spouses) Act*.

Interpretation

2 In this Act:

- (a) “**Act**” means *The Workers' Compensation Act, 1979*;
- (b) “**board**” means The Workers' Compensation Board continued pursuant to section 13 of the Act;
- (c) “**fund**” means the Injury Fund continued pursuant to section 116 of the Act;
- (d) “**prescribed**” means prescribed in the regulations.

Special payment

3 Notwithstanding anything in the Act, the board shall make a payment of \$80,000 in a lump sum out of the fund as a gratuity to each person who:

- (a) applies to the board;
- (b) furnishes the board with proof that he or she meets the eligibility requirements set out in section 4; and
- (c) furnishes the board with a release in the prescribed form.

Eligibility

4(1) Subject to subsection (2), a person is eligible for a payment pursuant to section 3 if:

- (a) before September 1, 1985:
 - (i) the person was in receipt of compensation pursuant to the Act or a former *Workers' Compensation Act* as a dependent spouse or common law spouse of a worker who died as a result of an injury; and
 - (ii) payment of the person's compensation mentioned in subclause (i):
 - (A) was terminated by reason of remarriage; or
 - (B) was suspended, discontinued or terminated by reason of the person entering into a new common law relationship;
- (b) in the case of a person to whom paragraph (a)(ii)(B) applies, the person received a lump sum payment pursuant to subsection 83(7) of the Act as that subsection existed before September 1, 1985 or a similar provision of a former *Workers' Compensation Act*;
- (c) the person is living on the day on which this section comes into force; and
- (d) the person applies to the board not later than two years after the day on which this section comes into force.

(2) Where a person who would otherwise be eligible pursuant to subsection (1) has commenced an action or proceeding with respect to a claim arising out of the suspension, discontinuance or termination of the person's compensation mentioned in clause (1)(a), the person is not eligible for a payment pursuant to section 3:

- (a) unless the action or proceeding is discontinued; or
- (b) if a judgment is entered or decision made in favour of the person.

Decision re eligibility

5(1) On an application pursuant to section 3, eligibility shall be determined on the basis of any relevant information received from the applicant, contained in the records of the board or obtained by the board from any other source.

(2) A determination of eligibility pursuant to subsection (1) is final.

Recovery

6(1) Where a person obtains a payment pursuant to section 3 on the basis of information that is false or misleading, the amount of the payment is a debt due to the board and, in addition to any other manner authorized by law, may be recovered by deducting that amount from any benefits, grants or tax credits to which the person may be entitled from the Government of Saskatchewan pursuant to any Act or regulation.

(2) Where an amount is recovered by deduction from a benefit, grant or tax credit to which a person was entitled from the Government of Saskatchewan, that amount shall be paid into the fund.

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Regulations

7 The Lieutenant Governor in Council may make regulations:

- (a) prescribing forms for the purposes of section 3;
- (b) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

Consequential amendment

8 Section 181 of *The Workers' Compensation Act, 1979* is amended by adding the following subsection after subsection (1):

“(1.1) A regulation may be made pursuant to subsection (1) notwithstanding subsection 98.1(5)”.

Coming into force

9(1) Subject to subsection (2), this Act comes into force on assent.

(2) Section 8 of this Act comes into force on assent but is retroactive and is deemed to have been in force on and from March 11, 1999.

