

# Fact Sheet

## Massachusetts Workers' Compensation Death Benefits

If you are the spouse or a dependent<sup>1</sup> of a worker who died of injuries that occurred at work, you may be eligible for financial benefits (death benefits) under workers' compensation. Workers' compensation is a type of insurance that all Massachusetts employers are required to have for their employees.

### Was your spouse or a person you were dependent on covered under workers' compensation?

- Almost all workers are covered by workers' compensation. Workers are covered no matter how many hours they worked per week or how the employer paid them. Workers are covered even if they were paid cash "under the table."<sup>2</sup>
- If workers are self-employed, they are only covered if they have taken out their own workers' compensation insurance.
- Workers are covered even if they were not US citizens. Workers are covered if they were immigrant workers and did not have legal documents.

### Workers' compensation death benefits you may be eligible for include:

- Burial expenses up to eight times the average weekly wage in the commonwealth.
- Weekly benefits equal to two-thirds of the deceased worker's average weekly wage, up to a maximum amount set by the Commonwealth. Surviving spouses can receive these benefits for as long as they remain dependent and do not remarry.
- If the surviving spouse remarries, \$60 a week is paid to each eligible dependent child. The total weekly amount paid to dependent children cannot exceed the amount the spouse had been receiving.

If you haven't heard of these benefits, you should contact DIA

### Contact the Massachusetts Department of Industrial Accidents for more information on workers' compensation death benefits and filing a claim:

Department of Industrial Accidents (DIA)  
600 Washington Street, 7<sup>th</sup> Floor  
Boston, MA 02111

1-800-323-3249 x470 (toll free)  
617-727-4900 x470  
[www.mass.gov/dia](http://www.mass.gov/dia)

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<sup>1</sup> Dependents are members of the employee's family or next of kin who were wholly or partly dependent upon the earnings of the employee for support at the time of the injury or at the time of death.

<sup>2</sup> You must be able to prove that your spouse was an employee. If he or she was paid under the table you may want a lawyer to help you get workers' compensation benefits.