

2008/03/19-02**THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA****RESOLUTION OF THE BOARD OF DIRECTORS****RE: Disfigurement Awards****WHEREAS:**

Pursuant to section 82 of the *Workers Compensation Act*, RSBC 1996, Chapter 492 and amendments thereto ("*Act*"), the Board of Directors must set and revise as necessary the policies of the Board of Directors, including policies respecting compensation, assessment, rehabilitation, and occupational health and safety;

AND WHEREAS:

Section 23(5) of the *Act* provides that where a worker has suffered a serious and permanent disfigurement which the Workers' Compensation Board considers is capable of impairing the worker's earning capacity, a lump sum in compensation may be paid, although the amount the worker was earning before the injury has not been diminished;

AND WHEREAS:

Policy item #43.20, *Amount of Award*, of the *Rehabilitation Services & Claims Manual* ("*RS&CM*"), Volume II, provides guidelines for calculating the amount of disfigurement awards;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The POLICY statements in policy item #43.20, *Amount of Award*, of the *RS&CM*, Volume II, as per the attached Appendix "A", are approved.
2. The above amendments to policy apply to all decisions including appellate decisions made on or after May 1, 2008.
3. This resolution is effective May 1, 2008.

4. This resolution constitutes a policy decision of the Board of Directors.

DATED at Richmond, British Columbia, March 19, 2008.

By the Workers' Compensation Board

**DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS**

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#43.20 AMOUNT OF AWARD

In calculating the amount of an award, the guidelines set out below apply:

1. Points are assigned to each of five factors assessed individually according to the table set out below. The assessment will normally be based on photographs of the worker but there may also be a visual examination of the worker in exceptional cases. The Board officer will give reasons for the points assigned to each factor.

POINTS/FACTORS	0–24 POINTS	25–49 POINTS	50–74 POINTS	75–99 POINTS
Surface area of part of body (see guideline 3)	Less than 25%	25%–49%	50%–74%	75% or more
Texture and thickening.	Mild alteration of texture.	Moderate thickening.	Major thickening.	Severe.
Keloid scarring hardening.	Slight wrinkly, furrows or marks.	Moderate hardening. Mild dryness or scaling. Prone to pimples.	Major hardening. Moderate dryness or scaling. Frequent pimples Prone to ulceration.	Severe. Major dryness or scaling. Frequent ulceration. Significant irregularity of scar.
Colour	Mild alteration of colour.	Moderate alteration of colour.	Major alteration of colour.	Severe alteration of colour.
Visibility	Less than 25% visible with work clothing.	25 to 49% visible with work clothing.	50 to 74% visible with work clothing.	75% visible or greater with work clothing.
Loss of bodily form	Mild depression or elevation.	Moderate depression or elevation.	Major depression or elevation. Moderate to major atrophy. Moderate to major irregularity of body.	Severe depression or elevation. Severe muscle or tissue loss.

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2. An average is taken of the points assigned by dividing the total points by five. **The result is rounded up to the nearest whole number.** ~~and~~ The disfigurement is **then** placed in one of four classes as follows:

Class 1	0 to 24 points
Class 2	25 to 49 points
Class 3	50 to 74 points
Class 4	75 to 99 points

3. The area of the body affected is determined. Five areas are recognized. A minimum and maximum award exists for each of the four classes for each area of the body **including a dollar value per point within each class** as shown in the following tables:

January 1, 2008 – December 31, 2008

	Minimum	Maximum
Head and Neck		
1.	\$ 0	\$ 5,294.47
2.	5,294.47	10,588.93
3.	10,588.93	32,163.80
4.	32,163.80	53,606.35
Each Hand		
1.	\$ 0	\$ 1,720.70
2.	1,720.70	3,573.75
3.	3,573.75	10,588.93
4.	10,588.93	17,868.77

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~~Each Arm~~

1.	\$ 0	\$ 1,323.60
2.	1,323.60	2,647.23
3.	2,647.23	8,074.01
4.	8,074.01	13,368.52

~~Each Leg (including the foot)~~

1.	\$ 0	\$ 926.52
2.	926.52	1,720.70
3.	1,720.70	5,294.47
4.	5,294.47	8,838.91

~~Torso~~

1.	\$ 0	\$ 926.52
2.	926.52	1,720.70
3.	1,720.70	5,294.47
4.	5,294.47	8,838.91

January 1, 2008 – December 31, 2008

Head and Neck

Class	Maximum Points	Minimum Award for Class (\$)	Maximum Award for Class (\$)	Dollar Value per point within Class (\$)
1	24	0	5,823.84	242.66
2	49	6,056.80	11,647.84	232.96
3	74	12,597.13	35,380.09	949.29
4	99	36,323.56	58,966.84	943.47

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Each Hand

Class	Maximum Points	Minimum Award for Class (\$)	Maximum Award for Class (\$)	Dollar Value per point within Class (\$)
1	24	0	1,892.88	78.87
2	49	1,974.41	3,931.13	81.53
3	74	4,239.80	11,647.88	308.67
4	99	11,968.19	19,655.63	320.31

Each Arm

Class	Maximum Points	Minimum Award for Class (\$)	Maximum Award for Class (\$)	Dollar Value per point within Class (\$)
1.	24	0	1,456.08	60.67
2.	49	1,514.33	2,912.33	58.25
3.	74	3,151.11	8,881.83	238.78
4.	99	9,114.79	14,705.83	232.96

Each Leg (including the foot)

Class	Maximum Points	Minimum Award for Class (\$)	Maximum Award for Class (\$)	Dollar Value per point within Class (\$)
1	24	0	1,019.28	42.47
2	49	1,054.23	1,893.03	34.95
3	74	2,050.28	5,824.28	157.25
4	99	5,980.24	9,723.28	155.96

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Torso

Class	Maximum Points	Minimum Award for Class (\$)	Maximum Award for Class (\$)	Dollar Value per point within Class (\$)
1	24	0	1,019.28	42.47
2	49	1,054.23	1,893.03	34.95
3	74	2,050.28	5,824.28	157.25
4	99	5,980.24	9,723.28	155.96

The **dollar values per point within each class** above figures are adjusted on January 1 of each year. **The minimum and maximum award for each class are adjusted accordingly.** Effective June 30, 2002, the percentage change in the consumer price index determined under section 25.2 of the Act, as described in policy item #51.20 will be used.

- The amount of the award in **Class 1** is **obtained by multiplying the average criterion score for disfigurement by the dollar value per point within the class.** ~~(subject to the minimum) the percentage of the maximum dollar amount for the class that the average points for the disfigurement bears to the maximum points assigned to the class.~~ For example, if the average **criterion score** points for a hand disfigurement is 6, it is assigned to Class 1 of the hands area of the body and the amount of the award is ~~$\$325 \times ((6/24) \times \$1,300)$~~ **$\$473.22 (6 \times \$78.87)$** .
- The amount of the award for a disfigurement in **Classes 2, 3 or 4** is **obtained by subtracting the maximum points in the previous class from the average criterion score for disfigurement. Next, the total is multiplied by the dollar value per point within the class, followed by adding to the total, the maximum award in the previous class.** For example, if a burn to the chest is assigned an average **criterion score** of 34 points, it is in Class 2 of the torso area of the body and the amount of the award is ~~$\$897 \times ((34/49) \times \$1,300)$~~ **$\$1,368.78 [(34 - 24) \times \$34.95 + \$1,019.28]$** .

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Detailed examples of the application of the above guidelines are set out below:

Example 1

The worker has a loss of the fingernail and nailbed, slight shortening of the right mid finger, a small curved raised nail growing through the graft at the injury site. Assuming that the disfigurement was found capable of impairing earning capacity, the award would be calculated as follows:

Factors	Description	Points
Surface area	Less than 25%	2
Texture / keloid	Minimal alteration; no keloid	2
Colour	No contrast	0
Visibility	Less than 25%	20
Structure	Mild evidence of depression	5

A. Total points are 29.

B. Average **criteria score is points are 6** (29/5). Disfigurement is in Class 1.

C. ~~Determine % which average points in line B bears to maximum points for Class 1 = 25% (6/24).~~

Multiply the average criteria score for the hand disfigurement by the dollar value per point within Class 1 = \$473.22 (6 x \$78.87).

D. ~~Apply % from line C to maximum dollar amount for Class 1 for the hands area = \$325 (25% of \$1,300).~~

Amount awarded is ~~\$325~~**\$473.22**.

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Example 2

The worker has healed burns that extend up the right side and front of the abdomen and chest. There is evidence of occasional ulceration and moderate irregularity of the scars. Scar colour is significantly different when compared to unaffected skin. Assuming that the disfigurement was found capable of impairing earning capacity, the award would be calculated as follows:

Factors	Description	Points
Surface area	Less than 25%	20
Texture / keloid	Some puckering and contraction moderate keloid, scars raised to 3 mm	70
Colour	Significant contrast	80
Visibility	Nil	0
Structure	No evidence of depression or elevation other than keloid	0

A. Total points are 170.

B. Average **criteria score is** ~~points are~~ 34 (170/5). Disfigurement is in Class 2.

C. ~~Determine % which average points in line B bears to maximum points for Class 2 = 69% (34/49).~~

The maximum points for a torso disfigurement in the previous class (Class 1) subtracted from the average criteria score for the torso disfigurement is 10 (34 – 24).

D. ~~The total Apply % from line C multiplied by the dollar value per point within to maximum dollar amount for Class 2 for a the torso area = \$897 (69% of \$1,300).~~ **disfigurement, followed by adding to the total, the maximum award for a torso disfigurement in the previous Class (Class 1) is \$1,368.78 [(34-24) x \$34.95 + \$1,019.28)].**

Amount awarded is ~~\$897~~**\$1,368.78.**

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EFFECTIVE DATE: **May 1, 2008**

APPLICATION: **Applies to all decisions including appellate
decisions made on or after May 1, 2008**