

Additions in Bold; Deletions Strikethrough

CPI CHANGES TO DISCRETIONARY ALLOWANCES AND AMOUNTS

Policies affected: #43.20, #53.00, #79.00, #80.20, #81.00, #82.20, #83.20 & #114.11

CHAPTER 6 – PERMANENT DISABILITY AWARDS

#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. keloid scarring hardening.	Mild alteration of texture. Slight wrinkly, furrows or marks.	Moderate thickening. Moderate hardening. Mild dryness or scaling. Prone to pimples.	Major thickening. Major hardening. Moderate dryness or scaling. Frequent pimples Prone to ulceration.	Severe 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.	Severer depression or elevation. Severe muscle or tissue loss.

2. An average is taken of the points assigned by dividing the total points by five and the disfigurement is 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 as shown in the following table:

January 1, 2002 – December 31, 2002

	Minimum	Maximum
Head and Neck		
1.	\$ 0.	\$ 4,656.80
2.	4,656.80	9,313.59
3.	9,313.59	28,289.97
4.	28,289.97	47,149.97

Each Hand

1.	\$ 0.	\$ 1,513.46
2.	1,513.46	3,143.33
3.	3,143.33	9,313.59
4.	9,313.59	15,716.64

Each Arm

1.	\$ 0.	\$ 1,164.18
2.	1,164.18	2,328.39
3.	2,328.39	7,101.59
4.	7,101.59	11,758.40

Each Leg (including the foot)

1.	\$ 0.	\$ 814.93
2.	814.93	1,513.46
3.	1,513.46	4,656.80
4.	4,656.80	7,800.12

Torso

1.	\$ 0.	\$ 814.93
2.	814.93	1,513.46
3.	1,513.46	4,656.80
4.	4,656.80	7,800.12

The above figures are adjusted on January 1 of each year. **Effective June 30, 2002,** ~~t~~**he percentage change in the Consumer Price Index** ~~ratio~~ determined under ~~S~~**ection 25.2** of the ~~Workers Compensation Act,~~ **as described in policy item #51.20,** for January 1 and the ~~previous July 1~~ will be used. (see #51.00).

4. The amount of the award is (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 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 $((6/24) \times \$1,300)$. If a burn to the chest is assigned an average of 34 points, it is in Class 2 of the torso area of the body and the amount of the award is \$897 $((34/49) \times \$1,300)$.

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 ~~were~~ **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 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% $(6/24)$.
- D. Apply % from line C to maximum dollar amount for Class 1 for the hands area = \$325 $(25\% \text{ of } \$1,300)$.

Amount awarded is \$325.

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 ~~were~~ **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 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).
- D. Apply % from line C to maximum dollar amount for Class 2 for the torso area = \$897 (69% of \$1,300).

Amount awarded is \$897.

CHAPTER 8 – COMPENSATION ON THE DEATH OF A WORKER

#53.00 FUNERAL AND OTHER DEATH EXPENSES

Where compensation is payable as the result of the death of a worker or as the result of injury resulting in the death, an amount in respect of funeral and related expenses is paid in addition to any other compensation payable. The amount payable is set out below.

The employer of the worker is required to bear the cost of transporting the body to the nearest business premises where funeral services are provided, and if burial does not take place there any additional transportation may, up to the sum set out below, be paid by the Board.

	Funeral And Related Expenses	Transportation of Body
July 1, 2000 – December 31, 2000	\$6,611.76	\$1,044.60
January 1, 2001 – June 30, 2001	\$6,741.17	\$1,065.05
July 1, 2001 – December 31, 2001	\$6,847.05	\$1,081.78
January 1, 2002 – June 30, 2002	\$6,870.58	\$1,085.50

If required, earlier figures may be obtained by contacting the Board.

The above figures are adjusted semi-annually on January 1 and July 1 of each year. The percentage changes in the consumer price index determined under section 25.3 of the Act, as described in policy item #51.30, are used.

No action for an amount larger than that established by the above provisions lies in respect of the funeral, burial, or cremation of the worker or cemetery charges in connection with it. (3)

CHAPTER 10 – MEDICAL ASSISTANCE

#79.00 CLOTHING ALLOWANCES

The clothing allowances set out below are payable to upper and lower limb amputees wearing prostheses, and to workers wearing a leg brace. (21) The amputation must be at or above the wrist, or at or above the ankle. Effective July 1, 1993, the allowance is also payable to a worker confined to a wheelchair, who is not otherwise entitled, at the same rate as is payable to a lower limb amputee.

The amounts of the clothing allowances are set out below:

	Single Upper Limb Amputee	Bilateral Upper Limb Amputee	Lower Limb Amputee or Requires a Leg Brace	Upper and Lower Limb Amputee
July 1, 1998 – June 30, 1999	\$236.89	\$474.93	\$474.93	\$711.88
July 1, 1999 – June 30, 2000	240.83	482.82	482.82	723.74
July 1, 2000 – June 30, 2001	245.86	492.91	492.91	738.83
July 1, 2001 – June 30, 2002	\$254.61	\$510.45	\$510.45	\$765.12
July 1, 2002 – June 30, 2003	(to be determin ed)	(to be determin ed)	(to be determine d)	(to be determine d)

If required, earlier figures may be obtained by contacting the Board.

~~After July 1, 1993~~ **Effective June 30, 2002**, the amounts of the clothing allowances will be adjusted on July 1 of each year. ~~The Consumer Price Index ratio determined under Section 25 of the Workers Compensation Act for July 1 and the previous January 1 will be used. (see #51.00).~~ **The Board determines the percentage change to be applied annually to these amounts by comparing the percentage change in the consumer price index for April of the previous year to April of the year before the previous year.**

Payment of the allowance is automatically made by virtue of the amputation. Proof is required neither of the wearing of the prosthesis or prostheses nor of the replacement, repair, or damage to clothing. Payment in the case of leg braces is contingent on the continued wearing of the apparatus.

Entitlement to this allowance commences as of the date of the amputation or the worker's commencing to use the brace or wheelchair. Payment is made by separate cheque on July 1 of each year. This is a full calendar year payment and covers the prior six months and the following six months in the year of payment. The first payment is made on the July 1st following the initiation of pension payments and this first payment will include any retroactive entitlement for prior periods of disability not covered by this first annual payment.

Payment of this clothing allowance is withheld while a worker is in prison. The amount withheld is paid to the worker on release if the period in prison was less than one year. If the period in prison is more than one year, the clothing allowance is not paid for each full year the worker was in prison.

#80.20 AMOUNTS PAYABLE AT EACH LEVEL

The amounts of personal care allowances are set out below.:

	Level 1	Level 2	Level 3	Level 4	Level 5
January 1, 1999 – December 31, 1999					
Daily Amount	12.38	21.09	31.37	40.62	50.09
Monthly Amount	372.64	651.96	941.68	1,221.00	1,500.62
January 1, 2000 – December 31, 2000					
Daily Amount	12.66	21.57	32.09	41.55	51.24
Monthly Amount	381.19	666.91	963.27	1,249.00	1,535.03
January 1, 2001 – December 31, 2001					
Daily Amount	13.01	22.17	32.98	42.71	52.66
Monthly Amount	391.79	685.45	990.06	1,283.72	1577.71
January 1, 2002 – December 31, 2002					
Daily Amount	\$13.26	\$22.60	\$33.62	\$40.62	\$50.09
Monthly Amount	\$399.31	\$698.61	\$1,009.07	\$1,308.36	\$1,608.00

If required, earlier figures may be obtained by contacting the Board.

~~After January 1, 1993,~~ **Effective June 30, 2002**, the amounts of the personal care allowances will be adjusted on January 1 of each year. The **percentage change in the Consumer Price Index ratio** determined under ~~Section 25~~ **25.2** of the *Workers Compensation Act*, **as described in policy item #51.20**, for July 1 and the previous January 1 will be used. (see #51.00).

#81.00 INDEPENDENCE AND HOME MAINTENANCE ALLOWANCE

Normally, most workers who are homeowners have the physical capacity to maintain their property in order to protect their investment in home and property. Such things as painting, repairing, landscaping, appliance repairs, renovations and the many other activities required to maintain the home are difficult or impossible for the disabled. The severely disabled ~~claimant~~ **worker** is usually required to hire tradespersons or others to carry out these activities, thereby incurring additional costs for maintaining home and property.

Similarly, the disabled ~~claimant~~ **worker** may not have the physical capacity to maintain and/or drive a car or to use public transportation, and is consequently required to hire taxis or other forms of transportation to enjoy a reasonable degree of independence.

In order to assist in these and similar kinds of expenses, the Board has established a category of assistance separate and distinct from personal care allowances, called the independence and home maintenance allowance. This allowance may be paid over and above any level of personal care allowance and is in addition to any wage-loss or ~~pension~~ **permanent disability award** benefits.

Effective September 1, 1992, the criteria for paying the independence and home maintenance allowance are as follows:

1. The worker must have sustained a permanent compensable disability which meets one of the following criteria:
 - (a) The disability measured using the physical-impairment method of assessment is equal to 75% of total or greater.
 - (b) The disability measured using the projected-loss-of-earnings method of assessment is equal to an equivalent of 75% of total or greater and it is concluded, after obtaining the advice of the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services**, that the disability will prevent the worker from carrying out the activities covered by the allowance.

- (c) The compensable disability is superimposed on another permanently disabling medical condition, whether compensable or not, and the combined disability meets (a) above or the Board grants a projected-loss-of-earnings award which meets (b) above. Where the pre-existing disability is non-compensable, the compensable disability must be at least half the combined disability measured using the physical-impairment method of assessment and be a significant factor in the worker's inability to do the activities covered by the allowance.
2. The worker must maintain a home or live in rented accommodation. A worker who lives in a nursing hospital or extended care facility will not be eligible. Other accommodation may be approved if it can be concluded that the worker would have contributed to its maintenance had the disability not occurred.
 3. If the worker is institutionalized in a hospital, nursing care facility or extended care facility, but the spouse and children continue to maintain the family home, the allowance may be paid to the spouse.
 4. The allowance commences as of the date when the worker meets the criteria set out above and will be terminated upon the death of the worker or if the worker ceases to meet the above criteria. The allowance may be paid retroactively if time elapses between the date of the worker becoming eligible for the allowance and the date eligibility is determined. With regard to any period prior to September 1, 1992, no payment can be made unless the worker meets the criteria which existed prior to that date. (22)

The independence and home maintenance allowance is payable at the discretion of the Board. The circumstances surrounding each case will be reviewed by the ~~Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** who will provide a report and recommendations.

Once the allowance is approved, the worker or spouse is required to complete and sign the appropriate form and submit it each month, or at such other intervals as may be determined by the Board.

The amount of the independence and home maintenance allowance is set out below:-

Date	Monthly Amount
January 1, 1999 – December 31, 1999	\$196.99
January 1, 2000 – December 31, 2000	201.51
January 1, 2001 – December 31, 2001	207.12
January 1, 2002 – December 31, 2002	\$211.09

If required, earlier figures may be obtained by contacting the Board.

~~After January 1, 1993,~~ **Effective June 30, 2002**, the amount of the independence and home maintenance allowance will be adjusted on January 1 of each year. The **percentage change in the Consumer Price Index ratio** determined under ~~Section 25~~ **25.2** of the ~~Workers Compensation Act~~, **as described in policy item #51.20**, for January 1 and the previous July 1 will be used. (see ~~#51.00~~).

The independence and home maintenance allowance is not retroactive to before June 13, 1980. ~~, but, subject to the claimant qualifying as above described,~~ **However, if the worker meets the criteria for the allowance**, the allowance is paid regardless of date of injury or permanent disability due to occupational disease.

#82.20 AMOUNT OF REIMBURSEMENT

The principles set out below also apply with regard to expenses incurred in connection with a claims or appeal inquiry dealt with in **policy item #100.00**.

The Board will pay the cost of public transportation where this is available and is a reasonable and normal means of travel for the journey to be made by the worker. Where the Board considers it advisable, a worker will be encouraged to travel by air and the Board will assume the cost of the air fare, together with the cost of transportation to and from airports. In situations where air travel is acceptable and the worker elects to use some alternative means, such as the use of a private car, only the most reasonable and economical public transportation cost, which is usually the bus fare, will be reimbursed. Where air travel is not practical, and not approved, only the bus fare will normally be reimbursed irrespective of the method of travel utilized by the worker. The “bus fare” rate includes necessary meal costs and taxi costs to and from bus terminals.

Where public transportation is not reasonably available, the most economical method of transport that is reasonably available will be considered. Taxi fares will be paid when medical reports indicate that the worker's condition does not permit travel by public transportation. The worker must first obtain prior Board approval and will be required, if no voucher is provided, to obtain receipts from the taxi driver and submit the receipts for a refund.

Where there is no public transportation available, or it is deemed otherwise reasonable and acceptable for the worker to drive his or her own vehicle, an allowance of 28 cents per kilometre is paid, effective January 1, 1997, for journeys meeting the minimum kilometre limit set out in **policy item #82.10**. ~~Prior to January 1, 1997, the allowance was paid as follows:~~

Date	Amount Per Kilometre
January 1, 1999 – December 31, 1999	28¢
January 1, 2000 – December 31, 2000	29¢
January 1, 2001 – December 31, 2001	30¢
January 1, 2002 – December 31, 2002	30¢

~~If required, earlier figures may be obtained by contacting the Board.~~

It may, for example, be considered reasonable for a worker to drive his or her own vehicle where there is available public transport if the bus journey would involve multi bus transfers or coming by automobile would be acceptable where it permits the worker to put in half a day at work and still keep an appointment. Parking fees are payable if parking charges are levied by the hospital or medical building where the worker is attending for treatment, but are only paid where approval has been given to pay a kilometre allowance.

The amount of the kilometre rate is set out below:

Date	Amount Per Kilometre
January 1, 2002 – December 31, 2002	30¢

If required, earlier figures may be obtained by contacting the Board.

~~After January 1, 1993,~~ **Effective June 30, 2002,** the kilometre rate will be adjusted on January 1 of each year. The **percentage change in the Consumer Price Index** determined under ~~Section 25~~ **25.2** of the ~~Workers Compensation Act,~~ **as described in policy item #51.20,** for January 1 and the previous July 1 will be used. ~~(see #51.00).~~ The result is rounded to the nearest cent.

Where a worker has voluntarily moved out of the province, eligible expenses are normally limited to what would be paid if the expenses were incurred in British Columbia. Where travel costs are being paid, the cost of travel back to British Columbia (usually the air fare) is prorated on a kilometre basis and the payment covers only the percentage of the travel occurring in British Columbia.

Parking fees may be payable where approval has been given to pay a kilometre/mileage allowance.

Where a worker has to buy meals while engaged in a journey for which the Board is paying expenses, the Board will pay the rates set out in **policy item #83.20.**

Flat rate travel allowances to cover the cost of different forms of transportation from different starting points to different destinations may be established. This includes situations where part of the journey takes place outside the province. These allowances should cover the normal cost of the journey in question including incidental costs such as parking, taxi, airporters, and meals which will usually be incurred in the journey. The amount of the allowance may be paid to the worker in place of actual expenses.

The worker in receipt of a flat rate payment may request reimbursement of actual expenses if, because of exceptional circumstances, expenses are incurred which are significantly higher than the amount of the flat rate. These expenses would have to meet the normal criteria for payment set out in this part of the manual.

#83.20 RATES OF SUBSISTENCE

“Subsistence” means the costs of accommodation and meals.

The Board will normally reimburse actual accommodation costs. ~~(In the case of visits to Richmond, workers will be accommodated in the Richmond Residence.)~~ When contacting the worker prior to departing from home, the Board officer will reach an agreement with the worker regarding the accommodation to be selected and the amount the Board is prepared to approve as a reimbursement.

In addition to accommodation costs, the worker will be paid a full or partial per diem meal allowance as follows:

Date	Breakfast	Lunch	Dinner	Per Day
January 1, 1999—December 31, 1999	\$9.23	\$11.38	\$19.57	\$40.20
January 1, 2000—December 31, 2000	9.44	11.64	20.02	41.13
January 1, 2001—December 31, 2001	9.71	11.96	20.57	42.27
January 1, 2002 – December 31, 2002	\$9.89	\$12.19	\$20.96	\$43.04

If required, earlier figures may be obtained by contacting the Board.

The above meal rates also apply where a worker has to buy meals while engaged on a journey for which the Board is paying expenses.

Where board and/or room is included in a treatment or vocational rehabilitation program, it will be paid at cost.

~~The rate of subsistence in Richmond when claimants or other persons eligible for admission to the Board's Rehabilitation Residence choose not to stay there is as follows:~~

Date	Amount Per Day
January 1, 1999—December 31, 1999	\$16.31
January 1, 2000—December 31, 2000	16.68
January 1, 2001—December 31, 2001	17.14
January 1, 2002—December 31, 2002	17.47

~~If required, earlier figures may be obtained by contacting the Board.~~

~~After January 1, 1993, the meal allowance, and the subsistence rate paid to workers who choose not to stay at the Residence, will be adjusted on January 1 of each year.~~

Effective June 30, 2002, the ~~The~~ **percentage change in the Consumer Price** index ratio determined under ~~Section 25~~ **25.2** of the ~~Workers Compensation Act, as described in policy item #51.20,~~ for January 1 and the previous July 1 will be used. (~~see #51.00~~).

The rules set out above apply equally to family members or other persons travelling with or visiting an injured worker. ~~The Board may, however, pay the cost of hotel accommodation for such a person close to the hospital where the worker is located even though there is accommodation available at the Residence. This would normally be limited to situations where the worker's condition is considered to be life threatening.~~

CHAPTER 17 – CHARGING OF CLAIM COSTS

#114.11 *The Amount of Compensation Awarded Must Be Substantial*

The Board has interpreted the word “substantial” as referring to a specific dollar amount. The amounts in question are set out below:

January 1, 1999 – December 31, 1999	\$34,499.05
January 1, 2000 – December 31, 2000	35,290.32
January 1, 2001 – December 31, 2001	36,271.48
January 1, 2002 – December 31, 2002	\$36,967.79

If required, earlier figures may be obtained by contacting the Board.

After January 1, 1993, **Effective June 30, 2002**, the dollar amount will be adjusted on January 1 of each year. The **percentage change in the Consumer Price Index ratio** determined under **Section 25.2** of the *Workers Compensation Act*, **as described in policy item #51.20**, for January 1 and the previous July 1 will be used. (see #51.00).

APPENDIX 5

FORMULAE FOR RECALCULATING PENSIONS UNDER SECTION 24 – #42.32

SUPPLEMENT NO. 5

MONTHLY REDUCTION OF POST-RETIREMENT EARNING CAPACITY

- (1) Percentage of total disability that would be awarded at the date of the adjustment for the disability sustained by the applicant. % _____ 1)
- (2) Monthly allowance for loss of earning capacity from the disability.
\$0.80 for each 1% of total disability,
i.e., \$0.80/per 1% x (1). \$ _____ 2)

THIS FIGURE SHOWN AS ITEM (2) IS TRANSFERRED TO ITEM (e) ON THE CALCULATION SHEET FOR WORKERS AGED 65 AND OVER.

The cash figure in Item (2) will be adjusted with the Consumer Price Index, the first such adjustment being made on July 1, 1976.

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.

Rates

July 1, 2000	–	\$2.57 for each 1%
January 1, 2001	–	\$2.62 for each 1%
July 1, 2001	–	\$2.67 for each 1%
January 1, 2002	–	\$2.68 for each 1%

If required, earlier figures may be obtained by contacting the Board.