

DISCUSSION PAPER EXECUTIVE SUMMARY

1. TITLE

Clothing Allowances

2. ISSUE

Workers may sustain damage to clothing as result of wearing a prosthetic, a brace or using a wheelchair. Current compensation policy provides that workers wearing these devices or using a wheelchair are paid an annual clothing allowance.

At issue are the clothing allowance categories, specifically the distinction between prosthetics and braces and the date of payment of the allowance.

3. OVERVIEW

The Policy, Regulation and Research Division (“PRRD”) has identified the need for additional clarification regarding the categories in policy for clothing allowances. For example, policy is silent on allowance amounts for workers with braces in certain circumstances. As well, there is a minor issue relating to the date of payments to workers awarded a clothing allowance.

This paper provides a review of the clothing allowances policy, an appendix with a jurisdictional comparison for annual clothing allowance amounts and proposed draft policy.

4. FEEDBACK

Stakeholders are invited to provide feedback on the discussion paper and options.

Stakeholder comments will be accepted until **October 28, 2016**. Contact information can be found in section 7 of the full discussion paper.

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3. BACKGROUND

3.1 Law and Policy

The *Workers Compensation Act* (“Act”) provides WorkSafeBC with the authority to furnish or provide health care benefits that it considers reasonably necessary to cure and/or relieve injured workers from the effects of their injury.² Compensation benefits include allowances.

Item C10-82.00, *Clothing Allowances*, of the *Rehabilitation Services & Claims Manual*, Volume II (“RS&CM”), provides that a clothing allowance can be paid to workers. The intent of this allowance is for repairing or replacing clothing worn or damaged by wearing a prosthesis or brace.³ The allowance amount is adjusted annually by the Consumer Price Index.

Under current policy, an annual clothing allowance may be provided for workers as set out below:⁴

- Single Upper Limb Amputee (\$338.98)
- Bilateral Upper Limb Amputee (\$679.60)
- Lower Limb Amputee or Requires a Brace (\$679.60)
- Upper and Lower Limb Amputee (\$1,018.68)

Policy describes the types of braces that a worker may wear to be considered for an allowance. A brace must be either a major joint brace with rigid frame or contain rigid materials; or a hard back brace, with a rigid frame or shell. Current policy sets out that workers with a back brace or workers who use a wheelchair receive the same allowance as a worker with a lower limb amputation.

¹ A prosthetic is an artificial appliance such as a prosthetic eye, nose or limb. A brace is a type of orthotic device and includes knee, back or elbow braces.

² Section 21(1) of the *Act*.

³ This can be found in Board Memorandum, June 9, 1972.

⁴ Allowance amounts for 2016 (Item C10-82.00 of the RS&CM).

Policy also provides information regarding the date of payment of the allowance. The first clothing allowance payment is made on January 1 following the initiation of the permanent disability award. Subsequent annual payments are also provided to a worker on January 1, contingent on the worker's continued wearing of the brace as prescribed.

3.2 How This Issue Arose

The clothing allowance policy has remained relatively unchanged since it was first implemented in the early 1970s. The last minor amendments to the policy were approved by WorkSafeBC's Board of Directors at their meeting on March 19, 2014. These amendments were part of the extensive review of Chapter 10 of the *RS&CM* and became effective January 1, 2015.⁵

The 2015 amendments to the clothing allowances policy included the addition of an allowance to workers requiring an upper limb or back brace. After the revised policy came into effect, an issue was identified with how the allowances were categorized in the clothing allowances table, which sets out the annual amounts. In addition, policy is silent on workers who wear multiple braces or who have bilateral lower limb amputation.⁶

As a result of these issues, the PRRD initiated a review of the clothing allowances policy.

4. OTHER JURISDICTIONS

Similar to WorkSafeBC, the other Canadian jurisdictions provide a clothing allowance to workers. In general, the allowance amounts provided in British Columbia are similar to those awarded in the other jurisdictions (see Appendix A).

Four provinces provide the same allowance for upper limb as for lower limb clothing wear and tear.⁷ Alberta is the only jurisdiction that provides a higher allowance for upper limb than for lower limb clothing wear and tear.

Quebec and Newfoundland and Labrador provide an allowance amount up to a maximum.⁸ Ontario provides an allowance based on the extent of clothing damage.⁹ For example, a manual wheelchair is considered to cause major damage and a motorized wheelchair to cause minor damage to clothing.¹⁰ Back braces are also considered to cause major damage.

⁵ By Resolution 2014/03/19-02.

⁶ For the purposes of clothing allowances, bilateral refers to either both arms or both legs.

⁷ Manitoba, New Brunswick, Yukon, Northwest Territories/Nunavut.

⁸ Quebec-\$630; Newfoundland and Labrador-\$300.

⁹ Minor clothing damage-\$295.20; major clothing damage-\$590.40.

¹⁰ Policy 17-07-03 Clothing Allowance.

In Alberta and the Northwest Territories/Nunavut, a clothing allowance is provided only to severely disabled workers.¹¹ Alberta provides a further distinction for clothing allowance based on gender, providing female workers a higher allowance than male workers.¹²

British Columbia is unique in that WorkSafeBC makes a distinction between workers requiring braces and prosthetics. However, like British Columbia, other jurisdictions have policy defining what devices qualify as a brace or prosthetic. For example, four other jurisdictions require that a worker's brace be metal or plastic or a "rigid supportive device" in order to receive a clothing allowance.¹³

British Columbia is also unique in that WorkSafeBC provides a higher allowance to workers with bilateral upper limb amputation than workers with a single upper limb amputation. Other jurisdictions do not provide an additional allowance amount for upper limb bilateral amputation.

5. DISCUSSION

A review of the policy has highlighted the need to clarify the categories in the clothing allowances table. While policy sets out that a worker is eligible for a clothing allowance for an upper limb brace, the amount is not clearly indicated in the clothing allowances table. As well, there is a minor issue relating to the date of payments to workers awarded a clothing allowance.

5.1 Clothing Allowances Table

Amendments to the policy that became effective in 2015 added a clothing allowance for workers requiring an upper limb or back brace. However, inadvertently, the revisions to the clothing allowances table did not reflect this change. As a result, the clothing allowances table in policy does not appear to set out all of the amounts for workers wearing braces. This has resulted in a lack of clarity when determining an award provided to a worker with an upper limb brace.

The addition of upper limb and back braces into policy in 2015 was in line with WorkSafeBC's longstanding recognition that damage to clothing may be caused from the wearing of prosthetics or braces.¹⁴ The recognition that both braces and prosthetics can cause damage to clothing is recognized by almost all other jurisdictions.

In considering how to update the clothing allowances table to reflect the policy change intended in 2015, it is noted that other jurisdictions present a simpler categorization of clothing allowances. Eight other jurisdictions categorize clothing allowances by the limb

¹¹ Policies 04-07 Part II-Application 4, Self-Care (Alberta); 03.11 Allowances and Services for Severely Injured Workers (Northwest Territories/Nunavut).

¹² Policy 04-07 Part II-Addendum A – Maximum Clothing Allowances.

¹³ Nova Scotia, Newfoundland and Labrador, Ontario, Saskatchewan.

¹⁴ Board Memorandum, June 9, 1972.

affected (e.g., upper limb or lower limb).¹⁵ The table in current policy organizes clothing allowance by both limb and injury (amputation).

One approach to updating the clothing allowances table is to organize the table by limb affected, similar to other jurisdictions. Draft policy that includes a table reflecting this approach is attached as Appendix B.

There are two potential implications of the above approach. First, bilateral lower limb amputation would be attributed an amount, where policy is currently silent. Second, workers wearing a back brace or using a wheelchair would be granted an allowance under the upper and lower limb category. This is in recognition that back braces and wheelchairs affect both the upper and lower body and may result in damage to upper and lower items of clothing. Draft policy has proposed wording to provide these workers the upper and lower limb clothing allowance rate.

Also proposed is additional language to add guidance on the type of upper limb brace included in the policy (a brace worn at or above the wrist), as well as a clarification that workers only receive an allowance under one clothing allowance category. These proposed changes are in line with current practice.

5.2 Payment Date

The current policy provides that the first clothing allowance payment is made on January 1 following the initiation of the permanent disability award, and then annually by cheque on January 1. The proposed policy change removes the date (January 1) and the method of payment (cheque). This revision will allow flexibility in timing of payments to workers so that the first clothing allowance payment, which would be prorated, can occur at any date following initiation of a permanent impairment award.

Increasingly, payments to workers are made through electronic funds transfers. Therefore, it may be prudent to revise the policy to remove references to cheques so that payments can be made in a manner more convenient for workers.

5.3 Operational Impact

In 2015, a clothing allowance was paid to 3,385 workers. The majority of clothing allowances provided to date have been to workers who require a lower limb brace. There were 59 new clothing allowances awarded in 2015, which reflect this ongoing trend with most of the workers receiving an allowance for a lower limb brace.¹⁶

¹⁵ Alberta, Saskatchewan, Manitoba, New Brunswick, Nova Scotia, Prince Edward Island, Yukon, Northwest Territories/Nunavut.

¹⁶ Knee brace - 50, ankle brace - 4, wheelchair - 2.

Clothing Allowance Category	New Allowances Awarded in 2015¹⁷	Total Allowances at January 1, 2015
Single Upper Limb Amputee ¹⁸	3	224
Bilateral Upper Limb Amputee	0	6
Lower Limb Amputee or Requires a Brace ¹⁹	56	3,118
Upper and Lower Limb Amputee	0	37
Total	59	3,385

Proposed changes include an increase in the allowance amount for workers with a back brace or for those who use a wheelchair. The Disability Awards Department indicates that there are very few workers who require back braces. In 2015, there were two workers who were provided a clothing allowance for wheelchair use in 2015, while in 2014, there were 12 such workers. As such, the PRRD does not expect that the above proposed changes will have a significant financial impact.

6. OPTIONS AND IMPLICATIONS

Option 1: Status quo.

Implications

- Policy would continue to lack clarity for decision-makers.
- The clothing allowances table would be silent regarding allowance amounts for some braces and bilateral lower limbs.
- Workers who require back braces or are confined to wheelchairs would continue to be provided the lower limb amputee rate.
- There would be no flexibility in allowance payment dates to workers.
- Policy would not be consistent with other jurisdictions.

¹⁷ Additional allowances may be granted in the future, with a retroactive start date in 2015.

¹⁸ This category includes workers who required an upper limb brace (1 elbow, 2 wrist braces).

¹⁹ This category currently includes workers who require a brace, back brace or require use of a wheelchair.

Option 2: Amend policy to simplify the clothing allowance categories.

Under this option Item C10-82.00, *Clothing Allowances*, would be amended to:

- Remove the distinction between workers who require braces or prostheses;
- Provide workers with back braces, upper and lower limb braces, or who use a wheelchair the same amount as workers with upper and lower limb prosthetics/amputation; and
- Remove date and method of payment.

Implications

- The clothing allowances table would include allowance amounts for some braces and bilateral lower limbs.
- Clothing allowance amounts for workers who require upper limb braces would be consistent with workers with single limb amputation.
- Workers who require back braces or are confined to wheelchairs would receive a larger allowance to compensate for damage to upper and lower body clothing.
- Policy would provide flexibility on dates and form of payment.
- Policy would be more consistent with other jurisdictions.

7. CONSULTATION

Stakeholders are invited to provide feedback on the discussion paper, options, draft policy, and any additional comments that may be relevant to the issue.

Stakeholder comments will be accepted until **October 28, 2016**. When responding, please provide your name, organization, and address. Comments may be sent by mail, fax or e-mail to:

By e-mail: policy@worksafebc.com

By mail: Candace Miller
Policy Analyst
Policy, Regulation and Research Division
WorkSafeBC
P.O. Box 5350, Stn. Terminal
Vancouver, B.C. V6B 5L5

By fax: 604 279-7599

Please be advised that stakeholders will not be contacted regarding the contents of their submissions unless clarification is needed.

WorkSafeBC's governing body, the Board of Directors, will consider stakeholder feedback before it adopts any amendments to the current policies.

Please note that all comments become part of the Policy, Regulation and Research Division's database and may be published, including the identity of organizations and those participating on behalf of organizations. The identity of those who have participated on their own behalf will be kept confidential according to the provisions of the *Freedom of Information and Protection of Privacy Act*.

APPENDIX A

Jurisdictional Comparison for Annual Clothing Allowance Amounts

Alberta	Upper limb: \$773.21 (male), \$1,533.73 (female) Lower limb: \$521.75 (male), \$1,337.05 (female) Wheelchair: \$1,292.20 (male), \$2,192.10 (female) Clothing allowances are available to severely disabled workers.
Saskatchewan	Upper limb: \$296.85 Lower limb: \$655.36 Upper and lower limb: \$952.21
Manitoba	Upper limb: \$317 Lower limb: \$317 Wheelchair: \$636
Ontario	Minor damage: \$295.20 maximum Major damage: \$590.40 maximum
Quebec	\$630 maximum
New Brunswick	Upper limb: \$401.77 Lower limb: \$401.77 Wheelchair: \$401.77 Upper and lower limb: \$803.54
Nova Scotia	Upper body: \$350 (includes back braces) Lower body: \$400 Wheelchair: \$750 Upper and lower body: \$750
Prince Edward Island	Upper limb: \$350 Lower limb: \$400 Wheelchair use: \$750
Newfoundland and Labrador	\$300 maximum
Yukon	Upper limb: \$500 Lower limb: \$500 Wheelchair: \$1,000
Northwest Territories and Nunavut	Upper limb: \$500 Lower limb: \$500 Wheelchair: \$1,000 Clothing allowances are available to severely disabled workers.

APPENDIX B



REHABILITATION SERVICES & CLAIMS MANUAL

RE: Clothing Allowances

ITEM: C10-82.00

BACKGROUND

1. Explanatory Notes

This policy provides guidance on a worker's entitlement to clothing allowances.

2. The Act

Section 21:

(1) See Item C10-72.00.

POLICY

1. GENERAL

The Board may pay the clothing allowances set out below to upper and/or lower limb amputees wearing prostheses, and to workers wearing an upper or lower limb brace, or a back brace. The amputation must be at or above the wrist, or at or above the ankle.

An upper limb brace is a brace worn at or above the wrist. The brace must be either a major joint brace with rigid frame or contain rigid materials; or a hard back brace, with a rigid frame or shell.

Workers are paid a clothing allowance under one category as set out below:

	Jan. 1, 2015- Dec. 31, 2015	Jan. 1, 2016- Dec. 31, 2016
Upper Limb	\$335.51	\$338.98
Lower Limb	\$672.66	\$679.60
Bilateral Limb	\$672.66	\$679.60
Upper and Lower Limb	\$1,008.27	\$1,018.68

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REHABILITATION SERVICES & CLAIMS MANUAL

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

The Board also pays the allowance to a worker confined to a wheelchair, who is not otherwise entitled, ~~at the same rate as is payable to a lower limb amputee~~ **upper and lower limb rate. The Board pays the allowance to a worker wearing a back brace at the upper and lower limb rate.**

~~The annual amounts of the clothing allowances are set out below.~~

	Single Upper Limb Amputee	Bilateral Upper Limb Amputee	Lower Limb Amputee or Requires a Brace	Upper and Lower Limb Amputee
Jan. 1, 2015— Dec. 31, 2015	\$335.51	\$672.66	\$672.66	\$1,008.27
Jan. 1, 2016— Dec. 31, 2016	\$338.98	\$679.60	\$679.60	\$1,018.68

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

Effective January 1st, 2008, the Board adjusts the amounts of the clothing allowances on January 1st of each year. The Board determines the percentage change to be applied annually to these amounts by comparing the percentage change in the consumer price index for October of the previous year with the consumer price index for October of the year prior to the previous year.

The Board automatically pays the clothing allowance to a worker with an amputation at or above the wrist, or at or above the ankle. Proof is not required of the wearing of the prosthesis or prostheses, nor of the replacement, repair, or damage to clothing. In the case of braces however, the Board only pays the clothing allowance contingent on the worker's continued wearing of the apparatus as prescribed. Similarly, in the case of a worker confined to a wheelchair, the Board only pays the clothing allowance contingent on the worker's continued use of the wheelchair as prescribed.

Entitlement to the clothing allowance commences as of the date of the amputation or the worker commencing to use the brace or wheelchair. ~~The Board pays by separate cheque on January 1st of each year. This is a full calendar year payment and covers the year of payment. The Board makes the first payment on the January 1st following~~

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REHABILITATION SERVICES & CLAIMS MANUAL

the initiation of the permanent disability award and this first payment includes any retroactive entitlement for prior periods of disability not previously paid. **Subsequent payments are made annually.**

The Board withholds payment of the clothing allowance while a worker is in prison. The Board pays the amount withheld to the worker on release, if the period in prison was less than one year. If the period in prison was more than one year, the Board does not pay the clothing allowance for each full year the worker was in prison.

EFFECTIVE DATE:	January 1, 2015 TBD
AUTHORITY:	Section 21 of the <i>Act</i> .
CROSS REFERENCES:	C10-79.00, <i>Health Care Supplies and Equipment</i> ; and C10-84.00, <i>Additional Benefits for Severely Disabled Workers</i> .
HISTORY:	This policy replaces former policy item #79.00 of the <i>Rehabilitation Services & Claims Manual</i> , Volume II. October 1, 2007 – revised to change the reference to the date of clothing allowance adjustments from July to January 1 st of each year.
APPLICATION:	This item applies to health care expenses incurred and health care provided on or after January 1, 2015. (To be determined)