

BOARD POLICIES

CLAIMS

At the Workers' Compensation Board meeting held on December 16, 1982, the following policy was agreed upon and adopted.

No. 24 Permanent Physical Impairment

Section 42 provides for awards for permanent physical impairment.

The award under Section 42 is to be based on the American Medical Association Evaluation of Permanent Impairment Guide and will be paid by way of a lump sum. The schedule will give recognition of any measurable functional change requiring a worker to modify activity, but is not paid in cases of fatality.

The lump sum award is totally divorced from earnings, therefore, no age restrictions apply and no deductions are made from the earnings related compensation payable under Section 43 or from any medical or rehabilitation payments made on a claim. As well, the Canada Disability Plan payments are not taken into account when determining this award.

The award is set by a claims officer and one medical person and is based upon the schedule. It is at the discretion of the medical consultant as to whether a worker requires examination at our offices or whether information provided by external medical examiners is sufficient to determine the impairment. In claims where there is no need to examine a worker for work restrictions (e.g. the worker has returned to pre-accident employment with no difficulties) and where there are no medical complications, there may be no need to examine workers personally.

No one claim can result in a payment of more than the maximum. However, each separate claim by a worker is to be dealt with on an individual basis and several claims by the same worker may result in the worker accumulating more than the maximum in aggregate.

There are certain exceptions to the cumulative effect. For instance, in cases of progressive impairment due to disease or repetitive trauma, it is not proper to compensate each stage of development of the impairment. Two examples of this type are progressive hearing loss and progressive impairment of vision. These situations are to be handled as increases in the original injury rather than as new injuries. Therefore, after an injury has been measured as compensable and an impairment level set, no further award is payable unless there is an increase in the original level of impairment awarded. One good example is when hearing loss entitlement has been established at 1% and a minimum lump sum award established. Until this condition exceeds the minimum percentage applicable, no further award is payable.

The lump sum award is to be expressed in terms of dollars rather than percentage terms. Workers are to be informed that the award they received is the same amount as every other worker who suffers the same permanent physical impairment. In cases of the minimum award it should be explained to workers that other workers with apparently more, or less, physical impairment may have received the same amount.

Moreover, internally, it will be essential to retain the percentage ratings so that if a condition worsens we can easily calculate the difference and pay only the difference to the worker between the former rating and recent rating.

This policy applies to all accidents occurring after 1982.



B. Booth
Chairman