



An Act providing benefits for permanent functional loss and disfigurement under the Worker's Compensation Act.

On May 7, 2012, Sylbert Stewart was working on metal plating when he fell into a vat of chemicals at the Belmont factory where he worked for 14 years. The Lowell resident suffered second and third degree burns from his thighs to his feet. The doctors removed skin from his chest, back and arms to be used as skin grafts. The company was cited by OSHA for three serious violations in November, 2012.

Mr. Stewart will suffer permanent scarring, disfigurement and pain every day, for the rest of his life. He went from earning \$1,000 per week to a little over \$600 – receiving no compensation for his scars because they were not on his face, neck or hands, a requirement for scarring compensation in Massachusetts. According to Shanee Stewart, Mr. Stewart's daughter, her father agreed to share his story and photo in order to "help [the legislature] change the laws and criteria [for scarring injuries]. We just want to help other people in the same situation."

Background:

Workers who suffer permanent bodily harm resulting on the job are compensated for such a loss, under the state's workers compensation law. Workers who suffer permanent scarring are compensated up to \$15,000 – but only if "such disfigurement is on the face, neck or hands."

Workers like Sylbert can never go to the beach again on a sunny day. Some can't wear short sleeves without exposing permanent scarring on their arms. This not only causes emotional and, in many cases, physical suffering – it can also harm the worker's earning potential - forever.

What the bill will do:

An Act providing benefits for permanent functional loss and disfigurement under the Worker's Compensation Act, Senate Bill 861, eliminates the requirement that the scar be exclusively on the workers' face, neck and hands.

Bill status:

The bill was moved favorably through Joint Committee on Labor and Workforce Development. It is currently in the House Ways and Means Committee.

The bill has been endorsed by the Massachusetts Workers Compensation Advisory Council, comprised of employers, insurers and labor unions, as well as the Massachusetts Association of Trial Attorneys and MassCOSH.

For more information contact Marcy Goldstein-Gelb, Executive Director, MassCOSH, marcy.gelb@masscosh.org or 617-825-7233 x15.

SAMPLE LETTER

Letter request to be sent to Senate Ways and Means Chair Stephen Brewer and Senate President Therese Murray

Senator Stephen Brewer
State House
Room 212
Boston, MA 02133

Dear Chairman Brewer:

Each year, Massachusetts workers suffer from injuries causing scarring that are painful, affects their quality of life, and reduces their earning potential. Yet Massachusetts has created a two-tiered system for these workers: only workers who experience scars on their face, neck or hands are compensated.

Workers who have scars from burns or surgery on their legs, arms or torso receive no compensation for scarring, other than partial (60%) wage replacement benefits and medical treatment. In 2012, for example, a worker employed at a metal plating factory fell into vat of chemicals and suffered burn scars from his thighs to his feet. OSHA issued three serious citations. Yet the employee received no compensation for pain and losses he suffered solely because the scars were not on his face, neck and arms. In 2013, a worker was sprayed with boiling hot meat juice, causing severe burns on her arms – and permanent scarring. She too remains uncompensated for the scars, in accordance with current Massachusetts law.

This wasn't always the case. Before 1991, workers received compensation for scars regardless of where they occurred on the body. Senate Bill 861 would make the law fair again – eliminating the requirement that scarring be on the face, neck and hands to compensation injured workers.

The Massachusetts Workers Compensation Advisory Council, which includes insurers, employer associations and labor, has endorsed Senate Bill 861, as has the Massachusetts Association of Trial Attorneys and the Massachusetts Coalition for Occupational Safety and Health.

The bill was included in the Minimum Wage and Unemployment Insurance bill that passed the House. I respectfully request your support in moving this bill through the Senate Ways and Means as expeditiously as possible.