



VAULT EXPOSURE TRACKER™

Canadian Firefighter Presumptive Disability Laws



- Canadian Firefighter Presumptive Disability Laws**3
 - What are presumptive disability laws?.....3
 - What provinces have presumptive disability laws?3
- Overview of Presumptive Disability Laws**4
 - ALBERTA4
 - Coverage.....4
 - BRITISH COLUMBIA.....5
 - Coverage5
 - MANITOBA.....6
 - Coverage6
 - New Brunswick.....7
 - Coverage7
 - NORTHWEST TERRITORY.....8
 - Coverage8
 - NOVA SCOTIA.....9
 - Coverage:.....9
 - ONTARIO.....10
 - Coverage10
 - SASKATCHEWAN.....11
 - Coverage11
 - YUKON TERRITORY12
 - Coverage12
- References**13

Canadian Firefighter Presumptive Disability Laws

What are presumptive disability laws?

In Saskatoon, Saskatchewan firefighters responded to a fire at a landfill, years later it was found that there was radioactive waste at the site, and half of the firefighters have since died.¹ In Kitchener, Ontario there was a fire at a Styrofoam factory in 1980. Two years later, two of the firefighters who responded to the call were diagnosed with liver cancer. Following the next few years bladder cancers, brain cancers and other diseases were present in the responding firefighters.² These are great examples of the necessity for presumptive disability laws.

Presumptive disability laws imply that the worker's compensation for a particular disease or injury is assumed to be the result of your employment as a career firefighter.³ Therefore, given certain requirements, such as the number of years you have been employed as a firefighter, there are specific diseases and conditions which are covered under these laws. It is in the favor of firefighters for provinces to have presumptive disability laws because it is common for firefighters to suffer from illnesses because of the exposure to different elements. With these laws in place and if you meet the specific criteria per province (unless the employer can prove otherwise), you can qualify for compensation.

Without these laws in place, you would have to prove that your illness or injury is because of your occupation as a firefighter.

What provinces have presumptive disability laws?

There is not one set of presumptive laws for firefighters. They are different per province/territory. Those with legislation include Yukon Territories, Northwest Territories, British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, and Nova Scotia. Those without legislation include Quebec, Prince Edward Island, and Newfoundland/Labrador.

Province	Heart Disease	Lung Disease	Cancer	Infectious Diseases	*Code Part
Alberta	√		√		WC
British Columbia			√		WC
Manitoba	√		√		WC
New Brunswick	√		√		WC
Newfoundland					
Northwest Territory	√		√		WC
Nova Scotia			√		WC
Ontario	√		√		GP
Prince Edward Island					
Quebec					WC
Saskatchewan	√		√		WC
Yukon	√		√		

* Code Part: WC = Workman's Comp, RS = Retirement / Pension System, GP = General Provisions / other section⁴

¹ IAFF, (2004). Presumptive Cancer Legislation for Professional Fire Fighters: An Act of fairness. (2004) Retrieved from <https://www.iaff.org/et/jobaid/InfDis/IAFF%20-%20An%20Act%20of%20Fairness.pdf>

² IAFF, 2004

³ IAFF, Presumptive Health Initiative, Retrieved from <http://www.iaff.org/hs/phi/>

⁴ IAFF, State Presumptive Disability Laws, Retrieved from <http://iaff.org/hs/phi/docs/PresumptiveDisabilityChart.pdf>

Overview of Presumptive Disability Laws

The following outlines what provinces recognize that firefighters are at an increased risk for certain illnesses and that the specific diseases diagnosed are job-related.

ALBERTA

Alberta Regulation 102/2003

Bill 202, Workers Compensation Act

Part 4 Compensation Entitlement, Application and Payment

Alberta Legislative Website: <http://www.assembly.ab.ca/>

Coverage

Diseases covered: Cancer, heart disease

Alberta defines a firefighter as an employee (including officers and technicians), employed by a municipality or Metis settlement and assigned exclusively to fire protection and fire prevent duties notwithstanding that those duties may include the performance of ambulance or rescue services.⁵ If a firefighter who has been a full-time member and regularly exposed to the hazards of a fire scene (not including a forest-fire scene) and has suffered from one of the conditions covered, it is presumed to be an occupational disease unless an employer can prove otherwise.

Table 1: Alberta minimum exposure periods^{6,7}

Condition covered	Minimum Period of Regular Exposure
Leukemia	5 years
Brain cancer	10 years
Bladder cancer	15 years
Lung cancer in non-smokers *Non-smoker: an individual who has not smoked a tobacco product in the ten years before the date of diagnosis of cancer.	15 years
Ureter cancer	15 years
Kidney cancer	20 years
Colorectal cancer	20 years
Non-Hodgkin's lymphoma	20 years

⁵ IAFF, Presumptive Disability Law of Alberta, Retrieved from <http://www.iaff.org/hs/phi/state/alberta.asp>

⁶ IAFF, Presumptive Disability Laws in Alberta

⁷ Ontario Ministry of Labour, Presumptive legislation for firefighters in Canada, <https://www.labour.gov.on.ca/english/hs/pubs/firefighters/tab1.php>

BRITISH COLUMBIA

Workers Compensation Act [RSBC 1996] CHAPTER 492

British Columbia Legislative Website: <http://www2.gov.bc.ca/>

Coverage

Diseases covered: Cancer

In British Columbia, a firefighter is a worker who specifically extinguishes fires and performs related rescue and hazardous material duties. This law does not apply to workers employed in the firefighting profession who are not specifically assigned these duties.⁸ Only specific occupational diseases are covered⁹ (see Table 2), and the firefighter must have worked for the minimum period of regular exposure.

Table 2: British Columbia minimum exposure period¹⁰¹¹

Conditions Covered	Minimum Period of Regular Exposure
Leukemia	5 years
Non-Hodgkin's lymphoma	20 years
Bladder cancer	15 years
Brain cancer	10 years
Colorectal cancer	20 years
Kidney cancer	20 years
Lung cancer*	15 years
Testicular cancer	20 years
Ureter cancer	15 years

*Applies if the worker has smoked a combined total of fewer than 365 cigarettes, cigars and pipes or the worker has been a non-smoker of tobacco products immediately before the date when the worker was first disabled from that disease for the minimum period that may be prescribed, which minimum period may be different given the types or amounts of previous tobacco product usage.¹² If a firefighter does not meet the smoking requirements for lung cancer, the presumption law may still apply given the number of years and average of cigarettes per day or week.¹³

⁸ IAFF, Presumptive disability law in British Columbia, Retrieved from <http://iaff.org/hs/phi/state/britishcolumbia.asp>

⁹ IAFF, Presumptive disability law in British Columbia

¹⁰ IAFF, Presumptive disability law in British Columbia

¹¹ Ontario Ministry of Labour, Presumptive legislation for firefighters in Canada, <https://www.labour.gov.on.ca/english/hs/pubs/firefighters/tab1.php>

¹² Firefighters' occupational disease or personal injury presumption, Division 2, 6.1 (3.1)(a)(b)

¹³ IAFF, Presumptive Disability Law in British Columbia, Retrieved from <http://iaff.org/hs/phi/state/britishcolumbia.asp>

MANITOBA

C.C.S.M. c. W200 The Workers Compensation Act

Manitoba Legislative Website: <http://web2.gov.mb.ca/laws/index.php>

Coverage

Diseases covered: Cancer, heart disease

Manitoba's law applies to a full-time, part-time, or volunteer firefighter and OFC personnel that suffers from the diseases/injuries covered because of being regularly exposed to the hazards of a fire scene (not including a forest-fire scene), fire investigation, or delivering fire investigation or firefighting training.¹⁴ Also, the disease/injury has to have occurred or after January 1st, 1992 for full-time firefighters, and on or after June 9th, 2005 for part-time or volunteer firefighters and OFC personnel¹⁵

Table 3: Manitoba minimum exposure period¹⁶

Conditions Covered	Minimum Period of Regular Exposure
Brain cancer	10 years
Bladder cancer	15 years
Kidney cancer	20 years
Non-Hodgkin's Lymphoma	20 years
Leukemia	5 years
Colorectal cancer	15 years
Ureter cancer	15 years
Lung cancer*	15 years
Esophageal cancer	25 years
Testicular cancer	10 years
Multiple myeloma	15 years
Prostate cancer	15 years
Skin cancer	15 years
Breast cancer	10 years
Heart injury	Within 24 hours

*Applies only to a worker who has been a non-smoker immediately before the day of the accident.¹⁷

¹⁴ WCB, The Manitoba Workers Compensation Act Legislative Overview (2016), <https://www.wcb.mb.ca/sites/default/files/2016%20backgrounder.pdf>

¹⁵ The Workers Compensation Act, C.C.S.M. c. W200, Part 1 Compensation, 4(5.5)(a)(b), (2016)

¹⁶ Ontario Ministry of Labour, Presumptive legislation for firefighters in Canada

¹⁷ IAFF, Presumptive Disability Law in Manitoba, Retrieved from <http://iaff.org/hs/phi/state/manitoba.asp>

New Brunswick

Chapter F-12.5

Firefighters Compensation Act

New Brunswick Legislative Website: <http://www.gnb.ca/legis/index-e.asp>

Coverage

Diseases covered: Cancer, heart disease

Under the law, a current or former firefighter or his/her dependents are entitled to compensation or benefits if the firefighter is physically challenged or dies from a heart attack that occurs within 24 hours after attendance at an emergency response scene or from a prescribed disease (see Table 4). The firefighter must have served the minimum period for each disease and have been regularly exposed to the fire scene hazards (not including a forest fire scene), throughout that period of service. ¹⁸¹⁹

Table 4: New Brunswick minimum exposure period²⁰

Conditions Covered	Length of Service
Brain cancer	10 years
Bladder cancer	15 years
Colorectal cancer	20 years
Esophageal cancer	25 years
Leukemia	5 years
Lung cancer*	15 years
Kidney cancer	20 years
Non-Hodgkin's lymphoma	20 years
Testicular cancer	20 years
Ureter cancer	15 years

*Applies only to a worker who has not smoked cigarettes for a minimum of 10 years before the initial diagnosis

¹⁸ IAFF, Presumptive Disability Law in New Brunswick, Retrieved from <http://iaff.org/hs/phi/state/newbrunswick.asp>

¹⁹ BILL 90 Firefighters' Compensation Act

²⁰ Ontario Ministry of Labour, Presumptive legislation for firefighters in Canada

NORTHWEST TERRITORY

Workers Compensation Act

Part 2- Compensation

Northwest Territories Legislative Website: <http://www.assembly.gov.nt.ca/live/pages/wpPages/home.aspx>

Coverage

Diseases covered: Cancer, heart disease.

Under this law, an individual who is fighting fires (not exclusively forest fires) as a full-time, part-time or volunteer member of a fire department who has experienced a personal injury, or disease during employment is entitled to compensation.²¹ The firefighter must meet the minimum period of employment²² and the disease diagnosed occurred during employment if the individual is disabled by the disease, exposed to conditions during work that might have caused the disease, or exposure to specific conditions which occurred during the 12 months preceding the disability.

Table 5: Northwest Territory minimum length of employment

Conditions Covered	Length of Service
Cardiac arrest	24 hours after attendance at an emergency response
Multiple myeloma	15 years
Leukemia	5 years
Non-Hodgkin's lymphoma	20 years
Bladder cancer	15 years
Brain cancer	10 years
Breast cancer	10 years
Colo-rectal cancer	15 years
Esophageal cancer	25 years
Kidney cancer	20 years
Lung cancer*	15 years
Prostate cancer	15 years
Skin cancer (including primary epithelioma)	15 years
Testicular cancer	20 years
Ureter cancer	15 years

*If the disease is lung cancer, the firefighter needs to be a non-smoker before the date of the disability for the minimum period prescribed in the regulation.²³

²¹ IAFF, Presumptive Disability Law in Northwest Territories, Retrieved from <http://iaff.org/hs/phi/state/northwestterritories.asp>

²² IAFF, Presumptive Disability Law in Northwest Territories, S.N.W.T.2010, c. 11, s.2.(14.1) (2)

²³ IAFF, Presumptive Disability Law in Northwest Territories, S.N.W.T.2010, c. 11, s.2.(14.1) (3)

NOVA SCOTIA

Chapter 10 Workers' Compensation Act

Part 1 Workers Compensation Scope

Nova Scotia Legislative Website: http://nslegislature.ca/legc/bills/58th_3rd/3rd_read/b001.htm

Coverage: Cancer

An individual who has been a member of a fire protection service to a municipality or a volunteer fire department and has been regularly exposed to the hazards of a fire scene (other than a forest fire) throughout the period of employment are entitled to compensation.²⁴ A condition that is acknowledged as an occupational disease because of the employment as a firefighter must have occurred on or after January 1st, 1993.

A firefighter who is or has been a member of a volunteer fire department needs to have participated in at least 20% of all activities of the volunteer fire department each year, including fire calls and training. In addition, there needs to be written confirmation of active member status during the minimum period of volunteer work for the disease or condition.²⁵

Table 5: Nova Scotia minimum exposure period^{26,27}

Conditions Covered	Minimum Period of Regular Exposure
Brain cancer	10 years
Bladder cancer	15 years
Kidney cancer	20 years
Non-Hodgkin's lymphoma	20 years
Leukemia	5 years
Colon cancer	20 years

²⁴ IAFF, Presumptive Disability Law in Nova Scotia, Retrieved from <http://www.iaff.org/hs/phi/state/novascotia.asp?callingPage=Cancer>

²⁵ Presumptive Disability Law in Nova Scotia

²⁶ Presumptive Disability Law in Nova Scotia

²⁷ Ontario Ministry of Labour, Presumptive legislation for firefighters in Canada

ONTARIO

36:1 Bill 84, Fire Protection and Prevention Act, 1997
 Workplace Safety and Insurance Act, 1997, S.O. 1997, c. 16, Sched. A
 Ontario Legislative Website: <http://www.ontla.on.ca/web/home.do>

Coverage

Diseases covered: Cancer, heart disease

This law applies to full-time, part-time, and volunteer firefighters or fire investigators assigned to fire protection services²⁸ who meet the minimum requirements. This law does not apply to forest or wildland firefighters.

If a heart injury occurs, it must have been sustained while or within 24 hours of attending a fire scene or training exercise that is related to the duties as a full-time, part-time, or volunteer firefighter, or investigator that includes a simulated fire emergency.²⁹

Table 6: Ontario minimum exposure period^{B031}

Conditions Covered	Specific restrictions and minimum period of employment
Colorectal cancer	10 years; diagnosed before the age of 61
Brain cancer	10 years
Bladder cancer	15 years
Acute myeloid leukemia	15 years
Chronic lymphocytic leukemia	15 years
Acute lymphocytic leukemia	15 years
Ureter cancer	15 years
Kidney cancer	20 years
Non-Hodgkin's lymphoma	20 years
Esophageal cancer	25 years
Breast cancer	10 years
Multiple myeloma	15 years
Testicular cancer	10 years
Lung cancer (no tobacco usage in the 10 years before being diagnosed)	15 years
Prostate cancer	15 years
Skin cancer*	15 years

*Will be added on January 1st, 2017, section 4

²⁸ Fire Protection and Prevention Act, 1997, 36:1 Bill 84

²⁹ Workplace Safety and Insurance Act, 1997, O. Reg. 253/07, s. 3

³⁰ Workplace Safety and Insurance Act, 1997, O. Reg. 253/07, s. 4

³¹ Fire Protection and Prevention Act, 1997, 36:1 Bill 84

SASKATCHEWAN

Statutes of Saskatchewan

W-17.1 – Workers Compensation Act, 1979

Saskatchewan Legislative Website: <http://www.legassembly.sk.ca/>

Coverage

Diseases covered: Cancer, heart disease

An individual who has been considered a full-time member of a fire department for a specific minimum period and regularly exposed to the hazards of a fire scene (other than a forest fire scene) would qualify under this law. If an individual suffers from one of the diseases covered (see Table 7) it is presumed to be an occupational disease due to the employment as a firefighter.³²

Table 7: Saskatchewan minimum periods of exposure³³³⁴

Disease and Conditions	Minimum periods of exposure
Brain cancer	10 years
Bladder cancer	15 years
Kidney cancer	20 years
Non-Hodgkin's lymphoma	20 years
Leukemia	5 years
Testicular cancer	5 years
Ureter cancer	15 years
Lung cancer*	15 years
Colorectal cancer	15 years
Other injury	Occurs within 24 hours after attendance at an emergency response.
Heart Injury	Within 24 hours

*Non-smoker before the date of injury³⁵

³² IAFF, Presumptive Disability Law in Saskatchewan, Retrieved from <http://iaff.org/hs/phi/state/saskatchewan.asp>

³³ IAFF, 2004

³⁴ Ontario Ministry of Labour, Presumptive legislation for firefighters in Canada

³⁵ BILL No. 58 An Act Respecting Compensation for Injured Workers and Making Consequential Amendments to Certain Acts

YUKON TERRITORY

Workers Compensation Act

Part 3 Presumptions and Benefit of Doubt

17 Presumption to be work-related

Yukon Legislative Website: <http://www.legassembly.gov.yk.ca/index.html>

Coverage

Diseases covered: Cancer, heart disease

An individual will qualify if they are engaging in firefighting, fire inspection or fire investigation as a full-time, part-time, or volunteer member of a fire department or fire brigade including the fire marshal and each deputy fire marshal as appointed under the Fire Prevention Act, or a wildland forest firefighter.³⁶

The disease is only presumed to be a work-related injury if it is diagnosed after June 30th, 2011 unless there is evidence to support that it is a result of the occupation before that date. Also, the firefighter has to have been employed for at least the minimum cumulative period of service for the listed disease (see Table 8). If the diagnosis is lung cancer the firefighter is covered if there is no tobacco use in the ten years immediately before the time of the diagnosis.³⁷

Table 8: Yukon Territory minimum periods of service³⁸

Disease and Conditions	Minimum periods of service
Leukemia	5 years
Non-Hodgkin's lymphoma	20 years
Bladder cancer	15 years
Brain cancer	10 years
Colo-rectal cancer	15 years
Esophageal cancer	25 years
Kidney cancer	20 years
Lung cancer	15 years
Testicular cancer	10 years
Ureter cancer	15 years

³⁶ IAFF, Presumptive Disability Law in Yukon, Retrieved from <http://www.iaff.org/hs/phi/state/yukon.asp?callingPage=Cancer>

³⁷ Workers Compensation Act

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