

Operational
PolicySection
Chronic ExposuresSubject
Cancers in Firefighters and Fire Investigators

Policy

If a firefighter or a fire investigator is diagnosed with a prescribed cancer on or after January 1, 1960, and meets the employment duration and additional criteria for the prescribed cancer, then the disease is presumed to be an occupational disease due to the nature of the worker's employment, unless the contrary is shown.

Purpose

The purpose of this policy is to outline the prescribed cancers and the circumstances under which they will be presumed to be work-related occupational diseases, as set out in the applicable Regulation.

Guidelines

Inclusion

This policy applies to:

- workers who are full-time or volunteer firefighters as defined in Section 1 of the *Fire Protection and Prevention Act, 1997*
- part-time firefighters, defined as a worker who is a firefighter and is not a volunteer or full-time firefighter
- workers who:
 - are employed by a band council and assigned to undertake fire protection services on a reserve [band council and reserve are defined in the *Indian Act (Canada)*], or
 - provide fire protection services on a reserve, either voluntarily or for a nominal consideration, honorarium, training or activity allowance
- fire investigators, defined as a worker:
 - to whom the Fire Marshal, appointed under subsection 8(1) of the *Fire Protection and Prevention Act, 1997*, has delegated the duty to investigate the cause, origin and circumstances of a fire
 - who was an inspector appointed under subsection 2(4) of the *Fire Marshals Act* before that Act was repealed by the *Fire Protection and Prevention Act, 1997*, or
 - who is employed by a band council and assigned to investigate the cause, origin and circumstances of a fire on a reserve.

For the purpose of this policy, the term "firefighter" refers to a full-time firefighter, a part-time firefighter or a volunteer firefighter.

Exclusion

This policy does not apply to forest or wildland firefighters.

**Operational
Policy**

Section
Chronic Exposures

Subject
Cancers in Firefighters and Fire Investigators

Presumption

The presumption provides that the prescribed cancers are occupational diseases presumed to occur due to the nature of the worker's employment as a firefighter or fire investigator, unless the contrary is shown. To qualify for this presumption, workers must meet the inclusion criteria of this policy, and also must have been:

- diagnosed with a prescribed cancer
- diagnosed after the prescribed minimum employment duration, and
- diagnosed with that cancer on or after January 1, 1960.

Workers not meeting the inclusion criteria, and those excluded from this policy, will have their claims determined on their individual merits.

The presumption may be rebutted if it is established that the employment was not a significant contributing factor to the occurrence of the cancer.

Prescribed cancers

A medical diagnosis of non-Hodgkin's lymphoma, multiple myeloma, one of the three specified leukemias, or cancer originating from the specified organ is required for adjudication of claims under this policy. The prescribed cancers are listed below with their World Health Organization classification numbers.

| Prescribed Cancer | ICD-9 Code* | Description of ICD-9 Code | ICD-10 Code* | Description of ICD-10 Code |
|-----------------------------------|-------------|---|--------------|---|
| 1. Primary-site brain cancer | 191 | Malignant neoplasm of brain | C71 | Malignant neoplasm of brain |
| 2. Primary-site bladder cancer | 188 | Malignant neoplasm of bladder | C67 | Malignant neoplasm of bladder |
| 3. Primary-site kidney cancer | 189.0 | Malignant neoplasm of kidney, except pelvis | C64 | Malignant neoplasm of kidney, except renal pelvis |
| | 189.1 | Malignant neoplasm of renal pelvis | C65 | Malignant neoplasm of renal pelvis |
| 4. Primary-site colorectal cancer | 153 | Malignant neoplasm of colon | C18 | Malignant neoplasm of colon |

**Operational
Policy**

Section
Chronic Exposures

Subject
Cancers in Firefighters and Fire Investigators

| | | | | |
|---|-------|---|-------|---|
| | | | C19 | Malignant neoplasm of rectosigmoid junction |
| | 154 | Malignant neoplasm of rectum, rectosigmoid junction, and anus | C20 | Malignant neoplasm of rectum |
| | | | C21 | Malignant neoplasm of anus and anal canal |
| 5. Primary non-Hodgkin's lymphoma (NHL) | 200 | Lymphosarcoma and reticulosarcoma | C82 | Follicular lymphoma |
| | | | C83 | Non-follicular lymphoma |
| | 202 | Other malignant neoplasms of lymphoid and histiocytic tissue | C84 | Mature T/NK-cell lymphomas |
| | | | C85 | Other and unspecified types of NHL |
| 6. Primary acute myeloid leukemia, Primary acute lymphocytic leukemia, Primary chronic lymphocytic leukemia | 205.0 | Acute myeloid leukemia | C92.0 | Acute myeloblastic leukemia |
| | 204.0 | Acute lymphoid leukemia | C91.0 | Acute lymphoblastic leukemia |
| | 204.1 | Chronic lymphoid leukemia | C91.1 | Chronic lymphocytic leukemia of B-cell type |
| 7. Primary-site ureter cancer | 189.2 | Malignant neoplasm of ureter | C66 | Malignant neoplasm of ureter |
| 8. Primary-site esophageal cancer | 150 | Malignant neoplasm of esophagus | C15 | Malignant neoplasm of esophagus |
| 9. Primary-site breast cancer | 174 | Malignant neoplasm of female breast | C50 | Malignant neoplasm of breast |
| | 175 | Malignant neoplasm of male breast | | |
| 10. Multiple myeloma | 203.0 | Multiple myeloma | C90.0 | Multiple Myeloma |

**Operational
Policy**

Section
Chronic Exposures

Subject
Cancers in Firefighters and Fire Investigators

| | | | | |
|--|-----------------------------|---|---------------------|--|
| 11. Primary-site testicular cancer | 186 | Malignant neoplasm of testis | C62 | Malignant neoplasm of testis |
| 12. Primary-site prostate cancer | 185 | Malignant neoplasm of prostate | C61 | Malignant neoplasm of prostate |
| 13. Primary-site lung cancer | 162 | Malignant neoplasm of trachea, bronchus, and lung | C33 | Malignant neoplasm of trachea |
| | | | C34 | Malignant neoplasm of bronchus and lung |
| 14. Primary-site skin cancer | 172** | Malignant melanoma of skin | C43 | Malignant melanoma of skin |
| | 173 | Other malignant neoplasm of skin | C44 | Other malignant neoplasms of skin |
| 15. Primary-site ovarian cancer | 183.0 | Malignant neoplasm of ovary | C56 | Malignant neoplasm of ovary |
| 16. Primary-site cervical cancer | 180 | Malignant neoplasm of cervix uteri | C53 | Malignant neoplasm of cervix uteri |
| 17. Primary-site penile cancer | 187.1-187.4 | Malignant neoplasm of penis (specifically 187.1, prepuce; 187.2, glans penis; 187.3, body of penis; 187.4, penis, part unspecified) | C60 | Malignant neoplasm of penis |

*International Statistical Classification of Diseases (Ninth and Tenth Revisions).

**The presumption does not apply to melanoma in situ.

Prescribed duration of employment

Firefighters and fire investigators with the minimum years of eligible Ontario service for the prescribed cancer are presumed to have a work-related occupational disease. The eligible years of service is the sum of all employment periods as a firefighter or fire investigator from the date of hire until the date of diagnosis, whether consecutive or non-consecutive. If a worker served in more than one capacity as a full-time, part-time or volunteer firefighter or

**Operational
Policy**

Section
Chronic Exposures

Subject
Cancers in Firefighters and Fire Investigators

fire investigator in the same period, this period will only be counted once towards the eligible years of service.

For band council firefighters and fire investigators, the eligible years of service are those employment periods as described above during which the band council had WSIB coverage, in addition to any periods served in another capacity as defined by the *Fire Protection and Prevention Act, 1997*.

The minimum durations of employment for the prescribed cancers are listed below.

| Prescribed Cancer | Duration of Firefighting Employment |
|---|-------------------------------------|
| 1. Primary-site brain cancer | 10 years |
| 2. Primary-site bladder cancer | 15 years |
| 3. Primary-site kidney cancer | 20 years |
| 4. Primary-site colorectal cancer | 10 years |
| 5. Primary non-Hodgkin's lymphoma | 20 years |
| 6. Primary acute myeloid leukemia Primary chronic lymphocytic leukemia Primary acute lymphocytic leukemia | 15 years |
| 7. Primary-site ureter cancer | 15 years |
| 8. Primary-site esophageal cancer | 25 years |
| 9. Primary-site breast cancer | 10 years |
| 10. Multiple myeloma | 15 years |
| 11. Primary-site testicular cancer | 10 years |
| 12. Primary-site prostate cancer | 15 years |
| 13. Primary-site lung cancer | 15 years |
| 14. Primary-site skin cancer | 15 years |
| 15. Primary-site ovarian cancer | 10 years |
| 16. Primary-site cervical cancer | 10 years |
| 17. Primary-site penile cancer | 15 years |

Additional criteria

In addition to the above criteria, for:

- primary-site colorectal cancer, a diagnosis must be obtained prior to the age of 61 years
- primary-site lung cancer, the worker must not have smoked a tobacco product in the 10 years prior to diagnosis.

NOTE

For the purpose of this policy, the date of diagnosis is used to determine whether the worker meets the requirements of the presumption (e.g., calculation of duration of employment). Once entitlement

**Operational
Policy**Section
Chronic ExposuresSubject
Cancers in Firefighters and Fire Investigators

is established in a claim, benefits and services generally flow from the date of accident/injury, which may be an earlier date. For more information, see 11-01-04, Determining the Date of Injury.

Time limits

Workers or their survivors may refile previously denied claims, or present new claims, with no time restrictions other than a requirement that the date of diagnosis is on or after January 1, 1960.

Application date

This policy applies to decisions made on or after ~~July 1~~[January 1, 2018](#).

Document history

This document replaces 23-02-01 dated ~~January 1~~[January 4, 2016](#).

This document was previously published as:

[23-02-01 dated January 4, 2016](#)

23-02-01 dated April 27, 2015

23-02-01 dated January 2, 2015

23-02-01 dated July 7, 2014

23-02-01 dated February 23, 2010

23-02-01 dated February 11, 2008

23-02-01 dated October 12, 2004

16-02-02 dated June 15, 1999.

References**Legislative authority**

Workplace Safety and Insurance Act, 1997, as amended
Sections 2(1), 15, 15.1(4), 15.1(5), 15.1(6), 15.2, 94, 183

O.Reg. 253/07, as amended

Minute

Administrative

~~#1, December 5, 2016, Page 536~~