

Operational
Policy

Section

In the Course of and Arising Out of

Subject

Heart Injuries in Firefighters and Fire Investigators

Policy

If a ~~full time, part time or volunteer~~ firefighter or fire investigator sustains a ~~heart~~ injury ~~to the heart and meets the other criteria in the circumstances prescribed in this policy in the applicable Regulation~~, the injury is presumed to be a personal injury arising out of and in the course of the worker's employment, unless the contrary is shown.

Purpose

The purpose of this policy is to outline the ~~criteria prescribed circumstances~~ under which a heart injury is presumed to be a work-related personal injury, as set out in the *Workplace Safety and Insurance Act, 1997* (WSIA) and the applicable Regulation, as well as to outline the circumstances in which the presumption of work-relatedness will be rebutted.

Amendments to the presumptive legislation

Amendments to the WSIA or applicable regulations which affect the presumption may come into force before the WSIB can update this policy to reflect these changes. In such instances, the WSIB will base decision-making in claims impacted by these amendments on the current legislation, until the policy is updated.

Guidelines

Definitions~~Inclusion~~

~~For the purposes of t~~This policy, ~~applies to workers who are full-time or volunteer firefighters~~

band council means a council of the band as defined in the *Indian Act* (Canada)

employment includes service as a volunteer firefighter

firefighter, refers to a full-time or part-time firefighter, as applicable, and means,

- a firefighter as defined in ~~subs~~Section 1 (1) of the *Fire Protection and Prevention Act, 1997* and includes a volunteer firefighter, ~~part time firefighters, defined as a worker who is a firefighter and is not a volunteer or full time firefighter~~
- a workers who:
 - ~~is~~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
 - provides fire protection services on a reserve, either voluntarily or for a nominal consideration, honorarium, training or activity allowance, or
- a wildland firefighter

fire investigators ~~s~~ means, ~~defined as~~

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- 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,
- a worker 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~~
- a worker who is employed by a band council and assigned to investigate the cause, origin and circumstances of a fire on a reserve, [or](#)
- a wildland fire investigator

full-time firefighter means a worker who is a firefighter, is regularly employed on a salaried basis and is scheduled to work an average of 35 hours or more per week

heart injury means a medical diagnosis of

- acute myocardial infarction (myocardial necrosis caused by ischemia) (ICD-9 code* 410, ICD-10 code* I21) or
- cardiac arrest (abrupt cessation of cardiac pump function, which may be reversible but will lead to death in the absence of prompt intervention) (ICD-9 code* 427.5, ICD-10 code* I46)

* World Health Organization International Classification of Diseases, 9th Revision (ICD-9) and 10th Revision (ICD-10) codes.

part-time firefighter means a worker who is a firefighter and is not a volunteer firefighter or full-time firefighter

reserve means a reserve as defined in the *Indian Act* (Canada)

volunteer firefighter as defined in subsection 1(1) of the *Fire Protection and Prevention Act, 1997* means a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance

wildland firefighter means a person who provides one or more of the following fire protection services for or on behalf of the Ontario ministry responsible for natural resources (the "Ministry"), either as an employee of the Ministry or pursuant to the person's employer's contract for services with the Ministry:

1. Fire suppression.
2. Fire prevention, fire mitigation or fire safety activities.
3. Rescue and emergency services that are fire-related, including evacuation services.
4. Piloting of aircraft for the purposes of providing the services described in paragraphs 1 to 3.
5. Communication in respect of anything described in paragraphs 1 to 4.
6. Training or evaluation of persons involved in providing anything described in paragraphs 1 to 5

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wildland fire investigator means a person who is an employee of the Ministry and is either appointed as an officer under the *Forest Fires Prevention Act* or duly appointed as a conservation officer by the Ministry and who enters land or premises for the purposes of inspecting the site of a fire or determining the cause and circumstances of a fire

~~For the purpose of the 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.~~

Heart Injury

~~A heart injury in this policy means a medical diagnosis of~~

- ~~• acute myocardial infarction (myocardial necrosis caused by ischemia) (ICD-9 code* 410.0, ICD-10 code* I21) or~~
- ~~• cardiac arrest (abrupt cessation of cardiac pump function, which may be reversible but will lead to death in the absence of prompt intervention) (ICD-9 code* 427.5, ICD-10 code* I46)~~

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

Presumption criteria

To qualify for the presumption, a worker must meet all the following criteria:

- The worker must be or must have been a firefighter or ~~a~~ fire investigator.
- The worker must have sustained a heart injury on or after January 1, 1960, and
- The worker must have sustained the heart injury while, or within 24 hours of
 - attending a fire scene in the performance of the worker's duties as a firefighter or ~~a~~ fire investigator, or
 - actively participating in a training exercise that is related to the worker's duties as a firefighter or ~~a~~ fire investigator and that involves a simulated fire emergency.

Prescribed Circumstances

~~The worker must have sustained the heart injury while, or within 24 hours of~~

- ~~• Attending a fire scene in the performance of his or her duties as a firefighter or fire investigator; or~~
- ~~• Actively participating in a training exercise that is related to his or her duties as a firefighter or fire investigator and that involves a simulated fire emergency.~~

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Heart Injuries in Firefighters and Fire Investigators**Other Circumstances**

A fire scene or a simulated fire emergency requires the presence of combustion or burning materials giving rise to smoke and/or flames.

Band council firefighters and fire investigators

For band council firefighters and fire investigators, the worker must have been employed by, or volunteered for, a band council that had WSIB coverage at the time the worker sustained the heart injury as described above.

Wildland firefighters employed by a Ministry contractor

For wildland firefighters employed by a Ministry contractor, the worker's employer must have had WSIB coverage and an active contract for services with the Ministry at the time the worker sustained the heart injury while or within 24 hours of attending a fire scene or participating in a simulated fire emergency on behalf of the Ministry, as described above.

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

Case-by-case

A worker who does not meet the presumptive criteria in this policy does not qualify for the presumption and instead will have their claim determined on its individual merits. For heart injuries occurring in circumstances not included ~~in this policy~~ under the presumption, see ~~Policy~~ 15-03-10, Heart Conditions.

Rebutting the presumption

If a worker qualifies for the presumption, the worker's heart injury is presumed to be a personal injury arising out of and in the course of the worker's employment as a firefighter or fire investigator, unless the contrary is shown. If the contrary is shown, the presumption of work-relatedness is rebutted.

The presumption will be rebutted if the evidence establishes on a balance of probabilities that the worker's employment activities as a firefighter or fire investigator did not significantly contribute to the worker's heart injury.

For example, the presumption will be rebutted if the evidence establishes on a balance of probabilities that non-work-related factors were the sole cause of the worker's heart injury.

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Heart Injuries in Firefighters and Fire Investigators**Examining whether the presumption is rebutted**

It is not necessary to examine whether the presumption is rebutted in every case. Generally, if a worker qualifies for the presumption, an examination into rebuttal is only necessary if the existing evidence in the claim raises a question about whether the worker's employment activities as a firefighter or fire investigator significantly contributed to the worker's heart injury.

Time limits~~Decision Making In Earlier Time Periods~~

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

The six-month time limit for filing a claim applies to claims in cases where the worker does not qualify for the presumption or where the presumption has been rebutted, see 15-01-03, Workers' Requirement to Claim and Consent.

Application ~~d~~Date

This policy applies to all decisions made on or after ~~December 12, 2014~~ July 18, 2024.

Document history

This document replaces 15-03-12 dated April 27, 2015 ~~February 23, 2010~~.

This document was previously published as:

15-03-12 dated February 23, 2010

15-03-12 dated February 11, 2008.

References**Legislative ~~a~~Authority**

Workplace Safety and Insurance Act, 1997, as amended by the ~~Workplace Safety and Insurance Amendment Act (Presumption for Firefighters), 2007~~

Sections 2(1), 13.1, 15.1(1), 15.1(2), 15.1(3), 15.2, 48, 183

Ontario Regulation ~~O.Reg. 253/07~~ as amended ~~by O.Reg. 423/09 and O.Reg. 265/14~~

Minute~~Approval~~

~~Administrative~~

~~#4, April 21, 2015, Page 527~~