

**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 an injury to the heart in the circumstances prescribed 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 prescribed circumstances under which a heart injury is presumed to be a work-related personal injury.

## 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,
  - a worker who was an inspector appointed under subsection 2(4) of the *Fire Marshals Act* before that Act was repealed by the *Fire Protection and Prevention Act, 1997*, or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

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.

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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).

**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.

**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.

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.

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.

For heart injuries occurring in circumstances not included in this policy, see Policy 15-03-10, Heart Conditions.

**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.

**Application Date**

This policy applies to all decisions made on or after December 12, 2014.

**Document history**

This document replaces 15-03-12 dated February 23, 2010.

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15-03-12 dated February 11, 2008.

## **References**

### **Legislative 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

*O.Reg. 253/07 as amended by O. Reg. 423/09 and O. Reg. 265/14*

### **Minute**

Administrative

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