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Chronic ExposuresSubject
Cancers in Firefighters and Fire Investigators

Policy

If a firefighter or a fire investigator is diagnosed with a ~~prescribed~~ presumptive 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 criteria under which a ~~prescribed~~ cancers diagnosis and the circumstances under which they will be presumed to be a work-related occupational diseases, as set out in the Workplace Safety and Insurance Act, 1997 (WSIA) and the applicable Regulation, as well as to specify the circumstances in which ~~the contrary will be shown and~~ 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

Inclusion ~~Definitions~~

For the purposes of this policy, ~~The presumption 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 subSection 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:
 - ~~are~~ is 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

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~~fire investigators, means, defined as a worker:~~

- ~~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~~

~~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~~

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

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~~The presumption does not apply to forest or wildland firefighters.~~

Presumption criteria

~~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~~ the presumption, a worker must meet all the following ~~inclusion~~ criteria: ~~of this policy and have been:~~

- The worker must be or must have been a firefighter or a fire investigator.
- The worker must have been diagnosed with a ~~prescribed~~ presumptive cancer.
- The worker must have been diagnosed with that cancer:
 - ~~diagnosed~~ after the ~~prescribed~~ required minimum employment duration as a firefighter or fire investigator, and
 - ~~diagnosed with that cancer~~ on or after January 1, 1960.

Additional criteria: colorectal cancer and lung cancer

~~A worker diagnosed with primary-site colorectal cancer or primary-site lung cancer must also meet the additional criteria specified in this policy to qualify for the presumption. In addition to the above criteria, the following additional criteria must be met:~~

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

Active service for wildland firefighters

A worker will not qualify as a wildland firefighter if, despite having fire protection services as part of their job duties, they have never actually performed any fire protection service for or on behalf of the Ministry, either as an employee of the Ministry, or pursuant to their employer's contract for services with the Ministry.

For greater clarity, the worker will qualify as a wildland firefighter, and the corresponding periods of employment will count towards the required employment duration, only for those positions in which the worker has performed a fire protection service for or on behalf of the Ministry at least once as part of the position.

Active service for wildland fire investigators

A worker will not qualify as a wildland fire investigator if, despite having the authority to perform a fire investigation, as either an officer appointed under the *Forest Fires Prevention Act* or as a conservation officer duly appointed by the Ministry, the worker has never entered

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[land or premises for the purposes of inspecting the site of a fire or determining the cause and circumstances of a fire while employed by the Ministry.](#)

[For greater clarity, the worker will qualify as a wildland fire investigator, and the corresponding periods of employment will count towards the required employment duration, only for those positions with the Ministry in which the worker has performed a fire investigation at least once as part of the position.](#)

Case-by-case

A worker who does not meet these [presumptive](#) criteria [in this policy](#) does not qualify for the presumption and instead will have their claim determined on its individual merits.

Prescribed Presumptive 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 the presumption. The [prescribed-presumptive](#) cancers are listed below with their World Health Organization International Classification of Diseases, [9th Revision \(ICD-9\)](#) and [10th Revision \(ICD-10\)](#) codes.

[If the table lists a three digit code for ICD-9 or a letter followed by two digits for ICD-10 without a decimal \(e.g., ICD-9 191 and ICD-10 C71 – malignant neoplasm of brain\), all codes that fall under that code would generally be considered to be a presumptive cancer for the purpose of the presumption \(e.g., ICD-9 191.6 Cerebellum and ICD-10 C71.6 Cerebellum\). Alternatively, if the table lists a code with a decimal, for example ICD-9 203.0 or ICD-10 C90.0 – multiple myeloma, only a diagnosis falling under that specific code would be considered for the purpose of the presumption.](#)

Prescribed Presumptive cancers and corresponding ICD codes

Prescribed Presumptive cancer*	ICD-9 code**	Description of ICD-9 code	ICD-10 code**	Description of ICD-10 code
Primary-site brain cancer	191	Malignant neoplasm of brain	C71	Malignant neoplasm of brain
Primary-site bladder cancer	188	Malignant neoplasm of bladder	C67	Malignant neoplasm of bladder
Primary-site kidney cancer	189.0	Malignant neoplasm of kidney, except pelvis	C64	Malignant neoplasm of kidney, except renal pelvis
Primary-site kidney cancer	189.1	Malignant neoplasm of renal pelvis	C65	Malignant neoplasm of renal pelvis
Primary-site colorectal cancer	153	Malignant neoplasm of colon	C18	Malignant neoplasm of colon

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Primary-site colorectal cancer	153	Malignant neoplasm of colon	C19	Malignant neoplasm of rectosigmoid junction
Primary-site colorectal cancer	154	Malignant neoplasm of rectum, rectosigmoid junction, and anus	C20	Malignant neoplasm of rectum
Primary-site colorectal cancer	154	Malignant neoplasm of rectum, rectosigmoid junction, and anus	C21	Malignant neoplasm of anus and anal canal
Primary non-Hodgkin's lymphoma (NHL)	200	Lymphosarcoma and reticulosarcoma	C82	Follicular lymphoma
Primary non-Hodgkin's lymphoma (NHL)	200	Lymphosarcoma and reticulosarcoma	C83	Non-follicular lymphoma
Primary non-Hodgkin's lymphoma (NHL)	202	Other malignant neoplasms of lymphoid and histiocytic tissue	C84	Mature T/NK-cell lymphomas
Primary non-Hodgkin's lymphoma (NHL)	202	Other malignant neoplasms of lymphoid and histiocytic tissue	C85	Other and unspecified types of NHL
Primary acute myeloid leukemia	205.0	Acute myeloid leukemia	C92.0	Acute myeloblastic leukemia
Primary acute lymphocytic leukemia	204.0	Acute lymphoid leukemia	C91.0	Acute lymphoblastic leukemia
Primary chronic lymphocytic leukemia	204.1	Chronic lymphoid leukemia	C91.1	Chronic lymphocytic leukemia of B-cell type
Primary-site ureter cancer	189.2	Malignant neoplasm of ureter	C66	Malignant neoplasm of ureter
Primary-site esophageal cancer	150	Malignant neoplasm of esophagus	C15	Malignant neoplasm of esophagus
Primary-site breast cancer	174	Malignant neoplasm of female breast	C50	Malignant neoplasm of breast
Primary-site breast cancer	175	Malignant neoplasm of male breast	C50	Malignant neoplasm of breast
Multiple myeloma	203.0	Multiple myeloma	C90.0	Multiple Myeloma
Primary-site testicular cancer	186	Malignant neoplasm of testis	C62	Malignant neoplasm of testis
Primary-site prostate cancer	185	Malignant neoplasm of prostate	C61	Malignant neoplasm of prostate
Primary-site lung cancer	162	Malignant neoplasm of trachea, bronchus, and lung	C33	Malignant neoplasm of trachea

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Primary-site lung cancer	162	Malignant neoplasm of trachea, bronchus, and lung	C34	Malignant neoplasm of bronchus and lung
Primary-site skin cancer	172	Malignant melanoma of skin	C43	Malignant melanoma of skin
Primary-site skin cancer	173	Other malignant neoplasm of skin	C44	Other malignant neoplasms of skin
Primary-site ovarian cancer	183.0	Malignant neoplasm of ovary	C56	Malignant neoplasm of ovary
Primary-site cervical cancer	180	Malignant neoplasm of cervix uteri	C53	Malignant neoplasm of cervix uteri
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
Primary-site pancreatic cancer	157	Malignant neoplasm of pancreas	C25	Malignant neoplasm of pancreas
Primary-site thyroid cancer	193	Malignant neoplasm of thyroid gland	C73	Malignant neoplasm of thyroid gland

*The presumption applies to malignant neoplasms and therefore does not apply to in situ neoplasms (e.g., carcinoma in situ).

~~**ICD-9, International Classification of Diseases, 9th Revision; ICD-10, International Classification of Diseases, 10th Revision~~

Prescribed-Required duration of employment

Firefighters and fire investigators with the minimum years of eligible Ontario ~~service employment~~ for the ~~prescribed-presumptive~~ cancer are presumed to have a work-related occupational disease. The eligible years of ~~service employment are~~ the sum of all employment periods as a firefighter or fire investigator from the ~~worker's~~ date of hire ~~or start date~~ until the date of diagnosis, whether consecutive or non-consecutive. For example, if the worker was originally hired as a firefighter, then transitioned to a non-firefighter position, and later returned to a firefighter position, only periods during which the worker was employed as a firefighter will be counted toward the eligible years of employment.

If a worker served in more than one capacity as a full-time, part-time or volunteer firefighter or ~~as a~~ fire investigator in the same period, this period will only be counted once towards the eligible years of ~~service employment~~.

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Band council firefighters and fire investigators

For band council firefighters and fire investigators, the eligible years of [employment service](#) are those employment periods as described above during which the band council had WSIB coverage, in addition to any [other periods of employment as a firefighter or fire investigator](#) ~~served in another capacity as defined by the Fire Protection and Prevention Act, 1997.~~

Wildland firefighters employed by a Ministry contractor

For wildland firefighters employed by a Ministry contractor, the eligible years of employment are those employment periods as described above during which the employer had WSIB coverage and an active contract for services with the Ministry, in addition to any other periods of employment as a firefighter or fire investigator. (A worker employed by a Ministry contractor qualifies as a wildland firefighter only for those periods when their employer had an active Ministry contract.)

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

Minimum duration of employment for ~~prescribed~~ [presumptive](#) cancers

Prescribed Presumptive cancer	Duration of firefighting employment
Primary-site brain cancer	10 years
Primary-site bladder cancer	15 years
Primary-site kidney cancer	20 years
Primary-site colorectal cancer	10 years
Primary non-Hodgkin's lymphoma	20 years
Primary acute myeloid leukemia	15 years
Primary chronic lymphocytic leukemia	15 years
Primary acute lymphocytic leukemia	15 years
Primary-site ureter cancer	15 years
Primary-site esophageal cancer	25 15 years
Primary-site breast cancer	10 years
Multiple myeloma	15 years
Primary-site testicular cancer	10 years
Primary-site prostate cancer	15 years
Primary-site lung cancer	15 years
Primary-site skin cancer	15 years
Primary-site ovarian cancer	10 years
Primary-site cervical cancer	10 years
Primary-site penile cancer	15 years
Primary-site pancreatic cancer	10 years
Primary-site thyroid cancer	10 years

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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, and~~
- ~~• primary site lung cancer, the worker must not have smoked a tobacco product in the 10 years prior to diagnosis.~~

Date of accident/injury

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 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.

Rebutting the presumption

If a worker qualifies for the presumption, the worker's cancer is presumed to be an occupational disease that occurs due to the nature 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 is only rebutted if the evidence establishes on a balance of probabilities that:

- the worker either had negligible exposure or was never exposed to the hazards of a fire scene or to another known occupational risk factor for their cancer during their employment as a firefighter or fire investigator, or
- the worker's non-occupational risk factors were of such importance that they overwhelmed any occupational exposure the worker had as a firefighter or fire investigator, rendering it insignificant in the development of the worker's cancer.

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 cancer is due to the nature of their employment as a firefighter or fire investigator. For instance, there may be a question about work-relatedness when the nature of the worker's job does not involve regular exposure to the hazards of a fire scene.

Case-by-case [following rebuttal](#)

If the presumption is rebutted, the worker's cancer may still be work-related if the worker's job history includes other types of employment. In these cases, the worker's job history,

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outside of their employment as a firefighter or fire investigator, should be examined to determine if there is a work-related cause.

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.

NOTE

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 date

This policy applies to decisions made on or after ~~July 20, 2023~~ [July 18, 2024](#).

NOTE

~~During the period beginning on June 29, 2023 and ending on July 19, 2023, decisions related to claims for primary site pancreatic cancer and primary site thyroid cancer were made in accordance with Ontario Regulation 253/07, as amended by Ontario Regulation 177/23.~~

Document history

This document replaces 23-02-01 dated ~~June 1~~ [July 20](#), 2023.

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23-02-01 dated July 4, 2018

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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.

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References

Legislative authority

Workplace Safety and Insurance Act, 1997, as amended
Sections 2(1), 15, 15.1(4)-(7), 15.2, 94

Ontario Regulation 253/07, as amended

MinuteApproval
Administrative