

**Operational  
Policy**

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Section  
Chronic Exposures

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Subject  
**Cancers in Firefighters and Fire Investigators**

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## 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, as well as to specify the circumstances in which the contrary will be shown and the presumption of work-relatedness rebutted.

## Guidelines

### Inclusion

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  - who was an inspector appointed under subsection 2(4) of the *Fire Marshals Act* before that Act was repealed by the *Fire Protection and Prevention Act, 1997*, or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

The presumption does not apply to forest or wildland firefighters.

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**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 presumption, a worker must meet the inclusion criteria of this policy and 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.

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.

**Case-by-case**

A worker who does not meet these criteria does not qualify for the presumption and instead will have their claim determined on its individual merits.

**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 the presumption. The prescribed cancers are listed below with their World Health Organization International Classification of Diseases (ICD) codes.

**Prescribed cancers and corresponding ICD codes**

Prescribed 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
Primary-site colorectal cancer	153	Malignant neoplasm of colon	C19	Malignant neoplasm of rectosigmoid junction

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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
Primary-site lung cancer	162	Malignant neoplasm of trachea, bronchus, and lung	C34	Malignant neoplasm of bronchus and lung

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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, 9<sup>th</sup> Revision; ICD-10, International Classification of Diseases, 10<sup>th</sup> Revision

**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 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.

**Minimum duration of employment for prescribed cancers**

Prescribed cancer	Duration of firefighting employment
Primary-site brain cancer	10 years

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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 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

**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.

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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**

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, 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.

**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.

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**Document history**

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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)-(7), 15.2, 94

Ontario Regulation 253/07, as amended

**Minute**

Administrative  
#1, July 17, 2023, page 619