

Firefighter presumptions

If you are or have been a firefighter and have one of the primary-site cancers listed below, the cancer may be presumed to be an occupational disease and you may be eligible for WCB benefits.

What has changed

On Oct. 31, 2023, Don McMorris, Minister of Labour Relations and Workplace Safety introduced amendments to the firefighters' presumptive coverage under Section 28 of [The Workers' Compensation Act, 2013](#) (the Act). Bill 138 expanded the list of occupational diseases covered by the rebuttable presumption for firefighters to include:

- primary site penile cancer
- primary site pancreatic cancer
- primary site thyroid cancer
- primary site soft tissue sarcoma
- primary site mesothelioma
- primary site laryngeal cancer

The amendments to the firefighter presumptions came into force on Oct. 1, 2024.

Types of cancers previously included under the presumptive clause under Section 28

These cancers were previously included under Section 28 and presumed to be an occupational disease and compensable, unless the contrary is proven:

- primary-site prostate cancer
- primary-site skin cancer
- multiple myeloma
- primary-site breast cancer
- primary-site cervical cancer
- primary-site ovarian cancer
- brain cancer
- bladder cancer
- kidney cancer
- non-Hodgkin's lymphoma
- leukemia
- ureter cancer
- colorectal cancer
- lung cancer
- testicular cancer
- esophageal cancer

- an injury to the heart that manifests within 24 hours after attendance at an emergency response scene

Types of firefighters to which the presumption apply

Presumptions apply to most firefighters. The disease will be presumed to be an occupational disease predominantly caused by the firefighter's service or employment if a full-time, part-time or volunteer firefighter:

- Suffers from a disease listed below.
- Is currently serving or employed, or has served or been employed, with a fire department for a specified minimum period in [*The Workers' Compensation General Regulations, 1985*](#).
- Is or has been exposed to the hazards of a fire scene, other than a forest fire, during their service or employment as a firefighter.
- In the case of primary site lung cancer, only to a worker who has been a non-smoker before the date of injury for the minimum period prescribed in [*The Workers' Compensation General Regulations, 1985*](#) (the General Regulations).

Previously denied presumptive cancer claims

A firefighter with a previously denied claim in relation to one of these types of cancer can ask the WCB to reconsider that decision.

The WCB will also be proactively reviewing previously denied claims to determine if they would be an acceptable work injury under the new legislation.

Minimum periods of service or employment for the new presumptive cancers

The Regulations have been updated to include the minimum periods of service or employment:

- 15 years for a primary site penile cancer.
- 10 years for a primary site pancreatic cancer.
- 10 years for a primary site thyroid cancer.
- 15 years for a primary site soft tissue sarcoma.
- 15 years for a primary site mesothelioma.
- 15 years for a primary site laryngeal cancer.

The prescribed cancers are occupational diseases presumed to have occurred due to the nature of the worker's service or employment as a firefighter, unless it is established that the service or employment was not a significant contributing factor to the occurrence of the cancer.

Minimum periods of service or employment for all 22 types of firefighter cancer covered by the WCB

These occupational diseases are presumed to be compensable if the firefighter meets the prescribed minimum period of service for a volunteer firefighter or employment for a full-time or part-time firefighter:

Occupational disease	Period of service or employment (cumulative)
leukemia	5 years
brain	10 years
primary-site breast	10 years
primary-site cervical	10 years
primary-site ovarian	10 years
primary site pancreatic	10 years
primary site thyroid	10 years
testicular	10 years
bladder	15 years
colorectal	15 years
lung (non-smoking firefighters)	15 years
multiple myeloma	15 years
primary site laryngeal cancer	15 years
primary site mesothelioma	15 years
primary site penile	15 years
primary site prostate	15 years
primary site skin	15 years
primary site soft tissue sarcoma	15 years
ureter	15 years
kidney	20 years
primary non-Hodgkin's lymphoma	20 years
esophageal	25 years

This information is clarified through WCB policy, [Injuries – Firefighters \(POL 16/2024\)](#).

How staff adjudicate these types of claims



As with all reported injuries and diseases, staff will obtain all relevant information to determine if the injury or disease arose out of and in the course of employment. Staff will determine entitlement based on the weight of that information. If a claim for a listed presumptive cancer does not meet the minimum period of service or employment outlined in the General Regulations, it will be reviewed on its own merit and justice. Policy and procedure Injuries – Occupational Disease ([POL/PRO 04/2017](#)) will apply and a claim may be accepted if the medical information confirms a causal relationship between the listed presumptive cancer and the workplace.

The policy and procedure, Injuries – Firefighters ([POL/PRO 16/2024](#)) has been updated to reflect the legislative amendments.

Factors considered in case of a cardiac injury

If a firefighter suffers a cardiac injury within 24 hours after attendance at an emergency response scene, it is presumed to be an occupational disease unless the contrary is shown, and no minimum period of employment will be required.

Firefighter’s history of smoking in cases of lung cancer

For primary-site lung cancer to be presumed an occupational disease, the firefighter must be a non-smoker for a minimum period before the diagnosis.

Average consumption	Period of non-smoking
Less than 7 cigarettes per week	6 years
1 to 9 cigarettes per day	6 years
10 to 19 cigarettes per day	13 years
20 cigarettes per day	18 years
21 to 39 cigarettes per day	23 years
40 or more cigarettes per day	28 years
1 or more cigars and/or pipes per day	8 years

If the minimum non-smoking period is not met, the presumptions will not apply and the disease will be considered under [WCB policy, Injuries – Occupational Disease \(POL 04/2017\)](#).

There will be no minimum period of non-smoking if a firefighter has smoked in their lifetime:

- a. Less than 365 cigarettes, cigars and/or pipes.
- b. On average less than seven cigars or pipes per week.



If a firefighter smoked cigarettes in combination with cigars and/or pipes, the minimum period will be determined in accordance with the above table. One cigar or pipe will be considered as one cigarette.

Where smoking is a factor in an accepted work-related lung cancer claim, cost relief may be provided to the employer under WCB policy, [Second Injury and Re-Employment Reserve \(POL 03/2021\)](#).

For more information

If you would like more information or have questions, contact the WCB at:

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