Workplace Safety and Insurance Act, 1997

[ONTARIO REGULATION 253/07](https://www.ontario.ca/laws/regulation/R07253)

Firefighters

**Historical version for the** **period April 23, 2018 to June 30, 2018.**

Last amendment: [311/18](https://www.ontario.ca/laws/regulation/R18311).

Legislative History: [423/09](https://www.ontario.ca/laws/regulation/R09423), [113/14](https://www.ontario.ca/laws/regulation/R14113), [265/14](https://www.ontario.ca/laws/regulation/R14265), [311/18](https://www.ontario.ca/laws/regulation/R18311).

This is the English version of a bilingual regulation.

Definitions

**1.**In this Regulation,

“band council” means a council of the band as defined in the Indian Act (Canada); (“conseil de bande”)

“firefighter” means,

(a) a firefighter as defined in subsection 1 (1) of the Fire Protection and Prevention Act, 1997; or

(b) a worker who,

(i) is employed by a band council and assigned to undertake fire protection services on a reserve, or

(ii) provides fire protection services on a reserve, either voluntarily or for a nominal consideration, honorarium, training or activity allowance; (“pompier”)

“fire investigator” means,

(a) 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,

(b) a worker who was an inspector appointed under subsection 2 (4) of the Fire Marshals Act before that Act was repealed by the Fire Protection and Prevention Act, 1997, or

(c) a worker who is employed by a band council and assigned to investigate the cause, origin and circumstances of a fire on a reserve; (“enquêteur sur les incendies”)

“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; (“pompier à temps plein”)

“part-time firefighter” means a worker who is a firefighter and is not a volunteer firefighter or full-time firefighter; (“pompier à temps partiel”)

“reserve” means a reserve as defined in the Indian Act (Canada). (“réserve”) O. Reg. 423/09, s. 1; O. Reg. 265/14, s. 1.

Prescribed classes

**2.**The following are prescribed as workers for the purposes of subsections 15.1 (1) and (4) of the Act:

1. Full-time firefighters.

2. Part-time firefighters.

3. Volunteer firefighters.

4. Fire investigators. O. Reg. 423/09, s. 1.

Prescribed circumstances

**3.**For the purposes of subsection 15.1 (1) of the Act, the worker must have sustained the heart injury while, or within 24 hours of,

(a) attending a fire scene in the performance of his or her duties as a full-time firefighter, part-time firefighter, volunteer firefighter or fire investigator; or

(b) actively participating in a training exercise that is related to his or her duties as a full-time firefighter, part-time firefighter, volunteer firefighter or fire investigator and that involves a simulated fire emergency. O. Reg. 253/07, s. 3; O. Reg. 423/09, s. 2.

Prescribed diseases

**4.**For the purposes of subsection 15.1 (4) of the Act, the following are prescribed diseases:

1. Primary-site brain cancer.

2. Primary-site colorectal cancer.

3. Primary-site bladder cancer.

4. Primary acute myeloid leukemia, primary chronic lymphocytic leukemia or primary acute lymphocytic leukemia.

5. Primary-site ureter cancer.

6. Primary-site kidney cancer.

7. Primary non-Hodgkin’s lymphoma.

8. Primary-site esophegeal cancer.

9. Primary-site breast cancer.

10. Multiple myeloma.

11. Primary-site testicular cancer.

12. Primary-site prostate cancer.

13. Primary-site lung cancer.

14. Primary-site skin cancer. O. Reg. 253/07, s. 4; O. Reg. 113/14, s. 1.

Note: On July 1, 2018, section 4 of the Regulation is amended by adding the following paragraphs: (See: O. Reg. 311/18, s. 1)

15. Primary-site ovarian cancer.

16. Primary-site cervical cancer.

17. Primary-site penile cancer.

Conditions and restrictions

**5.**(1)  The presumption in subsection 15.1 (4) of the Act does not apply in respect of primary-site colorectal cancer unless the worker,

(a) was diagnosed with the disease before he or she attained the age of 61 years; and

(b) was employed as a full-time firefighter, part-time firefighter or fire investigator or served as a volunteer firefighter for a total of at least 10 years before being diagnosed. O. Reg. 253/07, s. 5 (1); O. Reg. 423/09, s. 3 (1).

(2)  The presumption in subsection 15.1 (4) of the Act does not apply in respect of primary-site brain cancer, primary-site breast cancer or primary-site testicular cancer unless the worker was employed as a full-time firefighter, part-time firefighter or fire investigator or served as a volunteer firefighter for a total of at least 10 years before being diagnosed. O. Reg. 253/07, s. 5 (2); O. Reg. 423/09, s. 3 (2); O. Reg. 113/14, s. 2 (1).

Note: On July 1, 2018, subsection 5 (2) of the Regulation is amended by striking out “or primary-site testicular cancer” and substituting “primary-site testicular cancer, primary-site ovarian cancer or primary-site cervical cancer”. (See: O. Reg. 311/18, s. 2 (1))

(3)  The presumption in subsection 15.1 (4) of the Act does not apply in respect of primary-site bladder cancer, primary acute myeloid leukemia, primary chronic lymphocytic leukemia, primary acute lymphocytic leukemia, primary-site ureter cancer, multiple myeloma, primary-site prostate cancer or primary-site skin cancer unless the worker was employed as a full-time firefighter, part-time firefighter or fire investigator or served as a volunteer firefighter for a total of at least 15 years before being diagnosed. O. Reg. 253/07, s. 5 (3); O. Reg. 423/09, s. 3 (3); O. Reg. 113/14, s. 2 (2-4).

Note: On July 1, 2018, subsection 5 (3) of the Regulation is amended by striking out “or primary-site skin cancer” and substituting “primary-site skin cancer or primary-site penile cancer”. (See: O. Reg. 311/18, s. 2 (2))

(3.1)  The presumption in subsection 15.1 (4) of the Act does not apply in respect of primary-site lung cancer unless,

(a) the worker was employed as a full-time firefighter, part-time firefighter or fire investigator or served as a volunteer firefighter for a total of at least 15 years before being diagnosed; and

(b) the worker did not smoke a tobacco product in the 10 years before being diagnosed. O. Reg. 113/14, s. 2 (5).

(4)  The presumption in subsection 15.1 (4) of the Act does not apply in respect of primary-site kidney cancer or primary non-Hodgkin’s lymphoma unless the worker was employed as a full-time firefighter, part-time firefighter or fire investigator or served as a volunteer firefighter for a total of at least 20 years before being diagnosed. O. Reg. 253/07, s. 5 (4); O. Reg. 423/09, s. 3 (4).

(5)  The presumption in subsection 15.1 (4) of the Act does not apply in respect of primary-site esophegeal cancer unless the worker was employed as a full-time firefighter, part-time firefighter or fire investigator or served as a volunteer firefighter for a total of at least 25 years before being diagnosed. O. Reg. 253/07, s. 5 (5); O. Reg. 423/09, s. 3 (5).

(6)  The following rules apply to the calculation of time periods for the purposes of clause (1) (b) and subsections (2), (3), (4) and (5):

1. All periods of employment as a full-time firefighter, part-time firefighter or fire investigator and all periods of service as a volunteer firefighter, whether consecutive or non-consecutive, shall be included, subject to paragraph 2.

2. If a worker is employed in a capacity mentioned in paragraph 1 and also, during the same period, is employed in another capacity mentioned in paragraph 1 or serves as a volunteer firefighter, the period shall be counted only once. O. Reg. 423/09, s. 3 (6).

6.  Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 253/07, s. 6.