

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 - a worker who was an inspector appointed under subsection 2(4) of the *Fire Marshals Act* before that Act was repealed by the *Fire Protection and Prevention Act, 1997*, or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

**Operational
Policy**

Section

In the Course of and Arising Out of

Subject

Heart Injuries in Firefighters and Fire Investigators**Heart Injury**

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.

Section

In the Course of and Arising Out of

Subject

Heart Injuries in Firefighters and Fire Investigators

This document was previously published as:
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

#4, April 21, 2015, Page 527