

# Alberta WCB Policies & Information

Chapter:

INJURIES

Subject:

GENERAL

Authorization

BoD Resolution 2023/03/11

Date:

June 20, 2023

## APPLICATION 9: FIREFIGHTERS' PRIMARY SITE CANCER PRESUMPTIONS

1. *What is the statutory presumption related to firefighter cancers?*

Under s.24.1(2) of the *WCA* and the *Firefighters' Primary Site Cancer Regulation*, if a worker who:

- is or has been a full-time or part-time firefighter (see Question 3), and
- suffers an injury that is a primary site cancer of a type specified in the *Firefighters' Primary Site Cancer Regulation* (see Table 1), and
- meets the minimum period of regular exposure to the hazards of a fire scene specified in the *Firefighters' Primary Site Cancer Regulation* (see Table 1),

the injury is **presumed** to be an occupational disease, the dominant cause of which is the employment as a full-time firefighter or part-time firefighter, unless the contrary is proven.

The presumption may be rebutted if evidence shows that, on a balance of probabilities, in a particular case, the cause of the disease was non-work exposure.

For the presumption to apply, the date of accident must be on or after the effective date that the primary site cancer came into effect under the *Firefighters' Primary Site Cancer Regulation* (see Table 1).

2. *What if the presumption does not apply? Will the claim be denied?*

The firefighter cancer presumptions do not apply if:

- a firefighter has a cancer not listed in the presumption, or
- a firefighter has one of the primary site cancers listed but does not meet the minimum period of exposure that is required, or

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*What if the presumption does not apply? (continued)*

- the date of accident is prior to the date the presumption came into effect.

If the presumption does not apply, the claim is adjudicated on its own merits, using the appropriate standard of causation as set out in Policy 02-01, Part II, Application 7.

For example, if a worker suffers one of the primary site cancers listed in the *Firefighters' Primary Site Cancer Regulation*, but is not a full-time or part-time firefighter, or does not have the minimum period of regular exposure to the hazards of a fire scene, they do not meet the presumption. However, their claim will still be adjudicated on its own merits using the material contribution standard of causation.

**3. *What is a full-time or part-time firefighter?***

Under s.24.1 of the *WCA*,

- “full-time firefighter” means an employee, including an officer and a technician, employed by a municipality (under the *Municipal Government Act*) or Metis settlement and assigned exclusively to fire protection and fire prevention duties notwithstanding that those duties may include the performance of ambulance or rescue services
- “part-time firefighter” means a casual, volunteer, or part-time member of a fire protection service of a municipality (under the *Municipal Government Act*) or Metis settlement

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4. *Are there special provisions for firefighters exposed to the Horse River wildfire in 2016?*

*Only applies to exposure to the Horse River wildfire between May 1, 2016, and June 1, 2016, inclusive*

If a full-time or part-time firefighter who responded to the Horse River wildfire develops one of the primary site cancers listed in the *Firefighters' Primary Site Cancer Regulation*, WCB presumes their cancer is related to their work **regardless of their length of service as a firefighter.**

This special provision applies only to firefighters that were:

- full-time or part-time firefighters (see Question 3), and
- employed by a municipality or Metis settlement impacted by the 2016 “Beast” fire (see Figure 1), and
- assigned exclusively to fire protection and fire prevention duties (including the performance of ambulance or rescue services), and
- regularly exposed to the hazards of a fire scene that was not a forest fire.

See Figure 1 at the end of this policy application for a map outlining the boundaries for this special provision.

5. *When is this policy application effective?*

This policy application (Application 9 – Firefighters' Primary Site Cancer Presumptions) is effective March 28, 2023, except when noted otherwise in a specific policy section(s). The date the presumption comes into effect varies by each primary site cancer listed in the *Firefighters' Primary Site Cancer Regulation*, as outlined in Table 1 below.

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**TABLE 1: Presumptive Coverage for Firefighters' Primary Site Cancer**

For the purpose of section 24.1(4) of the *WCA*, the primary site cancers and the minimum period of regular exposure to the hazards of a fire scene for each disease are the following:

Primary site cancer	Minimum period of regular exposure	Applies to claims with dates of accident:
Primary leukemia	5 years	On or after April 1, 2003
Primary site brain cancer	10 years	On or after April 1, 2003
Primary site bladder cancer	15 years	On or after April 1, 2003
Primary site ureter cancer	15 years	On or after April 1, 2003
Primary site kidney cancer	20 years	On or after April 1, 2003
Primary site colorectal cancer	15 years	On or after April 5, 2023
	20 years	On or after April 1, 2003, and before April 5, 2023
A primary non-Hodgkin's lymphoma	20 years	On or after April 1, 2003
Primary site lung cancer in non-smokers (a non-smoker means an individual who has not smoked a tobacco product in the 10 years prior to the date of diagnosis of a primary site cancer)	15 years	On or after December 1, 2005
Primary site testicular cancer	10 years	On or after January 17, 2018
	20 years	On or after May 1, 2010, and before January 17, 2018
Primary site esophageal cancer	25 years	On or after May 1, 2010
Primary site prostate cancer	15 years	On or after May 1, 2011
Primary site skin cancer	15 years	On or after May 1, 2011
Primary site breast cancer	10 years	On or after May 1, 2011
Multiple myeloma	15 years	On or after May 1, 2011
Primary site cervical cancer	10 years	On or after May 1, 2011
Primary site ovarian cancer	10 years	On or after May 1, 2011
Primary site mesothelioma	15 years	On or after April 5, 2023
Primary site pancreatic cancer	10 years	On or after April 5, 2023
Primary site soft tissue sarcoma	15 years	On or after April 5, 2023
Primary site thyroid cancer	10 years	On or after April 5, 2023

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FIGURE 1: Presumptive Coverage for Firefighters' Primary Site Cancer

For the purposes of section 24.1(3.1) of the WCA, the boundaries of the Horse River wildfire are:

