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2018 OPERATING BUDGET BRIEFING NOTE

WSIB Presumptive Coverage for Firefighters

Issue / Background:

At the Budget Committee meeting held on December 18, 2017, the Fire Chief and General Manager Toronto Fire Services (TFS) was requested to provide a briefing note on the impact of Workplace Safety and Insurance Board (WSIB) and presumptive illness.

This briefing note outlines the 14 cancers that are applicable under WSIB presumptive regulations and the associated eligibility requirements for WSIB coverage. Additionally, Post-Traumatic Stress Disorder (PTSD) coverage is also explained.

Based on data to the end of November, actual expenditures in 2017 are projected to be \$13.413 million which represents an increase of \$1.088 million from 2016 actual expenditures of \$12.325 million

(Table 1)

Table 1: Workers' Safety Insurance Board (WSIB)			
(\$000s)			
Year	2016	2017	2017 increase
WSIB Budget	3,778	6,978	3,200
Actual Expense *	12,325	13,413	1,088
Expense greater than budget	8,547	6,435	

*2017 actual expense based on 11-month projections

To support the increase in WSIB costs, the 2017 budget was increased to \$6.978 million, an increase of \$3.2 million from the 2016 budget of \$3.778 million. The 2018 Preliminary Operating Budget for TFS does not reflect an increase in the WSIB budget, as experience has demonstrated that expenses peak after legislative changes are enacted, and subsequently drop once the new claims resulting from the legislative change have been processed.

As of December 14, 2017 a total of 62 TFS employees are on WSIB as follows:

- 36 – Post-Traumatic Stress Disorder (PTSD) and Traumatic Mental Stress
- 14 – Cancer
- 12 – Other

In accordance with WSIB 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.

Key Points:

Presumption

WSIB 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, workers must meet the inclusion criteria of this policy, and must also 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.

Workers not meeting the inclusion criteria will have their WSIB claims determined on their individual merits. The presumption may be rebutted if it is established that the employment was not a significant contributing factor to the occurrence of the cancer.

Prescribed Cancers

Firefighters and Fire Investigators, with the minimum years of eligible service for the prescribed cancer, are presumed to have a work-related occupational disease.

The eligible years of service are 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.

The minimum durations of employment for the prescribed cancers are listed below.

Prescribed Cancer	Duration of Firefighting Employment
1. Primary-site brain cancer	10 years
2. Primary-site bladder cancer	15 years
3. Primary-site kidney cancer	20 years
4. Primary-site colorectal cancer	10 years
5. Primary non-Hodgkin's lymphoma	20 years
6. Primary acute myeloid leukemia; Primary chronic lymphatic leukemia; Primary acute lymphocytic leukemia	15 years
7. Primary-site ureter cancer	15 years

Prescribed Cancer	Duration of Firefighting Employment
8. Primary-site esophageal cancer	10 years
9. Primary-site breast cancer	10 years
10. Multiple myeloma	15 years
11. Primary-site testicular cancer	10 years
12. Primary-site prostate cancer	15 years
13. Primary-site lung cancer	15 years
14. Primary-site skin cancer	15 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.
- Primary-site lung cancer, the firefighter must not have smoked a tobacco product in the 10 years prior to diagnosis.

Post-Traumatic Stress Disorder

On April 6, 2016 the Ontario Government amended the *Workplace Safety and Insurance Act* (WSIA) with the passage of [Bill 163](#) titled Supporting *Ontario's First Responders Act (Posttraumatic Stress Disorder)*, 2016.

As a result, if a first responder or other designated worker covered by the legislation is diagnosed with PTSD by a psychiatrist or psychologist and makes a claim for benefits, the WSIB must presume the condition is work-related, unless the contrary is shown.

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