



Alberta Fire Fighters Association



Affiliated With
**INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS CANADIAN LABOUR
CONGRESS**
207 Manor Court, Sherwood Park, Alberta, T8A 0S8

July 14, 2016

WCB Review, Alberta Labour
c/o Service Alberta Mailroom
11th Floor Commerce Place
10155-102 Street
Edmonton, AB T5J 4L4

Dear Panelists:

On behalf of the Alberta Fire Fighters Association (AFFA), I would like to respectfully submit the attached submission for the Panel's consideration. The AFFA represents 3,800 first responders who work at 16 Locals throughout the province, which include firefighters, paramedics and 911 Dispatchers.

The AFFA's mission is to ensure these men and women, through unity in leadership, political action, education and quality member services, have a strong and united voice in the advancement of the fire service in Alberta. The AFFA is grateful to your Panel and the WCB for providing our members with an opportunity to have their voices heard on an issue so important to them and their families.

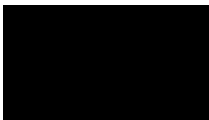
Fire fighting is a profession like few others. Our members are regularly called upon to do some of the most dangerous work imaginable. In addition to being exposed to such direct stressors as risking their lives to enter a burning building, fire fighters also have to contend with such indirect stressors as witnessing the suffering of others. Given the risks inherent in our work, it is unsurprising that our membership has more experience with the WCB claims process than we would like.

There is little doubt that the WCB is staffed by many well-intentioned people who want to help the province's workers who are in need. Unfortunately, there are some shortcomings with the system that need to be addressed.

Although the Locals we represent may contribute their own submissions, the AFFA wanted to provide feedback and recommendations based on the concerns that have been raised with us over the years.

If you have questions concerning our submission or require anything further from our organization, please do not hesitate to contact me.

Sincerely,



Craig Macdonald
President, Alberta Fire Fighters Association
president@albertafirefighters.com



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ALBERTA FIRE FIGHTERS ASSOCIATION SUBMISSION TO THE WORKERS' COMPENSATION BOARD REVIEW PANEL

July 2016

ABOUT THE ALBERTA FIRE FIGHTERS ASSOCIATION

The Alberta Fire Fighters Association (AFFA) represents 3,800 first responders, including fire fighters, paramedics and 911 dispatchers, from 16 locals. The men and women who belong to the AFFA are the full-time fire fighters who put themselves on the line daily to protect the lives and property of their fellow citizens in municipalities, both large and small, across Alberta.

Our affiliates are:

- Edmonton, Local 209
- Lethbridge, Local 237
- Calgary, Local 255
- Medicine Hat, Local 263
- Red Deer, Local 1190
- St. Albert, Local 2130
- Strathcona County, Local 2461
- Fort McMurray, Local 2494
- Grande Prairie, Local 2770
- Spruce Grove, Local 3021
- Canmore, Local 4705
- Leduc, Local 4739
- Airdrie, Local 4778
- Rocky View, Local 4794
- Cochrane, Local 4819
- Okotoks, Local 4829

Internationally, we are affiliated with the International Association of Fire Fighters, the Canadian Labour Congress and the AFL-CIO. Within Alberta, we are a member organization of the Alberta Federation of Labour.

OUR SUBMISSION

The workers' compensation system has provided our members with compensation and coverage when they needed it most. However, we are of the opinion – as are most Albertans – that the Workers' Compensation Board has areas in which it can improve.

To this end, we applaud the Government of Alberta for undertaking the first review of the Workers' Compensation Board in 15 years. Further, we appreciate the opportunity to provide a submission to the WCB Review Panel outlining our issues and opinions on the operation and practices of the WCB.

The Alberta Fire Fighters Association's submission describes four distinct areas of consideration. Some areas provide specific recommendations, while others are a reflection of our membership's experience with the WCB, both good and bad.

1. Regulations Governing Presumptive Cancer
2. Establishing a Five-Year Review Period for Presumptive Cancers
3. Financial Considerations for Presumptive Cancer Regulations
4. Areas Where the WCB Requires Improvement

1) REGULATIONS GOVERNING PRESUMPTIVE CANCER

History

Presumptive cancers for fire fighters are specifically governed by the *Firefighters' Primary Cancer Site Regulation*, applying to section (24.1(4)) of the *Workers' Compensation Act*.

Fire fighting is unique among the professions in that it can only *mitigate*, rather than completely avoid, exposure to harmful elements such as benzene or concentrated hydrocarbons. As such, primary site cancer regulations governing presumptive cancers for fire fighters have been developed and widely adopted across Canada.

Enacting the regulation in 2003, Alberta was following the lead of Manitoba's 2002 provincial government, which was the first in Canada to enact presumptive disease legislation specifically for fire fighters. This regulation was built on the large body of evidence developed and examined from across Canada and other international jurisdictions that demonstrated that fire fighters were at increased risk for specific types of cancers.

Since that time, Alberta has followed that lead closely, with periodic reviews to approximately align with Manitoba's regulation. Virtually all provinces now have legislation of this type.

Recommendation: Reduce the latency period for testicular cancer from 20 to 10 years

Testicular cancer was added as a primary site cancer under the regulation in 2010, again following the lead of Manitoba, which included it in a 2009 regulatory update. However, the latency period for testicular cancer in Alberta was set at 20 years of minimum exposure.

A 20-year latency period has typically been the starting point for testicular cancers when introduced into provincial regulations. Recently, we have seen a change in that position. In a 2016 review of its corresponding regulation, Ontario reduced its latency period from 20 to 10 years, while Manitoba has always maintained the latency period at 10 years. It is our expectation that as provinces review their presumptive cancer legislation they will reduce the testicular cancer latency period, following suit with provinces on the forefront of this issue.

Recommendation: Include female-specific cancers within the scope of the regulation

As a male-dominated profession, data surrounding the health of male fire fighters has been easy to collect, track and compare across Canada and the world. However, female fire fighters do not represent a significant enough proportion of the fire-fighting workforce to provide any reliable data on presumptive cancers such as ovarian and cervical cancer.

The proportion of women in fire halls has increased over the last 20 years, and it is our expectation this trend will continue. Where presumptive cancers are concerned, this presents a significant problem. Essentially, because of the lack of available data on the matter, an evidence-based case cannot be made for the inclusion of these cancers. It is our concern that by the time that data is available in the future a generation of female fire fighters will have suffered from these cancers and will not have been able to access coverage in the same way as their male counterparts.

At its core, this is an issue of promoting equality in the workplace. As it could today, understanding that fire fighting poses potential female-specific health risks presents a significant barrier for women considering entering the ranks of fire fighters, particularly when those risks are not covered as they are for male-specific cancers.

Were the Government of Alberta to include female-specific cancers in the regulation, they would be the first province in the country to do so. It is our considered recommendation that the Government of Alberta do just that. We believe that other provinces would follow suit, a development that our counterparts across the country would welcome, and would put Alberta on the forefront of this issue.

2) ESTABLISHING A FIVE-YEAR REVIEW PERIOD FOR PRESUMPTIVE CANCERS

This regulation has been in place since 2003 and has been amended in 2005, 2010, 2011 and 2016, reflecting a need to periodically review the regulation “for ongoing relevancy and necessity.” The 2011 amendment prescribed the ongoing review period as occurring every five years. In May of 2016, the review period was reduced to two years.

A five-year review period provides the AFFA with an opportunity to present periodic evidence around the cancers that disproportionately affect fire fighters. A two-year review period does not provide enough time for the field of study to evolve so that we can provide conclusive recommendations.

3) FINANCIAL CONSIDERATIONS FOR PRESUMPTIVE CANCER REGULATIONS

Since the introduction of the *Firefighters' Primary Cancer Site Regulation*, employers have been carefully reviewing the impact of these claims on the WCB premiums they pay. Edmonton's review of its WCB premiums since the regulation took effect have found that long-term disability claims arising from the regulation have not contributed to higher WCB premiums.

While WCB premiums have increased between 2004 and 2015, these increases have correlated to increased staffing levels and gradual wage increases, not an overall increase in long-term disability claims. Given the scale of the changes being recommended in this submission, we do not anticipate any change to the current impact of presumptive cancer regulation on WCB premiums.

4) AREAS WHERE THE WCB REQUIRES IMPROVEMENT

There are specific aspects of WCB policy and operation that the AFFA believes have adversely impacted our membership. In particular, the AFFA would like to draw the review panel's attention to:

Myocardial Infarction

Currently, the legislation presumes any myocardial infarction that occurs within 24 hours of the commencement of an emergency response was caused by that emergency response and is therefore eligible for a disability claim. However, there seems to be some level of ambiguity surrounding the definition of "emergency response" that has resulted in at least one member having a claim rejected only to be granted on a subsequent appeal.

Recommendation: It is our contention that the definition of "emergency response" should be clarified to begin at the start of an alarm, rather than attendance at the scene of an emergency, as has been suggested in a recent WCB ruling

Numerous sources support this definition:

- The Fire Chief of Edmonton Fire Rescue Services' wrote to the WCB in 2014 that *"there has been a great deal of research into the cardiac function and the stress level induced when emergency tones are activated and the elevated level of cardiac function cause to the responder."*
- In the Alberta case *Alliance Pipeline Ltd. V. Seibert* [2003] A.J. No. 1436, the court held a broader meaning of "emergency," outlining it as not necessarily the result of a sudden occurrence. The court found that *"the reasonable apprehension of the near approach of danger would...constitute an emergency."*

POST TRAUMATIC STRESS DISORDER (PTSD)

It is a well-documented fact that fire fighters suffer from disturbingly high rates of PTSD. Given the stressful and dangerous nature of the work, this is not surprising. Fire fighters are regularly exposed to both direct and indirect stressors such as, respectively, risking one's life when entering a burning building and witnessing the suffering of others. While the medical profession and public alike have made great strides recognizing this debilitating disorder, the WCB, unfortunately, still has some work to do.

In preparing for this submission, we reached out to those who have been diagnosed with PTSD. One example in particular illustrates the shortcomings of the WCB's current approach. A captain with 34 years of experience, the member was exposed to multiple traumatic events, including a number of near-experiences and seeing a close friend of his die in the line of duty. The accumulated trauma eventually became too much, and he was compelled to reach out for help. A psychologist specializing in trauma in first responders found he was suffering from PTSD.

Despite a clear diagnosis by a recognized mental health professional, the WCB pushed back, demanding the man be referred to a series of other professionals, a process that caused him to constantly relive his trauma. Exhausted, overwhelmed, and unsupported, he eventually gave up, which the WCB interpreted as a refusal to seek treatment.

Recommendation: The WCB needs to improve its process for assessing PTSD claims. The advice and recommendations of treating medical professionals need to be respected, not repeatedly questioned. Once a diagnosis has been made, no further referrals should be required. As opposed to forcing fire fighters to relive their trauma, the process should provide them with the supports they need to begin moving beyond it

Recommendation: It is further our recommendation that 911 dispatchers be included in the presumptive category for PTSD claims. As first responders, 911 dispatchers are regularly exposed to traumatic stressors in the course of their work. Including this category of first responders would align Alberta with other Canadian jurisdictions, such as Ontario, who introduced similar provisions in early 2016

NOTE:

In Appendices 1 and 2 of this submission, the review panel will find case studies that illustrate the impact that the WCB process has had on members who have suffered from myocardial infarction and PTSD. These case studies provide a comprehensive accounting of the issues these members have faced in making WCB claims.