

Legislative
Assembly
of Ontario



Assemblée
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1ST SESSION, 43RD LEGISLATURE, ONTARIO
1 CHARLES III, 2023

Bill 127

**An Act to amend the Workplace Safety and Insurance Act, 1997
with respect to primary-site esophageal cancer in firefighters and fire investigators**

Mr. J. Burch

Private Member's Bill

1st Reading June 7, 2023

2nd Reading

3rd Reading

Royal Assent



**An Act to amend the Workplace Safety and Insurance Act, 1997
with respect to primary-site esophageal cancer in firefighters and fire investigators**

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Section 15.1 of the *Workplace Safety and Insurance Act, 1997* is amended by adding the following subsection:

Primary-site esophageal cancer

(4.1) The presumption in subsection (4) in respect of primary-site esophageal cancer applies to a worker if,

- (a) in the case of a worker who was employed as a full-time firefighter, part-time firefighter or fire investigator, the length of employment of the worker was at least a total of 20 years before being diagnosed; and
- (b) in the case of a worker who served as a volunteer firefighter, the length of service of the worker was at least a total of 20 years before being diagnosed.

2 Subsection 15.2 (1) of the Act is repealed and the following substituted:

Claims based on presumptions

(1) This section applies,

- (a) where a regulation under section 15.1 is made or amended and, as a result, a presumption established under section 15.1 applies to an injury sustained by a worker or to a disease with which a worker is diagnosed; and
- (b) where the presumption in subsection 15.1 (4) applies to primary-site esophageal cancer with which a worker is diagnosed as a result of the coming into force of section 1 of the *Captain Craig Bowman Act, 2023*.

Commencement

3 This Act comes into force on the day it receives Royal Assent.

Short title

4 The short title of this Act is the *Captain Craig Bowman Act, 2023*.

EXPLANATORY NOTE

The *Workplace Safety and Insurance Act, 1997* currently sets out a presumption that applies in respect of a worker who is a firefighter or fire investigator and who suffers from and is impaired by a prescribed disease. Provided any prescribed conditions and restrictions are satisfied, the disease is presumed to be an occupational disease that occurs due to the nature of the worker's employment as a firefighter or fire investigator, unless the contrary is shown.

Currently, the regulations provide that in order for the presumption to apply in respect of primary-site esophageal cancer, the length of employment must have been at least a total of 25 years before being diagnosed. The Bill amends the Act to provide that the length of employment required in order for this presumption to apply is at least a total of 20 years before being diagnosed.