

Is Firefighter's Heart Attack after False Alarm Compensable?



SITUATION

A fulltime firefighter is serving as captain when his crew gets a call for a brush fire in a heavily populated residential area, which presents significant risk if the fire gets out of control. As captain, he immediately begins assessing the weather, the location of the reported fire, ensuring all firefighters are onboard the truck and have their gear, considering contingencies should the fire spread and preparing strategies for responding to the situation anticipated. The firefighter and his crew arrive at the location but, finding no fire, they return to the station. The firefighter suffers a heart attack 17 hours after being called to the reported brush fire. He submits a claim for workers' comp, arguing his heart attack's related to his duties. Despite the false alarm, he still faced significant stress due to his captain's duties. And he supplies studies demonstrating that a firefighter's heart rate increases upon hearing the fire alarm and beginning response preparations. The jurisdiction's workers' comp law has a presumption that a heart attack suffered by a firefighter within 24 hours of 'attending at an emergency response' is presumed to be work-related.

QUESTION

Should the firefighter's heart attack be covered by workers' comp'

- A. Yes, because all firefighter illnesses and injuries are considered work-related.
- B. Yes, because he suffered the heart attack within 24 hours of responding to a call for a fire.
- C. No, because the fire he responded to before the heart attack was a false alarm.
- D. No, because he didn't suffer the heart attack while fighting a fire.

ANSWER

B. The firefighter suffered the heart attack within 24 hours of responding to a fire alarm, so his illness is presumed to arise out of his work duties.

EXPLANATION

This hypothetical is based on a case in which the Alberta Workers' Compensation Appeals Commission agreed that the firefighter's presumption applied to a firefighter's heart attack claim. Sec. 24.1(7) of Alberta's *Workers Compensation Act* includes a presumption that if a fulltime or part-time firefighter suffers a heart attack 'within 24 hours after attendance at an emergency response,' that heart attack will be presumed 'to have arisen out of and occurred during the course of employment.' The Commission considered the meaning of the phrase 'attendance at an emergency response' as well as evidence about the captain's duties once a call comes in and until his team arrives at the scene. The Commission determined that the stress associated with the captain's job begins when the alarm goes off. So although the emergency this firefighter responded to ended up being a false alarm, the stress nonetheless impacted his cardiac health, it concluded. Thus, his heart attack was work-related and compensable.

WHY THE WRONG ANSWERS ARE WRONG

A is wrong because not *all* firefighter illnesses and injuries are considered work-related. Most jurisdictions do have provisions in their workers' comp laws that some conditions suffered by firefighters are presumed to be work-related. But such a presumption doesn't apply to all illnesses and injuries'only to those designated in the law, such as certain cancers and heart attacks. And even when it does apply, there may still be limitations, such as the 24-hour timing requirement in this jurisdiction's presumption for heart attacks. For example, Sec. 6.1 of BC's *Workers' Compensation Act* provides a presumption that a firefighter's primary site lung cancer is presumed to be caused by his firefighting work unless proven otherwise. However, the presumption *doesn't* apply if the firefighter has smoked more than 365 cigarettes, pipes or cigars.

C is wrong because it doesn't matter if the fire alarm turned out to be a false alarm. The presumption regarding heart attacks applies when a firefighter has attended an 'emergency response'not just when he's responded to an actual fire. As the facts indicate, this firefighter *did* attend an emergency response. Fortunately, the reported fire was a false alarm. But the firefighter, who was a captain, had no way of knowing there was no fire when the call came in. He had significant and stressful duties that were triggered as soon as the alarm sounded and regardless of how dangerous (or not) the situation turned out to be. Thus, the firefighter's heart attack should be covered by the presumption.

D is wrong because the firefighter doesn't have to be fighting a fire when he has the heart attack to have a compensable illness or injury. He simply must be engaged in work-related activities or be covered by a presumption in the workers' comp law. Workers' comp laws compensate workers for injuries or illnesses that arise out of their work conditions'not just their main duties. So for example, a firefighter could be exposed to hazardous chemicals while cleaning the fire engine and suffer breathing problems or be involved in strenuous activities during training that causes a heart attack. Such injuries would be compensable even though they aren't directly related to or incurred while fighting a fire.

Insider Says: For more information about compensable injuries, see the Workers' Compensation Compliance Centre.

SHOW YOUR LAWYER

Decision No.: 2014-0828, [2014] CanLII 72936 (AB WCAC), Dec. 9, 2014