

Presumptive workers' compensation benefits are rising in the U.S.

Firefighters, police and other public workers face hazards every day on the job – but not all of them are immediately apparent. For example, firefighters have increased cancer rates, and first responders must deal with the emotional trauma of the serious situations they live through. The nature of these injuries and illnesses can create challenging workers' compensation related claims, but in recent years legislators have moved to make it easier for these workers to obtain benefits.

One way legislators tackle this problem is by creating presumptions in workers' compensation statutes. Ordinarily, workers must prove that their injury is work related, but in some cases legislators have created presumptions that certain injuries or illnesses are work related, forcing the employer to prove that the injury or illness is not.

In 2011, Pennsylvania legislators passed the Firefighters Cancer Presumption Act, which creates a presumption that cancer is a work-related illness in a firefighter. Municipalities must prove that a firefighter's cancer was not caused by exposure at work. In addition, these claims can be filed up to 600 weeks back in some cases.

Pennsylvania is not the only state to create such a presumption. Numerous states have enacted similar presumptions, according to the National Association of Workers' Compensation Judiciary. And a recent [article in Business Insurance](#) noted that many states have granted presumptive workers' comp benefits for first responders, firefighters and similar workers who developed heart and lung

disease.

The Business Insurance article found that more expansive changes are happening in many states. Among them, advocates are pushing for more coverage of mental health conditions such as post-traumatic stress disorder. The article found that in 2013 at least three states passed mental health presumptions for first responders. Other states extended coverage for volunteer workers or added presumptions for certain types of cancer and infectious diseases.

Source:

- For more information on firefighter injuries, read our page about firefighters and workers' compensation claims.