



Backgrounder: Equal Treatment for Forest Firefighters

2024





The National Union of Public and General Employees (NUPGE) is a family of 13 Component unions. Taken together, we are one of the largest unions in Canada. Most of our 425,000 members work to deliver public services of every kind to the citizens of their home provinces. We also have a large and growing number of members who work for private businesses.

The office of the National Union of Public and General Employees is on the traditional and unceded territory of the Algonquin peoples and is now home to many diverse First Nations, Inuit, and Métis peoples.

We recognize the crimes that have been committed and the harm that has been done and dedicate ourselves as a union to moving forward in partnership with Indigenous communities in a spirit of reconciliation and striving for justice.

Bert Blundon, President

Jason MacLean, Secretary-Treasurer



Summary

The National Union of Public and General Employees (NUPGE) has long promoted the goal of equal treatment for workers who are firefighters, regardless of title, rank, or site location. This backgrounder provides information NUPGE has gathered to help ensure forest firefighters are treated as equal to other firefighters regarding pensionable earnings and pension accrual.

The current unequal treatment of *forest firefighters* (i.e., wildland firefighters) is rooted in their exclusion under the Public Safety Occupation provisions of the federal *Income Tax Act*.

This exclusion can be corrected by amending the definition of *firefighter* in the [National Occupational Classification](#) (NOC) to include forest firefighters. We are asking the federal government to include forest firefighters in the definition. Because this problem falls under the constitutional authority of the Parliament of Canada, it is one the federal government can solve, and without legislation.

The goal is to include forest firefighters under the Public Safety Occupation provisions of the federal *Income Tax Act*, and thereby accord them equality with other firefighters with respect to pensionable earnings and pension accrual. We are calling on the government to extend to forest firefighters the same pension tax rules, thus ensuring that all firefighters are treated equally.

The request is to amend the definition of firefighter under the Government of Canada NOC to include any worker whose main duties entail fighting fires in forests. Currently, the definitions in the NOC list “Exclusions,” one of which is “forest firefighter” (in [84111 Silviculture and forestry workers](#)).

In brief, under the National Occupation Classification, forest firefighters are not defined as firefighters. Instead, they are classified as silviculture and forestry workers. And even this description of main duties in 8411 does not accurately represent what forest firefighters actually do. This exclusion of forest firefighters from the official definition is not just trivial semantics. The narrow definition of firefighter directly harms the economic well-being of forest firefighters: it’s a built-in inequality. It does harm by denying similar pension rights to firefighters who work in forests compared to the pension rights of firefighters who work in other sites, such as airports, ships, and urban neighbourhoods.

Forest firefighters do dangerous and important work, and they deserve to be recognized as equal to other structural, or municipal firefighters. Regular exposures to harmful substances above occupational exposure limits mean it is unreasonable to expect wildland firefighters to experience health outcomes significantly different from those of structural firefighters. With climate change and population growth, we expect an increase in unprotected exposures to more toxic smoke. This ongoing and increasing risk to their long-term health deserves to be recognized.

Pensionable earnings and pension accrual

Under the *Income Tax Act*, there are rules set out for how much any worker can accrue toward their pension plan (pension accrual rate), and how early a worker is allowed to retire (the retirement age). The law sets the retirement age (i.e., the earliest any worker can draw on their pension plan) at age 55, and the pension accrual rate (the maximum a worker can accrue toward that pension) is 2.00% per year. The *Income Tax Regulations* stipulate that under a defined-benefit RPP, the maximum annual pension accrual rate applicable to any particular range of earnings cannot exceed 2.00%. An exemption is given “in the case of a member whose benefits are provided in respect of employment in a public safety occupation.”

In recognition of the inherent dangers of certain occupations, an exemption is made in the act for 5 categories of work deemed [Public Safety Occupations \(PSO\) as defined in 8500 \(1\)](#). In the tax regulations, a PSO is defined as “the occupation of a firefighter, police officer, corrections officer, air traffic controller, commercial airline pilot, or paramedic.” An individual working under one of those exempted categories can have a 2.33% pension accrual rate and can retire at age 50.

How are occupations defined?

The tax rules govern occupations, and the definitions of those occupations are published in an official Government of Canada document called the National Occupation Classification (NOC). It is concurrently published in French as Classification nationale des professions. The NOC is a systematic taxonomy of all occupations in the Canadian labour market. According to [Statistics Canada](#), the NOC was jointly developed by Employment and Social Development Canada and Statistics Canada, and has been maintained in partnership since the first edition was published in 1991/92.

The classification defines the “main duties” that firefighters perform. And the classification lists “Employment requirements” of firefighters. But a separate definition listed in the NOC is the occupation of “forest firefighter.” As mentioned above, the classification of firefighter thus specifically excludes the category of “forest firefighter.” The NOC defines them instead as silviculture and forestry workers.

Because of the way they are defined in the NOC, forest firefighters (i.e., wildland firefighters) are not considered to have a PSO designation. So, the issue is that forest firefighters cannot accrue pension at a higher rate or retire at an earlier age.

Amending the National Occupation Classification—Comparing structural firefighters and forest firefighters

The easiest way to include forest firefighters under the Public Safety Occupations, without having to amend tax regulations, is by amending the NOC. Taking into consideration the actual duties and employment requirements of forest firefighters, this exclusion from the

definition of Public Safety Occupations is not justified. Therefore, the NOC must be amended to remove the exclusion of forest firefighter. Until the exclusion under the NOC is removed, forest firefighters will continue to experience issues with the firefighting definitions in each province and territory.

There is no justification to exclude forest firefighters from the National Occupational Classification.

<p align="center">Firefighter as defined in 42101</p> <p align="center">Main Duties</p>	<p align="center">Forest Firefighter, excluded from 42101</p> <p align="center">Main Duties</p>
<p>This group performs some or all of the following duties:</p> <ol style="list-style-type: none"> 1. Respond to fire alarms and other calls for assistance, such as automobile and industrial accidents, bomb threats and other emergencies. 2. Rescue victims from burning buildings and accident sites. 3. Control and extinguish fires using manual and power equipment, such as axes, water hoses, aerial ladders and hydraulic equipment and various firefighting chemicals. 4. Administer first aid and other assistance. 5. Ensure proper operation and maintenance of firefighting equipment. 6. Prepare written reports on fire incidents. 7. Inform and educate the public on fire prevention. 8. Train to maintain high level of physical fitness. 	<p>This group performs some or all of the following duties:</p> <ol style="list-style-type: none"> 1. Respond to a variety of emergency calls related to wildfires, floods, landslides, and other natural disasters. 2. No. 3. Control and extinguish fires using manual and power equipment, such as axes, water hoses, firing devices, chainsaws, and aviation resources. 4. Administer first aid, primarily to other responders (all firefighters must have first aid and have assisted the public in numerous circumstances). 5. Ensure proper operation and maintenance of firefighting equipment. 6. Prepare written reports on fire incidents (Required for every wildfire). 7. Inform and educate public on wildfire prevention (a key deliverable for each fire zone). 8. Train to maintain high level of physical fitness (annual fitness testing).

<p>9. Assist the public, the police and emergency organizations during times of major disasters.</p> <p>10. May participate as members of a trauma or emergency response team and provide paramedical aid to accident victims or ill persons.</p> <p>11. May supervise and co-ordinate the work of other firefighters.</p> <p>12. May conduct building inspections to ensure compliance with fire code.</p>	<p>9. Assist the public, the police and emergency organizations during times of major disaster (Wildfire agencies are often relied upon to provide Incident Commander to manage these large-scale emergencies).</p> <p>10. No</p> <p>11. May supervise and co-ordinate the work of other firefighters (Many of Wildland firefighters supervise and coordinate work for numerous staff).</p> <p>12. May conduct inspections for ensure compliance with wildfire legislation.</p>
<p style="text-align: center;">Employment Requirements</p> <ol style="list-style-type: none"> 1. Completion of secondary school is usually required. 2. Completion of a college program in fire protection technology, fire science or a related field and a period of supervised practical training is usually required. 3. Firefighting and emergency medical care training courses are provided and vary in length depending on the requirements of different fire departments or services. 4. Certification for firefighters is compulsory in Nova Scotia, Quebec, Ontario, Manitoba and Alberta, but voluntary, in Newfoundland and 	<p style="text-align: center;">Additional Duties</p> <p>Tree falling (with chainsaws), ignition operations, low-level flight operations, working independently in remote locations, working on extreme slopes, etc.</p> <p style="text-align: center;">Employment Requirements</p> <ol style="list-style-type: none"> 1. Completion of secondary school is usually required. 2. Completion of <i>agency-specific wildfire training</i> a college program in fire protection technology, fire science or a related field and a period of supervised practical training is usually required. 3. Firefighting and emergency medical care occupational first aid training courses are provided and vary in length depending on the requirements of different wildfire agencies. fire departments or services. 4. Certification for firefighters is required by most Provinces to meet National Exchange Standards. compulsory in Nova Scotia,



<p>Labrador, Prince Edward Island, New Brunswick, Saskatchewan, British Columbia, the Yukon, the Northwest Territories and Nunavut.</p> <p>5. Experience as a volunteer firefighter may be an advantage</p> <p>6. Physical agility, strength, fitness and vision requirements must be met.</p> <p>7. Several years of experience are required for senior firefighters, such as lieutenants and captains.</p>	<p>Quebec, Ontario, Manitoba and Alberta, but voluntary, in Newfoundland and Labrador, Prince Edward Island, New Brunswick, Saskatchewan, British Columbia, the Yukon, the Northwest Territories and Nunavut.</p> <p>5. Experience as a volunteer firefighter may be an advantage. (although not a requirement we do hire a number of volunteer firefighters).</p> <p>6. Physical agility, strength, and fitness and vision requirements must be met.</p> <p>7. Several years of experience are required for senior firefighters, such as Crew Leaders, Crew Supervisors, and other Wildfire Officers positions. lieutenants and captains.</p>
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The table above provides a comparison of the actual main duties and employment requirements of firefighters and forest firefighters. Essentially the comparison shows significant overlapping similarities in the main duties and employment requirements listed in the NOC for firefighters and the duties and requirements of forest firefighters. The table has 2 columns. The first is the existing definition of a firefighter, as outlined in 42101 of the NOC, showing main duties and employment requirements. The second column outlines the main duties and employment requirements of forest firefighters.

What this comparison reveals is that the main duties are almost identical. Forest firefighters do not respond to fire alarms and other calls for assistance, such as automobile and industrial accidents. They do not rescue victims from burning buildings and accident sites, nor do they participate as members of trauma or emergency response teams or provide paramedical aid. On the other hand, they respond to a variety of emergency calls related to wildfires, floods, landslides, and other natural disasters. And forest firefighters have additional duties including tree falling (with chainsaws), ignition operations, and low-level flight operations.

And this comparison also reveals that the employment requirements differ very little: forest firefighters are not required to perform emergency medical care, and they are required to complete agency-specific wildfire training rather than a college program in fire protection technology.

Therefore, there’s no justification to exclude forest firefighters from the occupation classification in 42101 of the NOC, and therefore from the PSO designation.

NUPGE believes a correction is long overdue to reflect reality. This change in definition will give forest firefighters the same rights as other firefighters to earn a pension and retire. Given the small number of workers that would be covered, putting forest firefighters on an equal footing with structural, or municipal, firefighters would not be costly to government.

Danger, injury, and death

The vital work forest firefighters do across our country encompasses inherent risks, hazards, stress, and negative long-term health impacts. In many respects, these hazards are similar to those faced by their counterparts in other public safety and emergency professions such as firefighters, police, and paramedics. For example, like their counterparts in urban and municipal settings, forest firefighters “carry out firefighting and fire prevention activities, and assist in other emergencies,” and, as such, share almost identical duties and employment prerequisites with their colleagues listed under the NOC as firefighters.

In other respects, the hazards faced by forest firefighters are worse. This is because they are not just dealing with 1 or 2 infrequent and unpredictable events that might take place over a period of time. Forest firefighters are called on to work weeks, if not months, at a time in the fire hazard, with exposure to dangerous and life-threatening situations, as well as exposure to harmful and carcinogenic toxins day after day. These are the men and women who showed unwavering dedication during the unprecedented wildfire season of 2023 in communities from coast to coast to coast.

Yet, despite their responsibilities and sacrifices, forest firefighters find themselves unjustly excluded from the occupational category of firefighters.

Conclusion

By addressing this inequality in the application of the maximum pension accrual rate, the federal government would be recognizing the work forest firefighters do, the inherent risks of this occupation, and the long-term health toll that serving our country in this way entails. The workplace stress and hazards of this occupation have all too often meant that these workers are unable to enjoy a full and long retirement.

Removing the exclusion of forest firefighters from the National Occupation Classification category of firefighter would extend the definition of public safety occupations in the *Income Tax Regulations* to include forest firefighters. This will be further recognition of the contributions of these workers and will help them take another step towards retiring at an age that will allow them to enjoy a well-earned period of rest.