

You Have Safety Questions? We Have Safety Answers!

QUESTION # 23:

I am presenting material on legal liability of teachers to pre-service teachers, and my resources are primarily American. What are the legal responsibilities of Ontario teachers?

RESPONSE: Teachers have responsibilities primarily under two pieces of legislation, the Education Act and the Occupational Health and Safety Act. The exercise of due diligence by a teacher can be taken to mean that he or she has taken all reasonable steps to fulfill the duties and responsibilities imposed by these laws.

Under the Education Act, teachers are responsible for the health and safety of students in classroom activities. This is a defined duty of care in the Act. If a student is injured as a result of the teacher's breach of this duty, a civil suit for negligence may be pressed. For the teacher to be found liable, it must be proven that there was a duty of care in the circumstances, and that the injury was the direct consequence of the breach of the duty of care.

Under the Occupational Health and Safety Act, teachers are workers who have certain legal responsibilities to follow safety policies and procedures set out by the employer, the Board of Education. This includes policies on use of chemicals, safety procedures, etc. In addition, teachers have a responsibility to work in a safe manner so as to not endanger fellow

« « « By the STAO Safety Committee

The STAO Safety Committee welcomes enquiries, with respect to safety issues, from STAO members. Please send your questions to the Safety Committee Chair (refer to page 4 'Committee Chairs'). Your questions and the STAO Safety Committee responses may be published in *Crucible*, particularly if the information is deemed of general interest to other STAO members. Anonymity, however, will be guaranteed.

workers (teachers and support staff), and to use safety equipment that is appropriate to the work situation. The school principal and vice-principal are deemed the teacher's supervisors for the purposes of the legislation, and have a duty to ensure that the teacher is following the proper safety policies and procedures, and has been given appropriate safety instruction,

including information on jobsite hazards. In the event of a work related injury, a Ministry of Labour investigation would determine whether the employee, supervisor or employer had breached their duty under the Act, and criminal charges could be laid.



Watch for more safety questions and answers in upcoming issues of Crucible!