



# SAFE WORK



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## **Safety and Health of Students**

### ***Duties Under The Workplace Safety and Health Act***

#### **Responsibility for Safety and Health of Students**

A School Division or other educational institution, as an employer, is responsible for the safety and health of all students in the Division or at the institution, under section 4(2)(d) of the *Act*:

4(2) Without limiting the generality of an employer's duty under section (1), every employer shall...

- (d) conduct his (her) undertaking in such a way as to ensure so far as is reasonably practicable that persons who are not in his (her) service are not exposed to risks to their safety and health arising out of, or in connection with activities in his (her) workplace.

The Schools, as employers, must undertake their operation (the teaching of students) in such a manner so as not to expose students to risks to their safety and health.

Under this provision, safety and health precautions and practices in school programs, e.g. shops or labs, are identical to those required in other industrial/ chemical lab settings. The school is required to provide students with adequate and competent supervision as well as training and equipment to ensure students' safety and health. The school must ensure that safe work procedures are put in place and that students perform tasks in accordance with these procedures.

#### **Status of Students under the *Act***

Students in schools, including those who take "shops" or science labs in a traditional classroom setting, are not "workers" for purposes of the *Act*. Students are therefore not included for reasons of determining whether a safety and health committee or representative is required in a school. In addition, they would not fall under section 5 of the *Act* (duties of workers).

This would not be the case where a student is working as part of a work experience program sponsored by an employer/school division, or as an apprentice. For the time s/he is in the workplace, the student becomes a worker of the placement employer. As a school has a general duty to protect the safety of their students, it is important for the school to assess the workplace, work processes, and the training that students receive, prior to commencement of the student's work experience. In addition, employers have a duty to keep workers safe while in their employ.

While the apprentice or work placement student is working, it is clear that the employer is responsible for the safety and health of the worker. In the classroom, the school must ensure that their work practices, in teaching the students, do not put the students at risk.

**Role of the Teacher**

Although a teacher is required as part of his or her occupation to supervise the activities of students, this does not mean that the teacher is a “supervisor” as contemplated under section 4.1 of the Act. The “supervisor” provision under the Act applies to a person who supervises “workers”.

The teacher is a “worker” under the Act and has a duty under section 5 to ensure that his or her work does not put workers or other persons (students) at risk. A significant role of the teacher as a worker is to supervise students in his or her class. In this role, the teacher must ensure that the supervision he or she provides does not put students at risk. This would include ensuring that students are trained to perform tasks safely; that students use all safety devices and wear all protective equipment required; and that all equipment used by students is maintained, and safe.

In the case of a school, in appropriate circumstances, the activities of a school principal or a department head may be considered for purposes of the supervision of teachers or other workers at the school.

*The information contained in this document is intended as a general guide. It remains that the facts of each situation would have a bearing on the issue at hand.*