

At Home Cooking and Sewing Assignments – what are the liability issues? Can we be sued?

Liability Regarding Family Studies Courses and Other Secondary Courses:

OFSHEEA enquired from OSBIE the collective group that insures teachers throughout Ontario in public boards, about liability of we ask students to engage in practical assessments (e.g., food labs/cooking, fashion labs/sewing) at home. We received the following response:

“Teachers and staff working within the scope of their duties for the school board are covered under Ontario School Boards Insurance Exchange’s General (OSBIE’s) Liability Policy for claims alleging negligence. This applies regardless of how the education programming is delivered, 365 days a year, anywhere in the world.”

As such, the liability policy under OSBIE extends to all teachers* (including Family Studies (foods, sewing, interior design, etc.) regardless of the subject they teach. Home assignments fall under this clause and thus are insured.

*The exception is faculty students of education are not as of yet OCT’s thus there may be difficulty in proving due diligence has been taken under OSBIE. Thus it is advised by OFSHEEA that care is taken by students to choose appropriate “safe” assignments and this should be done with their associate supervisors.

Five Important Criteria to Ensure Teachers Are Insured Under OBSIE:

- I. be an OCT with a current license
- II. teach all relevant safety concerns to the students and test them in some manner that ensures the students comprehend the material**
- III. have a true learning outcome based on curriculum expectations for the assignment in question
- IV. tell administrators about special assignments such as field trips, complex experiments and home cooking assignments so there is a record and OBSIE insurance covers them with minimal questions
- V. contact parents so they have knowledge of assignments that could be dangerous (if they are offsite consent too should be given, if they are a minor)

** Please note that the safety documents at <https://ofsheea.education/ofs3hlc-resources/> have been cited in a legal cooking injury liability case as providing comprehensive safety training to students and as such the case was dismissed in court.

Disclaimer:

Please note that OFSHEEA is relating information from OSBIE and advice from two board superintendents on the issue of liability. OFSHEEA is a subject association made up of OCTs and as such we are not lawyers. Please do not take the above as a legal opinion. OFSHEEA will not be held liable situations that may arise from this. We also cannot offer advice to individual schools and members on situations unique to them. OFSHEEA’s prudent advice will always be to consult your school administrators, your board, and/or your union district representatives when in doubt. We would also like to remind our members of the many equity issues involved in having students participate in practical learning at home. Many students will not have access to the materials; equipment or space, needed to participate in these activities, and so they should be provided with an alternative.