

Teachers Transporting Students in Their Vehicles

OSSTF DOES NOT ADVISE MEMBERS TO TRANSPORT STUDENTS.

However, there will be circumstances that arise in which members will feel compelled to use their own vehicles to transport students. The following is based on the assumption that students are to be transported for a school-related activity.

The Highway Traffic Act imposes liability on the owner of a vehicle regardless of whether he or she was operating the automobile at the time of an accident. Therefore, teachers need to be aware that if they are driving a family vehicle owned by their spouse or partner, the owner will incur liability that may arise in the event there is an accident.

The Education Act stipulates that teachers must ensure that all reasonable safety procedures are carried out in courses and activities for which the teacher is responsible. The Board must make provision for insuring adequately the building and equipment of the Board and for insuring the Board and its employees and volunteers who are assigned duties by the principal against claims in respect of accidents incurred by students while under the jurisdiction or supervision of the board.

Automobile Insurance for Teachers

The Standard Ontario Automobile Policy (OAP #1) does not restrict coverage if a private passenger automobile is occasionally used for carrying students.

Teachers occasionally carrying students to and from events off site, who are using their personal vehicles automatically have coverage and would not be violating their policy. It should be noted that teachers should purchase more than the minimum \$200,000 of liability coverage if they intend to occasionally transport students. Indeed, it is advisable for members to carry the maximum amount of third-party liability coverage. Should an accident occur, the students would be covered under their parents' policy even though they were traveling in the teacher's automobile. Should their parents not have an auto policy; the teacher's policy would cover the students. Under No Fault Insurance, only serious injuries are permitted to be litigated. Should an accident occur which injured a student to the point where litigation was allowed, any subsequent liability suit would be settled using the teacher's auto insurance policy.

Employer liability coverage pays after the employee's liability coverage is exhausted where the employee was transporting students arising out of the course of the job.

If, however, the transporting of students is frequent or included in the scope of their duties, this could be considered carrying passengers for compensation and the coverage should be extended beyond the scope of the basic automobile policy. This is done by adding an endorsement called the Ontario Policy Change Form #6A, Permission to Carry Passengers for Compensation. A change in the premium would accompany this policy change.