



A Minute for Health & Safety

Issue #4 – March 2013

Duty of Care

Students, visitors and volunteers are not covered by the Occupational Health & Safety Act (OH&SAct), unless they are being paid for their efforts. However, York owes these individuals a 'Duty of Care' to keep them reasonably safe from harm.

Duty of Care: This is a legal obligation to take care not to harm others by act or failure to act (i.e. negligence). The care taken must meet a 'Standard of Care'.

Standard of Care: The degree of care which a reasonable person would exercise in similar circumstances so as to avoid exposing others to an unreasonable risk or harm. If a student, visitor or volunteer is injured as a result of York's absence to exercise a reasonable standard of care, the injured person has a legal right to seek compensation from the responsible party.

Does York have a Standard of Care to follow?

The OH&SAct could be held up as an existing health and safety model that should be replicated. The OH&SAct could be quoted as reasonable precautions and a duty of care. Therefore, lack of use of the OH&SAct could be used as demonstration of negligence.

Students are also a part of [York's Occupational Health and Safety Policy](#) and we all have a shared responsibility to report hazards and follow all policies and safe practices.

What can you do to exercise Due Diligence or demonstrate a Duty of Care?

- ✓ Communicate emergency procedures during your first lecture, lab, tutorial or workshop
- ✓ Be aware of any hazards in the classroom, laboratory or studio, and *come prepared*
- ✓ Provide direction on safe practices and monitor adherence to safety procedures
- ✓ Enforce the wearing of personal protective equipment
- ✓ Don't just dictate, but demonstrate....

Risk Management information related to Students, Visitors or Volunteers

Waivers: Unpaid students, visitors and volunteers are not employees and therefore they are not covered under WSIB. If they are performing duties on behalf of York, they must sign a waiver and hold-harmless agreement. See the guidelines at:
www.yorku.ca/finance/documents/Guidelines_for_Volunteers_on_University_Business.pdf

Accident Reporting: Although some Faculties have their own complimentary accident reporting form for non-employees, there is a standard incident reporting form for students, visitors and volunteers at:
www.yorku.ca/finance/documents/YU-IncidentReport_Non-Employee.pdf