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## THE ONTARIO SCHOOL BOARDS' INSURANCE EXCHANGE

Vol. 26 | Cooperative Education | 2015

# Special Edition – Cooperative Education

Any program that places students in a working environment will have inherent risks of injury, and part of the educational value of cooperative education programs should be to have all stakeholders – teachers, employers and students – identify, understand and manage these risks. Risk Management is not a one-time task – as programs and technology continue to grow, new fields of employment will be introduced, and with them, new risks will have to be identified and managed.

There is no question that the educational value of cooperative education programs outweighs most of the risks. However, school boards are expected to identify foreseeable risks associated with any school program, and take all reasonable steps to remove or manage those risks. If the risks are not understood, and new emerging risks are not identified and evaluated, school boards may be exposed to law suits, but perhaps more importantly, students may be exposed to unnecessary risk and preventable injuries.

This special edition of the Oracle newsletter is dedicated to increasing the awareness and understanding of the risks associated with cooperative education and experiential learning programs, and to promote good risk management practices in managing this very important aspect of school board curriculum.

David Beal, Director of Risk Management

## Risk Identification – Where are YOUR Risks?

The risk management process always starts with identifying where your historical sources of loss are. The total risk, however, is not restricted to the actual claims that have occurred, so it is also important to be aware of what elements of risk are also present which may cause injuries for each job category. It is quite possible that the biggest risk may be from a loss that hasn't occurred yet.

The largest sources of loss are from co-op students causing damage to property owned by employers or their customers, and from damage caused as the result of automobile repairs. The third category involves injuries caused to another person (other than the co-op student).

1. **Third Party Property Damage** – These claims are the result of co-op students damaging employers' equipment or customers' property left for repair. Usually such damage is the result of inexperience which might be characteristic of any new worker. These types of claims emphasize the need for diligent supervision at the work site by the employer to ensure the student has been trained to operate equipment or to handle customer's property during the work placement.

2. **Damage to Non-owned Automobiles** – The claims incurred under this category usually arise from poor workmanship, inadequate supervision or carelessness in handling tools around vehicles. Not tightening wheel lug nuts, dropping tool parts inside motors or onto finished surfaces, improper use of hoists or equipment, filling with incorrect fluids, etc. are regular causes of loss in co-op education placements.

3. **Bodily Injury** – These losses are the result of other persons (third parties) being injured by the negligent acts of the co-op students while performing their job duties – this category does not include work-related injuries to the students themselves, as that is covered under WSIB.

Co-op students are listed as named insured under OSBIE's liability policy and will be covered for acts of negligence that cause injury to another party while working within the scope of their co-op duties. These are work duties as outlined in the Personalized Placement Learning Plan (P.P.L.P.) and/or Work Agreements.



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# Risk Assessment

All risks are not equal, and consequently, the level of response to risk will vary. To effectively manage risks, a template should be established to differentiate between the extremes of serious, imminent, life threatening risks to low probability events that cause little or no harm.

Assessing risk is not an exact science, and is based on both qualitative factors (based on knowledge of hazardous elements) as well as quantitative factors (frequency and/or probability of loss occurrence). While there are various risk assessment models designed to address different categories of risk, the simplest and most effective method for educational risks is based on using 3 categories of risk level, defined as follows:

**Low** – There is an identifiable risk of a loss occurring, but it is either unlikely to occur or would not cause serious injury/damage. Some characteristics of low risk factors for co-op placements include, but are not limited to: office work, computer programming, sedentary activities, low-impact physical exertion, walking, reading/research activities, etc.

**Medium** – There is a known risk associated with the activity that may cause a loss to occur on a regular basis, but you can take steps to remove or reduce the risk. Some characteristics of medium risk factors for co-op placements include, but are not limited to: moderate physical activities (e.g. lifting), retail/warehouse operations, delivery vehicles (passenger/helper), operating light/medium tools/equipment, etc.

**High** – The nature of the activity or the presence of obvious hazards results in a High probability of a loss occurring with catastrophic results (high severity); it is foreseeable that a loss will occur, and/or you have no control over the risk elements that are present. Some characteristics of high risk factors include, but are not limited to: fall heights exceeding 8 feet, severe weather conditions, high speeds, uncontrolled/free falls or jumps, strong water currents or tidal effects, students driving vehicles, etc.



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## More on High Risk Work Placements

Industrial workplaces can have high risk elements present, and co-op programs should not place students in high risk situations. Often, work duties can be modified to remove high risk elements while still providing a beneficial co-op education experience for the student. If such modifications are not possible, then the placement may not be appropriate, or special rules, training or supervision may be required.

Some examples of work elements that are considered high risk include, but are not limited to the following:

- Emergency first responders – riding with police, ambulance, fire or rescue teams;
- Ground or air crew member for any aircraft;
- Activities involving the handling of nuclear or other hazardous materials or chemicals;
- Use of heavy machinery, ensure that site specific safety training is arranged/ provided;
- Medical labs – exposure to hazardous bacteria, Hepatitis, AIDS or HIV;
- Also consider, excessive fall heights, exposure to blood or bodily fluids, exotic animals;
- Where driving personal, employer's or customer's vehicles is required.

## Risk Management Strategies for Cooperative Education

From the loss information and level of risk assessment for the co-op placement, we can look at the risk management strategies that can be used to address cooperative education risks.

The three most common ways to manage cooperative education risks:

1. **Avoid the Risk** – While total avoidance is the most effective means of managing risk, it is usually reserved for high risk settings where the job duties cannot be adjusted or there is no control over the hazards present. The avoidance strategy can be partially applied by focusing on the few high risk duties a student may be exposed to at the placement and modifying or removing those duties.
2. **Control the Risks** – This is the most common approach to risk management once unacceptable risks have been removed. This involves placing policies, procedures and rules around how your board's cooperative education program will be operated, taking into consideration the risks that have been identified in the first step of the process. Some risk control elements as they relate to cooperative education programs may include:
  - Visit the work site – watch for poor housekeeping, safety violations, employer attitude about safety;
  - Watch for work environment hazards –dust, chemicals, explosion, heat, etc.;
  - Ensure site-specific WHMIS and Health and Safety training is provided to the students by the employer;
  - Make sure students understand that they are responsible for their own transportation to/from the workplace;
  - Co-op students operating employer/customer vehicles or operating motorized equipment is considered high risk and is generally not recommended. (NOTE: There may be exceptions, such as agriculture placements where operating vehicles is essential. Students in these placements where driving/operating machinery is required should be properly trained, authorized by law to drive and provided with appropriate supervision while performing these duties. Employers should be informed that their insurance responds to any claims arising from the operation of licensed motor vehicles.)
  - Work Plans – ensure that all work plans are updated periodically.

3. **Transfer the Risk** – This risk management strategy involves the use of a contract, agreement or insurance policy to transfer the risk to the responsible party. The presence of another insurance program can provide a primary level of protection for the school board's insurance policy from a claim. The two most common forms of risk transfer for cooperative education programs are:

- a) W.S.I.B. – The provincial Ministry of Education carries coverage with the provincial Workplace Safety and Insurance Board (WSIB) for any student enrolled in a cooperative education program. This provides accidental injury benefits to a student who is injured while performing his/her work duties as part of the co-op placement.
- b) Student Accident Insurance – As a complimentary benefit to school boards carrying their program, some Student Accident Insurers (SAI) extend basic accident benefit coverage to students engaged in cooperative education programs – usually there is no need for the student to sign up or to pay any premium. Check with your Student Accident Insurer to confirm if this is in place at your school board.



## OSBIE's Insurance Coverage for Cooperative Education Programs

1. **Liability Insurance** – Through the school board's liability insurance provided by OSBIE, coverage is provided to students engaged in a specified cooperative education, work experience, job shadowing or "Take Our Kids to Work" program. If an employer is sued for alleged negligence arising out of a student's involvement in the co-op program, they are protected.

If an employer involves a student in work or activities outside the program, coverage is not extended. For example, an employer may hire a co-op student to work after hours, or to perform duties that are not defined in the P.P.L.P./Work Agreement. As these activities are not part of the co-op

education program, there is no coverage through the school board's liability insurance. This emphasizes the need to accurately document the duties that are defined as part of the student's placement at the work site. If there are changes to these duties or work hours, an amendment should be made to the work agreement/plan.

### 2. Non-Owned Automobile Insurance for Cooperative Education:

- a) Working on a Non-Owned Vehicle – Students will be protected for accidental and negligent damage they cause to a non-owned vehicle (i.e. not owned by the school board, the employer, the student or a member of the student's household) while working on it, subject to a \$250 deductible.
- b) Driving a Non-Owned Vehicle – Coverage for Third Party Automobile Liability AND coverage for physical damage to the vehicle being driven by the student is NOT extended to students on work experience programs. Driving an employer's or a customer's vehicle is deemed to be part of the employer's business activities – not the school board's, and therefore, no coverage is provided. The co-op teacher and the employer should clearly understand this fact and ensure that the student will be covered under the employer's insurance if it is deemed necessary for the student to drive. Employers should confirm with their insurer that there are no age restrictions for drivers on their automobile policies.

3. **Damage to Property of Employers** – The board's liability policy extends coverage to students who damage property in their care, custody and control while involved in a cooperative education or work experience project, subject to a \$100 deductible. It should be noted that there is no coverage for intentional damage, dishonesty of students or errors & omissions.

## Risk Management Tips for Cooperative Education Programs

- Visit the work site.
- Watch for work environment hazards, poor housekeeping, lack of safety culture, etc.
- Ensure site-specific WHMIS and/or Health and Safety training is provided by employer.
- Make sure students understand that they are responsible for their own transportation to/from the workplace.
- Driving vehicles or operating motorized equipment is high risk – avoid if possible, but if exceptions are made, ensure that students are properly licensed, and inform employers that the board's insurance does not provide coverage for students operating employer's or customer's vehicles.
- Watch for new risks arising from new programs, technologies, etc.
- Co-op students working outside normal school hours should be able to contact an on-call co-op teacher for assistance, if required.

## Frequently Asked Questions

### 1. If the employer doesn't have WSIB coverage (ex. farmer) will the student still be covered in case of a work place injury?

Yes – The provincial Ministry of Education and Training carries coverage with the provincial Workplace Safety and Insurance Board (WSIB) for any student enrolled in a cooperative education program. This provides accidental injury benefits to a student who is injured while performing his/her work duties as part of the coop placement or work experience.

### 2. Are co-op students covered for getting to and from their placement?

No – much like getting to and from school, OSBIE does not provide any insurance coverage during this time, nor does WSIB. The only exception to this rule is if getting to and from the placement is part of the student's program, i.e., students with special learning needs.

### 3. Should the teacher arrange transportation for the co-op students?

No – Students are responsible to arrange their own transportation.

### 4. The student is working in addition to the co-op hours and getting paid by the employer. How does this affect the insurance coverage for their negligent acts?

When the student is working outside of the scope of the co-op program and being compensated by the employer, they are considered a regular employee. Liability coverage through OSBIE is not in place.

### 5. Are co-op students covered while driving golf carts, ATV or tractors?

Allowing students to operate motorized vehicles of any kind is not recommended. However, OSBIE's liability insurance would respond if property damage or injury to a third party occurred while the co-op student was operating any motorized vehicle **not** licensed for the road. These work duties would need to be approved by the teacher and documented in the Work Agreement/P.P.L.P.

## Additional Resources & Links

### Ontario Cooperative Education Association (OCEA)

- Visit their website for resources, symposiums, conferences, regional events and their newsletter at: [www.ocea.on.ca](http://www.ocea.on.ca)

### Workplace Safety and Insurance Board

- Live Safe! Work Smart! – [www.livesafeworksmart.net](http://www.livesafeworksmart.net)
- Passport to Safety – [www.passporttosafety.com](http://www.passporttosafety.com)

### Workplace Safety & Prevention Services

- Summary of *Bill 18, Stronger Workplaces for a Stronger Economy Act*: <http://www.wsps.ca/Information-Resources/Articles/New-law-employers-responsible-for-workers-safety.aspx>

### Ministry of Education

- Workplace Safety and Insurance Coverage for Students in Work Education Programs (PPM 76A) – [www.edu.gov.on.ca/extra/eng/ppm/76a.html](http://www.edu.gov.on.ca/extra/eng/ppm/76a.html)



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