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THE ONTARIO SCHOOL BOARDS' INSURANCE EXCHANGE

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## *Special Edition!*

# COOPERATIVE EDUCATION

**E**ven before the “Great Recession” of 2009, the shortage of skilled labour in the technical trades was identified as a major challenge by both government and labour groups. To help with any phase of the economic cycle, and for a strong economy to prevail, there must be a steady stream of skilled workers entering the work force.

For many workers, cooperative education programs offered by high schools gave them their introduction to apprenticeship opportunities that have resulted in productive and rewarding careers. For many other students, cooperative education programs provided them with valuable life skills and different job experiences that helped them find employment that matched their interests and abilities. No matter what the scenario, cooperative education programs have clearly become one of the most effective practical methods of bringing potential employees together with potential employers – and all indications are that the demand for this will continue to grow over the coming years.

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.

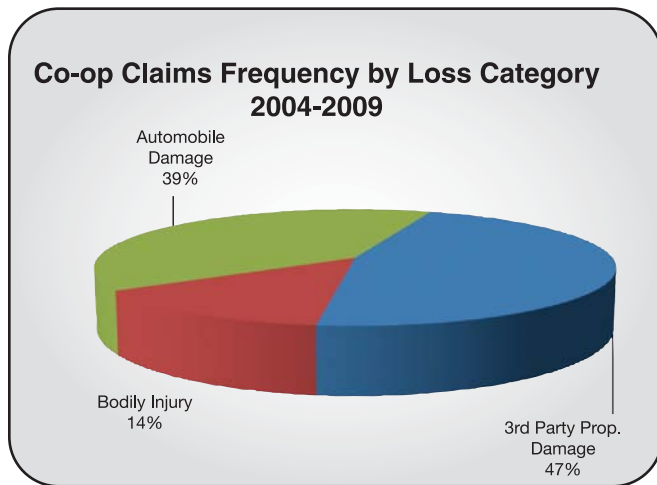
There is no question that the educational value of cooperative education programs outweighs most of the risks. However, school boards are expected to identify foreseeable risks associated with any school program, and take all reasonable steps to remove or manage those risks. If the risks are not understood, 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, as noted in Exhibit 1. 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.

Based on Exhibit 1, the two 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 involved injuries caused to another person (other than the co-op student).

Exhibit 1



**Third Party Property Damage**

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.

**Third Party Property Damage** – These claims are the result of co-op students damaging employer's 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. Property damage caused by negligent acts while in the care, custody and control of students while taking part in work experience, cooperative or other similar on-the-job education programs is covered under OSBIE's liability policy and subject to a \$100 deductible for property, other than automobile.

**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. These claims are subject to a \$250 deductible. 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.

while performing their job duties – this category does not include work-related injuries to the students themselves, as that is covered under WSIB.

**Bodily Injury** – These losses were the result of other persons (third party) being injured by the negligent acts of the co-op students

Co-op students are listed as a 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).



# Cooperative Education Claims Examples

The following are examples of typical losses that arise from cooperative education programs:



## The goals of an effective Cooperative Education Program

An effective Cooperative Education or experiential learning program should have the following goals:

- (1) The safety of the students;
- (2) Making the program a beneficial educational experience for the students;
- (3) Establishing and maintaining good relationships with participating employers.

## Claim Example # 1 - Personal Injury to a customer (third party)

A co-op student was removing an ultrasound machine from a client when the client received an electric shock to his hand. The claimant sustained an electrical burn and stretched ligaments; his hand was splinted for 6-8 weeks.

**Outcome: Claim paid**

## Claim Example # 2 - Damage to Customer's Property (Third Party Property)

A co-op student was at his auto shop placement when he incorrectly performed an oil change resulting in damage to the vehicle's engine.

**Outcome: Claim paid**

The co-op student had been in the shop for four months and had done numerous oil changes with no prior problems. The student had received

the proper training from the auto shop supervisor and was performing duties as outlined in his P.P.L.P. The damage to the vehicle's engine was sustained as a result of the negligent act of the co-op student which is covered under OSBIE's liability policy. The engine was replaced with like kind and quality less the applicable deductible of \$250.

## Claim Example # 3 - Driving Customer's Automobile

While working at the co-op placement, the student drove a customer's vehicle into a garage door, resulting in damage to the business owner's garage door and the customer's vehicle.

**Outcome: Claim Denied**

OSBIE's non-owned automobile insurance policy **does not** extend to protect co-op students or their employ-

ers when co-op students are driving an employer's vehicle or a vehicle belonging to a customer of an employer. The co-op student would be driving a vehicle on the business of the employer, not the school board. Students who drive vehicles of employers or customers while on co-op assignment do so at the employer's risk.

## Claim Example # 5 - Operation of Golf Cart

While working at a golf course the co-op student lost control of the employer's golf cart crashing it in one of the course's ponds. The golf cart was a total loss.

**Outcome: Claim paid**

Damaged to or caused by golf carts, tractors or lawn mowers are covered under OSBIE'S liability policy subject to a \$100 deductible. Operation of a vehicle can be high risk - if operation of this equipment is essential to the educational component of the placement, proper training and supervision is highly recommended. Any claim arising out of operation of a vehicle licensed for the road (car, truck, van etc.) is excluded (see example #3).



## Claim Example # 4 - Theft of Customer's Property

A co-op student allegedly stole a ring while working on site during a home repair placement at a customer's residence. **Outcome: Claim Denied**

OSBIE's liability policy would not respond to any claims of theft or any other intentional acts - this is excluded under the policy. This includes property belonging to the customer or the employer.

# Risk Assessment



## High Medium Risk

The cooperative education risk characteristics of this sub-category include, but are not limited to: exposure to hazardous materials (e.g. carcinogens, chemicals, etc.), contagious diseases (e.g. HIV, Hepatitis, West Nile, H1N1, etc.), EMS response vehicle ride-along, unsupervised over-night stays, travel in non-commercial aircraft, etc.

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.

There is also a sub-class in this category called “**High Medium**”, which applies to activities where relatively few losses occur, but because of the nature of the hazards, can result in catastrophic types of losses occurring. Activities under this sub-category need to be carefully consid-

ered, and if selected, managed with more caution than the medium risks. The cooperative education risk characteristics of this sub-category include, but are not limited to: exposure to hazardous materials (e.g. carcinogens, chemicals, etc.), contagious diseases (e.g. HIV, Hepatitis, West Nile, H1N1, etc.), EMS response vehicle ride-along, unsupervised over-night stays, travel in non-commercial aircraft, 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.

## 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:

- Law enforcement patrols - accompanying police officers on foot patrol duty, or first response ride-along;
- Emergency response – ride-along

with ambulance, fire or rescue teams;

- Member of an air crew on any type of aircraft, or duties that require student to be flying;
- Activities that involve the handling of nuclear or other hazardous materials or chemicals;
- Medical laboratories – exposure to hazardous bacteria or viruses, such as Hepatitis, AIDS, HIV, influenza, etc.
- Activities that place students in dangerous environments resulting from noise, pollution, chemical reactions, blast furnaces, wild animals, fall heights, or the use of dangerous equipment;
- Driving automobiles.

# Risk Management Strategies for Cooperative Education



**F**rom 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:

**Avoid the Risk** - This is the most effective risk management strategy in that avoiding placing a student at a jobsite removes all risk of an injury arising from it. 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.

**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 co-operative education programs may include:

- Visit the work site – watch for poor house-keeping, 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 work-place;
- Co-op students operating employer/customer vehicles or operating motorized equipment is considered high risk (See Exhibit 1) and is generally not recommended. (NOTE: There may be exceptions, such as agriculture placements where operating vehicles is essen-

tial. 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.

**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:

**WSIB** – 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.

**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.



## Workplace Safety and Insurance Board

**WSIB** – The provincial Ministry of Education carries coverage with the provincial Workplace Safety and Insurance Board (WSIB) for any student enrolled in a co-operative 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.



## Job Shadowing

WSIB coverage is not provided to students involved in other work experience programs like “Take Our Kids to Work” or job shadowing programs.

# Insurance Coverage for Cooperative Education Programs

**L**iability 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. 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.

## Workplace Safety and Insurance Board (WSIB)

– Coverage is provided under the Workplace Safety and Insurance Board to cooperative education students through the Ministry of Education. Students are NOT covered while in a classroom or shop when acting as a teacher’s aide, or when travelling to or from the training station. WSIB coverage is not provided to students involved in other work experience programs like “Take Our Kids to Work” or job shadowing programs.

Workplace accidents must be reported in accordance with the rules set by WSIB.

## Student Accident Insurance

– Students who are injured accidentally while participating in a coopera-



tive education placement on the job site may be able to claim under Student Accident Insurance. Student Accident insurers usually extend coverage to students who are on work experience projects, even if the student has not voluntarily purchased the insurance – contact your board’s student accident carrier for confirmation that this is provided

## Non-Owned Automobile Insurance for Cooperative Education:

### 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.

### 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. Employer’s should confirm with their insurer that there are no age restrictions for drivers on their automobile policies.

## 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.

# Emerging Trends in Cooperative Education

**C**ooperative education programs are constantly evolving – new job sectors are opening up, new innovations are being developed to bring potential workers together with potential employers, or to give students alternative means to earn credits and diplomas.

**Paid Co-op** – This type of program can take many different forms, but usually the key element is that a student can earn a curricular credit for working a specified number of hours at a regular paid job. While this may be one of the most flexible ways for credits to be earned, there are many gray areas that can arise with respect to the school board maintaining control over issues like supervision, proper completion of P.P.L.P. documents, and agreement on restrictions of high risk job duties, etc.

**Adult Co-op** – This type of program may have some similar features to the paid co-op program, but is primarily geared to attract adults back to re-train or earn outstanding diploma credits. Since the student base in this sector are all adults, there are

different requirements and expectations for supervision levels, training requirements, discipline, assessment of job placement risk factors, and restrictions on operating motor vehicles, which school boards must address.

## **New initiatives promoting targeted industry sectors –**

Such initiatives may promote co-op placements into areas which are being expanded or are experiencing labour shortages, such as Police, Fire, EMS, etc. Caution is recommended, however, as these placements may have high risk components, such as emergency response ride-along, patrols (foot/car), crisis/disaster response, or violent situations that may not be appropriate for a school program.



## **Risk Management Tips for Cooperative Education Programs**

- Visit the work sight.
- 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 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, technology, etc.
- Co-op students working outside normal school hours should be able to contact an on-call co-op teacher for assistance, if required.



## **WHMIS**

**Ensure site-specific WHMIS and/or Health and Safety training is provided by employer.**

# Frequently Asked Questions

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

Yes - 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 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, ie, 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. (exception may be necessary for special needs students).

**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 pro-

gram 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, in cases where it is deemed a necessary component of the work placement, 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 P.P.L.P.



## Additional Resources & Links



### Ontario Cooperative Education Association (OCEA)

The Ontario Cooperative Education Association (OCEA) is a not-for-profit professional organization of Ontario Cooperative Education and Experiential Learning Professionals. It strives to provide the leadership and vision needed for optimal professional development of its members. The Association also develops and facilitates access to information, resources and other supports relevant to OCEA members and other Experiential Learning Professionals in the province of Ontario, while supporting excellence in the education of all students in Ontario.

Visit their website for resources, symposiums, conferences, regional events and their newsletter

[www.ocea.on.ca](http://www.ocea.on.ca)

### Ministry of Education

Expansion of Cooperative Education and Other Forms of Experiential Learning

### A Toolkit for Ontario Secondary Schools:

<http://www.edu.gov.on.ca/eng/teachers/studentsuccess/expansion.htm>

### Resources:

E-cooperative education – resource manual

<http://www.edu.gov.on.ca/eng/teachers/studentsuccess/ecoopEducation.pdf>

Sample P.P.L.P.s

<http://www.edu.gov.on.ca/eng/studentsuccess/pathways/pplp/samples.html>

### Co-op Policy Document

<http://www.edu.gov.on.ca/eng/document/curricul/secondary/coop/cooped.pdf>

### 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 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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