

Use of Member's Own Vehicle to Drive Students to Board-Sponsored Events

A member cannot be required to “volunteer” his/her own vehicle for a field trip or board-sponsored event. This is not a reasonable requirement for an employee. The board is responsible for hiring drivers or school buses, or for arranging any other form of reasonable transportation for the students. This is not the member's responsibility. It is ETFO's advice that members should not volunteer to drive students to or from field trips or board-sponsored activities.

Insurance Coverage and Liability

The reasons for this are many: by volunteering to drive, the member is assuming a risk above and beyond the normal risk associated with your employment, and with supervising field trips. The member may be sued in his/her own name, and his/her own insurance will become implicated if there is an accident. This may mean that the member will be personally liable to a student if an accident occurs, and there is insufficient insurance coverage. The board's insurance will not necessarily suffice to cover a member in the event of an accident. Whether or not the member's own insurance would cover such an accident, if a successful claim were made against the member, his/her premiums would rise exponentially, and he/she may be uninsurable in the future.

Allegations

There are other implications for members in these circumstances. If a member drives students to and from events in a personal vehicle, the member may expose himself/herself to allegations from students of improper behaviour in the vehicle. In these circumstances, ETFO may not provide coverage for this member as it has been ETFO's long standing advice that members must not volunteer their own vehicles, or drive students around either during or after school hours.

WSIB

There may also be Workplace Safety and Insurance Board (WSIB) implications. If a member is in an accident, and becomes injured while driving students, a legal question arises as to whether the activity was “in the course of his/her duties.” He/she may not be covered by WSIB payments.

Advice to Members

In summary, members should NOT volunteer to take their own cars. The risk of a negligence claim is high and there are many other implications. The board is responsible for ensuring adequately trained drivers and transportation for board-related events. If a member does offer the use of a private vehicle, the board should provide that member with an indemnity, and with full insurance coverage in the event of any accident. Even this latter measure will not fully cover off all of the issues.

If the board insists that members volunteer their cars, the Federation should be informed.

For more information, contact Professional Relations Staff at 416-962-3836 or 1-888-838-3836 at the provincial office.