

Childrens' Safety Is Not Something to Bargain With



Darcy

Darcy is a lawyer with Boland Howe LLP, Trial Lawyers for the Injured, and can be reached at 905.841.5717

www.bolandhowe.com

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Dear Ontario Secondary School Teacher's Federation (OSSTF) and school boards across the province:

Since Monday, October 6, 2015, the front doors and controlled entry systems of Halton's and Ottawa's public English elementary schools have been turned off as part of negotiation strategies between the union and the provincial government.

City News quotes Jo Dean, an executive officer with the OSSTF as saying that the task of controlling access in schools "has been downloaded on [the secretarial staff] and it just interrupts the day constantly."

The CBC interviewed Cindy Dubue, the vice president of the OSSTF, who downplayed the risk faced by students by saying "there are schools

in Ottawa that don't have buzzer systems." She also blamed the Ottawa Carlton District School Board for not finding an alternative once the secretarial staff stopped controlling access. And she argued that half security measures were better than a complete stoppage of school services.

Regardless of the deeply held positions at play in the negotiations, I encourage you to reverse your decision pertaining to the safety of the students. Keep schools locked and children safe.

Everyone knows from watching our U.S. neighbours that elementary schools are vulnerable targets for the nefarious. And everyone knows that while the prevalence is low, the outcomes are horrifying.

In Ontario, police stations, courthouses and federal Parliament have well controlled access. It was only October 22, 2014 that the nation was shocked by a series of shootings on Parliament Hill, and the ease with which a gunman was able to enter Centre Block. Schools in Canada have not been immune to atrocities. The potential outcomes to the families should be enough for such a negotiating tactic to be unthinkable.

If that is not enough, then consider how the law would treat unions and school boards if the worst case came to pass? Both organizations owe duties to the children for whom they are entrusted. That duty is a high one. It is a fiduciary duty, of utmost good faith. In law, teachers and school boards are considered to be in the position of each child's parent.

Should the worst come to pass, it is not an answer to say that some schools have buzzers and others do not. It is not an answer for both parties to blame the other and leave the doors open. It is not an answer to suggest that the inconvenience of a staff member justifies exposing children to such harm.

The scope of potential claimants could be as large as the entire family of every student at the school. After a court struggles to quantify the loss to each discrete family and victim, the court would then consider punitive damages. These damages target not loss, but conduct. The defendant's wrong is considered directly and separately in order to assess its severity and, accordingly, the appropriate degree of punishment. The other forms of damages look to the loss of the plaintiff, but punitive damages refer essentially to the degree of culpability of the defendant's action. The punitive damages would be precedent setting.

How large? In the seminal case of Pilot v Whiten, the Supreme Court of Canada upheld a \$1,000,000 punitive award against an insurance company that alleged its insured was an arsonist, when the evidence showed the opposite. That was one family and one insurance company, over damage to a reputation. How much greater would the punitive damages be for the avoidable ruin of a community.

This is not a case that society ever wants to see happen.

Please, please, reconsider.

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and 4 ~ 5:30 pm:

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2 pm & 7 pm:

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