

Children in the Workplace - Risks and Liabilities



On November 7, 2001 over 400,000 students and over 75,000 workplaces across Canada will be taking part in the annual "Take Our Kids To Work Day".

During last year's event on November 1, 2000, two grade 9 students taking part in "Take Our Kids to Work Day" at a Deere & Co. farm-equipment plant in Ontario were killed when the plant vehicle they were driving crashed into a parked trailer. This unfortunate accident has prompted many organizations to question: what are the risks involved in inviting children or other vulnerable visitors into the workplace, and what is our potential liabilities regarding them?

Take Our Kids to Work Program was started in 1994 in the Greater Toronto Area by The Learning Partnership (www.tlp.on.ca) and has since grown to a nation-wide event. Grade 9 students participate in the program in conjunction with Provincial curriculum guidelines which include career education at this level. It is an opportunity for students to get insights into the business world and see first hand some of the practical applications of what they learn in school.

In response to last year's tragedy, The Learning Partnership has assembled an expert safety panel to review health and safety guidelines for students participating in the program. Their mandate is to share best practices, review how workplaces currently participate in the program, and develop recommendations to strengthen the program's current workplace safety guidelines. Their findings can be viewed in full by visiting www.tlp.on.ca and following the links to the TOKW Expert Panel Report. The Learning Partnership has also developed a new Workplace Guide for 2001 with a stronger emphasis on health and safety in the workplace, which is available on the TLP website. It is strongly recommended that your workplace review this document prior to the event.

Below we have summarized some suggested measures, which may help mitigate risks to participating organizations:

Safety Measures:

- Publicize Take Our Kids to Work Day on employee bulletins, newsletters, etc. to make all employees aware that there will be young visitors in the workplace.
- Develop a formalized agenda for the children, which outlines the activities planned for the day. This should include where they will be going, what they will be doing, rules of behavior, safety procedures, and appropriate dress code for safety, hygiene and security reasons.
- Conduct an orientation session for visitors (both children and others who may accompany them) upon arrival.
- Supervise visitors at all times and ensure employees are clearly aware of which child/children they are responsible for.
- Only invite children into environments that are demonstrably safe, and restrict activities based on hazard level and activities to which the child has been properly oriented.
- Maintain housekeeping standards at a high level during their visit.
- Where applicable, ensure children understand the importance of respecting confidentiality.

These measures can be adapted to virtually any situation where a child or other vulnerable visitor is invited into the workplace, (e.g., facility tours, co-op programs, etc.).

Organizations that choose to participate in programs such as Take Our Kids to Work Day, should recognize the associated responsibility for each child's safety. While students may have submitted permission forms signed by a parent or guardian to participate, these are not guaranteed waivers of liability. Finally, in addition to these suggestions, if you have questions regarding insurance and liability you should consult counsel and your Marsh Canada Limited Client Executive.