

**LEGISLATION**

Under the Education Act, a Principal has a duty “to give assiduous attention to the health and comfort of the pupils” while under the Teaching Profession Act, a teacher has a duty to concern himself/herself with the welfare of pupils while they are under his/her care. In addition, the Regulations provide that a teacher has a duty to the public “to promote respect for human rights”.

The Ontario Human Rights Code prohibits discrimination because of handicap. The Ontario Human Rights Commission policy statement on HIV/AIDS-Related Discrimination recognizes AIDS as an “illness”. This means that all persons infected with AIDS or any HIV-related illness are entitled to equal treatment in respect of employment contracts and the provision of goods, services, and facilities, and are protected from workplace harassment. The Code also imposes a duty on an employer to accommodate the needs of a disabled employee, including HIV-infected employees. The Commission emphasizes that the dignity of the disabled person must be taken into account in determining what accommodation measures are appropriate.

School Boards are bound by the provisions of the Municipal Freedom of Information and Protection of Privacy Act. It prohibits a school board from using personal information except with the consent of the person to whom information relates, in compelling circumstances affecting the health or safety of an individual or in compassionate circumstances to facilitate contact with the next of kin or a friend of an ill person. Under the Act, personal information includes information that is not recorded and that is otherwise defined as “personal information” under the Act. Collection of personal information must be expressly authorized by statute, used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity.

Under the Occupational Health and Safety Act, employees have a right to refuse unsafe work, in accordance with the terms, conditions and limitations outlined in the legislation.