

AXIS SCHOOL PROTECT

Welcome Back!

A Risk Management Brief for Education Reciprocal, Public & Separate Schools & Independent K-12 Schools across Canada

Back to School 2026 Fall Edition | Volume 2 | Public · Separate · Independent · Reciprocal

From the Newsroom — Proudly Canadian Led. Deeply Embedded. Built for Canadian Education.

The buses are running again, the timetables are set, and somewhere in every division a risk register is quietly out of date. This edition looks at three things that changed over the summer while everyone was on holiday: a criminal law change that came into force on July 18, a bullying decision that boards won but should not celebrate, and Canada's own transportation data reminding us where children actually get hurt — not on the bus, but beside it.

Axis Insurance Managers is a Canadian operated brokerage, not a branch of a U.S. parent or part of a global conglomerate. Our advisors, actuaries and service teams are embedded in Canada and connected to the education sector. And because it is September, we have put a quiz on the back page. Staff room bragging rights are on the line.

LEGISLATION

The Combatting Hate Act, Now In Force

Bill C-9 landed on July 18, while the buildings were empty. September is the first term in which either half of it is actually tested.

AXIS SCHOOL PROTECT · LEGAL AFFAIRS

Bill C-9 — the Combatting Hate Act — received Royal Assent on June 18, 2026 and came into force on July 18. It amends the Criminal Code, and for most divisions it arrived in the middle of the summer, addressed to an empty staff room. That timing matters: the Act has been law for the whole of the break, and September is the first month in which anyone is on site to be affected by it.

Two Parts That Cut Both Ways

The first part is a protection. The Act creates new criminal offences for intimidating or obstructing access to places where communities gather, expressly including schools,

places of worship, daycares and community centres. For education facilities that double as community and worship spaces — common in separate and independent faith based settings — this is a meaningful new safeguard against threats and disruption, and it applies from the first day of term.

The second part is a removal. The Act strikes the long standing good faith religious expression defence that previously applied to certain Criminal Code hate propaganda offences. Faith leaders, several civil liberties organizations and some Catholic, Muslim and Christian groups raised concerns about the change; a number of Jewish advocacy organizations supported the Act. It has been received very differently across communities — itself a signal that boards should approach it deliberately rather than reactively.

This is a criminal law change, not a change to your policy wording. It still reaches the liability program.



Why It Reaches Your Insurance Program

A criminal law change does not, by itself, alter how civil claims against a school are decided. But it changes the operating environment, and the operating environment is what generates claims.

Start with instructional conduct. Educators, chaplains and administrators in faith based settings who teach or express doctrine now do so without the previous statutory religious expression defence in the criminal context. An allegation — including an unfounded one — can trigger investigation, reputational fallout and parallel civil proceedings.

Then the follow on. Criminal allegations reliably spawn civil and HR matters: wrongful dismissal, employment practices liability, defamation, and Directors' & Officers' claims against trustees for how a complaint was handled. Those are the lines where defence costs accumulate, and they accumulate regardless of how the criminal question resolves.

Which leaves governance. How a board responds to a complaint — its policies, its training records, its consistency from one case to the next — increasingly determines whether the file is defensible. That is the same sentence this brief writes about bullying investigations and loading zones, and it is not a coincidence.

What September Should Look Like

If the briefing did not happen in June, it happens now. Brief teaching staff, chaplains and administrators on the change, and review codes of conduct and instructional guidelines so expectations are clear and consistent — then keep the attendance record, because a briefing nobody can evidence is a briefing that did not occur.

Reaffirm in policy, in writing, that the school stands firmly against hatred and discrimination while supporting the lawful expression of belief. Prepare a measured communications and complaint handling protocol before the first incident, so that the response is a procedure rather than an improvisation drafted under deadline.

Then review coverage with your broker: EPL, abuse, D&O, defamation and legal expense, together with the definitions sitting underneath them — named insured and volunteer wording in particular — against a changed environment. Renewal season is the natural moment, and it is arriving.

The Practical Position

None of this depends on a view of the legislation itself. Faith communities and civil liberties groups have asked Parliament to revisit the removal of the religious expression defence, and Axis maintains a template letter for members who wish to write to their MP. But whether or not a board chooses to engage politically, the risk management steps above apply regardless of where one stands.

Treat the Act the way you would treat any other change in the operating environment: an inventory of who is affected, a named person accountable for the briefing, a written standard, and a record that the standard was followed. Those are the same four artefacts every other exposure in this brief asks for, which is usually a sign they are the right ones.

Five Questions to Put on the Next Board Agenda

- Were teaching staff, chaplains and administrators briefed on the change — and is there a record of who attended?
- Do our codes of conduct and instructional guidelines reflect the removed defence?
- Is our position against hatred and discrimination written into policy, or only understood?
- Do we have a complaint handling and communications protocol we could follow tomorrow morning?
- Have we reviewed EPL, abuse, D&O, defamation and legal expense wording — including named insured and volunteer definitions — since July?

How Axis helps: Axis is reviewing Bill C-9's implications for every public, separate and independent program we support — coverage and governance reviews tailored to your board, staff briefing materials, and a template letter for members who wish to write to their MP.

Sources: Bill C-9, the Combatting Hate Act — Royal Assent June 18, 2026; in force July 18, 2026. Summarises publicly available information and may change. Provided as general commentary, not legal advice.

What the Latest Bullying Decision Means for School Boards

The board won at Ontario’s highest court. Read the reasons closely and there is very little in them to celebrate.

AXIS SCHOOL PROTECT · LEGAL AFFAIRS

A school board can breach its duty of care to a student, lose the accident reports, destroy the supervision logbooks, and still win the lawsuit. That is, in blunt terms, what happened in *Rizzuto v. Hamilton-Wentworth Catholic District School Board*, 2025 ONCA 773. It is a comfortable outcome resting on an uncomfortable foundation, and boards should read it as a warning rather than a reassurance.

What Happened

The plaintiff was ten years old when he was injured in a schoolyard incident involving other students, who settled before trial. The case against the board proceeded on the theory that the school had failed to properly investigate earlier bullying and to supervise adequately.

The trial judge accepted much of that criticism: shortcomings in how prior concerns were investigated, accident reports that could not be produced, logbooks destroyed. On the standard of care the board did not come out well. It won anyway — on causation.

The claim did not fail because the board’s records were good. It failed because the plaintiff could not close the gap between the failures and the injury.

Reasonableness, Not Perfection

The Court of Appeal restated the governing standard in language worth quoting to any principal who believes the law demands eyes on every child at every moment: supervision requires reasonableness, not perfection. Schools are not insurers of student safety, and need not maintain constant adult presence in every corner of a yard. Settled, and sensible — but not what decided this appeal.

The Causation Wall

Causation remains the plaintiff’s burden, and the trial judge found the incident to have been sudden, unexpected and impulsive. On that finding, no realistic level of additional supervision or earlier discipline would have prevented it. The “but for” link between the board’s failures and the child’s injury was not established, and the Court of Appeal declined to disturb that conclusion.

So the board’s defence, in substance, was that its documentation problems did not matter on these facts — a defence that depends entirely on the facts staying favourable. Change one variable and the missing logbooks stop being background detail and start being the case.

What Risk Managers Should Take From It

Four lessons travel well beyond Ontario. Documentation is a defence asset with a long shelf life: a minor’s claim may not be commenced until years after the events, and the record kept today is the evidence relied on a decade from now.

Investigate in writing. The most common failure pattern in bullying litigation is not indifference — it is informal, well intentioned handling that leaves no trace. Consistency is what gets tested: counsel will not ask whether the policy is good, but whether it was followed in this case, the previous case, and the case after that.

And winning is expensive. This board succeeded only after a trial and an appeal. Defence costs, staff testimony and reputational exposure are incurred regardless of outcome — and they are exactly what a well documented early response reduces.

The Record Retention Question Nobody Asks Until Litigation

- How long do we retain incident reports, supervision logs, safe schools files and parent complaints — and does that survive a minor’s limitation period, which does not begin to run until age eighteen?
- Who may destroy them, and is destruction logged?
- Can we produce them? A policy that cannot locate a 2019 playground report is the same as no policy at all.

How Axis helps: Review of safe schools and incident documentation practices, record retention guidance aligned to limitation periods for minors, abuse and general liability coverage review, and claims advocacy support when a historic file surfaces.

Sources: *Rizzuto v. Hamilton-Wentworth Catholic District School Board*, 2025 ONCA 773 (CanLII); Borden Ladner Gervais LLP insight, January 2026; *Law Times*, November 2025. Provided as general commentary, not legal advice.

The Most Dangerous Twenty Minutes of the School Day

Canadian data is unusually clear: children are not hurt on the bus. They are hurt in the few metres around it.

AXIS SCHOOL PROTECT · RISK DESK

The school bus is one of the safest vehicles a Canadian child will ever ride in. Transport Canada counted a single school bus passenger fatality on Canadian roads between 2009 and 2018, and estimates students are roughly eighty times more likely to arrive safely by bus than by car.

Now the Other Number

In a twenty year review of school aged fatalities involving a school bus in Canada, 1998 to 2017, twenty four children died. Nineteen — seventy nine per cent — were killed outside the bus, in or near loading zones: fifteen struck by the bus itself, four by other vehicles. The vehicle is not the exposure. The pavement around it is.

For roughly twenty minutes at each end of the day, a school property becomes something no designer of one ever intended: a shared traffic terminal. Large vehicles with long blind spots, parent cars making prohibited turns, cyclists, crossing guards and several hundred children — the shortest of whom sit below every driver's sightline — converge on a confined area, in poor light for much of the Canadian year.

Seventy nine per cent of school bus related child fatalities in Canada happened outside the bus, in or near loading zones.

Why the Transition Zone Behaves Differently

Add snow. A windrow along a curb line does two things at once: it forces children into the roadway to get around it, and it removes the sightline that would have let a driver see them. Every division knows this; few have it written down as a seasonal hazard control with an owner.

The reframing that matters: a loading zone is safety critical infrastructure, and should be governed like a boiler room — assessed, documented, inspected and reviewed — not administered like a car park.

The Near Miss Problem

Serious transportation claims are rarely the first sign of trouble. They tend to be preceded by months of informal concerns — a parent email, a driver's complaint to dispatch, a supervisor's remark that the corner is dangerous. None of it recorded, escalated or turned into a work order.

That pattern is dangerous twice over: it leaves a hazard in place, and it creates a discovery record in which everyone knew and nobody acted. A near miss form, a monthly review and a closed loop back to the reporter will do more for defensibility than any amount of signage.

What an Investigator Will Ask For

Carriers and defence counsel increasingly expect organisations to demonstrate proactive risk management rather than assert it. After a serious injury the requests are predictable: traffic studies and their recommendations, supervision schedules and sign in sheets, snow clearing logs, incident and near miss reports, and the contractor's own safety documentation.

A file showing a hazard was identified, assessed, prioritised and addressed is materially different from one showing a hazard identified and never mentioned again. In many claims that difference is the whole defence. Traffic patterns set in the first two weeks of September and hold until June, which makes a walk through of every loading zone this month — at the real time of day, with the provider present — the highest yield hour a risk manager will spend all year.

The Transition Zone Audit — Seven Questions

- Are bus loading areas physically separated from parent pickup — and is that enforced, not merely signed?
- Are pedestrian routes marked and continuous, or do they end where the pavement gets busy?
- Has a traffic safety assessment been done in three years, and were its recommendations closed out?
- Are supervision duties documented, assigned by name and applied on early dismissal days?
- Are near misses reported, logged, trended and reviewed?
- Are sightlines blocked by vehicles, fencing, landscaping or snow — and who checks, how often?
- Do transportation contractors take part in safety reviews, and does the contract require it?

How Axis helps: Site specific transportation and traffic flow risk assessments, near miss reporting program design, review of transportation contracts and certificates of insurance, and supervision standards for arrival and dismissal.

Sources: Transport Canada, About school bus safety in Canada; Council of Ministers Responsible for Transportation, Strengthening School Bus Safety in Canada (2020).

Staff Room Edition

School Risk IQ

Five questions. Answers below — no peeking.

1. Roughly what share of Canadian school bus related child fatalities occurred outside the bus, in or near loading zones?

- a) 21% b) 48% c) 79% d) 95%

2. In Rizzuto, why did the school board ultimately avoid liability?

- a) It met the standard of care b) The plaintiff could not prove causation c) The claim was out of time d) It had complete records

3. The Court of Appeal described the school supervision standard as requiring...

- a) Perfection b) Constant presence c) Reasonableness, not perfection d) Strict liability

4. A student's negligence claim generally cannot be commenced until...

- a) Graduation b) Two years after the incident c) The student turns eighteen d) The school closes its file

5. The Combatting Hate Act removed which defence, and on what date did it come into force?

- a) Due diligence, June 18 b) Fair comment, July 18 c) Good faith religious expression, July 18 d) Statutory authority, September 1

the filing cabinet holding the safe schools incident reports from 2019. Bring a phone camera and a date stamp.

NUMBER OF THE QUARTER

79%

The share of Canadian school bus related child fatalities that happened outside the bus rather than in it, 1998–2017. The safest vehicle on the road, surrounded by the least controlled space on the property.

MYTH OF THE MONTH

“If we didn’t write it down, they can’t prove it.”

Backwards. If it isn’t written down, you can’t prove it — and the plaintiff gets to tell the story instead. Missing records are not neutral in litigation; they are an invitation.

ONE THING TO DO THIS MONTH

Record the briefing

If staff were briefed on the Combatting Hate Act over the summer, find the attendance record. If they were not, book it for this month and keep the list. A briefing nobody can evidence is a briefing that did not happen.

DIARY DATES

Three to Book Before October

The loading zone walk through, the safe schools documentation refresh, and the fifteen minute conversation with your broker about what changed on your renewal that nobody read.

OVERHEARD AT THE BOARD TABLE

“We’ve never had a claim there.”

Six words that have preceded a great many first claims. Absence of loss is not evidence of control — it is evidence of luck, which is not a risk management strategy and does not appear anywhere in your policy wording.

COMING IN VOLUME 3

Winter Operations

Slip and fall defensibility, snow clearing contracts and the documentation that decides those claims — plus what a hardening abuse market means for renewal season.

We like a challenge.

this to a colleague and blame the photocopier. 0 — call us;

Score: 5 — run the risk committee. 3–4 — solid. 1–2 — forward

Answers: 1 — c) 79%, across 1998–2017. 2 — b) The trial judge found breaches of the standard of care, but the incident was sudden and impulsive and causation failed. 3 — c) Reasonableness, not perfection. 4 — c) Limitation periods for minors generally do not begin to run until age eighteen — which is why retention schedules matter. 5 — c) The good faith religious expression defence, in force July 18, 2026.

AROUND THE STAFF ROOM

The Ninety Minute September Audit

Three walk throughs that cost nothing and consistently surface findings: the bus loop at 8:05 a.m., the gym storage room, and



Why Canadian School Boards Trust Axis

Canadian Led & Operated	Decisions made in Canada, by Canadians, for Canadians, not a U.S. subsidiary, no imported policies or foreign oversight.
Embedded Provincial Expertise	Fully aligned with education funding and legal structures, and built on current provincial / territorial law and ministry engagement.
Lloyd's Market Access	Global reach with full Canadian compliance for high severity, non-standard and specialty exposures.
Full Consulting Capabilities	One trusted partner for insurance, HR, legal and benefits, with governance driven risk strategies that make every education dollar work harder.

Let's Talk — the Canadian Way

Whether you're an independent school board, a member of a reciprocal, or captive ready, let's build a program or strategy tailored to your organization.

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