

## **CASE HISTORIES**

### **CASE 1: A True Story About a Case Involving Safety in a Classroom**

On April 16th, 1985, Donald Brown, a grade 8 student in an Ontario school, was attending a sewing class. His teacher, Mrs. S. instructed the students to stop their sewing machines whenever they had a problem and to ask her for help. Donald had never used a sewing machine before. His assignment was to sew a zigzag pattern on a piece of cloth.

When Donald began to sew, the cloth did not move properly and it bunched up around the needle. The needle was not able to pierce through the bunched up cloth. Instead of stopping his machine, Donald tried to speed it up. The needle shattered and broke into three parts. One part flew into Donald's eye. Even after surgery on his eye, Donald lost some of his vision and was told by his doctor that he could not participate in contact sports.

Donald and his parents took this situation to court, against the teacher and the school board.

The court considered four main questions as they tried to decide whether the teacher was to blame for the student's injury.

- 1) *Could the injury have been predicted?*
- 2) *Was the teacher negligent?*
- 3) *Did the student contribute to causing his own injury?*
- 4) *How can it be decided who is at fault and what payment should be made?*

The Court came to a decision that the accident was foreseeable. The court ruled that a careful parent or teacher could have prevented it from happening. The teacher was found to be responsible. Her request that students stop the machine was not sufficient. Although Donald did not act with great care, he had conducted himself as would any intelligent grade 8 student. He was judged to have contributed to the accident to a degree of 10 percent.

Donald and his parents were awarded \$60,000.