The Criminal Code of Canada provides protection from charges of ‘assault’ and ‘battery’ when a teacher uses force in the execution of his/her professional duties. What restrictions apply for this protection with respect to:

1. Reason for the use of force?

* The force must be used to correct the pupil or child.
* Such correction should be short-lived and not harmful

Force may be used:

* to restrain or control a pupil
* Express disapproval of student behaviour
* To remove a child from a situation

1. Circumstances in which the force is used?

* The teacher or person standing in the place of the parent must have a legal duty of care toward the pupil or child.
* Child must be capable of benefiting from disciplinary force.
* Teacher cannot act out of frustration or anger.
* Factors such as the child’s age or disabilities must be considered.

1. Extent of the force used?

Reasonable has been determined to mean:

* Not abusive or harmful (causing injury)
* Not degrading or inhumane
* Not exceeding society’s view of decency
* Not a) hitting a child under 2 yrs of age, b) striking with objects, or

c) slaps or blows to the head

Corporal punishment of teenagers is not deemed helpful because it has the potential to promote aggressive or other anti-social behaviours.

Corporal punishment may be prohibited by provincial law