

## THE FOGGY LINE BETWEEN CORPORAL PUNISHMENT AND ASSAULT

**Corporal punishment encompasses all types of physical punishment**, including spanking, slapping, pinching, pulling, and hitting with an object. It may also include forcing a child to consume unpleasant substances, such as soap, hot sauce, or hot pepper.

**Physical punishment** has been defined as “the use of physical force with the intention of causing a child to experience bodily pain or discomfort so as to correct or punish the child’s behaviour” (Gershoff, 2008, p. 9). This includes: spanking, hitting, pinching, squeezing, paddling, whipping, “whupping,” swatting, smacking, slapping, washing a child’s mouth with soap, making a child kneel on painful objects, and forcing a child to stand or sit in painful positions for long periods of time.

Corporal punishment may lead to immediate compliance. A child who gets spanked, slapped, or pinched, may change his behaviour in the short-term. In the long-term, however, studies consistently show that corporal punishment is ineffective. In fact, it can worsen behaviour problems over time.

In 2006, the Committee on the Rights of the Child released a statement declaring that corporal punishment is a form of violence that should be banned in all contexts. Other human rights organizations have issued similar warnings about spanking.

Physical punishment is a serious public health problem throughout the world, and it profoundly affects the mental health of children and the societies in which we live.

The Centers for Disease Control and Prevention (CDC) has just come out formally (2016) with statements that physical punishment is child abuse (p. 8) and that physical punishment should be banned (p. 46).

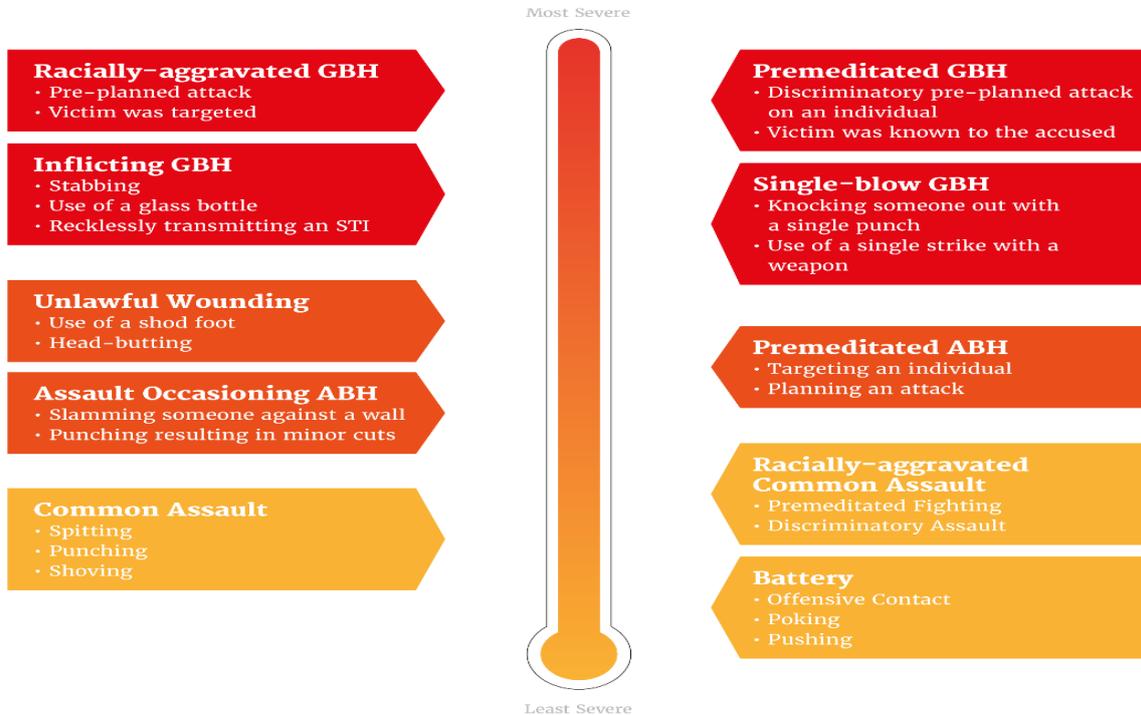
An **assault** is defined as a threat or attempt to inflict personal injury that is perceived by the intended victim. This can be anything from threatening corporal punishment, or raising a hand at a child.

**What is assault?** Assault is inflicting intentional or reckless harm towards another individual. Each and every assault case is different and the outcome depends on several factors, including:

1. The parties involved
2. The location
3. Possible motivations
4. The events that unfold

These various degrees of assault will determine the potential consequences and punishment for someone accused or convicted of committing an offence against the person.

### Varying Degrees of Assault



### Vicarious Liability

Vicarious liability is an area of law that holds an employer accountable for the actions of an employee. Under this doctrine, an employer is liable for the employee's wrongdoing when the employee is acting within the scope of their employment. This means that a Department may have to pay for any harm or damages caused by a teacher who uses corporal punishment.