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What the Travel Industry Act Means to Teachers Planning School Tours

What the Ontario Travel Industry Act States: Teachers are exempt ONLY when the following criteria are met:

- The person arranging the trip must be employed to teach in an elementary or secondary school, university or college of applied arts and technology.
- The exemption applies to **one-day tours** for students of the school as part of the curriculum or other travel services made through a registered travel agent as part of the curriculum.
- Travel services must be approved by the appropriate board, principal, governing body or official.
- The person employed by the educational institution must receive no direct or indirect gain or profit from arranging for the travel services other than participating in the travel service.

A **Travel Service** is defined as “transportation, sleeping accommodation or other services for the use of a traveller, tourist or sightseer”.

A **Travel Agent** means “a person who sells, to consumers, travel services provided by another person”.

(Note: This is an interpretation of the Act only – please see the Travel Industry Act 2002 and its regulations dated July 1st, 2005 for all details and legal requirements.)

What this means to teachers, school boards and schools.

- The law in Ontario requires that a travel service which includes transportation and another travel service, for example a hotel stay, is sold through a registered retailer/tour operator under the Travel Industry Act of Ontario. These are referred to as tours.
- Teachers who “sell” or that are “arranging” tours without using a properly registered retailer are contravening the Travel Industry Act.
- The Compensation Fund in the Travel Industry Act does not protect consumers (students) that purchase from an unregistered retailer/operator. Without this protection the potential liability for the school board, school or the teacher increases if delivery of the tour is not fulfilled.
- Travel that is planned using a registered retailer/tour operator is protected by the Travel Industry Council of Ontario’s compensation fund. This helps protect the school board, school, teacher, student and parents.

Protection

Companies registered under the Travel Industry Act are required to meet strict financial criteria including working capital requirements and trust accounting thereby protecting travellers by holding payments in a trust account.

How can OMCA help?

- We can provide lists of our members who are legally registered as a travel agent/retailer and who plan group tours, contact info@omca.com for information.

Please refer to the Travel Industry Act of Ontario for details of the law. The above is for information purposes only and is our interpretation of the Act. The Travel Industry Act can be found on the TICO website at www.tico.ca.

Founded in 1929, the OMCA is a full-service trade association representing 80 bus operators, over 100 tour operators and over 800 affiliated sellers to the group tour industry including attractions, destinations, hotels, and retail outlets across North America. Operator members provide scheduled intercity, charter, tour, school bus, contract, shuttle, airport and transit services. The OMCA works with all levels of government to outline the industry’s contributions and concerns regarding a seamless, sustainable public and private passenger transportation network.
