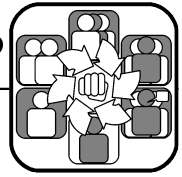


Bullying and the Law: Is Bullying a Crime?



Criminal Code of Canada: Adult Consequences

While bullying is not an offence under the Criminal Code of Canada, many of the behaviours that may be part of the bullying are. While all incidences of bullying may not be criminal in nature they may have real consequences for individuals at school, in their community and at home. These patterns of behaviour that are rehearsed or normalized as a youth may have serious consequences when they are carried over or continued into adulthood and can have serious legal consequences. On the following page are a few examples of potential bullying related offences and their adult legal consequences.

Youth Consequences and addressing the problem

The consequences described on the following page are based on adult sentences. While a youth may be charged with the same offences under the Youth Criminal Justice Act, youth sentencing options and criteria would apply. The youth may be dealt with under the extrajudicial measures program, or they may receive an extrajudicial sanction and a record. If they have to go to court, they may receive up to a two year maximum sentence for a single offence or three years for several offences plus a court record. For repeated violent offences and aggravated sexual assault, the crown may apply for a youth over 14 years of age to receive an adult sentence. While the consequences are not equal to the adult consequences, they are very real consequences created to hold youth accountable for their actions.

Bullying behaviour may be the expression of other issues in the youth's life that need to be addressed and the Youth Criminal Justice Act also provides some opportunities to intervene and address these issues. Some of the responses may involve counselling, performing community service, or working closely with supportive members within the school or in the community. Where bullying behaviour is not criminal, the bully may face consequences at school. The school may bring in supports to help them behave appropriately and to prevent the bully from continuing. As well, the school may also support them with any other issues they may be having or refer them to agencies that can help them. Often, the family is involved to work with teachers and other professionals in order to help address any issues that may be contributing to the bullying behaviour. For victims of bullying and bystanders, it is important that they address bullying by talking to adults around them to stop the bullying and to prevent future bullying. The targets of the bully and the bystanders may also require ongoing support and assistance to monitor the bullying situation and address any issues arising from it. If left unchecked, continuing bullying behaviours into adulthood can have serious adult consequences for the bully, for their family, and for the community.

Activity:

Use the “Bullying and the Law: The Criminal Code of Canada” page to identify bullying related offences from movies, literature or the “Bullying: Case Studies” from the “Defining Bullying” package.

- 1) Briefly describe the the bullying event and behaviour.
- 2) What was the consequence of the bullying behaviour:
 - a) to the victim
 - b) to the community
 - c) to the bully.
- 3) Identify the criminal code offence(s) that relate(s) to the bullying event.
- 4) Describe what you think an appropriate consequence for the bully would be.
- 5) How could the bully be supported in a positive way in order to change their behaviour and prevent future bullying?
- 6) How would the bully's target be protected?

Bullying and the Law: The Criminal Code of Canada

**This information is for demonstrative purposes and is not intended as legal advice. The following are our adaptations and interpretations of the Canadian Criminal Code. You may view the actual wording of these sections online via the Canadian Legal Information Institute <http://ijcan.org/ca/sta/c-46/>.

Criminal Harassment (CCC 264). It is unlawful to make a person fear for their safety or the safety of another person by: repeatedly following them or watching their home or places they frequent; repeatedly communicating (directly or indirectly) with them; or directing threatening conduct toward them. Punishment: Summary conviction or Indictable offence - up to ten years imprisonment.

Mischief (CCC 430) is the damage or destruction of property or interference with the use operation or enjoyment of the property. Punishment: Summary conviction or Indictable offence - imprisonment two years, to ten years up to life (depending upon monetary value and level of danger to life involved).

Theft (CCC 322). Punishment: Summary conviction or Indictable offence - imprisonment two years, to ten years (depending upon monetary value involved).

Uttering threats (CCC 264.1) includes threatening to harm or kill another person, threatening to burn, damage or destroy their belongings or property, and threats to harm one of their pets. Punishment: Summary conviction - imprisonment up to 18 months or Indictable offence - imprisonment up to five years.

Assault (CCC 265, CCC 266,) is intentionally applying force without consent, threatening to apply force (this includes gestures) or impeding another person while carrying visible weapon. Punishment: Summary conviction or Indictable offence - imprisonment up to five years.

Assault with a Weapon or Causing Bodily Harm (CCC 267). This includes an assault where the weapon may not be used but is merely carried or there is a threat to use the weapon or imitation of a weapon. Punishment: Summary conviction - imprisonment up to 18 months or Indictable offence - imprisonment up to five years.

Aggravated Assault (CCC 268). This includes causing a wound, disfigurement or endangering a life. Punishment: Indictable offence - imprisonment up to fourteen years.

Sexual Assault (CCC271). This would include sexual harassment, unwanted sexual touching and dating violence. Punishment: Summary conviction - imprisonment up to 18 months or Indictable offence - imprisonment up to ten years.

Sexual Assault with a Weapon, Threats to a third party or causing bodily harm (CCC 272). Punishment: Indictable offence - imprisonment up to fourteen years.

Aggravated Sexual Assault (CCC 273). Punishment: Indictable offence - imprisonment up to life.

Fraudulent concealment (CCC 341) Taking, removing or concealing something for fraudulent purposes. Punishment: Indictable offence - imprisonment up to five years.

Unauthorized use of a computer (CCC 342.1) Fraudulently obtaining computer service, for example using someone else's computer password and account without permission. Punishment: Summary conviction or Indictable offence - imprisonment up to ten years.

Robbery (CCC 343) This is theft for the purposes of extortion or with the use of force or violence. Punishment: Indictable offence - imprisonment up to life.

Extortion (CCC 346) Getting someone to do something or obtaining something from them without a justifiable reason or excuse by means of accusations, threats or violence. Punishment: Indictable offence - imprisonment up to life.

Forgery (CCC 366) Making a false document with the intent that it will be considered to be genuine. Punishment: Summary conviction to Indictable offence - imprisonment up to ten years.