

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 (CCC), many of the behaviours that may be part of the bullying are. These patterns of behaviour that are rehearsed or normalized as a youth may have serious consequences, not only as a youth, but also when they are carried over into adulthood.

Activity

Use the “Bullying and the Law: The Criminal Code of Canada” section below as a reference to help you identify bullying related offences from movies, literature or other sources.

- 1) Briefly describe the bullying event and behaviour.

- 2) What was the consequence of the bullying behaviour...
 - a) ...for the victim?

 - b) ...for the community?

 - c) ...for the bully?

3) Referring to the section below, identify the criminal code offence(s) applicable 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 to allow him/her to make behavioural changes and prevent future bullying?

6) How would the bully's target be protected?

Bullying and the Law: The Criminal Code of Canada

Here are a few examples of potential bullying related offences and the adult consequences, along with the section number of the Criminal Code of Canada (CCC) to which they refer. NOTE: The following are adaptations and interpretations of sections of the CCC. You may view the actual wording of these sections online at the Canadian Legal Information Institute's website.

<http://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-46/latest/>

(Youth consequences are covered at the end of this section.)

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) - 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; indictable offence - imprisonment up to five years.*

Assault (CCC 265, CCC 266) - 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) - Includes an assault where a weapon is not used but merely carried, or there is a threat to use the weapon or imitation of a weapon. *Punishment: summary conviction - imprisonment up to 18 months; indictable offence - imprisonment up to five years.*

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

Sexual Assault (CCC 271) - Includes 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) - 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.*

Consequences for Youth

The consequences described above are based on adult sentences. While a youth may be charged with the same offences, youth sentencing options and criteria would apply. 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 the same as adult consequences, they are very real. Because bullying behaviour may be the expression of issues in the youth's life that need to be addressed, the Youth Criminal Justice Act also provides opportunities to intervene and address these issues. If left unchecked, these behaviours may have serious adult consequences.



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