

Parenting

## PINK SHIRT DAY: LEGAL RIGHTS WHEN IT COMES TO BULLYING?

written by Jasmine Daya

Bullying used to be upsetting but contained. A victim would most often be verbally or physically bullied but once away from the “bully”, the victim would have a reprieve until perhaps the next interaction. Technology has resulted in a far worse form of bullying, known as “cyberbullying” which results in the victim never being able to escape the abuse by leaving an environment. Instead, the victim is haunted wherever they go and for an indefinite period of time. Shielded by the device, the bully may say extremely hurtful words or use forms of social media in a manner inconsistent with the way they would behave in person. Meanwhile the victim is left powerless, weakened, hurt and sometimes, the damage is permanent. Technology has not kept pace with technology and thus cyberbullying continues to be on the rise.

I have always assisted victims of bullying which results in either physical and/or psychological impairment. A few years ago however, I started receiving phone calls from parents who were desperate for help. They had exhausted all avenues with

grown up with. These platforms were created to enable communications and to be “social” with one another however this has also been an unintended consequence – cyberbullying.

My initial thought when consulted by parents was a few messages surely can’t result in me taking legal action. As the stories were conveyed to me, I realized that these weren’t merely a few texts or posts, this was the type of behaviour that could result in criminal charges. There were issues however in advancing these cases. My witnesses were mostly all minors which meant I couldn’t easily obtain verbal statements which could be relied upon and social media could often be erased or disappear thus leaving me without necessary evidence.

A 14-year-old client of mine was petrified to go to school. She kept faking illness so she could stay home. She finally told her mother that she was receiving threatening snapchat messages telling her that she should die and messages were circulating on social media about her. My client had stopped eating, her grades dropped and she did not want to leave the house due to anxiety and fear of facing the group of three teenage girls who were the “cyberbullies”. The mother complained to the school principal and went a step further to the schoolboard superintendent, nothing was done. The mother had no choice but to move in with her sister 30 minutes away to enable her daughter to attend another school. The mother now commutes an extra 30 minutes to work and had to bear the costs of moving which was an expense that added financial strain to the household. Recently, students at her new school have come across information about her on social media and again, my client is internally tortured.

I have another client, age 11 that was teased so badly at school and with messages sent to her by snapchat that she read them that she was taken to the hospital and held on suicide watch. The school was aware that the child was being bullied by another child with behavioural issues however they chose to let it go, stating that “children will be children”. Years later and my young client now tells her mother when she is in a “dark place” and to take her back to the hospital. My client was out of school for three months getting psychological treatment. Her mother had no choice but to stay home full time to care for her daughter. Her mother fell behind on bills and was unable to pay the mortgage. Before the bank took action, my client’s mother told me through tears that she must now sell the family home and she fears what the future holds. She told me that she does not and cannot let her daughter see her tears and instead cries in private such as when she visits me.

Nearly half of Canadian children report being a victim of bullying or cyberbullying (<https://www.preynet.ca/research/bullying-statistics/cyberbullying>). Cyberbullying is increasing worldwide and that includes Canada. My intention of pursuing these cases is to be the voice of victims but my true desire as not just a lawyer but as a mother is that one day, parents won’t need to call me so frequently for these senseless actions. Bullying, whether in the

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*Jasmine Daya is the Managing Principal of Toronto-based Jasmine Daya & Co., a personal injury law firm specializing in clai involving minors, including bullying and cyberbullying. A proud mother of three, Jasmine is also a published cookbook author, novelist, podcaster and speaker.*

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