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## **Does anti-bullying legislation work?**

*Why we need to reconsider the rush to legislate*

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On Friday, May 25, 2012, Ontario's government announced they would bar any school, whether separate or public, from vetoing the name Gay Straight Alliances for school-based anti-bullying clubs. While nearly everyone believes more should be done to stop bullying, this sharp action shows that even consensus issues can be mangled in the political sphere.

The GSA issue is important because it has larger implications for Catholic and religious education in Ontario. But the debate has simplified a complex bill into one single issue, obscuring the reality that legislating against bullying may not actually stop bullies. The question is this: Is legislating against bullying effective public policy in the first place? Do anti-bullying bills stop children from bullying?

Over 100 pieces of anti-bullying legislation have been passed in the United States over the last 10 years or so, yet there is little evidence that legislation has altered student behaviour. A 2009 Associated Press review of anti-bullying legislation found that anti-bullying laws were failing to address repeated bullying. [1] The Associated Press also found that many jurisdictions which legislated the enforcement of school board policies were unable to ensure that policies were being followed.

### **The Canadian experience**

Ontario, Quebec, New Brunswick and Nova Scotia have introduced anti-bullying laws with many other provinces and territories promising to explore the use of law to prevent and deal with bullying. Introducing specific anti-bullying legislation is only another step in a long line of provincial initiatives. There has been significant funding dedicated to the issue with insufficient monitoring of the results.

For example, Ontario introduced a bullying prevention plan in 2005 that included eight million dollars for anti-bullying materials and one million more annually for a partnership with Kids Help Phone. In addition to this, between 2007 and 2010 the province spent \$150 million on safe school programs.

Yet a 2010 report by the auditor general noted that the government dispersed funds inefficiently and did not sufficiently track the impact of the spending. [2]

A similar situation exists in Quebec, where legislators announced a three-year \$16.8 million anti-violence plan that included anti-bullying initiatives in 2008. The government simultaneously

promised to produce a portrait of violence in Quebec schools that has yet to be completed. [3] While safe school and anti-violence programs have a wider scope than just bullying, the provinces have recognized bullying as a problem and have committed significant resources with unmeasured results.

Every province has some measure in place to address bullying, yet the issue remains a serious problem despite years of funding provincial initiatives.

The bigger problem with bullying is this: It is a complex relational issue requiring the engagement of parents, extended family, students and educators. The law may have a role by providing clear definitions of bullying behaviour, mandating the need for policies, assigning responsibility and empowering educators with disciplinary tools, but it is community-level involvement that will best stop bullying.

### **What should governments do?**

The provinces have a history of mandating and funding anti-bully initiatives without robust evaluation to determine how policies influence student behaviour. Provinces should prioritize evaluation and research in addressing the issue. Before rushing to legislate, governments should begin by reviewing existing policies and funding commitments. Legislating existing policies into law or building upon previous policies without evaluation is not prudent.

If provinces are committed to legislating on bullying, then they must ensure that school communities have the autonomy to customize community specific programs. The best ideas are likely to come from those closest to the problem.

Finally, policymakers must communicate clear, pragmatic expectations of legislation. The law has a limited role in addressing bullying. Legislation will not end bullying in Canadian schools just as bullying still flourishes in American schools after more than a decade of lawmaking. While many Canadians favour legal intervention, policymakers must champion local community level solutions as the first line of response aided by sound, proven policy.

Bullying requires action, but rushing to legislate schoolyard relationships is unproven territory that in some places amounts to little more than political posturing. The social health of a school community will not be determined by government, but by the parents, students and educators who are already invested in their local school.

### **Endnotes**

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[1] Associated Press. (2009, Sept. 14). School bullying laws give scant protection. *USA Today*. Retrieved from [http://www.usatoday.com/news/education/2009-09-14-bullying-laws\\_N.htm](http://www.usatoday.com/news/education/2009-09-14-bullying-laws_N.htm)

[2] McCarter, J. (2010). 2010 Annual Report. Toronto: Queens Printer of Ontario, p. 276. Retrieved from [http://www.auditor.on.ca/en/reports\\_en/en10/2010ar\\_en.pdf](http://www.auditor.on.ca/en/reports_en/en10/2010ar_en.pdf)

[3] Branswell, B. (2012, Feb. 10). Quebec to announce steps to improve action plan to stop bullying. *Montreal Gazette*. Retrieved from <http://www.montrealgazette.com/news/Quebec+announce+steps+improve+action+plan+stop+bullying/6136146/story.html#ixzz1rr9p7JA9>