Ontario Court Recognizes New Online Harassment Tort

If a new Ontario court ruling holds up on appeal, victims of online harassment will be able to sue their tormentors for money damages. Current laws don't expressly protect people from internet harassment, although victims may have legal remedies if they experience the harassment at work, including discrimination complaints if harassment is based on sex, race, religion, age, disability, nationality and other protected characteristics under human rights laws. The new internet harassment "tort" would apply only if conduct goes "beyond all possible bounds of decency and tolerance." It also remains to be seen whether employees can sue their employers for not protecting them from online harassment despite the ban on damages suits under workers comp. The Ontario case, the first to recognize the online harassment tort, involved a woman who engaged in a long running internet smear campaign against former employers, lawyers and others who allegedly wronged her in the course of her adult life [*Caplan v. Atas*, 2021 ONSC 670 (CanLII), January 28, 2021].