

Quebec and over  
half of the US states  
have a law...

**Ontario should too**

Anti - S.L.A.P.P. Legislation

Ethical  
Companies  
don't **SLAPP**  
people around.

“The test of democracy  
is freedom of criticism.”

— David Ben-Gurion

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# Silencing Democracy

Corporations are increasingly turning to the courts to silence opposition to their activities. At a time when many companies are embracing social responsibility as part of doing business, others are riding rough shod over democratic rights and preventing healthy public debate.

By hitting organizations and even individuals with vexatious lawsuits, corporations shut down public participation by tying people up in expensive and time consuming litigation and inhibiting others from speaking out.

When a company sues an organization or individual in order to intimidate them, we all lose. Our courts become increasingly overburdened; a chill descends on our society that suggests participating in your community or in the democratic process can be dangerous and costly. It undermines our confidence in our legal system and the rule of law.

**And SLAPP suits censor and punish those who speak to a broader community interest beyond the realm of self interest.** The very people we need advocating for healthier, safer and more vibrant communities.

**SLAPP suits undermine the very foundations of our democracy.** What kind of a company does that? Certainly not an ethical company.

## WHAT IS SLAPP?

A **strategic lawsuit against public participation** (SLAPP) is a lawsuit that is intended to censor, intimidate and silence critics by burdening them with the cost of a legal defence until they abandon their criticism or opposition.

SLAPPs are civil suits of dubious merit. The plaintiff's goals are accomplished if the defendant succumbs to fear, intimidation, mounting legal costs or simple exhaustion and abandons the cause. A SLAPP will also intimidate others from taking up the fight. A SLAPP is often preceded by a legal threat.

## WHY IS ANTI-SLAPP LEGISLATION NECESSARY?

Currently, there is very little financial downside for a company initiating a SLAPP suit. For as little as a few hundred dollars a company can bring a suit against an opponent that will cost tens of thousands of dollars to defend and almost immediately silence or reduce any further opposition – both from the individual being sued as well as others thinking of intervening.

Anti-SLAPP legislation does not prevent anyone from seeking relief in court for legitimate reasons. What it does do is even the playing field by creating cost consequences to launching a suit if the purpose of the suit is deemed to be intimidation.

We need anti-SLAPP to protect those people and organizations that participate in public processes and contribute to the broader public debate, to level the playing field between proponents and interveners, to protect our democratic system of public engagement and finally, to stop the drift toward a litigious US style society.

## SPEAK OUT, TAKE ACTION.

This summer, the **Ontario Ministry of the Attorney General** is seeking input into possible new legislation that would **limit SLAPP suits in Ontario**. Contact the advisory panel and make your opinion heard or provide expert advice.

The public can provide suggestions to the panel by email or regular post: [SLAPPsuggestions@ontario.ca](mailto:SLAPPsuggestions@ontario.ca) or *SLAPP Suggestions, 720 Bay Street, 7th Floor, Toronto, ON M7A 2S9.*

“ Let corporations that engage in SLAPP suits know that they are acting unethically and hurting us all when they undermine our democratic institutions. ”



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