

March 7, 2023

Democracy Upheld Again in the Face of Ford's Anti-worker Attacks Court of Appeal for Ontario Strikes Down Bill 307

TORONTO, ON — The Elementary Teachers' Federation of Ontario (ETFO), Ontario English Catholic Teachers' Association (OECTA), and the Ontario Secondary School Teachers' Federation (OSSTF/FEESO) have released the following statement, in response to a ruling of the Court of Appeal for Ontario that strikes down Bill 307, the *Protecting Elections and Defending Democracy Act*, which saw the Ford government invoke the notwithstanding clause to override Ontarians' *Charter* rights; attempt to silence its critics; and limit the voices of workers, labour unions, and all Ontarians to participate during the democratic election process.

"Yesterday's ruling by the Court of Appeal for Ontario rightly finds that Bill 307 'unjustifiably infringes' on the rights of Ontarians to meaningfully participate in our province's political processes. We are pleased that the court has upheld democracy and restored the rights of all workers and citizens in Ontario.

Bill 307 represented a ham-fisted attempt by the Ford government to invoke the notwithstanding clause to pass legislation that had already been ruled unconstitutional. In response, ETFO, OECTA, and OSSTF/FEESO joined with the Working Families Coalition to file a constitutional challenge to Bill 307, arguing that the law improperly limited political discourse, thereby impacting citizens' ability to participate in the democratic process.

This was simply the most recent example in a long history of the Ford government attacking workers and undermining Ontarians' democratic rights through legislation – both Bill 124 and Bill 254 were declared unconstitutional. Along with Bill 307, these unconstitutional bills are part of an ongoing and thinly-veiled effort by the government to silence its critics.

While yesterday's ruling is a major victory for education unions and our members, it is also a win for all Ontarians. This victory recognizes and reaffirms the importance of having different voices engaged in our political discourse and the value of having an informed citizenry; it provides another clear example that the Ford government cannot shamelessly trample on our rights without consequence.

Our organizations urge the Ford government to accept the court's ruling, and to commit to upholding Ontarians' democratic rights. However, rest assured that if the government decides to appeal this ruling, our organizations will continue the fight against this government's alarming overreaches and abuses of power."

Karen Brown, President, Elementary Teachers' Federation of Ontario
Barb Dobrowolski, President, Ontario English Catholic Teachers' Association
Karen Littlewood, President, Ontario Secondary School Teachers' Federation

Background

In 2021, the Ford government passed Bill 254, the *Protecting Ontario Elections Act*, which drastically increased the limitations outlined in the *Election Finances Act*. These changes

included significant spending restrictions on political advertising by anyone except political parties, as well as an unprecedented 12-month, pre-election period restricting third-party advertising.

Following the passage of Bill 254, ETFO, OECTA, and OSSTF/FEESO joined with Working Families, and successfully challenged the legislation, which the Ontario Superior Court ruled was an unconstitutional violation of freedom of expression.

However, immediately after this decision, the Ford government recalled the legislature for the sole purpose of reintroducing the legislation as Bill 307 and using the notwithstanding clause to override the bill's unconstitutional and anti-democratic provisions. In response, ETFO, OECTA, and OSSTF/FEESO once again joined with Working Families and other concerned parties to challenge the legislation, which was initially upheld before being overturned by the Ontario Court of Appeal.

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