

Memorandum

To: ETFO Thames Valley Teacher Local Members
From: Craig Smith, President
Date: September 12, 2018
Subject: **Charter of Rights and Freedoms, Section 33 – Notwithstanding Clause**

The following is a message to all ETFO Thames Valley Teacher Local Members from ETFO Provincial President Sam Hammond.

Dear ETFO Member:

When a government chooses to override the democratic rights of Ontarians that are protected under the *Canadian Charter of Rights and Freedoms*, it's time for all of us to act.

This week, the Doug Ford government announced it would use the 'notwithstanding clause' in the *Charter* to override a court ruling that struck down Bill 5, his legislation forcing a reduction of Toronto City council seats from 47 to 25. The move is unprecedented and highly disturbing. The notwithstanding clause allows a government's legislative agenda to override the *Charter* rights of individuals. It has never been used in Ontario and has rarely been used in Canada because governments respect the role of the judiciary and *Charter* rights as a key part of Canada's democratic system.

Doug Ford has also said he will use the 'notwithstanding clause' to override any legal actions taken against his government. There are six cases now in the courts including ETFO's action seeking an injunction regarding the repeal of the 2015 Health and Physical Education Curriculum.

Today, Ford has called all MPPs back to the legislature to vote on the reintroduction of Bill 5 because he believes his legislative agenda is more important than the rights of the people of Ontario. The debate is expected to last for several days.

The Premier has said it will be a free vote i.e.: not defined by party lines. If that is truly the case, then we need to put immediate pressure on Conservative MPPs to vote against the Bill.

I am asking you to take a stand for our democratic rights in Ontario. Contact your MPP right away to ask that they vote against Bill 5 and the use of the 'notwithstanding clause'. Contact information for all MPPs is listed here: <https://www.ola.org/en/members/current>.

In 2013, ETFO took the province to task for undermining the *Charter* rights of members with its imposition of Bill 115 which curtailed our collective bargaining rights. Hundreds of thousands of Ontarians supported us in our fight as did the courts with our *Charter* challenge victory.

Along with protecting ETFO members' right to collectively bargain through freedom of association, the *Charter* also provides unique protections to members on freedom of expression related to how they transmit knowledge to students and information that is shared in classrooms.

Now is the time for ETFO members to step up with Ontarians across the province to fight for our democratic rights. Do not allow the Ford government to set such a dangerous precedent governing Ontario.

Sam Hammond
President

For more information ETFO Thames Valley Teacher Local Members are advised to contact the Local office (519-474-3150) or Provincial office (1-888-838-3836).