



June 8, 2021

Education unions win major victory for Ontarians with Charter challenges to Bill 254

TORONTO, ON—The Elementary Teachers' Federation of Ontario (ETFO), Ontario English Catholic Teachers' Association (OECTA), and Ontario Secondary School Teachers' Federation (OSSTF/FEESO) have won their constitutional challenges against the Ontario government's Bill 254, *Protecting Ontario Elections Act, 2021*. They issued the following statement:

"Today, Justice Edward M. Morgan provided a decision that recognized the unconstitutionality of Bill 254 and confirmed the infringement of Ontarians' rights under the Canadian Charter of Rights and Freedoms (the Charter). Justice Morgan's decision strikes down sections of the *Election Finances Act* that were captured under Bill 254, including the unprecedented 12-month, pre-election period restricting third party advertising. This period is no longer in effect.

The Ford government's deliberate attempt to shield itself from legitimate criticism and accountability from voters in the lead-up to the election has failed. We stated, from the beginning, that Bill 254 violated freedom of expression and association guaranteed by the Charter. Justice Morgan's decision validates our positions and sends a strong message to the Ford government: rules that drown out government critics and silence dissenting voices have no place in a democracy.

While this is a major victory for education unions and our members, it is also a win for all Ontarians. Justice Morgan's decision ensures the voices of our members and all Ontarians are given time and space to be heard in the public forum, and clearly demonstrates that the Ford government cannot trample on our rights and get away with it.

We thank Justice Morgan for his very expeditious decision. We will continue to hold this and future governments to account as we advocate for a publicly funded education system that is student-centred, equitable and adequately funded."

Background

Despite calls from ETFO, OECTA, OSSTF and others for the bill to be withdrawn, Bill 254 was adopted and received royal assent on April 19, 2021. On April 28, 2021, the education unions individually [filed Charter challenges](#) against Bill 254. Hearings on this court case were held on June 2 and 3, 2021, and the decision was rendered today.

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