



# MEDIA RELEASE

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## **Supreme Court confirms Ford government's attack on democracy was unconstitutional**

*Court upholds ruling that strikes down provisions of 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 today's ruling from the Supreme Court of Canada (SCC) that upheld the Court of Appeal for Ontario's decision to strike down provisions of Bill 307, the *Protecting Elections and Defending Democracy Act*. The SCC's decision concurs with the Court of Appeal, finding that the Ford Conservative government's extended limits on third-party advertising violate fundamental democratic principles and cannot be justified.

"No government is above the law. Today's SCC decision delivers a decisive blow to the Ford Conservative government's reckless and unconstitutional Bill 307. This decision is a win for all Ontarians who value their *Charter*-protected rights and the health of our democracy.

Bill 307 was a clear attempt to suppress voices critical of Doug Ford's disastrous policies, which have underfunded publicly funded education; neglected students, abandoned teachers, educators, and education workers; and left schools understaffed and unsafe. By limiting third-party political advocacy a full year before elections, the Ford government sought to silence the workers and communities that hold them accountable for these failures.

The Ford Conservatives tried to get this legislation passed (Bill 254) and it was found to be unconstitutional. Adding the notwithstanding clause into Bill 307 was recognition on their part that what they were doing was unconstitutional and a blatant misuse of power, as they desperately tried to circumvent Ontarians' rights. While the title of the Act may claim to "defend democracy," today's ruling confirms that the Ford Conservative government did the exact opposite.

Premier Ford cannot hide from the truth, no matter how hard he tries to silence us. Our students deserve better, our members deserve better, and the people of Ontario deserve better. This win sends a powerful message that by working together, we can push back against a government that has repeatedly failed the people it was elected to serve."

Karen Brown, President, Elementary Teachers' Federation of Ontario  
René Jansen in de Wal, President, Ontario English Catholic Teachers' Association  
Karen Littlewood, President, Ontario Secondary School Teachers' Federation

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## Background

In 2021, the Ford government passed Bill 254, the *Protecting Ontario Elections Act*, drastically increasing the limitations outlined in the *Election Finances Act*. The law imposed significant spending restrictions on political advertising by anyone except political parties and 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. The Ontario Superior Court ruled that it was an unconstitutional violation of freedom of expression, under Section 2 of the *Charter*.

However, immediately after this decision, the Ford government recalled the legislature for the sole purpose of reintroducing the legislation as Bill 307, the *Protecting Elections and Defending Democracy Act*, adding 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 Court of Appeal for Ontario.

A March 2023 ruling of the Court of Appeal for Ontario struck down Bill 307, finding it “unjustifiably infringed” on the rights of Ontarians to meaningfully participate in our province’s political processes. The Ford Conservative government appealed this decision to the Supreme Court in the Spring of 2023.

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