September 19, 2018

BY E-MAIL
(justin.trudeau@parl.gc.ca)

The Right Honourable Justin Trudeau
Prime Minister of Canada
House of Commons
OTTAWA, ON K1A 0A6

Dear Prime Minister Trudeau:

As President of Canada's largest union, representing 665,000 workers nationwide, I am writing you regarding the Premier of Ontario's threats to use Section 33 of our Charter of Rights and Freedoms, otherwise known as the notwithstanding clause.

As you know, last week, Premier Doug Ford threatened to use the notwithstanding clause after a judge ruled his meddling in Toronto's municipal elections was in violation of Torontonians' constitutional rights. Rather than respect the judge's ruling, Mr. Ford was willing to push ahead with Bill 31 to make an unprecedented intrusion into Toronto's municipal election, mid-campaign.

Simply put, Mr. Ford decided that changing the size of Toronto city council was more important than respecting our judiciary, our Charter, and the right of Torontonians to fair elections.

While the government will not move ahead with Bill 31 as a result of today's judicial stay, we came dangerously close to seeing the premier of Canada's largest province trample the democratic rights of millions of Canadian citizens. Premier Ford has stated that he won't hesitate to use the notwithstanding clause again in the future, and he has effectively opened the door for other governments who might seek to abuse Canadians' Charter rights in the future.

Let us remember *Morgentaler* (1988), which ruled that abortion access cannot be denied in Canada, and the *Same-sex Reference* (2004), which ruled to protect same-sex marriage. Let us remember *Saskatchewan Federation of Labour* (2015) and *BC Health Services* (2007) which protected, respectively, the rights of Canadians to strike and to bargain collectively for better working conditions.

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MARK HANCOCK
National President/Président national
CHARLES FLEURY
National Secretary-Treasurer/Secrétaire-trésorier national

DENIS BOLDUC, FRED HAHN, JUDY HENLEY, DANIEL LÉGÈRE, MARLE ROBERTS
General Vice-Presidents/Vice-présidences générales

These are just a sampling of landmark legal rulings to extend and confirm the fundamental rights of Canadians under the Charter that could have been quashed if the applicable legislation had included the notwithstanding clause.

Canadian society would be worse off if the notwithstanding clause had been applied on questions of these rights. And, Canadian society would be worse off if Premier Ford's attempt to apply it to the civic rights of Torontonians had been left unchallenged.

Mayors from major cities across Canada, as well as politicians of all political stripes, including former premiers of Ontario and prime ministers, voiced their strong objections. But what this crisis needed and what it sorely lacked was leadership and action from our federal government.

Around the world, and right in our own backyards, we are seeing a rise in anti-democratic attacks on rights, freedoms, and the institutions meant to protect them. Those of us who believe in our Charter must step up and do all that we can to preserve our fundamental rights.

As prime minister, you have the power to disallow legislation enacted by a provincial government under our Constitution. Canada's commitment to the *International Covenant on Civil and Political Rights* obliges your government to use its authority to prevent attempts like Premier Ford's to deny citizens their rights to free democratic expression.

We ask you to commit, publicly, that you will use any and all avenues available to you to defend the rights of Canadians by upholding the Charter of Rights and Freedoms and the protections enshrined therein.

Sincerely,

MARK HANCOCK
National President
Canadian Union of Public Employees (CUPE)

:tp/ceu

cc: A. Scheer, Leader, Conservative Party of Canada
     J. Singh, Leader, New Democratic Party of Canada
     E. May, Leader, Green Party of Canada