

Joint Statement from Canada's Education Leaders

In Opposition to the Use of the Notwithstanding Clause in Labour Negotiations

Banff, June 2, 2026 – Teacher organization presidents from across Canada, representing more than 420,000 educators, met in Banff, Alberta, on June 1, 2026, to discuss the potential use of the Notwithstanding Clause (Section 33 of the *Canadian Charter of Rights and Freedoms*) by provincial/territorial governments for issues it was never intended for, as it has been in Alberta.

The presidents affirmed their shared commitment to the democratic rights of teachers and all workers and stand united in their condemnation of the use of the Notwithstanding Clause as a tool to override constitutionally protected rights to freedom of association, collective bargaining, and strike action.

A Growing Pattern of Overreach

The Notwithstanding Clause was designed as a safeguard to be invoked only in exceptional and demonstrably justified circumstances. It was never intended to be a routine tool for governments to bypass the courts and silence workers amid legitimate labour disputes.

In the past five years, the Notwithstanding Clause has been used more frequently to deny human and democratic rights than at any other time in our lifetimes. Recently, Premiers in Alberta, Saskatchewan, Ontario, and Quebec have invoked the Notwithstanding Clause in the following legislation:

- *Bill 2, "Back to School Act"* in Alberta, 2025
- *Bill 9, "Protecting Alberta's Children Statutes Amendment Act"* in Alberta, 2025
- *Bill 137, "Parents' Bill of Rights"* in Saskatchewan, 2023
- *Bill 28, "Keeping Students in Class Act"* in Ontario, 2022
- *Bill 307, "Protecting Elections and Defending Democracy Act"* in Ontario, 2021
- *Bill 96, "An Act respecting French, the official and common language of Québec"* in Quebec, 2022

When governments invoke the Notwithstanding Clause to end labour disputes, they are not simply legislating. They are telling workers that their rights are conditional and that the *Charter* protections all Canadians depend upon can be switched off when it is politically convenient to do so. This is a threat not only to teachers, but to every worker and every citizen in this country.

Our Collective Position

The undersigned presidents, representing teachers and education workers in every province and territory across Canada, collectively and unequivocally declare:

- The use of the Notwithstanding Clause during labour negotiations is an abuse of legislative power. Governments must engage in good-faith collective bargaining, not weaponize the Constitution to silence workers.
- Teachers' rights to freedom of association, collective bargaining, and the right to strike are constitutionally protected and must remain so. No government should be able to pre-emptively nullify these rights and block the courts from providing recourse.
- The Notwithstanding Clause must only ever be used as a last resort, after judicial review has been permitted. Its pre-emptive use to shield legislation from *Charter* challenges is a subversion of the democratic rule of law.
- The implications of this trend extend far beyond education, threatening every worker and citizen in this country. What is happening to teachers today can happen to any worker, in any sector, tomorrow. This is a national issue requiring a national response.

Together we call on all levels of government to take the following immediate actions:

- Commit to good-faith collective bargaining with teachers and education workers, and resolve disputes through negotiation and mediation.
- Pledge not to invoke the Notwithstanding Clause in the context of labour relations with teachers and education workers.
- Support federal action to review and restrict provincial/territorial use of Section 33 when it is applied to deny citizens' fundamental democratic and human rights.
- Ensure judicial oversight is preserved by allowing courts the opportunity to examine the constitutionality of any legislation before the Notwithstanding Clause is considered.

Additionally, the Canadian Teachers' Federation (CTF/FCE) Board of Directors has launched a petition that calls upon the federal government to *"annul or repeal any future provincial legislation that restricts workers' rights to strike and collectively bargain through the use of the Notwithstanding Clause, and to affirm the federal government's responsibility to uphold Charter rights across Canada."*

The presidents of all provincial/territorial teachers' organizations strongly encourage all Canadians who share our values to add their names to this petition before it closes on July 24, 2026. The petition can be found at: <https://www.ctf-fce.ca/take-action/notwithstanding-clause-petition/>

It is not too late to act with integrity. But governments must choose to do so now.

Signatories

Jason Schilling – Alberta Teachers’ Association (ATA)

Gabrielle Lemieux – Association des enseignantes et des enseignants franco-ontariens (AEFO)

Éric Godin, Association des enseignantes et des enseignants francophones du Nouveau-Brunswick, Fédération des enseignants du Nouveau-Brunswick (AEFNB/FENB)

Carole Gordon – British Columbia Teachers’ Federation (BCTF)

Clint Johnston – Canadian Teachers’ Federation (CTF/FCE)

Mona-Élise Sévigny – Éducatrices et éducateurs francophones du Manitoba (ÉFM)

David Mastin – Elementary Teachers’ Federation of Ontario (ETFO)

Heidi Ryder – New Brunswick Teachers’ Association, New Brunswick Teachers’ Federation (NBTA/NBTF)

Dale Lambe – Newfoundland and Labrador Teachers’ Association (NLTA)

Peter Day – Nova Scotia Teachers Union (NSTU)

Justin Matchett – Nunavut Teachers’ Association (NTA)

René Jansen in de Wal – Ontario English Catholic Teachers’ Association (OECTA)

Martha Hradowy – Ontario Secondary School Teachers’ Federation (OSSTF/FEESO)

Andy Doran – Prince Edward Island Teachers’ Federation (PEITF)

Samantha Becotte – Saskatchewan Teachers’ Federation (STF)

Ted Hupé – Yukon Association of Education Professionals (YAEP)

Chris Cowley – Ontario Teachers’ Federation (OTF)

Heidi Yetman – Quebec Provincial Association of Teachers (QPAT)

Rita Mueller – Northwest Territories Teachers’ Association (NWTTA)

Lillian Klausen – Manitoba Teachers’ Society (MTS)



**Canadian
Teachers’
Federation**



About the CTF/FCE

Founded in 1920, the CTF/FCE is a national alliance of provincial and territorial teachers' organizations that represent over 370,000 teachers and education workers across Canada. The CTF/FCE is also an affiliate of Education International, which represents more than 33-million educators.

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