



HOSPITAL EMPLOYEES' UNION

NEWSLETTER

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Supreme Court confirms teachers' right to advertise

BC Teachers' Federation (BCTF) president Irene Lanzinger said the Supreme Court of Canada's July 10 decision upholding the right to advertise on public transit vehicles is a victory for the right of teachers to speak out.

"This is a victory for the right of teachers to speak out about conditions in the classrooms," says Lanzinger. "As teachers, we will continue to inform the public about our concerns about class size, composition and the learning conditions of students. Speaking out is part of our commitment to defend and protect public education."

The Supreme Court upheld a 2006 B.C. Court of Appeal decision that the restrictive advertising policies of BC Transit and Translink were unconstitutional. Translink and BC Transit had appealed that decision.

The issue arose in 2004 when the BCTF tried to buy ad space on buses to inform the public about conditions in B.C.'s public schools. The BCTF's ads containing factual information about the numbers of schools closed and the number of teacher positions eliminated were deemed "too political" by Translink and BC Transit policies.

Consequently, they refused to allow the ads on the outside of public buses. The proposed ads read: "2,500 fewer teachers. 113 schools closed. Our students. Your kids. Worth speaking out for."

All eight Supreme Court of Canada Justices held that the policies prohibiting political advertisements are unconstitutional since political speech is at the core of the freedom of expression guarantee in the *Canadian Charter of Rights and Freedoms*. The Justices ruled that the blanket exclusion of such highly valued expression cannot be justified in a free and democratic society. They declared that the policies are of no force or effect to the extent that they violate the charter.

The BCTF was joined in the transit ad case by the Canadian Federation of Students (CFS) who had also been refused ad space. CFS's ad to encourage youth voting stated: "Register now. Learn the issues. Vote May 17, 2005. RocktheVote BC.com."

The BCTF, along with several other unions, recently won another court case rejecting *Bill 42* ("the Gag Law") which restricted public advocacy advertising in the two months before a provincial election campaign.

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