



Unions launch legal challenge against election gag law

July 24, 2008

Lawyers representing seven BC unions filed documents and launched a legal challenge July 23 against Bill 42.

Bill 42 originally attempted to restrict third party election advertising for five full months before the next provincial election. Following widespread criticism, Bill 42 was amended but still goes far beyond any similar laws in the country and essentially shuts off all third party election advertising for three months before the next election.

The Statement of Claim filed today alleges that Bill 42 violates constitutionally-protected rights to freedom of expression by restricting reasoned political discourse and by preventing groups from effectively communicating their positions on election issues before and during an election campaign.

Lawyers will also argue that Bill 42 infringes on an individual's freedom of association by preventing individuals from collectively exercising their freedom of expression in the pursuit of common goals.

The claim also alleges that Bill 42 violates an individual's constitutionally-protected right to vote by preventing individuals from effectively bringing their concerns and views to the attention of MLA's during the pre-campaign period.

"Democratic governments should protect and defend the rights of citizens not trample them when it's politically expedient," says B.C. Federation of Labour President, Jim Sinclair. "Bill 42 is Gordon Campbell's attempt to silence critics and control the airwaves for months before the next election."

Representing the unions in the Supreme Court of British Columbia will be lawyers Joseph Arvay, Q.C. and Leo McGrady, Q.C.

The legal challenge is being prepared on behalf of: Canadian Union of Public Employees (BC Division) , BC Teachers' Federation, Canadian Office and Professional Employees Union 378, BC Nurses' Union, BC Government and Service Employees' Union, Federation of Post Secondary Educators, and the Hospital Employees' Union.

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