

For Immediate Release  
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**Union Financial Disclosure Bill Constitutional: Former Supreme Court of Canada Justice**

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Michel Bastarache.*

Ottawa--Merit Canada today released an opinion authored by Michel Bastarache, retired Justice of the Supreme Court of Canada, concluding that Bill C-377 would likely be upheld by the courts. M. Bastarache considered the legislation, which would require unions to disclose certain financial information, in light of the division of powers under the *Constitution Act, 1867*, as well as the *Canadian Charter of Rights and Freedoms*.

“I conclude that, if Bill C-377 is enacted into law, it would likely be upheld by the courts as a valid enactment of Federal Parliament’s power over taxation under section 91(3) of the *Constitution Act, 1867*,” said M. Bastarache. “Moreover, I conclude that Bill C-377 is consistent with the *Charter* and that, in any case, any infringement would likely be justified as a reasonable limit under section 1 of the *Charter*.”

M. Bastarache’s opinion, commissioned by Merit Canada, comes as the legislation, which has passed the House of Commons, is being considered by the Senate. Opponents of the legislation have argued, in part, that the bill is would not survive a court challenge.

M. Bastarache was appointed to the Supreme Court of Canada in 1997 by Jean Chretien where he served until his retirement in 2008.

“As long as the pith and substance or matter of Bill C-377 is related to taxation, the law is a valid enactment of Parliament’s powers,” said M. Bastarache. “Because section Bill C-377 does not attempt to regulate the activities of labour organizations or determine how they spend their money, it is unlikely that a court would find that it limits freedom of association under section 2(d) of the *Charter*.”

“Merit Canada welcomes this opinion from one of Canada’s most esteemed jurists,” said Terrance Oakey, President of Merit Canada. “I urge Senators to quickly pass this legislation which would bring much-needed financial transparency and openness to unions in exchange for the very favourable public benefits they enjoy.”

A full of M. Bastarache’s opinion is available here: <http://www.opportunitytowork.ca/wp-content/uploads/2013/06/Bastarache-Opinion.pdf>

For more information, contact:  
Terrance Oakey  
(613) 601-2350  
[terrance.oakey@meritcanada.ca](mailto:terrance.oakey@meritcanada.ca)