



# What's New in HR Law

## Ontario Public School Boards are “Inherently Governmental” and Subject to the *Charter*: Supreme Court

June 21, 2024 | By Emily Elder

### Bottom Line

Today, the Supreme Court of Canada (“Court”) released its decision in [York Region District School Board v. Elementary Teachers’ Federation of Ontario](#), holding that public school boards in Ontario are “inherently governmental” and therefore subject to the *Canadian Charter of Rights and Freedoms*. In this case, that meant that two teachers had s. 8 rights to be free of unreasonable search and seizure in their workplace. The teachers, said the Court, therefore had a reasonable expectation of privacy in a shared, password-protected log of workplace concerns that was stored in the cloud. The Court held that the school board had breached those rights when a principal read the log – after finding it open on one teacher’s computer – and then took pictures of the log on his cellphone. The school board used those pictures as the basis for written reprimands to the teachers.

We are analyzing this decision in detail, and will circulate a detailed Insight on its implications.

*This article is for the purposes of only general information and does not constitute legal advice or opinion.*

## Need More Information?

For more information or assistance with the *Charter* in context of educational institutions, contact your [regular lawyer](#) at the firm.

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**Filion Wakely LLP**  
**Thorup Angeletti**

management labour and employment law

**Toronto**

416.408.3221

[toronto@filion.on.ca](mailto:toronto@filion.on.ca)

**London**

519.433.7270

[london@filion.on.ca](mailto:london@filion.on.ca)



**Hamilton**

905.526.8904

[hamilton@filion.on.ca](mailto:hamilton@filion.on.ca)

**Kitchener-Waterloo**

519.433.7270

[kitchener-waterloo@filion.on.ca](mailto:kitchener-waterloo@filion.on.ca)