

UNIFOR PUBLIC REVIEW BOARD

Report to the 5th Unifor Constitutional Convention

August 2025



Lana Payne
National Secretary-Treasurer
Unifor
115 Gordon Baker Rd
Toronto, ON
M2H 0A8

Dear Ms. Payne:

It is an honour and a privilege to share with the National Union and its membership the Third Report of the Unifor Public Review Board. This report contains short biographies of the board members, some introductory remarks about the operations of the Board, and a summary of all appeals decided since the last report to convention. The audited statements of the Board are being finalized, and will be available on the PRB website at the time of convention.

It has now been over eleven years since we lost our treasured friend and colleague, A. Alan Borovoy, who served as the Chair of the CAW Public Review Board, and, subsequently, the Unifor Public Review Board, for 30 years. He was a passionate and tireless advocate for civil rights and an ardent supporter of the labour movement. We are pleased to continue to contribute to his legacy and goals in establishing the PRB.

Over the next year, the Public Review Board will embark on an important initiative to modernize our website and create simplified procedural information (www.uniforprb.ca). We hope this will assist members to understand our role and options available to request a review. While we do not provide advice on individual cases, members are welcome to contact the Board to understand if a request for review is an available procedural option for them.

Unifor's Public Review Board is a unique body with a unique role, and I know that I speak for all members of the Board when I say that we are honoured to be a part of this important exercise in union democracy. I look forward to seeing you and the delegates in Vancouver.

Sincerely,



Shakir Rahim
Chairperson

INTRODUCTION

This report is submitted to the membership pursuant to Article 18 of the Unifor Constitution. The Public Review Board (PRB) is required to prepare and submit such a report of its activities, and includes a summary of appeals that it has considered for members' reference.

The predecessor to the PRB was created in September of 1985 by the delegates to the Founding Convention of the CAW/TCA that was held in Toronto, Ontario. The current PRB was established on August 31, 2013 by delegates at Unifor's founding convention that was also held in Toronto, Ontario. The PRB was established "to ensure fairness and democratic practice for all union members and to safeguard the moral and ethical standards set out in the Constitution and the Code of Ethics" (Article 18, Section 1 of the Constitution).

The PRB is modelled after the CAW's Public Review Board which was in turn modeled after the UAW's Public Review Board, created in 1957 on the urging of UAW President Walter Reuther. The creation of an independent body to monitor the UAW's and CAW's internal practices were bold and innovative ideas in their day, and the concept continued to be relatively unique amongst unions when the delegates to Unifor's Founding Convention included the autonomous board in its Constitution.

MEMBERS AND STAFF

The PRB currently consists of three members, including the Chairperson. The PRB intends to engage in recruitment efforts shortly to ensure that there are five members of the PRB, as provided in the Constitution. The Executive Secretary of the PRB is Ron Franklin and the Registrar of the Public Review Board is Sheila Dobosz.

We wish to acknowledge the retirement of Gregory Murray from the PRB this year. Professor at the School of Industrial Relations at the University of Montreal, Canada Research Chair on Globalization and Work, Professor Murray brought expertise and wise judgment to the PRB. On behalf of the PRB members and staff, we want to thank him for his learned and committed service.

The current Chairperson is Shakir Rahim and members are Shelagh Campbell and Stéphanie Bernstein. The following is a brief description of the experience each of the members brings to the Board, along with the Executive Secretary.

Shakir Rahim, Chairperson: Lawyer and Director, Criminal Justice Program at the Canadian Civil Liberties Association. Formerly a lawyer in private practice across multiple areas, including a focus on labour and employment, and human rights law. Previously an advocate and adjudicator before administrative tribunals. Law degree from Osgoode Hall Law School.

Shelagh Campbell, Member: Dr. Campbell retired as Associate Professor Emerita from the University of Regina in 2024. She taught at the U of R, Dalhousie University, and Saint Mary's University Schools Business for over 20 years. Prior to her academic career in which she conducted research into work and workers' collective action, Shelagh enjoyed a career in human resource management and industrial relations spanning mining, health care, financial services,

manufacturing, and the public service. She was also an arbitrator with CAMVAP from 1994 to 2014.

Stéphanie Bernstein, Member: Retired emerita lawyer (Quebec Bar) and associate professor in the Law Department of the Faculty of Political Science and Law at the Université du Québec à Montréal, where she had been a professor of national, international and comparative labour law from 2003 to 2025. She also practiced law as a partner at Ouellet, Nadon and Associates (Montreal), a firm specialized in social security and labour law, and served as a member of the Quebec Human Rights Tribunal.

Ron Franklin, Executive Secretary: He is the founder of Franklin Law, which focuses exclusively on advising, supporting, and representing workers, including unionized employees. He was an industrial hygienist, health and safety manager, and consultant before going to law school. He articulated with the CAW and a union side law firm, and also worked as a Staff Lawyer in the Workers' Rights Division at Parkdale Community Legal Services.

OPERATION

In a number of situations, the PRB is the final body to hear a request on the part of a member to review an action taken or decision made by a deciding authority under the Constitution that the member believes was not given fair and reasonable consideration or lacked a rational basis, and results in injury to him or her. Similarly, the PRB is the final body to hear a request on the part of a member, group of members, local union, or other subordinate body to review a decision made by the National Executive Board regarding one or more charges related to a violation of the procedures and responsibilities established by the Constitution or Code of Ethics.

(a) Claims Arising under the Constitution, including the Code of Ethics

In general, the internal remedy provisions of the Constitution can encompass a wide variety of claims which arise as a result of the day-to-day operation of the Union. Union members or subordinate bodies have a wide right to request that actions, decisions, failures or refusals to act on the part of the National Union, the National Executive Board (NEB), any administrative arm of the National Union, a Local Union, or any of its units, committees, officers, committee persons or stewards, or any other subordinate body of the National Union be reviewed. The normal route to do so, except where the Constitution makes specific provision otherwise, is first to the Local Union or accountable body, second to the Office of the President or Committee on Constitutional Matters, and third to the PRB. In the case of charges and election challenges, an appeal to the National Executive Board precedes any PRB review.

Local Union or accountable body, second to the National Executive Board, unless the appeal begins there, and third to the PRB.

Reference should be made to Article 18 of the Constitution for detailed information regarding requests for reviews. In addition, reference may be made to the Public Review Board's Rules of Procedure which are available online at: <https://uniforprb.ca/en/prb-rules/>.

The Code of Ethics were adopted by the Founding Convention of Unifor in Toronto, Ontario, August 31, 2013. The Code of Ethics is set out in Article 4 of the Constitution, and reference should be made to Articles 4 and 18 when consideration is being given to filing a complaint and/or requesting that a decision or action involving a charge be reviewed.

(b) Procedural Advice

Members may contact the staff of the PRB for information regarding procedures available for relief, at the national level, under the Constitution in general or the Code of Ethics in particular. The staff will not provide advice, however, with respect to the substance or merits of a member's claim.

STATISTICS

Since its last report to Convention, the Public Review Board rendered 9 decisions. There is currently 2 requests for review pending.

Request for Reviews Summary

The following is a summary of each of the requests for review considered by the Public Review Board from August 2022 to June 2025. Please note that, for the purpose of this summary only, the names of parties to these appeals are pseudonyms. These summaries provide an overall impression of the nature of a case, however any member consulting such materials in preparation for an actual request for review would be advised to review the full text version. The full text of these decisions is available upon request to the PRB without charge.

Case No. 06/2022

L, Member, Unifor Local 7 v Unifor Local 7 and the Unifor National Executive Board (NEB)

Decision Date: December 22, 2022

Board Members: Cara Faith Zwibel (Chair), Shelagh Campbell and Gregor Murray

Overview

On December 5, 2019, Local 7 posted election notices for upcoming Executive Board and Standing Committee elections, scheduled for February 5–6, 2020. Following the factory’s production shutdown on December 18, 2019, revised election notices were posted inside vacant factory buildings.

On January 3, 2020, L requested that Local 7 review its several election-related decisions, raising concerns about the lack of transparency in setting election dates and times, as well as the improper posting of revised notices, which were posted inside vacant factory buildings.

After receiving no response from the Local, Mr. L’s request was taken up by the Committee on Constitutional Matters (CCM), which held a hearing on March 10, 2020. Approximately two years later, the CCM dismissed L’s request as “premature”, citing Rule 44 of the election policy. The CCM also noted that under Unifor’s election and procedure policies, a request for review must first be decided at the Local level, which had not occurred in this case.

L sought review by the PRB.

Submissions

L argued that Rule 44 sets a deadline for filing appeals and that it was unreasonable to require members to wait until after an election to raise concerns. He maintained he followed proper procedure by first approaching the Local, whose failure to respond should not prevent a review. He asked the PRB to find his request timely, consider the underlying election issues, validate concerns raised during the CCM hearing, and impose a three-month time limit on CCM decisions. Unifor argued that pre-election appeals are not permitted under the Constitution and that Rule 44 requires appeals to be filed only after an election. While acknowledging the delay in the CCM’s decision was excessive, it attributed this to COVID-related disruptions and maintained that the PRB cannot impose deadlines on the CCM.

Decision

The PRB found the CCM's dismissal of L's request as premature to be unreasonable. It held that Rule 44 sets only a final deadline, and that L followed the correct process. While the PRB declined to consider new issues raised at the hearing, or impose time limits on the CCM, it remitted the matter back to the CCM for reconsideration and urged efforts to resolve the remaining concerns.

Case No. 01/2023

L, K and C, Members, Unifor Local 7 v Unifor Local 7 and the Unifor National Executive Board (NEB)

Decision Date: January 27, 2023

Board Members: Cara Faith Zwibel (Chair), Shelagh Campbell and Gregor Murray

Overview

This case closely resembled the previous Case No. 06/2022 and involved a separate but related challenge raised by three members of the same Unifor Local 7 concerning the Ontario Regional Council (ORC) elections held in October 2019. The members challenged election notices that allegedly violated Article 10.6(b) of the Unifor Constitution by not allocating delegate entitlements according to bargaining units and bypassing proper Local-level decision-making.

As in Case No. 06/2022, the Committee on Constitutional Matters (CCM) dismissed the review request as "premature" under Rule 44 of the election policy. Similar to Case No. 06/2022, the CCM's decision was made approximately two years after the review request was submitted to CCM.

L, K and C sought review by the PRB.

Submissions

Very similar submissions were made by both parties as in the earlier case. L, K and C maintained that Rule 44 sets a deadline to file a request for review and that members should not be expected to wait until after an election to raise concerns about procedural irregularities.

In addition to seeking reconsideration of the election issues, the members argued that the lengthy delay in issuing a decision amounted to a constructive denial of due process and urged the PRB to impose reasonable timelines for future CCM responses.

Unifor, in response, reiterated that the Constitution does not permit pre-election reviews and warned that such an interpretation would lead to impractical and disruptive interventions across the union's electoral processes.

Decision

The PRB found the CCM's interpretation of Rule 44 unreasonable, affirming that Rule 44 establishes a deadline, not a prohibition on pre-election filings. It also found the approximately two-year delay by CCM in rendering a decision not to be justified.

The PRB declined to rule on the substantive election issues or to impose deadlines on the CCM (citing jurisdictional limits) and it remitted the matter back to the CCM for reconsideration.

Case No. 02/2023

R, Member, Unifor Local 7 v Unifor Local 7 and the Unifor National Executive Board (NEB)

Decision Date: January 27, 2022

Board Members: Cara Faith Zwibel (Chair), Shelagh Campbell and Gregor Murray

Overview

On December 5, 2019, Local 7 posted notices for Executive Board by-elections and Standing Committee Elections, scheduled for February 5, 2020. On February 3, 2020, R discovered that the terms for some of the vacated positions were being extended to full three-year terms instead of the remainder of their original terms. On February 6, 2020, one day after the election, she submitted a written request for review of the Local's decision to extend terms.

The Local denied her request on the basis that it had previously received approval from the National Union to assign full terms to all vacant positions. R then submitted a second-level request for review, which was heard by the CCM in August 2021. On January 26, 2022, the CCM dismissed her request, finding that it had not been filed within the 30-day time limit. R sought further review by the Public Review Board (PRB).

Submissions

R argued that she had not been informed and could not reasonably have known of the changes to term lengths prior to February 3, 2020. While the October and November 2019 Unit meetings referenced elections, she asserted that no motion was presented, no vote was held, and no communication was made to advise members that term extensions were being proposed. She maintained that she filed her review request within three days of becoming aware of the issue, well within the 30-day constitutional limit and the 7-day post-election limit under Rule 44 of the Election Policy. She also asked the PRB to affirm that membership approval for such changes must be obtained through a clear motion and vote.

Unifor argued that R had attended the October and November 2019 Unit meetings, during which the terms were reported on and that the December 2019 election notices confirmed the new terms. It maintained that R ought reasonably to have been aware of the changes by December 5, 2019, and that her request was therefore out of time. The Union relied on the Procedure Policy on Constitutional Matters, which imposes a 30-day time limit from the date of a decision or the date a member ought reasonably to have known of it.

Decision

The PRB found the CCM's decision to dismiss R's request as untimely to be unreasonable. It held that the information regarding term extensions was not clearly conveyed to the membership at the Unit meetings and was not highlighted in the election notices. The Board accepted that R did not become aware of the change until February 3, 2020, and determined that her request filed on February 6 was timely under both the Constitution and Rule 44 of the Election Policy.

The PRB also found that the CCM did not conform to applicable timelines under the Constitution, the Procedure Policy, and the Election Policy. It held that union rules must be interpreted in favour of the member where ambiguity exists, and that the CCM's exclusive reliance on the Procedure Policy—without considering the Election Policy—was unreasonable. PRB declined to consider the underlying issue of term changes without a proper decision from the CCM, and it remitted the matter back to the CCM for reconsideration.

Case No. 03/2023

R, Member, Unifor Local 7 v Unifor Local 7 and the Unifor National Executive Board (NEB)

Decision Date: January 31, 2023

Board Members: Cara Faith Zwibel (Chair), Shelagh Campbell and Gregor Murray

Overview

When the position of President in R's Local became vacant, the Local appointed the 2nd Vice-President to fill the role, rather than holding a fresh election. R argued that this process, while permitted by the Policy, was contrary to the Constitution, which she maintained must prevail in the event of a conflict. R requested a review from the CCM, which dismissed her request. R then sought review by the PRB.

Submissions

R argued that the Constitution required elections to fill vacancies in Local offices unless the Local's by-laws expressly provided for an alternative. She maintained that Local 7's by-laws did not include such a provision for the office of President, and therefore the vacancy should have been filled through an election. She pointed to the plain language of the Constitution, which she said unambiguously mandated an election in such cases.

Unifor, in its Special Answer, objected to the PRB's jurisdiction over the request. It relied on Article 18(A)(6) of the Constitution, which bars the PRB from reviewing matters related to Union "policy." It also emphasized that the National Executive Board has the authority to create and interpret union policies between conventions and submitted that the PRB should decline jurisdiction on that basis.

Decision

The PRB rejected Unifor's jurisdictional objection. It held that it was within the PRB's role to assess whether a policy has been applied in a manner consistent with the Constitution. The Board

confirmed that it would not generally review the substance of policy decisions, but that constitutional interpretation and enforcement fall within its mandate.

The PRB held that the Constitution allows Local by-laws to set out alternative procedures for filling vacancies, and that in this case, the Local's by-laws incorporated the Policy Regarding Local Union Elections by reference. The Policy, in turn, permitted the appointment of the Vice-President to the President's position in the event of a vacancy.

The PRB found that the Local's decision to appoint the 2nd Vice President to fill the President's role, supported by the by-laws and the Policy, fell within a reasonable interpretation of the Constitution. As a result, it upheld the CCM's decision and dismissed R's appeal without a hearing.

Case No. 04/2023

A, Member, Unifor Local 1 v Unifor National President

Decision Date: January 31, 2023

Board Members: Cara Faith Zwibel (Chair), Shelagh Campbell and Gregor Murray

Overview

A, a member of Local 1, filed a charge against W, Assistant to the National President, alleging violations of Unifor's Code of Ethics in connection with a disputed Local 1 election. On December 1, 2021, the then-President and Secretary-Treasurer of Unifor dismissed A's charges, finding no breach of the Code and concluding that W's conduct had been appropriate in his constitutional advisory role. 'A' subsequently sought review by the PRB.

Submissions

Unifor argued that A's charge was governed by Article 18(C) of the Constitution, which establishes the procedure for complaints and appeals involving members. It stated that the President had properly disposed of the charge under that Article, and that any further appeal must first proceed through the National Appeals Committee (NAC) before it could be brought to the PRB.

A disagreed, arguing that Article 18(D)—not 18(C)—applied to W due to his national role and reporting structure. A maintained that Assistants, although not named in Article 18(D), functioned in a national capacity, reported directly to national officers, and were therefore subject to a higher standard of accountability.

Decision

The PRB found that Article 18(C) of the Constitution sets out the default process for filing charges and appeals, while Article 18(D) applies only to specific senior positions such as National Officers and NEB members. Since Assistants to the President are not named in Article 18(D), A's charge should be dealt with under Article 18(C). The PRB noted that even if W were considered part of the NEB, A did not meet the threshold required to bring a charge under 18(D). The threshold under Article 18(D) required charges to be filed by any five NEB members or 11 local unions. 'A' did not meet this. The PRB dismissed A's request for review.

Case No. 05/2023

M-13, Members, Unifor v Unifor National Executive Board

Decision Date: March 2, 2023

Board Members: Cara Faith Zwibel (Chair), Shelagh Campbell and Gregor Murray

Overview

Following the resignation of Unifor's National President J.D. on March 11, 2022, the National Executive Board (NEB) initially approved a motion to call a Special Convention to elect a new President. However, on May 6, 2022, the NEB rescinded that resolution and decided to proceed with the scheduled Constitutional Convention in August 2022 for the election. The M-13, thirteen members from different locals, requested a review of the NEB's decision to cancel the Special Convention.

Submissions

M-13 argued the NEB's decision violated Article 7(A)(3) of the Constitution, which required a Special Convention within 30 days to fill a vacancy if it occurred more than 120 days before the scheduled convention. Since the vacancy occurred 150 days prior to the scheduled convention, the NEB was mandated to hold a Special Convention.

Unifor responded that the NEB's decision was reasonable and justified given extraordinary circumstances, including the union's crisis management needs and widespread member concerns about costs and disenfranchisement. After initially approving the Special Convention, significant opposition arose, primarily due to the costs and disenfranchisement of delegates under Article 6(F)(4). The Quebec Council unanimously opposed the Special Convention. Unifor also argued that the matter was moot, and no effective remedy was available.

Decision

The PRB acknowledged the dispute was moot but chose to address the issue to guide future decisions. The PRB concluded that, although the constitutional language was clear, the NEB's decision was reasonable under the circumstances. The PRB noted that deviations from the clear language of the Constitution would generally not be considered reasonable or justified. However, in this case, it upheld the decision due to serious concerns expressed by a large segment of the membership, the meaningful democratic process and rigorous discussion undertaken by the NEB, and the clear and transparent communication to the membership. As a result, the PRB dismissed the M-13's requests for review.

Case No. 06/2023

G, Member, Unifor Local 2 v Unifor Local 2, Unifor National Council 2, and the Unifor National Executive Board

Decision Date: April 3, 2023

Board Members: Cara Faith Zwibel (Chair), Shelagh Campbell and Gregor Murray

Overview

G, a member of Unifor Local 2, sought a review of how his grievances against his employer were handled by his Local. After Unifor National Council 2 and the CCM dismissed his requests, G brought a review to the PRB. Unifor argued that the PRB lacked jurisdiction pursuant to Article 18 (B) (3) of the Constitution due to G's external Canadian Human Rights Commission (CHRC) complaint.

Submissions

G argued that he was dissatisfied with how the Union handled his grievances and failed to advance his human rights arguments. Unifor argued that the PRB lacked jurisdiction because G had already pursued an external complaint with the CHRC before exhausting internal Union constitutional procedures. They relied on paragraph 10 of the Procedure Policy and Article 18(B)(3) of the Constitution, which bar review requests if external action is taken before exhausting internal remedies.

Decision

The PRB determined that the CCM's decision was unreasonable. Unlike previous cases where external and internal matters overlapped, the issues in this case were separate, as G's external CHRC complaint was against the employer's misconduct, while his internal review related to the Union's grievance process. Therefore, the PRB dismissed Unifor's jurisdictional objection and affirmed that it had jurisdiction. The PRB instructed Unifor to respond to G's request within 15 days.

Case No. 01/2024

G, Member, Unifor Local 2 v Unifor Local 2, Unifor National Council 2, and the Unifor National Executive Board

Decision Date: April 22, 2024

Board Members: Shakir Rahim (Chair), Shelagh Campbell and Gregor Murray

Overview

G, a member of Local 2, requested the PRB review the decision of Unifor's Committee on

Constitutional Matters (CCM), which had dismissed his appeal concerning the Local's handling of three grievances arising from his dismissal by his employer. The CCM dismissed G's request, citing untimeliness in raising his human rights concerns. G sought a review of that decision.

Submissions

G argued that the Local mishandled his grievances and failed to properly consider his disability-related discrimination concerns, which were at the heart of both his CHRC complaint and the grievances. He claimed the Local acted unfairly and did not properly represent him.

Unifor argued that G had raised his human rights-related allegations too late and that the Union acted reasonably by not advancing the grievances to arbitration, having assessed the likelihood of success.

Decision

The PRB found the CCM's decision unreasonable. It held that G had communicated his human rights concerns early in the grievance process and reiterated them consistently. The PRB concluded there was no reasonable basis to dismiss G's claims on grounds of untimeliness. It also found no persuasive evidence that the Local had considered or pursued the human rights arguments of G's case. As a result, the PRB issued a declaration that the CCM's decision was unreasonable.

Case No. 02/2024

S, Member, Unifor Local 3 v Unifor Local 3, and the Unifor National Executive Board

Decision Date: August 14, 2024

Board Members: Shakir Rahim (Chair), Shelagh Campbell and Stéphanie Bernstein

Overview

S brought forward a request for review challenging the decision of Local 3 regarding the selection of delegates to attend the Unifor Canadian Council held in August 2023. Local 3 had approved a group of delegates to attend the Council, including its President and Financial Secretary, which S claimed violated multiple provisions of the Unifor Constitution. After an internal review by Local 3 found no wrongdoing, S escalated the matter to the CCM, alleging procedural and constitutional violations. The CCM dismissed the request. S then sought a further review by the PRB, which was asked to assess whether the CCM's decision was unreasonable within the meaning of Article 18(A)(9) of the Constitution.

Submissions

S argued that Local 3 failed to conduct delegate elections as required by Article 9.9, particularly by not providing notice or allowing nominations at one of the workplaces. He claimed that the President and Financial Secretary were appointed without proper process and not in accordance with Article 9.8. He also raised concerns—later in the process—about financial impropriety and conflicts of interest, asserting that Local 3 exceeded its authority in covering the executives' expenses without proper approval.

The CCM concluded that the 2021 delegate elections remained valid through 2023 due to their three-year term and the cancellation of prior Canadian Councils during the pandemic. It found that the Local President attended as an observer, not a delegate, and that his attendance was properly authorized through a transparent process under Local 3's bylaws. As to the Article 4 allegations, the CCM held these were new and improperly raised at the second level of review and should have been processed as charges under Article 18(C), not as a decision review under 18(B).

Decision

The PRB found that the CCM's decision was reasonable and supported by the facts, the Constitution, and Local 3's bylaws. The PRB accepted the finding that the 2021 delegates were validly elected and entitled to serve through 2023. It agreed that the President's observer status was appropriately authorized by the Executive Board under urgent circumstances. It also upheld the CCM's procedural ruling that S's late-raised Article 4 allegations were not properly before it. Finding no unreasonable error, the PRB dismissed S's request for review.