



**Parties to the complaint**  
Tony Leah v. Rob Romano  
Unifor Local 222

**Investigator**  
[REDACTED]  
National Human Rights Coordinator  
Unifor [REDACTED]

July 24, 2023  
SUMMARY REPORT

## FINDINGS

The findings support that, on a balance of probability, the Respondent engaged in harassment and violence. As such, the complaint is substantiated. However, despite these findings, the Complainant plays a role in the antagonistic relationship between him and the Respondent, as well as the Executive Board that serves to exacerbate the conflict.

Harassment is an expression of perceived power and superiority by the harasser over another person or group, based on a prohibited ground of discrimination as well as based on their activism or participation in a union. It is unwelcome, unwanted and uninvited behaviour which the harasser knows, or ought reasonably to know, are abusive, unwelcome or wrong.

Violence is defined as any physical assault or threat of a physical assault. This includes but is not limited to striking, punching, or assaulting another person or any other action or conduct that implies the threat of bodily harm.

The evidence supports that the Respondent engaged in violence while at a Unifor Local 222 union meeting on April 7, 2022. The Respondent quickly and aggressively walked over to the microphone where a member was speaking and yelled about there being no quorum and no meeting. The Respondent grabbed the microphone from the stand and subsequently first pushed the Complainant and, more likely than not, punched the Complainant in the chest as he exited the hall. These incidents reasonably represent acts of violence.

Nevertheless, the evidence also supports that the Complainant more likely than not provoked the situation between him and the Respondent. There is no dispute that the Complainant confronted the Respondent, stood directly in front of him, which in essence blocked his path to leave the hall, while urging him to return the microphone so the member could finish speaking. It further supports the claim that the Complainant put his hand on the Respondent's chest and removed it once he was told to. This action does not justify being subsequently pushed or punched by the Respondent, however putting a hand on another person and blocking their exit during what was conceivably a volatile event only served to exacerbate an already confrontational situation.

Further, the evidence supports that conflict exists between the Complainant and Respondent that has contributed to the Respondent having engaged in a pattern of bullying through demeaning comments, yelling and treating the Complainant differently from others with regard to the Oshaworker publication. The findings in this regard do not find that the Complainant purposely misrepresented facts that led to the Complainant being restricted from the union hall and surrounding property.

On June 15, 2021, the Respondent yelled at the Complainant when he was seen in the union hall for the opening of the nomination box. While the investigator accepts that the Complainant more likely than not manipulated his way into the hall, the Respondent's reaction was demeaning. Further, while the decision to issue a letter that limited the Complainant's access to the hall does not fall within the mandate of this investigation, the findings support that the Respondent reported

his experience at the time. It does not support that the Respondent deliberately misrepresented the facts.

With regard to December 2, 2021, and despite consideration given to the Respondent's position on the matter, the Respondent made a comment that was reasonably mocking of the Complainant when he inquired into obtaining a copy of forecasted budget referenced in an article published in the Summer 2021 Oshaworker.

The Respondent was partially responsible for the Complainant's Oshaworker articles being either only partially published in the Spring of 2022 and not published at all in the Fall of 2022. The Respondent's reasoning as to why one of the articles specific to the convoy was not published in the Spring edition and the decision to not publish any article submitted in the Fall was reasonable. However, admittedly, and despite being a partial decision maker, the Complainant was not advised that his articles would be either only partially published or not published at all consistent with normal practice. The lack of follow-through on this occasion could only be attributed to the ongoing animosity between them. The Investigator accepts that the Respondent's relationship with the Complainant and the relationship between the Complainant and leadership of the Local, is contentious. However, this does not excuse the lack of following normal protocols which only exacerbated the contentious nature of the relationship. Finally, despite not being advised about his submissions, the Respondent admittedly replied "because I can" as a means to antagonize the Complainant when the Complainant asked him about "censuring" the Spring article. The comment is reasonably rude and mocking.

The Respondent was rude and unnecessarily aggressive with the Complainant in the Spring of 2022 when he told the Complainant to leave the hall. Whether it was slightly before or after the union hall was to close, the Respondent was unnecessarily aggressive.

The findings support the fact that there has been long-term conflict between the Complainant and the local leadership, and thus the Respondent by virtue of his position in the Local. While it was not the mandate of this investigation to review and/or determine the cause of the long-term conflict, it is not reasonable to consider that the conflict is one-sided. Clearly, the conflict appears more pervasive in nature than the findings of this investigation. Nevertheless, while the Respondent has engaged in harassment and violence, the Complainant plays a part in antagonizing situations which cannot be ignored as a contributing factor in certain circumstances, such as on April 7, 2022.

In conclusion, the findings support that the Respondent engaged in behaviours that are tantamount to harassment and violence. This represents a violation of the Unifor Harassment Policy and Unifor Harassment Policy for Union Events. Further findings support that there is long standing and pervasive conflict between the Complainant and the local leadership that continues to fester.

## RECOMMENDATIONS

- Provide findings to the Complainant and the Respondent.
- Take appropriate corrective action with the Respondent as it relates to the findings or harassment and violence.
- Take appropriate corrective action with the Complainant regarding his actions toward the Respondent on April 7, 2022.
- Review the Unifor Harassment Policy with the Complainant as it relates to the findings, specifically on how he contributes to the animosity that exists between him and the Respondent.
- Both Parties be required to attend the Unifor 4-hour anti-harassment, Building Respect in the Workplace, training no later than December 2023.
- Both parties be reminded, with an expectation of compliance, regarding standard of behaviour during union meetings/events and in general.
- A review of union meeting procedures be completed with the Parties and the Executive Board.
- Review by-laws and processes associated with having membership meetings and what can and cannot be included in those meetings when there is no quorum. Communicate/reconfirm/clarify that information to all Local 222 leadership.
- Review decorum and expectations related to the Unifor Harassment Policy and Harassment Policy at Union Events with the Unifor Local 222 leadership.
- Conduct a review of any past and current concerns regarding constitutional matters filed by the Complainant.
- Determine the need to conduct a larger review of the conflict between the Parties and the Complainant with the local leadership, and vice versa.
- Establish a clear and standard process to address edits, concerns and/or reasons to limit publication of articles in the Oshaworker.