

## **PREAMBLE**

On January 24, 2022, Unifor National Secretary-Treasurer Lana Payne received a verbal complaint that then Unifor National President Jerry Dias engaged in an alleged breach of the Unifor Constitution. A written complaint followed on January 26, 2022. Following review of that complaint, Payne promptly initiated an independent external investigation.

On January 29, 2022, the elected leadership team was advised that a complaint had been filed against then Unifor National President Jerry Dias alleging violations of the Code of Ethics contained in Article 4 of the Unifor Constitution.

The elected leadership team agreed unanimously that an external independent investigation was required and that Jerry Dias would be advised to cooperate with the investigation.

The elected leadership team also unanimously decided that the February 1, 2022 National Executive Board (NEB) should be postponed until more details about the situation and investigation became clear.

Jerry Dias was advised of the investigation on January 29, 2022 and was asked to cooperate with the external investigation. He was also advised of the unanimous request of the elected leadership team to postpone the NEB meeting.

Jerry Dias did not agree to postpone the February 1, 2022 meeting. At that meeting, the National Executive Board voted to endorse Scott Doherty as its preference for Unifor National President. Unifor's National Secretary-Treasurer Lana Payne and Ontario Regional Director Naureen Rizvi were not present at the time this motion was moved and carried. Jerry Dias did not advise the NEB that he was under investigation and the matter of the investigation was not discussed or raised in that meeting.

On February 6, 2022, Jerry Dias went on medical leave. Unifor had sought and received written legal advice that the medical issues identified would not preclude any participation in this investigation. In the subsequent weeks to follow, Jerry Dias did not provide any testimony or other evidence or otherwise cooperate with the investigation.

On February 15, 2022, the NEB confirmed the following based on the Constitution:

*In the current circumstance, where the President is on a leave and will not be exercising any of the responsibilities of his office, it is appropriate that the other National Officers and Regional Directors assume the responsibilities of that office.*

*The responsibility of the President to lead and coordinate the National leadership team of Unifor, and to be the spokesperson of Unifor, and the other responsibilities of the President described in Article 8.A of the Unifor Constitution*

*shall in the President's current absence be exercised by the Secretary Treasurer, assisted as necessary by the Quebec Director and Regional Directors. The Secretary Treasurer shall also have the assistance of senior staff including the Assistants to the President.*

On March 11, 2022, in accordance with Article 6 (a) of the Unifor Constitution, Unifor National Secretary-Treasurer Lana Payne issued a convention call for the regular convention 150 days in advance of the scheduled opening date of August 8, 2022 as required.

Shortly after that regular convention call was sent to all local unions and staff, Jerry Dias sent an internal email to all Unifor staff outlining medical issues, announced his immediate retirement, and also noted his view that as a result of this immediate retirement, a special convention was required under the Unifor Constitution. The message to staff from Jerry Dias did not mention the fact that he was under investigation at the time for alleged breaches of the Unifor Constitution.

The National Executive Board met on March 21 and 22, 2022 to discuss the results of the external independent investigation.

The investigator determined on a balance of probabilities that Jerry Dias breached the Code of Ethics and Democratic practises contained in Article 4 of the Unifor Constitution in an interaction with a third party supplier. The investigator also determined that there was interference with the investigation in the form of contact with the complainant.

As a result, the NEB determined that Jerry Dias stands charged with breaching Article 4 of the Unifor constitution and that a hearing into the charges will be held in accordance with the Unifor Constitution.

The NEB also unanimously passed a motion to ask all candidates for national officer positions to pause their campaign activities, for the time being, while the union focused on this situation.

A national press conference was held by Unifor leadership on March 23, 2022 to advise Unifor members of these decisions.

Acting on advice from legal counsel after a review of the full investigation report, Unifor then delivered to the Toronto Police Service the money that was given to Unifor in connection with the complaint that Jerry Dias violated the Code of Ethics in the Unifor Constitution. Unifor did not make a complaint, it merely did as advised and turned the money over to the police. The Toronto Police subsequently issued a statement that they have initiated an investigation into these matters and have issued no further statements since.

On April 4, 2022, Unifor National Secretary-Treasurer Lana Payne asked the NEB for approval to call a special convention in accordance with Article 7.A.5 of the Unifor Constitution and this motion was approved. It was not unanimous.

On April 11, 2022, Unifor National Secretary-Treasurer Lana Payne announced to the NEB members that she would be putting her name forward for the position of Unifor National President, joining Scott Doherty and Dave Cassidy who had already announced their intentions to run.

On April 12, 2022, as a result of the investigation and subsequent discussion and debate, a motion was moved and seconded to remove the February 1, 2022 NEB endorsement of Scott Doherty.

After this motion was moved and seconded, Scott Doherty announced that he did not want a vote on this motion and stated his intention to withdraw from the NEB endorsement of his candidacy.

Also tabled at the April NEB meeting was a letter from a number of locals citing their concerns about a Special Convention. At that time, there was a discussion about who could vote in such a convention and it was noted any number of locals would be disenfranchised from voting based on the requirement to use 2019 delegate entitlements. A number of NEB members expressed concern about holding a Special Convention at that time.

The members of the National Executive Board have subsequently received many letters from various local unions across the country opposing a special convention and also received letters demanding that the special convention take place.

In general, the letters from local unions opposing a special convention cite the cost of holding two conventions in a short time frame, the timing of Jerry Dias' decision to retire after the regular convention had been called, the ongoing hearing into the constitutional charges and the Toronto Police investigation, the impacts of disenfranchising many local unions from voting in full or partial strength if they are required to use 2019 delegates instead of 2022 delegates, and the need to use common sense in accordance with the oath of office contained in the Unifor Constitution to deal with extraordinary and unprecedented events for the union.

The NEB also received a unanimous resolution from the Quebec Council opposing a special convention for similar reasons.

In general, the letters received demanding that a special convention be held argued that the union must follow the constitutional provisions related to the calling of a special convention and believe there can be no deviation from these provisions, no matter the circumstances.

Based on the issues raised with respect to who could vote in a Special Convention, the Secretary-Treasurer asked for an interpretation from the Director of the Legal Department. This was shared with the NEB on May 2, 2022.

During the period of the global pandemic, members of the NEB voted in many instances to deviate from the strict requirements of the constitution on the basis of the extraordinary and unprecedented circumstances facing the union including by extending the terms of industry council representatives, cancelling the requirement to hold an annual meeting of the Canada Council in both 2020 and 2021, cancelling the requirement for various regional councils to meet annually, and extending the term of office and/or allowing local unions to postpone Executive Board elections.

Most recently, in March 2022, the Ontario Regional Council met virtually and voted to extend the term of office for its current Executive Board until its next meeting in December 2022.

### **CONVENTION MOTION**

**WHEREAS** due to the extraordinary and unprecedented circumstances surrounding the resignation announcement of Jerry Dias while under investigation shortly after a regular convention had already been called on March 11, 2022, and;

**WHEREAS** in accordance with previous NEB resolutions interpreting the Unifor Constitution in extraordinary and unprecedented circumstances; and

**WHEREAS** the NEB is acting in accordance with the Unifor Oath of Office and the dictates of common sense,

#### **The National Executive Board will:**

1. Rescind its previous motion of April 4, 2022 to call a special convention, and;
2. Advise all local unions that the regular constitutional convention will continue as scheduled and that elections will be held at that convention in accordance with the Unifor constitution, and;
3. Will provide all locals unions with a copy of this motion and the preamble to this motion.