

Federal Court of Appeal



Cour d'appel fédérale

Date: 20251110

Docket: A-359-24

Citation: 2025 FCA 203

**CORAM: LEBLANC J.A.
GOYETTE J.A.
ROCHESTER J.A.**

BETWEEN:

STEVEN PETRUSKA

Applicant

and

**INTERNATIONAL ASSOCIATION OF MACHINISTS
AND AEROSPACE WORKERS (IAMAW)**

Respondent

Heard at Montréal, Quebec, on November 5, 2025.

Judgment delivered at Ottawa, Ontario, on November 10, 2025.

REASONS FOR JUDGMENT BY:

ROCHESTER J.A.

CONCURRED IN BY:

**LEBLANC J.A.
GOYETTE J.A.**

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REASONS FOR JUDGMENT

ROCHESTER J.A.

[1] The applicant, Mr. Petruska, seeks to set aside the decision of the Canada Industrial Relations Board (CIRB or the Board) dated July 19, 2024, dismissing his complaint that the International Association of Machinists and Aerospace Workers (Union) breached its duty of fair representation under section 37 of the *Canada Labour Code*, R.S.C. 1985, c. L-2 (Decision). In his complaint to the Board, the applicant alleged that the Union acted in bad faith, discriminated

against him, and failed to adequately represent him with respect to his termination by his employer, Air Canada.

[2] In the Decision, the Board determined that no breach of the Union's duty of fair representation occurred and thus the complaint was dismissed.

[3] Before this Court, the applicant, who is self-represented, submits that the Board committed the following three reviewable errors. First, the Board failed to admit into evidence a series of audio recordings. Second, the Board found that the applicant was not stripped of a right to progress the grievance on his own. Third, the Board determined that the applicant had not demonstrated that the Union acted in bad faith or in an arbitrary and discriminatory manner with respect to his grievance.

[4] In his oral submissions, the applicant focused on the failure of the Board to admit into evidence the series of audio recordings and the reasonableness of the Decision. In particular, the applicant submits that the Decision was unreasonable on the basis that the Board altered or disregarded evidence, made errors of fact, applied its own standards inconsistently, and failed to appreciate that the Union's failure to act constituted a breach of its duty of fair representation. With respect to the Union's alleged failure to act, the applicant pleads that the Union failed to involve him in discussions with the employer, made decisions without his consent, failed to contact him for three months, excluded him from the dispute resolution process and ultimately failed to achieve a settlement that was just under the circumstances.

[5] The Union submits that, while there were issues during the initial stages of the dispute, nothing turns on those errors. The Union highlights that it filed a grievance on behalf of the applicant and once it fully understood the nature of the dispute, it advocated for the applicant and achieved a settlement with the employer that reinstated the applicant and rendered him whole. Ultimately, in the Union's submission, the Decision is reasonable.

[6] This Court may only intervene to set aside the CIRB's decision if it is unreasonable: *Heatley v. International Association of Machinists and Aerospace Workers*, District Lodge 14, 2025 FCA 188 at para. 3; *Perrin v. Canadian Union of Public Employees*, 2023 FCA 104 at para. 5; *Watson v. Canadian Union of Public Employees*, 2023 FCA 48 at para. 16; *Paris v. Syndicat des employés de Transports R.M.T. (Unifor-Québec)*, 2022 FCA 173 at paras. 2 and 14; *Grant v. Unifor*, 2022 FCA 6 at paras. 7–8.

[7] A reasonable decision is one that is justified in relation to the facts and the law that constrain the decision maker (*Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 [*Vavilov*]) at para. 85).

[8] Reasonableness is a deferential, but robust, standard of review (*Vavilov* at paras. 12-13). As such, the approach is one of deference, especially with respect to findings of fact and weighing of evidence. A reviewing court should not interfere with factual findings, absent exceptional circumstances, and it is not the function of this Court on an application for judicial review to reweigh or reassess the evidence considered by the decision maker and substitute its own findings to those of the decision-maker (*Vavilov* at paras. 83-125). A reviewing court must

equally bear in mind that the written reasons given by an administrative body must not be assessed against a standard of perfection (*Vavilov* at para. 91). Nor is a reasonableness review a “line-by-line treasure hunt for error” (*Vavilov* at para. 102).

[9] In my view, while not perfect, the Board’s decision is reasonable. While I understand that this is not the outcome the applicant would have desired, the Decision is justified in relation to the record before it and the law that constrains the Board.

[10] With respect to the audio recordings, I find it was not unreasonable for the Board to conclude that the recordings were inadmissible, primarily, on the basis that the case turned on facts that were not in dispute and that the recordings were of limited probative value. To interfere in this conclusion would be to second-guess the Board’s factual and evidentiary finding, something this Court cannot do, absent exceptional circumstances. Moreover, the Board is entitled to reject evidence “in its discretion” and “as it sees fit” whether or not admissible in a court (*Canada Labour Code*, at subsection 16(c); *Fearing v. Canada Council of Teamsters*, 2025 FCA 167 at para. 6).

[11] While the applicant did not focus on this point during his oral submissions, I am nevertheless satisfied that it was not unreasonable for the Board to conclude that the applicant was not stripped of a right to handle the grievance on his own behalf. This conclusion rested on the Board’s finding that the right of self-representation contained in article 17.01.11 of the collective agreement does not include a right to determine whether a matter should be referred to arbitration. In effect, under the collective agreement, the decision to proceed to arbitration lies

with the Union and thus the applicant could not have been stripped of a right that he did not possess. This finding by the Board is supported by reasons that rest on the Board's previous decisions.

[12] Finally, I have not been persuaded that the Board committed a reviewable error in failing to find that the Union breached its duty of fair representation. Having considered the evidence before the Board, and the applicant's written and oral submissions, I find that the Decision is ultimately reasonable in light of the record before it.

[13] I acknowledge that there is evidence that the Union ought to have been aware of the Care COVID leave approval prior to October 2021. From October onwards, however, it was open to the Board to conclude that the steps taken by the Union were such that they fulfilled its duty to fairly represent the applicant. Contrary to the reply submissions of the applicant, I do not find that the record demonstrates that he was "abandoned by his Union". Rather many of the points raised by the applicant in relation the Decision fall into the category of a "line-by-line treasure hunt for error" (*Vavilov* at para. 102).

[14] I note that the applicant was ultimately unhappy with the settlement negotiated by the Union and exercised his right not to accept it. While the applicant submits that the settlement offer was unjust considering that it did not account for compensation in lieu of the Canada Recovery Caregiving Benefit for the period between May 10 and June 14, 2021, this is insufficient, in my view, to demonstrate that the Board's conclusion was unreasonable given the record as a whole.

[15] For these reasons, I would dismiss the present application for judicial review, with costs in the all-inclusive amount of \$250.

"Vanessa Rochester"

J.A.

"I agree.

LeBlanc J.A. "

"I agree.

Goyette J.A. "

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-359-24

STYLE OF CAUSE: STEVEN PETRUSKA v.
INTERNATIONAL
ASSOCIATION OF MACHINISTS
AND AEROSPACE WORKERS
(IAMAW)

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: NOVEMBER 5, 2025

REASONS FOR JUDGMENT BY: ROCHESTER J.A.

CONCURRED IN BY: LEBLANC J.A.
GOYETTE J.A.

DATED: NOVEMBER 10, 2025

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