



Court File No. S257054
Registry: Vancouver

In the Supreme Court of British Columbia

Between:

Jessie Bains
Applicant

And:

**Hospital Employees Union
and Barb Nederpel**
Respondents

Notice of Civil Claim

This action has been started by the plaintiff for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiff,

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,

- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

Claim of the Applicant

PART 1: STATEMENT OF FACTS

The Parties

1. I, Jessie Bains, am a resident of Surrey, British Columbia. At all material times until November 7, 2024, I was a member in good standing of the Hospital Employees' Union ("HEU").
2. The Respondent, Hospital Employees' Union ("HEU"), is a trade union incorporated under the laws of British Columbia with its head office at 5000 North Fraser Way, Burnaby, British Columbia. HEU represents healthcare workers throughout British Columbia.
3. The Respondent, Barb Nederpel ("Ms. Nederpel"), is the President of HEU and resides in British Columbia. At all material times, Ms. Nederpel was acting in her capacity as President of HEU.
4. Other relevant individuals include Bill McMullan (1st Vice President), Talitha Dekker (2nd Vice President), Bonnie Hammermeister (Regional Vice President, Fraser), and Jovito Espinoza (Disabilities DVP), who were all members of the HEU Provincial Executive at all material times and participated in the conduct described herein.

The HEU Constitution and Collective Agreement

5. My relationship with HEU is governed by the HEU Constitution and By-Laws (the "Constitution"), which constitutes a binding contract between the union and its members.
6. Article 5, Section C of the Constitution guarantees members the right to participate in union activities and conventions.
7. Article 19 of the Constitution establishes a process for addressing charges against union members and officers, including charges related to conduct detrimental to the welfare or interests of the union.

8. The Constitution establishes democratic principles for the election of union officers, including fair and transparent election procedures.
9. The Collective Agreement between HEU and PHSA establishes the terms and conditions of my employment and the union's duty of fair representation.

The HEU Convention and Election Tampering

10. The HEU Biennial Convention was held from October 20-25, 2024, in Vancouver, British Columbia. The Convention included the election of Provincial Executive officers.
11. On October 21, 2024, while attending the Convention as a permitted observer under Article 5, Section C of the HEU Constitution, I was approached by Chris Dorais, Coordinator of Public Sector Servicing, who told me I was not a member and ordered me to leave. This was false, as my membership was still active.
12. Mr. Dorais also made provoking remarks such as "You make a lot of threats, so why don't you do something about them?" and claimed staff did not feel safe around me, despite there being no history of threats or complaints against me.
13. I was forcibly removed from the Convention without evidence, complaint, or due process, in violation of Article 19's procedures for addressing alleged misconduct.
14. During the October 2024 Convention, President Barb Nederpel, 1st Vice President Bill McMullan, 2nd Vice President Talitha Dekker, Regional VP Bonnie Hammermeister, and Disabilities DVP Jovito Espinoza coordinated efforts to manipulate the election process.
15. Evidence from their group SMS chat shows the following actions:
 - a. Blocking microphone access to silence opposing views and equity-seeking voices;
 - b. Spreading misinformation about legal expenses to influence votes;
 - c. Directing real-time voting through a coordinated "text tree";
 - d. Making disparaging comments about equity members;
 - e. Engaging in prohibited campaigning inside the voting hall.
16. For example, President Barb Nederpel wrote "Everyone must vote Jovito!" (Text #17) during a live tie-breaker, and "I tried to tell people to switch" (Text #18), confirming real-time

interference. Similarly, chat members wrote "We need to organize our team this round... All agree Ranjit and then send texts out to the group" (Text #2) and "Okay, people are messaging me who to vote for" (Text #7).

17. This coordinated vote manipulation violated the union's constitutional commitment to democratic, fair, and transparent elections, and undermined the six HEU equity committees.
18. I believe I was removed from the Convention specifically to prevent me from witnessing and challenging this misconduct.

Attempts to Seek Redress

19. On October 25, 2024, I filed an Article 19 charge against Chris Dorais for my unjust removal.
20. I also filed a complaint with the HEU Ethics Commissioner regarding election tampering, but it was rejected on the basis that I was "no longer a member" despite my membership being active during the Convention. The Commissioner had a clear conflict of interest as she was appointed by the very individuals implicated.
21. On March 18, 2025, I filed a Section 12 application with the BC Labour Relations Board ("BCLRB") alleging bad faith and discriminatory conduct in the election process.
22. On April 30, 2025, the BCLRB dismissed my application for lack of jurisdiction over internal election matters, stating:

"The Applicant's complaint about the Union's internal election procedures has no relation to any statutory obligation on the part of the Union... It is entirely a matter related to internal Union governance... If the Applicant believes the Union's interpretation of the Constitution is incorrect, then his recourse is with the courts, not with the Board."
23. I am now left with no internal or administrative remedy and must seek redress in this Honourable Court.
24. I am no longer a member of HEU, in part because HEU provided bad faith representation that prevented my reinstatement to my position at PHSA, thereby terminating my union membership.
25. The termination of my membership was a deliberate strategy by HEU leadership to prevent me from pursuing internal complaints against them.

26. The Honourable Supreme Court of British Columbia is now the only forum where I can seek accountability for these serious breaches of trust, democratic principles, and the fundamental values upon which unions were established.

Part 2: RELIEF SOUGHT

27. I claim:

- a. A declaration that the Respondents breached the contractual obligations owed to me under the HEU Constitution and By-Laws;
- b. A declaration that the Respondents engaged in election tampering during the October 2024 HEU Convention;
- c. A declaration that the Respondents wrongfully removed me from the Convention;
- d. A declaration that the text messages exchanged by Ms. Nederpel and other union leaders during the Convention violated the principles of equity, fairness, and democracy that form the foundation of the union movement;
- e. General damages for breach of contract in the amount of \$100,000;
- f. Special damages in an amount to be determined at trial;
- g. Punitive damages in the amount of \$50,000;
- h. An order requiring the Respondents and Provincial Executive members Bill McMullan, Talitha Dekker, Bonnie Hammermeister, and Jovito Espinoza to produce all text messages, communications, and documents related to the election process during the October 2024 Convention;
- i. An order requiring the Respondents to produce all investigation reports related to my complaints;
- j. Pre-judgment and post-judgment interest pursuant to the Court Order Interest Act, R.S.B.C. 1996, c. 79;
- k. Costs; and
- l. Such further and other relief as this Honourable Court deems just.

Part 3: LEGAL BASIS

28. I rely on the following legal grounds:

Breach of Contract

29. The HEU Constitution and By-Laws constitute a binding contract between HEU and its members, including myself.

30. The Supreme Court of Canada has recognized in *Berry v. Pulley*, 2002 SCC 40, that the relationship between a union and its members is contractual in nature, and that the union constitution forms the basis of this contract.

31. The Respondents breached the contractual obligations owed to me under the Constitution by:

- a. Denying my right to participate in union activities and observe the Convention proceedings, contrary to Article 5, Section C of the Constitution;
- b. Failing to follow the proper procedures for addressing alleged misconduct, as set out in Article 19 of the Constitution;
- c. Engaging in election tampering, contrary to the democratic principles established in the Constitution; and
- d. Failing to provide fair representation to me.

32. I have suffered damages as a result of these breaches.

Breach of Fundamental Union Principles

33. The text messages exchanged by Ms. Nederpel and other union leaders reveal conduct that fundamentally betrays the core principles upon which unions were founded, including:

- a. Democracy and fair representation;
- b. Equality and non-discrimination;
- c. Transparency and accountability; and
- d. Solidarity and respect for all members.

34. These text messages demonstrate that while HEU publicly maintains six equity committees dedicated to promoting fairness and equality, its highest leadership privately engages in conduct that undermines these very principles.

35. This hypocrisy constitutes a fundamental breach of the social contract between union leadership and membership, causing significant harm to me and other members who trusted in the integrity of the union's democratic processes.

Breach of Duty of Fair Representation

36. The HEU owed me a duty to act fairly, impartially, and in good faith under s.12 of the Labour Relations Code.

37. Instead, HEU leadership acted in:

- a. Arbitrary manner: manipulating the election by directing votes via a text tree, blocking microphones, and removing me from the Convention;
- b. Discriminatory manner: silencing equity-seeking members and excluding me on false grounds;
- c. Bad faith: rejecting my complaints solely to protect implicated leadership and exploiting a conflict of interest in the Ethics Commissioner.

38. These constitute clear breaches of the union's statutory and contractual duties.

39. While the BCLRB has declined jurisdiction over internal union election matters, this Court has jurisdiction to address breaches of the contractual relationship between the union and its members.

Intentional Interference with Contractual Relations

40. The Respondents, particularly Ms. Nederpel, intentionally interfered with the contractual relationship between myself and HEU by:

- a. Orchestrating my removal from the Convention;
- b. Engaging in election tampering; and
- c. Ensuring I lost my union membership to prevent me from pursuing internal complaints.

41. This interference was done with the knowledge that it would harm my rights and interests.

Conspiracy and Breach of Fiduciary Duty

42. The SMS messages show concerted coordination among Nederpel, McMullan, Dekker, Hammermeister, and Espinoza to manipulate the election result.
43. As elected officers, they owed fiduciary duties to act in the best interests of the membership.
44. Instead, they used their positions to advance personal interests, retaliate against dissent, and suppress democratic participation — conduct that constitutes both civil conspiracy and breach of fiduciary duty.
45. The text messages exchanged during the Convention provide clear evidence of this breach of fiduciary duty, showing union leaders actively working against the interests of the membership they were elected to serve.

Conspiracy

46. The Respondents, along with other Provincial Executive members including Bill McMullan (1st VP), Talitha Dekker (2nd VP), Bonnie Hammermeister (Regional VP, Fraser), and Jovito Espinoza (Disabilities DVP), engaged in a conspiracy to manipulate the election process during the October 2024 Convention.
47. This conspiracy involved coordinated actions to control voting, silence opposition, and ensure preferred candidates were elected.
48. I suffered damage as a result of this conspiracy, including the loss of my right to participate in union activities and observe the democratic process.

Jurisdiction

49. The BCLRB expressly held my complaint about internal election tampering is outside its jurisdiction, stating:

"It is entirely a matter related to internal Union governance... If the Applicant believes the Union's interpretation of the Constitution is incorrect, then his recourse is with the courts, not with the Board."

50. Accordingly, this Honourable Court has jurisdiction to adjudicate this matter under *Berry v. Pulley*, 2002 SCC 40 and *Weber v. Ontario Hydro*, [1995] 2 S.C.R. 929, as it concerns breaches of the contractual and fiduciary relationship between a union and its members.
51. Furthermore, as I am no longer a member of HEU, I have no access to internal union remedies, making this Court the appropriate forum for resolving this dispute.

52. The Honourable Supreme Court of British Columbia is the only forum where I can seek accountability for the serious breaches of trust and democratic principles revealed in the text messages exchanged by union leadership during the Convention.

Damages

53. As a result of the Respondents' conduct, I suffered:

- a. loss of employment and union membership,
- b. loss of ability to access internal remedies,
- c. reputational damage from public removal and silencing,
- d. emotional and psychological harm from exclusion, intimidation, and retaliation.

54. I therefore claim general, special, and punitive damages as set out in Part 2.

My address for service: 5961 129 Street Surrey, BC V3X 0B9 Telephone: 604-365-3400

Preferred method of service is Email: bainsj@gmail.com

Place of trial: Vancouver, British Columbia

The address of the registry is: 800 Smithe Street Vancouver, BC V6Z 2E1

Dated: September 19, 2025



Signature of Applicant
Jessie Bains

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
- (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.



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No. _____
Vancouver Registry

In the Supreme Court of British Columbia

Between:

Jessie Bains
Applicant

And:

**Hospital Employees Union
and Barb Nederpel**
Respondent

Affidavit of Jessie Bains

I, **Jessie Bains**, of 5961 129 Street, Surrey, British Columbia, V3X 0B9, **MAKE OATH AND SAY AS FOLLOWS:**

1. I am the Applicant in this proceeding and as such have personal knowledge of the facts and matters hereinafter deposed to, save and except where stated to be on information and belief, and where so stated, I verily believe the same to be true.
2. I was a member in good standing of the Hospital Employees' Union ("HEU") from the time I was hired as a Warehouse Attendant with the Provincial Health Services Authority ("PHSA") until November 7, 2024.

My Membership and Rights under the HEU Constitution

3. As a member of HEU, my relationship with the union was governed by the HEU Constitution and By-Laws (the "Constitution"), which constitutes a binding contract between the union and its members.
4. At the time of the HEU Biennial Convention, my union dues were fully paid and my membership was active and in good standing. I had received no written or verbal notice that my membership was suspended or terminated. My membership continued until November 7, 2024. Any claim that I was not a member at the time of the Convention was made only after I

attempted to raise complaints, and was done in bad faith to prevent me from pursuing internal remedies.

5. Article 5, Section C of the Constitution guarantees members the right to participate in union activities and conventions.
6. The complete HEU Constitution is voluminous (126 pages) and is not attached in full, but I am prepared to provide complete copies to the Court upon request. As the Respondents are officers of the HEU, they have access to the complete Constitution.

The HEU Convention and My Removal

7. The HEU Biennial Convention was held from October 20-25, 2024, in Vancouver, British Columbia. The Convention included the election of Provincial Executive officers.
8. On October 21, 2024, I attended the Convention as an observer, as permitted under the Constitution. After approximately 30 minutes, Chris Dorais, HEU's Coordinator of Public Sector Servicing, approached me and instructed me to leave the Convention hall.
9. Mr. Dorais claimed that I was making staff "uncomfortable" and that I was not welcome at the Convention. No evidence or formal complaint was provided to substantiate these claims.
10. Mr. Dorais made unprofessional and provoking remarks to me, including, "You make a lot of threats, so why don't you do something about them?" He also claimed that staff "do not feel safe" around me, despite there being no record of threats or complaints against me.
11. I was forcibly removed from the Convention despite being a member in good standing at that time, with membership that continued until November 7, 2024.
12. I was denied my right to observe the Convention proceedings, including the election of Provincial Executive officers, in violation of my rights under the Constitution.
13. Attached as Exhibit "A" to this Affidavit is a true copy of my formal Article 19 charge against Chris Dorais dated October 25, 2024, detailing my unjust removal from the Convention.

Evidence of Election Tampering

14. I have obtained evidence in the form of text messages exchanged between Ms. Nederpel and other Provincial Executive members during the Convention that reveal a systematic effort to manipulate the election process.
15. During the Convention, Ms. Nederpel and other Provincial Executive members engaged in a coordinated effort to manipulate the election process through various improper means.
16. By way of example, the text messages contain the following direct instructions and admissions:

- President Barb Nederpel: "Everyone must vote Jovito!" (Text #17) — sent during a live tie-breaker vote.
- President Barb Nederpel: "I tried to tell people to switch" (Text #18) — confirming real-time interference with voting results.
- "We need to organize our team this round... All agree Ranjit and then send texts out to the group" (Text #2) — demonstrating coordinated vote direction.
- "Okay, people are messaging me who to vote for" (Text #7) — showing votes being controlled through a text tree.

These statements confirm that the election process was manipulated in real time by senior HEU leadership, including the President, contrary to the Constitution and democratic principles.

17. These text messages show that Ms. Nederpel and other union leaders engaged in conduct that fundamentally contradicts the very principles upon which unions were founded and directly violates the mandates of HEU's six equity committees.
18. The text messages reveal deeply troubling conduct by Ms. Nederpel and other union leaders, including:
 - a. Blocking microphone access to silence opposing views, particularly from equity-seeking members;
 - b. Spreading misinformation about legal expenses and other matters to influence voting;
 - c. Using a coordinated "text tree" to direct voting in real time, undermining the democratic process;
 - d. Making disparaging comments about members based on their identity, directly contradicting the principles of HEU's Ethnic Diversity, Indigenous Peoples, People with Disabilities, Pink Triangle, 2-Spirit, Women & Non-Binary, and Young Workers committees;
 - e. Engaging in prohibited campaigning in the voting hall; and
 - f. Manipulating the election process through tactics that border on potential criminal behavior, including voter suppression and intimidation.
19. Attached as Exhibit "B" to this Affidavit is a true copy of the document titled "Evidence of Election Tampering – October 2024" which contains the text messages exchanged between Ms. Nederpel and other Provincial Executive members during the Convention.
20. These text messages provide clear evidence of a coordinated effort to undermine the democratic process that unions were established to protect, including:

- a. Text messages showing direct instructions from Ms. Nederpel on who to vote for during live voting;
- b. Messages coordinating a "text tree" to control voting outcomes;
- c. Explicit admissions of prohibited campaigning in the voting hall;
- d. Discussions about preventing "vote splitting" by coordinating votes for specific candidates; and
- e. Messages revealing that non-delegates were participating in election-related discussions and influencing the voting process.

My Attempts to Seek Redress

- 21. On October 25, 2024, I filed an Article 19 charge against Chris Dorais for my unjust removal from the Convention, as evidenced by my formal complaint attached as Exhibit "A".
- 22. I also filed a complaint with the HEU Ethics Commissioner regarding the election tampering, but no action was taken. The Ethics Commissioner has a clear conflict of interest, as she was appointed by the very individuals involved in the election tampering.
- 23. On March 18, 2025, I filed a Section 12 application with the BC Labour Relations Board ("BCLRB") alleging election tampering by HEU leadership.
- 24. Attached as Exhibit "C" to this Affidavit is a true copy of my Section 12 application to the BCLRB dated March 18, 2025.
- 25. On April 30, 2025, the BCLRB dismissed my application, stating that it lacked jurisdiction over internal union election matters.
- 26. Attached as Exhibit "D" to this Affidavit is a true copy of the relevant portions of the BCLRB's decision dated April 30, 2025.
- 27. The BCLRB's decision effectively left me without any administrative remedy for the violations of my rights under the Constitution, specifically stating at paragraph 132 that "if the Applicant believes the Union's interpretation of the Constitution in this regard is incorrect then his recourse is with the courts, not with the Board."
- 28. I am no longer a member of HEU, in part because HEU provided bad faith representation that prevented my reinstatement to my position at PHSA, thereby terminating my union membership.
- 29. The termination of my membership was a deliberate strategy by HEU leadership to prevent me from pursuing internal complaints against them.

30. The Honourable Supreme Court of British Columbia is now the only forum where I can seek accountability for these serious breaches of trust, democratic principles, and the fundamental values upon which unions were established.

Harm Suffered

31. As a result of the Respondents' actions, I have suffered the following harms:

- a. Denial of my right to participate in union activities and observe the Convention proceedings;
- b. Loss of my ability to witness and challenge the election tampering that occurred during the Convention;
- c. Emotional distress from being publicly humiliated and removed from the Convention;
- d. Loss of my union membership and the benefits and protections that come with it; and
- e. Financial losses associated with my inability to secure reinstatement to my position at PHSA.

32. These examples illustrate that my removal from the Convention occurred in the direct context of a coordinated scheme to manipulate the election. I believe I was removed to prevent me from witnessing or challenging this misconduct.

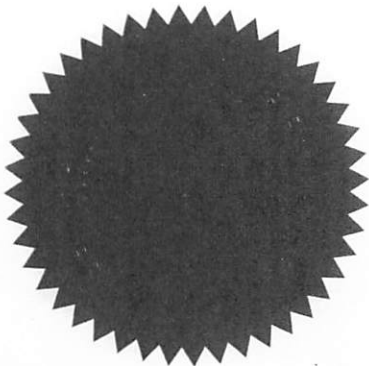
33. I make this Affidavit in support of my Notice of Civil Claim and for no improper purpose.

AFFIRMED BEFORE ME in the City of
Surrey in the Province of, British Columbia
on this 19th day of September, 2025

Muhammad Shafiq Rauf
Notary Public in and for
the Province of British Columbia
220 - 13711 72 Avenue
Surrey, British Columbia
V3W 2P2, Canada
Tel: 604 596 1861



Jessie Bains





Jessie Bains <bainsj@gmail.com>

Formal Charge under Article 19 against Chris Dorais (Coordinator of Public Sector Servicing)

1 message

Jessie Bains <bainsj@gmail.com>

Fri, Oct 25, 2024 at 5:57 PM

To: Barb Nederpel <bnederpel@heu.org>

To: Office of the President – HEU

Subject: Formal Charge under Article 19

Complainant:

Jessie Bains
5961 129 Street
Surrey, BC V3X 0B9
Phone: (604) 365-3400
Email: bainsj@gmail.com

Respondent:

Chris Dorais (Coordinator of Public Sector Servicing)

Allegation:

I, Jessie Bains, a member in good standing at the time of filing this charge, submit this Article 19 charge against Chris Dorais, Coordinator of Public Sector Servicing, for failing to uphold his responsibilities under the HEU Constitution and Bylaws. Specifically, Chris Dorais demonstrated conduct unbecoming of his position, as well as behavior in direct violation of my rights as a union member, as outlined in Article 19 regarding "Charges, Trials, and Penalties."

Details of the Charge:

1. Unjust Removal from Convention

On **October 21, 2024**, Chris Dorais approached me while I was in the guest area at the HEU Convention and instructed me to leave, claiming that I was not an HEU member. This assertion was false; my grievances are still unresolved, and I have received no communication from the Provincial Office or employer indicating the end of my membership (see attachment). His removal of me from the convention without valid grounds infringes upon my rights and was a gross misuse of authority.

2. Attempt to Provoke

While escorting me out, Chris made unprofessional and provoking remarks, including, "You make a lot of threats, so why don't you do something about them?" He also claimed that staff "do not feel safe" around me. These statements were intended to provoke a reaction and lacked any factual basis, as I have no record of threats or complaints against me. Chris's actions demonstrated bad faith, disrespect for due process, and personal bias against me.

3. Violation of Rights and Denial of Convention Access

By removing me from the convention without a legitimate reason, Chris denied me my right to participate in union activities. This exclusion was done without due process or explanation, highlighting his arbitrary conduct and lack of respect for the union's standards of fair representation.

Violations of the HEU Constitution:

This is Exhibit "A" referred to in the affidavit of

JESSIE BAINS

Sworn before me at Surrey, British Columbia, this

19 day of SEPTEMBER, 2025

A Notary Public in and for the
Province of British Columbia

Muhammad Shoaib Rauf
Notary Public in and for
the Province of British Columbia
220 - 13711 72 Avenue
Surrey, British Columbia
V3W 2P2, Canada
Tel: 604 596 1861

1. Denial of Union Rights and Due Process (Article 5, Section C):

- Chris's unjust removal of me from the HEU Convention violates Article 5, Section C, which guarantees members the right to participate in union activities and conventions.

2. Conduct Unbecoming an Officer (Article 19, Section B):

- His attempt to provoke and intimidate me constitutes conduct unbecoming an officer, violating Article 19, Section B, Subsections 1 & 3.

3. Failure to Provide Fair Treatment (Article 7, Section A):

- Chris's arbitrary and biased behavior undermines the union's obligation to provide fair and unbiased treatment to all members.


Requested Remedies:

- A full investigation into Chris Dorais's actions and failure to uphold his duties as outlined in the HEU Constitution.
- Appropriate disciplinary measures under **Article 19**, Section K (Penalties), to hold him accountable for his misconduct and violation of union standards.
- A formal acknowledgment of the impact his actions have had on my right to participate in union activities, specifically the exclusion from the HEU Convention.
- Any additional penalties or actions deemed just and reasonable by the Provincial Executive, a Trial Panel, or a Disciplinary Panel.

I respectfully submit this Article 19 charge and request that it be handled with the seriousness and urgency it warrants.

Sincerely,
Jessie Bains
Local: SSF
Position: Warehouse Attendant

NOTICE: This e-mail is confidential and may contain privileged information. If you are not an intended recipient, please delete this e-mail and notify us immediately. Any unauthorized use or disclosure is prohibited.

 **Gmail - Unjust Removal from Convention_ A Blatant Denial of Union Rights - SHAME.pdf**
138K

Evidence of Election Tampering – October 2024

This document highlights significant instances of election tampering during the October 2024 elections, involving manipulation of the process and misleading members. Below are some key examples supported by documented evidence:

1. Blocking Microphone Access:

Members were strategically used to monopolize microphone time, shutting down opposing views and stifling open debate. This deliberate silencing severely undermines the democratic process.

2. Spreading Misinformation:

The president leveraged her influence through close allies to distort the narrative surrounding legal expenses, falsely implying shared responsibility within the leadership. This misrepresentation misled members and deflected legitimate criticism.

3. Real-Time Vote Manipulation via Texting:

Evidence reveals a coordinated "text tree" used to direct voting in real time. Individuals were instructed on how to vote, with specific tactics to split or consolidate votes, effectively overriding members' independent choices.

4. Selective Advocacy Based on Identity Politics:

Some text messages reflect a troubling lack of understanding and sensitivity regarding equity issues. For instance, dismissing concerns about racism while accepting an equity position undermines the credibility and purpose of such roles.

5. Prohibited Campaigning:

Campaigning in the voting hall, strictly prohibited by election rules, was documented through messages showing direct instructions from the president during live tie-breakers—blatant election rule violations.

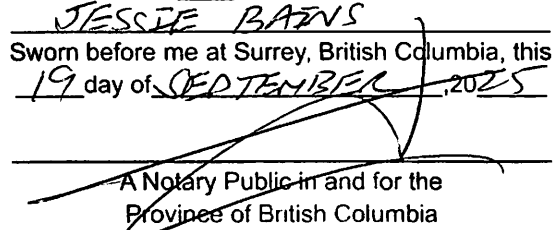
These examples go beyond isolated incidents of voter influence. Election tampering isn't limited to rigging machines; it involves creating an environment where members cannot exercise free will due to strategic manipulation.

HEU Executive Member in group SMS Texts:

Barb Nederpel – President | Bill McMullan – 1st VP | Talitha Dekker – 2nd VP

Bonnie Hammermeister – Regional VP, Fraser | Jovito Espinoza (Certi) – Disabilities DVP

Muhammed Shoaib Rauf
Notary Public in and for
the Province of British Columbia
220 - 13711 72 Avenue
Surrey, British Columbia
V3W 2P2, Canada
Tel: 604 596 1861

This is Exhibit " B " referred to in the affidavit of
JESSIE BARNES
Sworn before me at Surrey, British Columbia, this
19 day of SEPTEMBER, 2025

A Notary Public in and for the
Province of British Columbia

Legal expenses

The problem with the chats about legal expenses is mainly that Barb Nederpel has had unmatched access to locals, and has spent much of her time creating a false narrative and maligning innocent members.

The truth is simple:

1. At the previous convention, Barb confronted Donovan Adlam by backing him against a wall, screaming at him, being removed from the scene, only to return and continue yelling before threatening him. In response, Donovan filed Article 19 charges. During the trial, however, he was denied natural justice at every stage: there was a year-long delay, the venue changed three times, and he received the trial rules only two days beforehand, with no option for an extension. Barb was represented by an HEU-funded lawyer, while Donovan had no legal support. Despite being told extrinsic evidence would not be admitted, it ultimately was. Barb was not found innocent, but the charges were deemed insufficient to meet the criteria of Article 19. When the WCB reviewed the case, they mandated that HEU conduct a safety investigation, which HEU has yet to undertake.
2. During the trial, a highly confidential document was disclosed: an Article 19 "in camera" reading, marked with double confidentiality, used to justify the removal of Don's support person from the proceedings.
3. The removed individual also filed charges for breach of privacy. In response, Barb directed HEU to make Article 19 proceedings non-confidential, a move that undermines the entire process. This directive contradicts the intent of Article 19, as confidentiality is fundamental to its function.

So the truth is Barb was never found innocent and she was the trigger of every expense, and used her power to circumvent justice.

The Narrative:

The charges were dismissed. The expenses were caused by unfounded accusations. The charges are inexcusable. The complainants are toxic. I am being bullied. There is no basis. Don is a horrible bully, and Charlotte is his master.

The issue:

Barb exploited her access to members and her power to silence both the complainants and the Provincial Executive, advancing her political agenda. She misrepresented the trial outcomes to members and threatened anyone who mentioned the trial with sanctions. In messages, she and others openly admitted to using the misleading trial results to influence votes.

The campaign rules explicitly prohibit inflammatory and false statements, yet Barb used these lies to manipulate the outcome of an election. In doing so, she violated her oath of installation, her oath of office, and the HEU Code of Conduct.

The lasting damage:

Donovan Adlam's reputation has been severely damaged. Initially, he went from stepping onto the convention floor for the first time and being elected as 3rd VP, the fourth-highest position, to barely securing the role of 1st Alternate, the 28th-highest position, in his second run. Similarly, Charlotte Millington went from winning the 2nd VP role with ease to struggling to barely secure the 3rd VP position.

Other candidates were similarly labelled as "not on Barb's team," resulting in severe, career-damaging impacts on their reputations. This will become evident as you conduct interviews.

It's also worth noting that members were denied the opportunity to hear the full truth when Barb strategically filled the microphones with her supporters. After they spoke, she abruptly ended the debate, silencing any opposing views—this occurred during both her report and the Financial Secretary's report.

The truth:

It was Barb attacking a member and violating a member's human rights that caused \$300,000 to be spent on trials and lawyers. It is worth noting that Barb retained lawyers while both defendants got none. This is a serious section 12 violation of the Unions duty to represent. In fact it is all the more egregious in that the members' dues funded the case against them.

Certi
About legal expenses

Isla
Members around me at my table were commenting more on workplace safety and on care aid workload

Ivy
I'm also willing to ask Betty the expense question

Isla
(But To clarify: I support asking the question about legal expenses if it helps Barb!!!)

Ivy

Hold on, let me think about it. Drawing more attention might not b...

Was thinking that - members might be equally annoyed at ALL members of PE that legal expense were higher due to "internal conflict" - might not care who started the fight, and who had to defend themselves, just annoyed across the board

Barbara replied to Ivy
Whaaaat?! They should be put in the

This is what I will ask/ say: Respectfully, for transparency... The...

It does come from our dues. That bank is our bank

Barbara
If you ask, that's fine. But perhaps you can ask but what was the outcome? What was the outcome?

Ivy replied to Rosalyn
Can I forward a question regarding accommodation...

Whaaaat?! They should be put in the same room from the getgo!

Isla replied to Barbara

Rosalyn replied to Certi
This is what I will ask/ say: Respectfully, for transparency... The...

Do you want me to ask

Barbara
Hold on, let me think about it. Drawing more attention might not be helpful but maybe there is a way

Ivy replied to Certi
This is what I will ask/ say: Respectfully, for transparency... The...

It does come from our dues. That ' is our

Certi
This is what I will ask/ say: Respectfully, for transparency... The membership would like to know with all the internal conflict, how much was spent on the investigations and WE the membership are curious if that money that was spent came out of our Union dues

Is this ok?

Ivy
It's very widely known that Barb and I are friends for over a decade. It should be someone else that isn't necessarily linked to Barb

Ivy
Ask both as another person might not get the opportunity

Certi
Ok

Isla
If you link legal expense to outcome, it highlights that the complaints were a bullshit waste of time and money!

Isla
My vote is ask both

Ivy
Yup

MON 1:12 PM

Barbara
Hey folks, if you are hearing any murmurs or grumbings now that I've given my report and also likely after Betty's report, please let me know!

Talitha
Do we have anyone asking questions re legal expenses??

Barbara
Bravo!!!

Bill
Holy Cathy black.

Talitha

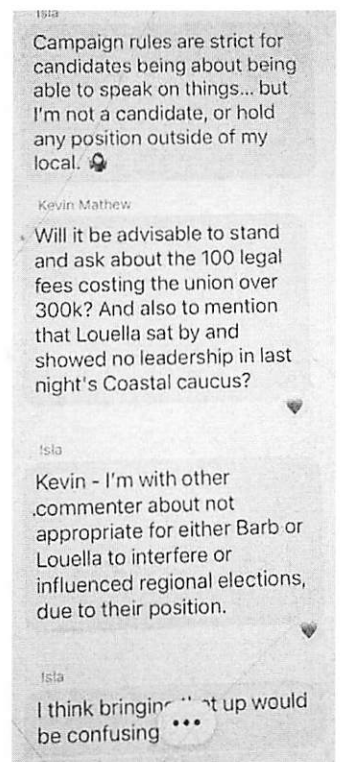
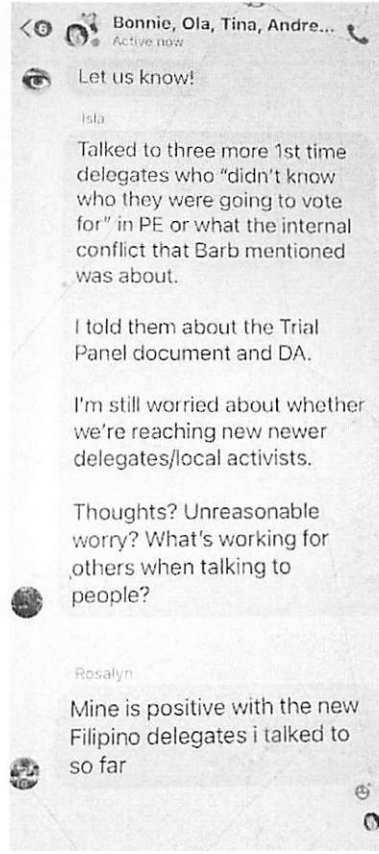
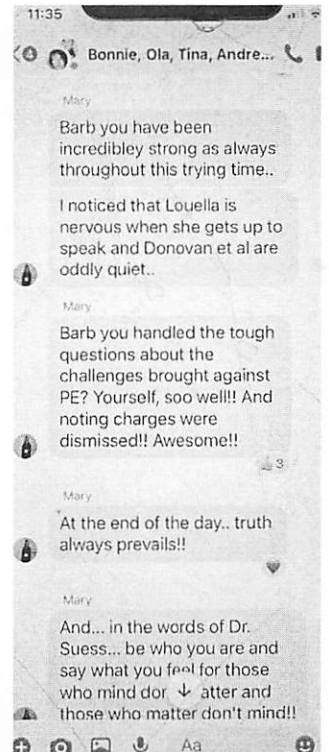
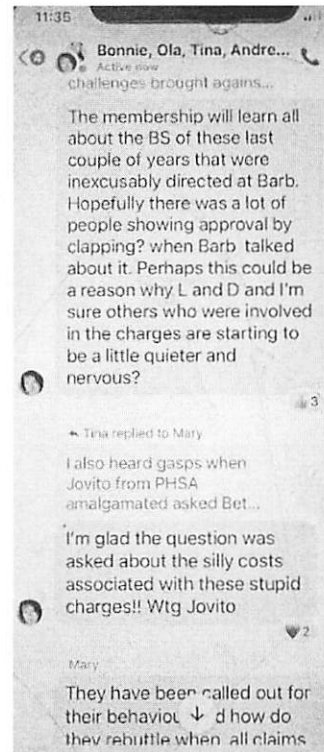
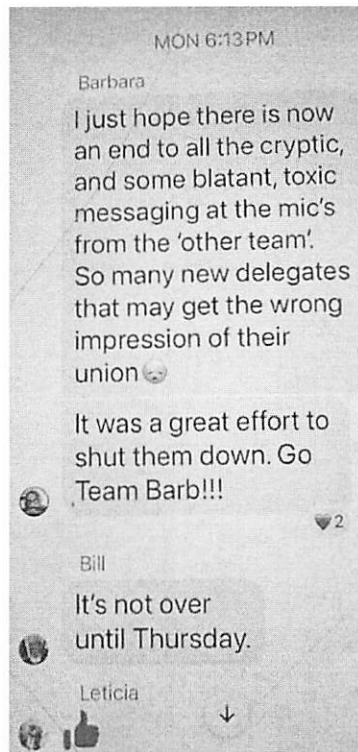
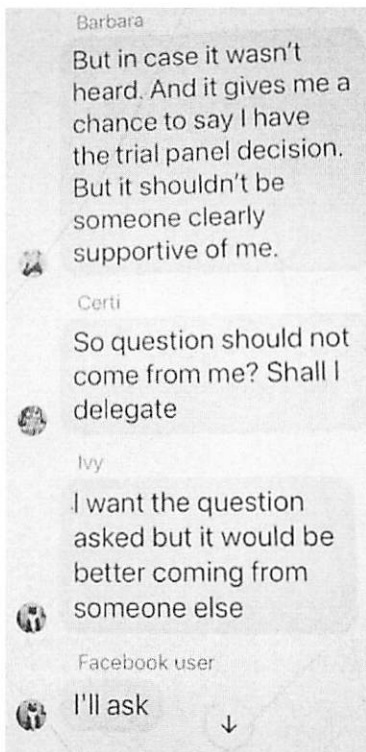
Barbara replied to Ivy
Whaaaat?! They should be put in the same room from t...

You can ask whatever you want, this is your house.

Rosalyn
Thank you Barb

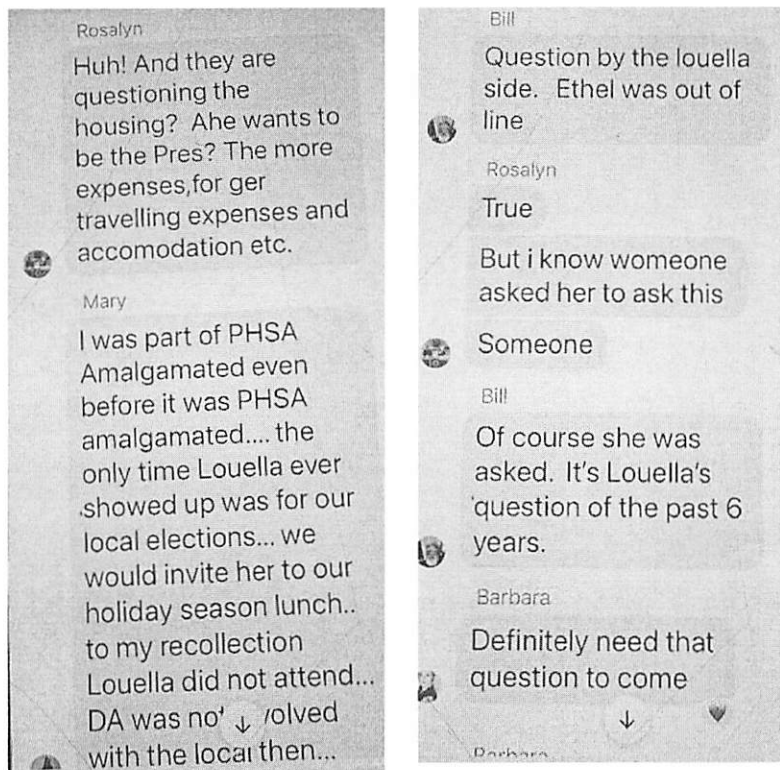
Certi
Shall I also ask what was the outcome? On reason we left it out because I think you said Barb, they were a dismissed

Barbara
But in case it wasn't heard. And it gives me



Barb Nederpel should face serious censure for her role in damaging reputations, spreading hateful and false information, and more. Such conduct would be unacceptable for any member, but it is especially unforgivable coming from the union's spokesperson. She must clarify the truth to members and issue a formal apology for her misrepresentations over the past two years.

Housing



In chat messages and from the convention floor, members were vilified for simply inquiring about the President's housing situation—a question that arose because Barb was not truthful in her report.

Members, as the union's employers, fund the organization and are entitled to transparency. The Labour Code underscores this right. However, Barb misled members, claiming she was "in the office 90%" of the time, when in reality, she was only present for 32 days in 2023. Meanwhile, HEU continued to pay for an additional residence. These inquiries about her housing were valid, yet the chat messages paint those who questioned her as troublemakers and liars, which has misled participants into viewing these concerns as baseless.

To rectify this, Barb should publicly address the membership, acknowledge the truth, and apologize for mischaracterizing both the inquiry and those who raised it.

Election Tampering

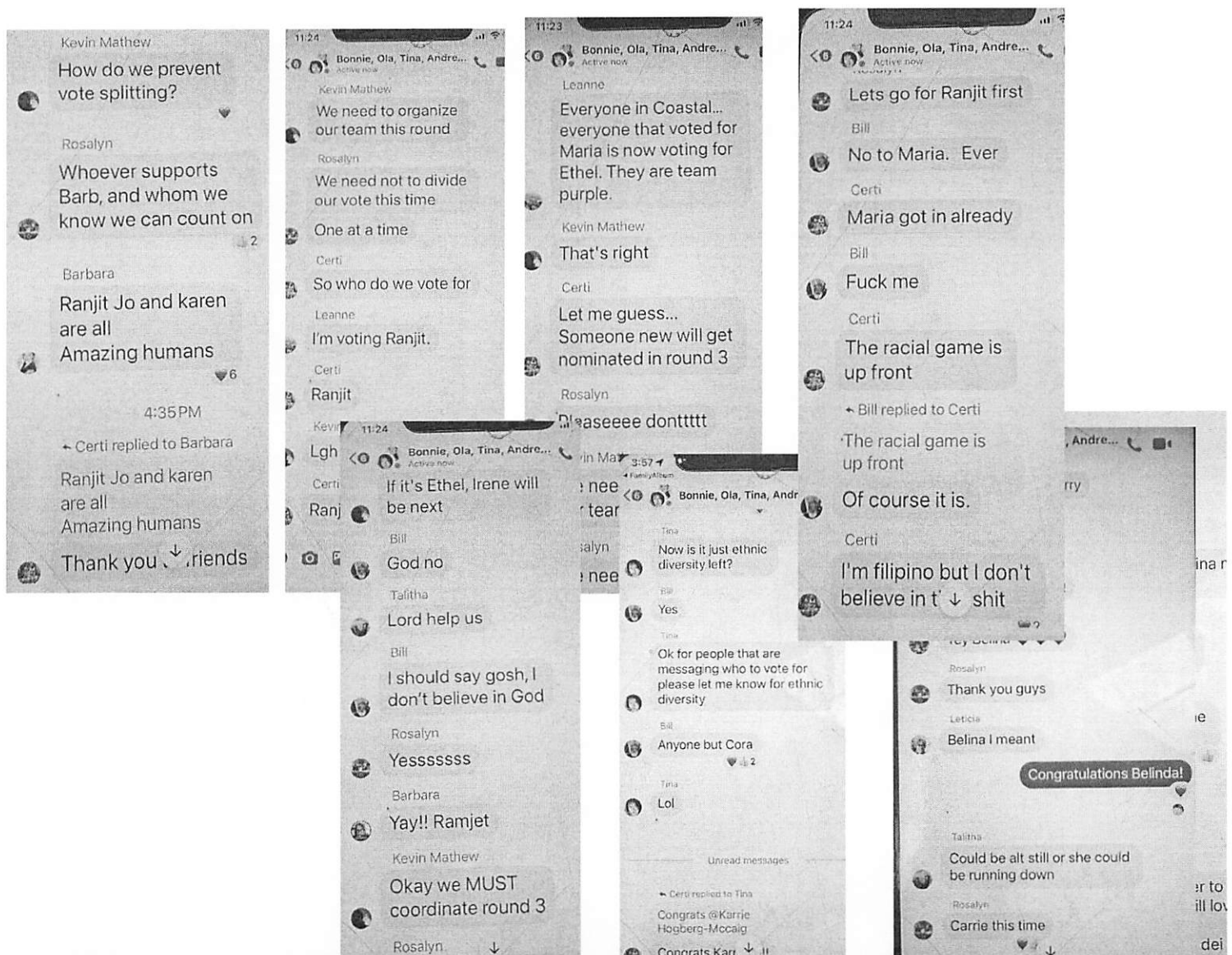
This is how election tampering operates within HEU. Since candidates can declare their candidacy from the convention floor, no one knows the election outcome in advance. To manipulate the results, any interference must happen in “real time.”

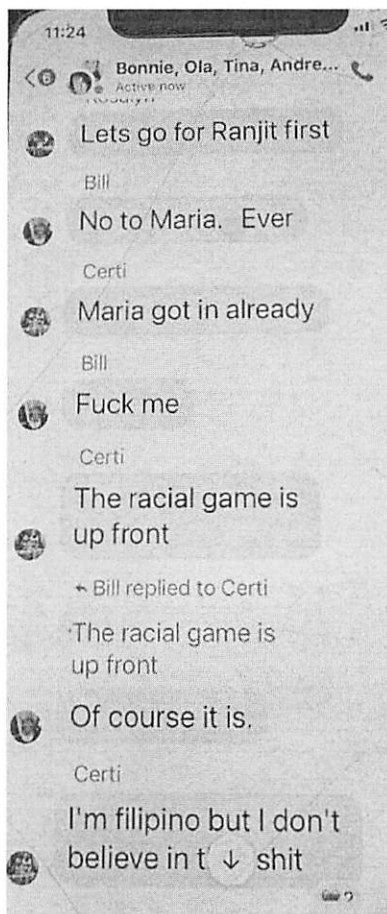
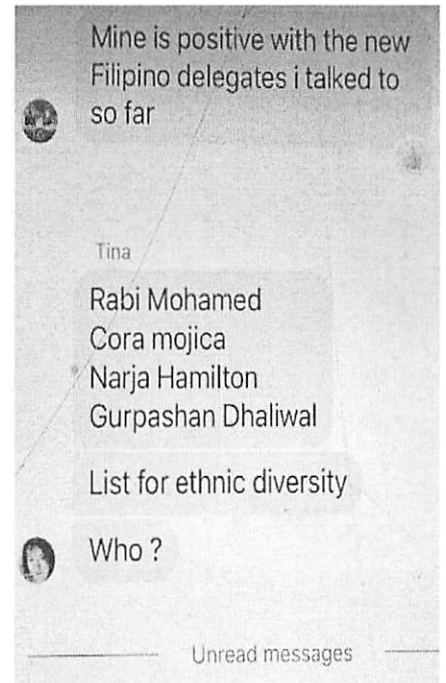
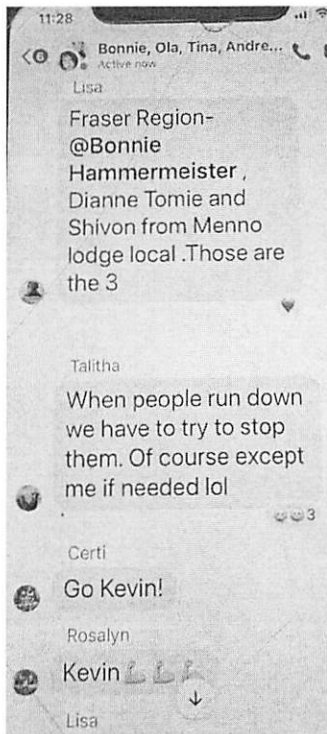
While intimidation can sometimes play a role, in this case, the driving motivation appears to have been the desire for influence: to feel important, to be part of the president’s inner circle, to hold power, and to be included.

To orchestrate election interference, a central directive must be issued to campaign lieutenants—in this case, represented by the chat we have access to.

To demonstrate vote tampering, we need to establish the following:

1. That there was a coordinated effort, outside of the normal election process, to control the election outcome. While proving coercion isn’t essential, it would significantly strengthen the case.
2. That a secondary layer of communication existed, where lieutenants directed specific groups on how to vote, overriding members' independent choices once a candidate was selected.





Step 1: Someone picks the best candidate for their team in each round

Text 1: How do we prevent vote splitting?

Vote splitting is when members vote for the candidate of their choice.

To prevent vote splitting they bribe members. If you vote for my person this round, then I will vote for yours next round.

Text 2: We need to organize our team this round. Who do we vote for? All agree Ranjit and then send texts out to the group. Don't worry that proof to follow.

Text 3: We need to organize our team this round.

Text 4: Let's go for Ranjit 1st.

Text 5: Belina is the obvious choice.

Text 6: Okay, we must co-ordinate round 3

Text 7: Okay, people are messaging me who to vote for – this is evidence of a text tree and that instructions are flowing down.

Text 8: Go for Belinda, Belinda, Belinda.. Congratulations Belinda. (Actually Belina)

Text 9: "When people try to run down we have to stop them." HOW? A direct plan of interference achieved by on the fly selection of run off the floor candidates to water down voting and then target one selection for votes. The people not in the tree vote for who they want at random, and so are overwhelmed by the tree.

Text 10 lets go Ranjit first

Text 11: Ranjit

Text 12: A list of names is provided and then "who?" In other words who am I pushing my group to vote for?

Text 13: Jovito and Karen. Which one now?

Text 14: Monica F no! The President, Barb Nederpel: I love Kerri! Tina. Okay I've told people for Karrie all the way.

Step 2: Proving the second tier.

That is, that once the selection is made, orders are given and the voting instructions pass down the line.

Text 15: I'm getting messages from people on who to vote for in the women's group.

Text 16: If anyone is in Van Coastal and would like to suggest who would be a great choice, text me.

This also means that the person directing this vote was not in the caucus and was subverting door tiling.

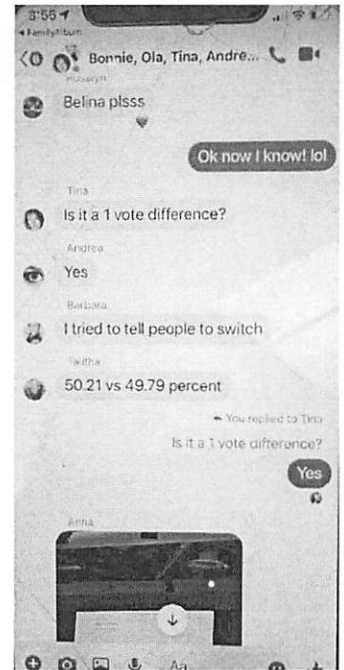
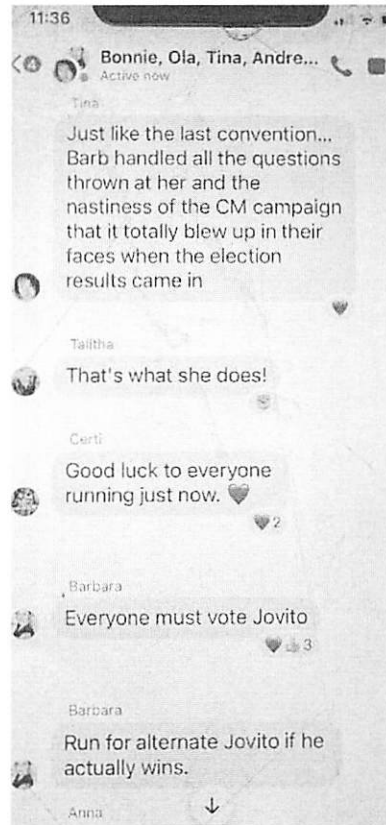
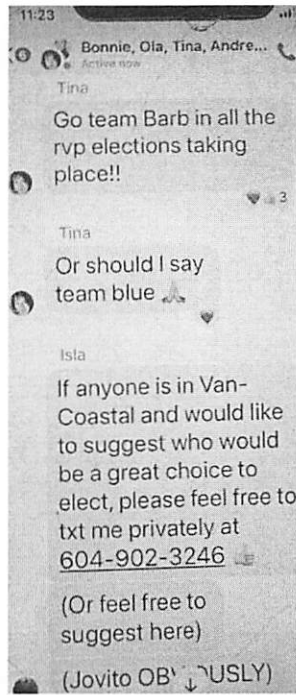
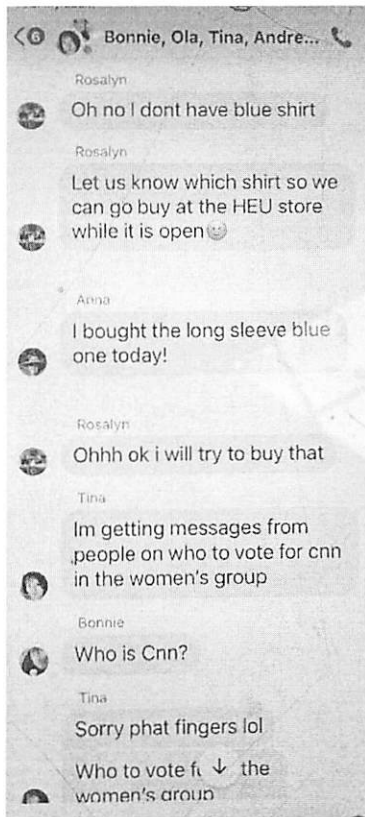
Text 17: President Barb Nederpel: Everyone must vote Jovito!

Text 18: President Barb Nederpel: I tried to tell people to switch.

This couldn't have meant ahead of time because this was a live tie breaker. This was real time vote manipulation.

Text 19: "Okay, for people who are messaging who to vote for, please let me know ethnic diversity."

This is a text requesting a name for ethnic diversity so that it can be passed down the texting tree to control the vote.



Step 3: Did they actively manipulate? Yes. Did they know what they were doing is wrong? Yes.

Text 20: "I'm with the other commenter about not appropriate for either Barb or Louella to interfere or influence regional elections due to their position."

Agreed. But President Barb Nederpel did interfere with free elections.

Text 21: Admission of negative campaigning outside the campaigning zone, and of making disparaging comments about a candidate both untrue and inflammatory.

Text 22: "Madame Pres is it allowed to tell somebody ny to vote to a certain candidate here while voting? Yesssssss"

We don't see Barbs answer. Was it a thumbs up from across the room?

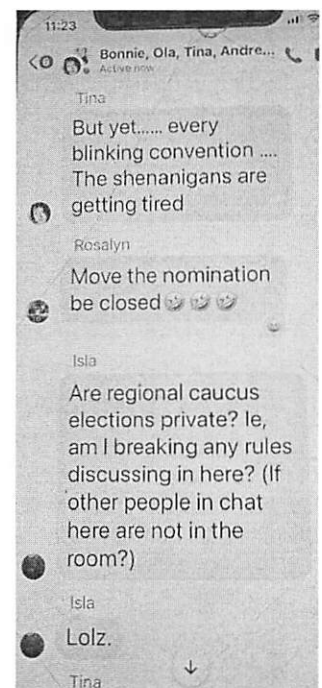
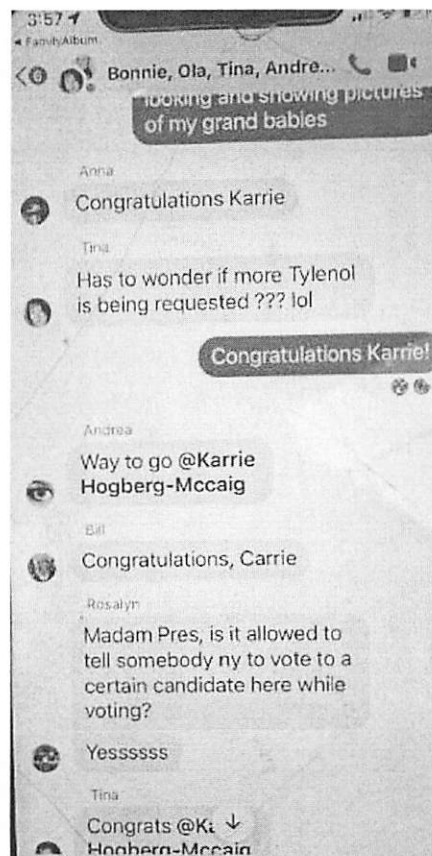
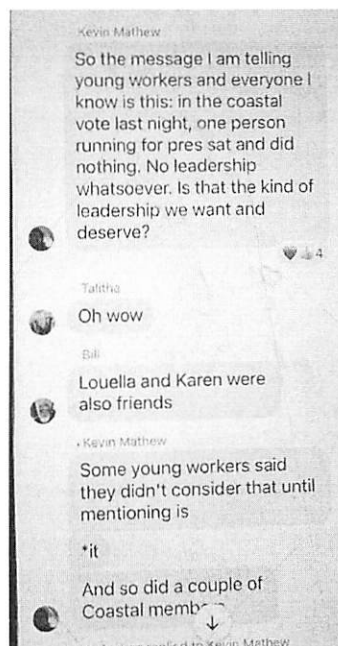
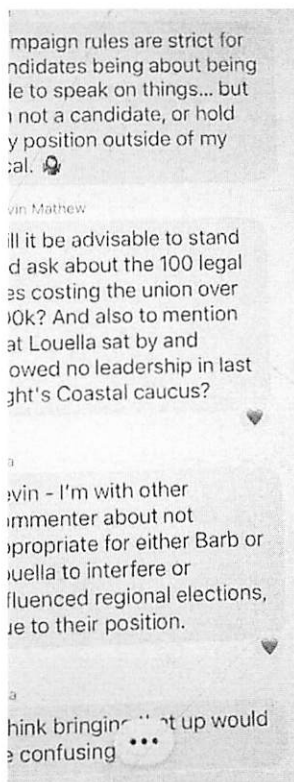
Of course, there is to be zero campaigning in the voting hall, so on seeing this the chat moderator was under an obligation to correct or report such activity, especially the President.

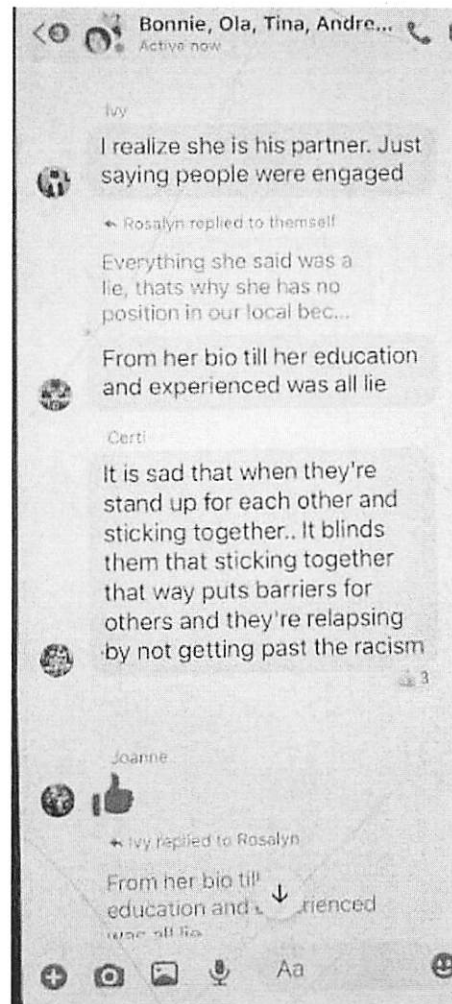
Text 23: "Are regional Caucus private? Ie am I breaking any rules discussing it in here? (If other people in chat here are not in the room?)."

Yes they are private, that's why the doors are tiled.

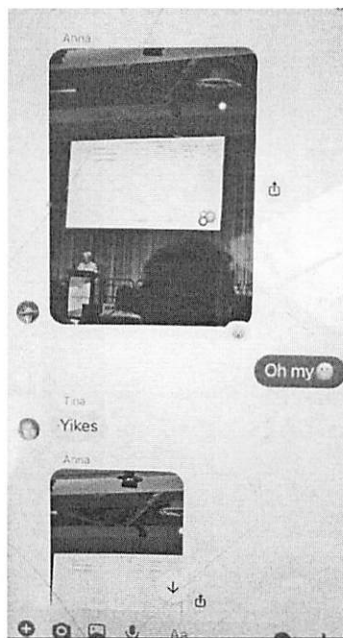
Campaigning from the floor is strictly prohibited. Even speaking positively about a candidate is banned, let alone actively directing the election, promoting, and selecting candidates on the fly. Yet, it's all here. Candidates were chosen in real time as the election rounds unfolded, with text instructions sent out on who to vote for. At times, the president even intervened directly. Members lost without understanding why or how.

In Canada, vote and election tampering is one of the most serious forms of fraud, carrying severe penalties when discovered. Why should our union be any different?





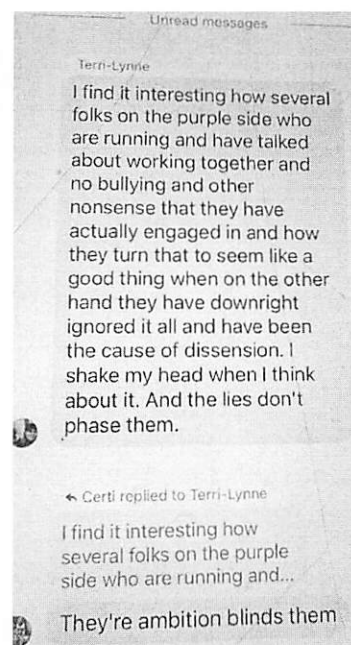
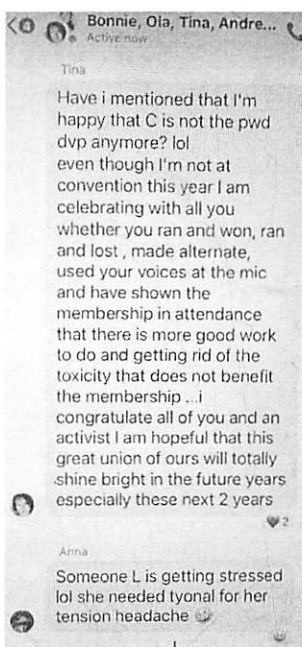
Door Tiling



Mentions of toxic behaviour prove that while claiming that the internal tensions on the p.e are confidential and that there will be discipline for sharing, that Barb has been gossiping and rumour mongering, destroying people reputations so that before they even meet a member, that member already hates them.

It is outrageous that the President of a union would spend Members time and money smearing her political rivals as she sees them, but actually the board is supposed to be a team and these actions are ultimately destructive. The presidents actions break every behavioural policy the union has as well as those regarding election.

Its worth mentioning that in text 1 Tina admits that she is not even a delegate. Not even at convention. Non-delegates cannot enter the voting area or the floor. They should certainly not be participating in a demeaning and vote tampering chat.



Bonnie, Ola, Tina, Andre...

Isia replied to Tina

It's really about educating the members with what can happen when there is ram...

I agree, message about toxicity is important - but DAs name is not linked to that message.

People were shocked about the legal expenses, and loved Barbs message about solidarity... but if they don't know DA (and CM/Louella) are cause of toxicity, they won't know to NOT vote for them.

I am not worried about Barb winning over Louella by a landslide... it's a GIVEN!!! (Love you Barb ❤️) ... but I am VERY worried about DA getting re-elected, and having our PE saddled with him for another 2 years.

Isia

Campaign rule ↓ be strict for candidates be ↓ about being

8:59

Bonnie, Ola, Tina, Andre...

Ivy

I don't think he's an issue. He could barely keep it together while chairing and showed he had no clue what he was doing. Any member in their right mind would not want him representing our union.

Talitha replied to Isia

FYI: DM & LV campaigning outside hall now.

It just shows she's desperate. 45 minutes before the forum??

Ivy replied to Isia

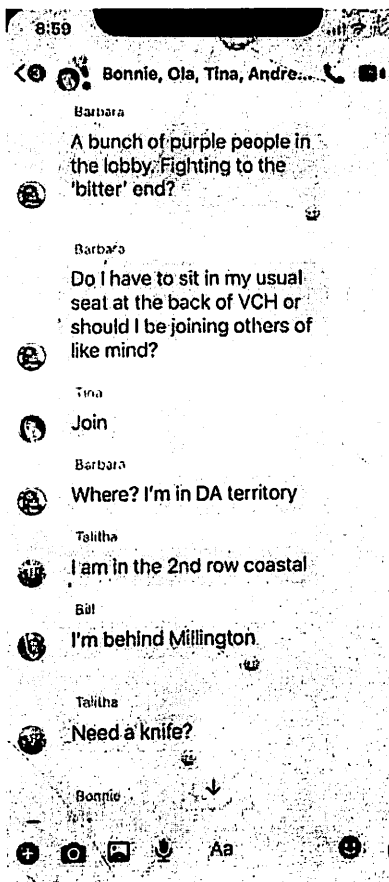
FYI: DM & LV campaigning outside hall now.

CM was there earlier. No need. It looks like desperation.

Ivy

Ya @Talitha Dekker Hugh

Death threat



Is this a joke? Perhaps, in another time and place without context, it might seem so.

HEU, designated by WorkSafeBC as a safety employer, claimed to be concerned about potential violence at the convention, requesting PE approval for additional measures. Oddly, however, they refused to disclose the source of this concern, leading the PE to deny the request.

Despite this, non-event security was present at the convention, and an unusually high number of sergeant-at-arms were assigned—some equipped with earbud walkie-talkies with coiled wiring, suggesting heightened vigilance.

The employer explicitly cited an increased risk of violence. A member was even removed during the convention, despite no evidence they posed a threat other than having filed multiple Article 19 charges against Barb.

This concern is not unfounded, given past incidents. Bill, for instance, has previously displayed violence, once throwing a chair that narrowly missed a PE member. Charlotte is now at risk in PE meetings, and security should be provided to ensure her safety.

All participants in this chat should be immediately removed from the PE, banned from serving permanently, and the PE structure should be adjusted to compensate for their absence.



SECTION 12 APPLICATION FORM

Read this
section before
you complete
the form.

It is strongly recommended that you read the information on our website about Section 12, the *Judd* decision, and the Privacy and Access to Information Policy on our website before completing this form.

Grievance in process

If your application concerns a grievance that has been filed by your union, please note that the Board will not normally proceed with an application about matters that are still in the grievance/arbitration process.

Internal appeals

In most cases, you must complete any internal appeal process through your union before filing a Section 12 application. You must attach any letters you have from your Union with the outcome of your appeal or indicating that the union has no appeal process.

Timeliness

Applications must be filed in a timely manner. (For example, an application should be filed within months of when the union advised you that they are not taking your grievance to arbitration.) If it has been more than 3 months since the event you are complaining about occurred, you must explain the reason for the delay.

Scope of Section 12

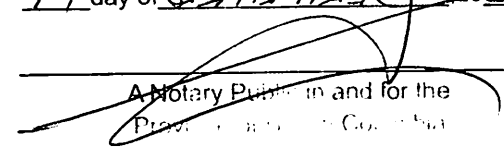
Section 12 concerns the union's duties to the employees it represents. It is not about a complaint against the employer. Just because you disagree with your union does not necessarily mean that the union has violated Section 12. You must describe what the union has done or not done that is **arbitrary, discriminatory, or in bad faith** in representing you.

Completing This Form

This form can be completed either electronically (online), or on paper. The answers to some questions may require more space than you see on the form (for example, question 8). On the electronic version of the form, there is extra space on page 6 for more answer space. If you are completing the paper version of the form, you should attach extra pages wherever necessary.

Muhammad Shoaib Rauf
Notary Public in and for
the Province of British Columbia
229 - 13711 72 Avenue
Surrey, British Columbia
V3W 2P2, Canada
Tel: 604 596 1861

This is Exhibit " C " referred to in the affidavit of
JESSIE BAENS
Sworn before me at Surrey, British Columbia, this
19 day of SEPTEMBER 2025


A Notary Public in and for the
Province of British Columbia



* = Required Answer

Form 12

APPLICANT INFORMATION

* Name:	Jessie Bains		
* Address:	5961 129 Street		
* City:	Surrey	Postal Code:	V3X 0B9
* Home/Cell Telephone No.:	604-365-3400		
E-mail:	bainsj@gmail.com	What pronouns should the Board use to address you?	HE
If you are represented by a legal or other representative, their name: _____			
Address: _____			
Telephone number: _____			
E-mail: _____			

WHO IS THE RESPONDENT TRADE UNION?

Trade Union (or Council of Trade Unions)			
* Name:	Hospital Employees Union	Local:	_____
* Address:	5000 North Fraser Way		
* City:	Burnaby	Postal Code:	V5J 5M3
* Telephone Number:	604-438-5000	Fax:	_____
Cell No.:	_____	E-mail:	_____
Representative to be contacted: Barb Nederpel			
Position: President			
Telephone Number (if different from above):		604-456-7004	Cell No.: 250-689-0208
E-mail: bnederpel@heu.org			

EMPLOYER INFORMATION

* Company Name:	Provincial Health Services Authority (PHSA)		
* Address:	1200-1333 W. Broadway		
* City:	Vancouver	Postal Code:	V4H 4C1
* Business Tel:	604-675-7400	Fax:	_____
Name of Contact Person:	Ivo Dimitrov	E-mail:	ivo.dimitrov@phsa.ca

If your application is about something other than a grievance, skip Questions 1-4.

1. Did you ask the Union to file a grievance (yes/no)? ☐ Yes ☒ No

If yes, when? _____

2. Did the Union file a grievance (yes/no)? ☐ Yes ☒ No

If yes, when? _____

3. Did the union provide you with a copy of the grievance filed on your behalf (yes/no)? ☐ Yes ☒ No

If yes, please include a copy with your application.

4. If the Union decided not to proceed with your grievance you must include a copy of their explanation letter or describe here the reasons the union gave to you.

The union claimed that my membership ended on October 31, 2024, and refused to accept any complaints. However, I was still a member throughout the election process and believe I had the right to challenge election tampering and the denial of access to the convention.

5. Did you attempt to appeal the Union's decision through the Union's internal appeal procedure (yes/no)?

☒ Yes ☐ No

If no, why not?

If yes, what happened?

I filed a complaint with the HEU Ethics Commissioner, but no action was taken. The Commissioner has a clear conflict of interest, as she was appointed by the very individuals involved in the election tampering. Instead of addressing my concerns, she refused to accept my complaint, claiming that I was no longer an HEU member.

6. If the Union proceeded with your grievance what was the outcome.
The union did not proceed with the grievance.

* 7. Give all relevant details of your application (e.g., what happened and when)

During the HEU convention held from October 20-25, 2024, I was denied access to observe the proceedings, despite being a member in good standing until November 7, 2024. Evidence from a group text message chain involving HEU President Barb Nederpel and several Provincial Executive (PE) members reveals a coordinated effort to manipulate the election process. This included:

1. Blocking Microphone Access:

Members were strategically used to monopolize microphone time, shutting down opposing views and stifling open debate. This deliberate silencing severely undermines the democratic process.

2. Spreading Misinformation:

The president leveraged her influence through close allies to distort the narrative surrounding legal expenses, falsely implying shared responsibility within the leadership. This misrepresentation misled members and deflected legitimate criticism.

3. Real-Time Vote Manipulation via Texting:

Evidence reveals a coordinated "text tree" used to direct voting in real time. Individuals were instructed on how to vote, with specific tactics to split or consolidate votes, effectively overriding members' independent choices.

4. Selective Advocacy Based on Identity Politics:

Some text messages reflect a troubling lack of understanding and sensitivity regarding equity issues. For instance, dismissing concerns about racism while accepting an equity position undermines the credibility and purpose of such roles.

5. Prohibited Campaigning:

Campaigning in the voting hall, strictly prohibited by election rules, was documented through messages showing direct instructions from the president during live tie-breakers—blatant election rule violations.

This election tampering created an environment where members could not exercise free will due to strategic manipulation. Several members filed complaints with the HEU Ethics Commissioner, but no action was taken due to the Commissioner's conflict of interest.

* 8. Explain why you say the Union's representation or response was **arbitrary, discriminatory or in bad faith**. (See Section 12 Guide.)

The union's actions, led by President Barb Nederpel and other PE members, were arbitrary, discriminatory, and in bad faith under Section 12 of the BC Labour Code. The union failed in its duty to represent members fairly and impartially by:

Arbitrary conduct: The union manipulated the election process, denying members their right to a fair and democratic vote. The use of real-time texting to direct voting and the monopolization of microphone access are clear examples of arbitrary conduct.

Discriminatory conduct: The union targeted certain members, including myself, by denying access to the convention and silencing opposing views. This discriminatory behavior undermines the principles of equity and fairness.

Bad faith: The union acted in bad faith by spreading misinformation, violating election rules, and failing to address legitimate complaints. The Ethics Commissioner's conflict of interest further demonstrates the union's lack of good faith in resolving internal disputes.

These actions violate Section 12 of the BC Labour Code, which requires unions to represent members fairly, impartially, and in good faith.

9. You must include copies of all documents and letters that are relevant to your application. Please put them in date order (oldest first) and list the documents below. For example

1. Letter from employer to me dated December 5, 2012
2. Grievance form filed December 12, 2012
3. Letter from union representative to me dated February 15, 2013

1. Master Document - contains all text messages from group with details

- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

10. What remedies are you asking the Labour Relations Board to order if the LRB grants your application? For example, are you asking the Labour Relations Board to order that your grievance proceed to arbitration?

I am seeking the following remedies:

- The removal of President Barb Nederpel and the involved PE members from their positions.
- An independent investigation conducted by an external firm not associated with HEU.
- Any other remedies the Board deems appropriate, including sanctions against the union for violating Section 12 of the BC Labour Code.

11. Have you attempted to resolve this matter elsewhere? (For example another tribunal, government agency or the courts)

Yes

No

If yes please provide details (Who to? When? What Happened?)

Additional space for answering questions if needed.

Signature of Applicant: _____
(can be omitted if filing electronically)

Print name: **Jessie Bains**

Date of signing: **March 18, 2025**

COMPLETE AND DELIVER TO:

Registrar
Labour Relations Board
600 - 1066 West Hastings Street
Vancouver, BC V6E 3X1
Tel: 604-660-1300
Fax: 604-660-1892
Email: registrar@lrb.bc.ca

Application Check List (click box to check off/acknowledge)

- * ☒ Have all required fields been filled in?
- * ☒ Have all documents listed in the application been attached?
- * ☒ Have arrangements been made to pay the \$100 application fee as per the next page of the application form?
- * ☒ You understand that once your application has been reviewed for completeness and has been accepted for filing, you will be required to deliver a copy of the completed application (including all attached documents) to the union and the employer.
- * ☒ Note that if your application is incomplete, it may not be accepted for filing by the Board.

LABOUR RELATIONS BOARD FEES

This application is subject to a \$100.00 filing fee. The fee is due when you submit the application to the Labour Relations Board. Your application may not be accepted for filing until you have paid the fee.

Are you filing by mail?

You must pay by cheque or money order. The cheque/money order must be included with your application.

Make the cheque/money order out to: Labour Relations Board c/o Ministry of Finance.

Are you filing by email?

You can pay by one of the following methods (check one):

- ☐ Charge to my organization's pre-approved account
- ☐ Debit/credit card in-person at the Board's office
- ☒ Debit/credit card using BC Expresspay. Send the secure payment link to this email address:

The Board does not accept credit card payments by email, fax, or over the phone

the Union Convention but no action was taken. He states the Ethics Commissioner has a clear conflict of interest as she was appointed by the very individuals involved in the election tampering. He states that instead of accepting his complaint, the Union claimed he was no longer a Union member and so he could not file a complaint.

130 He further states that at the Convention, there was a coordinated attempt by certain persons to manipulate the election process. He states this included blocking microphone access, spreading misinformation regarding legal expenses, manipulating the voting process, engaging in advocacy based on identity politics, and engaging in prohibited campaigning.

131 I find the Applicant's complaint about the Union's internal election procedures has no relation to any statutory obligation on the part of the Union to represent its members with respect to a specific collective bargaining relationship. It is entirely a matter related to internal Union governance. It is therefore a matter outside the jurisdiction of the Board under Section 12 of the Code.

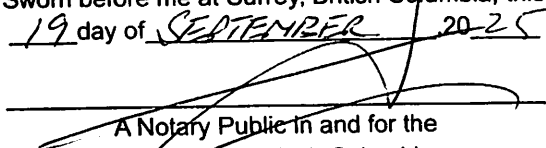
132 Further, as has been made apparent in this decision, the Board is not a body with broad statutory authority to investigate and regulate internal union affairs. The Applicant, at a time when he was no longer a Union member, attempted to file a complaint with the Union Ethics Commissioner about election interference. He states the Union rejected his complaint for the reason he had no standing to bring it as he was no longer a Union member. Even if I construed the Sixth Application as concerning a dispute relating to the matters in the Constitution of the Union under Section 10(1) of the Code, I am unable to find a breach of the principles of natural justice through the act of the Union not accepting a complaint from a non-member. The fundamental issue is that, as with the Article 19 charges, the Union takes the substantive position that the Applicant is not entitled to pursue his complaint as he is not a Union member. If the Applicant believes the Union's interpretation of the Constitution in this regard is incorrect then his recourse is with the courts, not with the Board.

The Seventh Application

133 The Seventh Application alleges "a broader breach" of the Union Constitution by the Union's Provincial Executive. The Applicant states this matter concerns political spending decisions by the Provincial Executive that fall outside the grievance or member complaint process.

134 The specific issue raised by the Applicant is that the Union spent more than the limit specified in the Constitution on political advertising. He states there was no opportunity for delegates to authorize or retroactively approve the overage. He says the Union has not provided any avenue for members to appeal financial decisions made between Conventions though he was a member and "had standing" during the period the breach occurred. He says that the individuals responsible for investigating such matters are also the same leadership that breached the Constitution.

Muhammad Shouib Rauf
Notary Public in and for
the Province of British Columbia
220 - 13711 72 Avenue
Surrey, British Columbia
V3W 2P2, Canada
Tel: 604 596 1861

This is Exhibit " D " referred to in the affidavit of
JESSE BAENS
Sworn before me at Surrey, British Columbia, this
19 day of SEPTEMBER 2025

A Notary Public in and for the
Province of British Columbia

135 The Union's internal decisions respecting political advertising are not a matter that falls within the purview of Section 12 of the Code. The Seventh Application also does not raise matters of natural justice under Section 10 of the Code. Rather, what the Applicant raises is a concern with the Union's compliance with its spending restrictions. As already noted, the Board does not involve itself in the internal affairs of unions outside of the focused grounds provided for in the Code. In this case, it is outside the jurisdiction of the Board to adjudicate whether the Union's political advertising spending breached the limits imposed by the membership.

V. APPLICATION FOR RECUSAL

136 As noted in the introduction to this decision, a different panel of the Board was initially seized with the first five applications. Following the initial panel's departure from the Board, I reassigned the first five applications to myself pursuant to my delegated authority as Associate Chair. I assigned the Sixth and Seventh Applications to myself for the purpose of adjudicative efficiency because they are part of a sequence of events that gave rise to multiple issues the Applicant had with the Union and they raise common issues of the effect of the Applicant's membership status on his ability to pursue concerns about internal Union matters. I have consolidated all these applications together (the "Applications").

137 On March 11, 2025, the Applicant wrote to the Board Registrar following the reassignment of the First through Fifth Applications to this panel asking that the matters be reassigned because this panel articulated with a public sector union ending approximately thirteen and a half years ago. The Applicant states he has been actively lobbying the Provincial Government to introduce legislation mandating financial transparency and accountability from public sector unions. He states the Union is one of the largest donors to the NDP and there is a strong public interest in ensuring his case is reviewed by an impartial panel member with no prior affiliation with a public sector union. I responded to the parties stating I had treated the Applicant's letter to the Registrar as an application for me to recuse myself due to a reasonable apprehension of bias. I advised by way of a bottom-line decision on March 12, 2025 that I dismissed the recusal application and would provide written reasons in any final decision.

138 The Applicant filed a second application seeking my recusal on April 8, 2025, after receiving notification that I was established as the panel for the Sixth Application and that the Sixth Application had been consolidated with the earlier applications. In addition to the reasons already stated, the Applicant asserted it was procedurally irregular and troubling that the First through Sixth Applications were assigned to the same panel. He stated that this consolidation, without transparency or explanation, raises legitimate concerns regarding the fairness of the Board's administrative process and the potential for undue influence or predisposition.

139 The Applicant also stated that because my current term is scheduled to conclude on April 30, 2030, legitimate concerns are raised about the long-term capacity for impartial oversight and institutional bias, particularly because *unresolved issues may*

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