



Jessie Bains <bainsj@gmail.com>

Reflection Following the Conclusion of My Litigation - BCLRB

1 message

Jessie Bains <bainsj@gmail.com>

Wed, Aug 5, 2026 at 1:53 AM

To: "Barker, Andres LRB:EX" <andres.barker@lrb.bc.ca>

Cc: "O'Rourke, Jennifer M LRB:EX" <Jennifer.Orouke@lrb.bc.ca>, "LRB Registry Mailbox LRB:EX" <registrar@lrb.bc.ca>, "Glougie, Jennifer A LRB:EX" <Jennifer.Glougie@lrb.bc.ca>, Kirby Smith <KSmith@koskieglavin.com>, "Dimitrov, Ivo [PHSA]" <ivo.dimitrov@phsa.ca>, Najeeb@balooli.ca, Jonathan.Hanvelt@lrb.bc.ca, "Drake, Stephanie LRB:EX" <Stephanie.Drake@lrb.bc.ca>, Rene-John.Nicolas@lrb.bc.ca, Kaity.Cooper@lrb.bc.ca, Andrew.Nathan@lrb.bc.ca, Kas.Pavanantharajah@lrb.bc.ca, Donald.Richards@lrb.bc.ca, Bobby.Sangha@lrb.bc.ca, Sherry.Shir@lrb.bc.ca, Matthew.Sutcliffe@lrb.bc.ca, paul.todd@lrb.bc.ca, Jennifer.Whiteside.MLA@leg.bc.ca

Dear Mr. Barker,

CC: British Columbia Labour Relations Board

Now that my litigation has concluded, I am writing to you one final time. I am not seeking anything from you. My purpose is simply to put my thoughts in writing so they become part of the record. After this, I leave the matter to your conscience.

I have often wondered where to begin, and I always return to April 30, 2025.

Most people would assume the most devastating day of my life was March 4, 2024, when my employment with PHSA ended. It wasn't. The decision that affected my life most was yours, dismissing my Labour Relations Board applications.

I expected the union to defend itself, and I expected political considerations to shape how HEU responded, because its leadership knew me personally and viewed me as a critic. None of that surprised me. What surprised me was the Labour Relations Board.

My concerns about the appearance of independence arose before you rendered your decision.

You were appointed to the Labour Relations Board in 2018 during the government in which the current Premier, David Eby, served as Attorney General. HEU President Barb Nederpel sits on the BC NDP Provincial Executive. Jennifer Whiteside, the current Minister of Labour, served as HEU's Secretary-Business Manager before entering provincial politics. I also learned that you had completed your articling year with the BCGEU. I had previously been a BCGEU member, and in a significant grievance I was represented by Rene-John Nicolas, now a Vice-Chair of this Board.

I recognize that professional background alone does not determine impartiality. Taken together, however, these facts left me concerned about the appearance of independence in my case, and for that reason I asked you to recuse yourself.

You declined. I also asked that you provide your reasons in writing before deciding my applications. That request was refused, and the reasons followed only after the decisions had been rendered—by which point the issue was settled and any opportunity for me to address your concerns had passed. I still do not understand what purpose those reasons served at that stage.

Your responsibility was not to protect the union or to validate its position. It was to assess my applications independently, on their merits. From my perspective, they were dismissed with remarkable speed and without meaningful consideration of the issues I had raised.

Following my February 28, 2025 reply submissions, I believed I had answered the union's arguments.

On Sunday, March 9, 2025, my local chair told me he had just met Barb Nederpel at a shopping mall, in a meeting arranged through a third party. According to him, she said, "**Jessie thinks he's going to win. Just wait and see.**"

Two days later, on March 11, 2025, I received an email advising me that you would be replacing Najeeb Hassan, who had been assigned to my applications since November 2024.

I have never forgotten that sequence of events. Whether it was confidence, coincidence, or something else, it has stayed with me ever since.

What followed is why I will never forget your decision, whether or not you remember my file. It did not simply end a legal proceeding. It ended a career I had spent decades building.

I have represented workers since 1987, serving as a union representative with OTEU, HEU, BCGEU, and PIPSC. I served locally, attended conventions, sat on five bargaining committees, and consistently put members' interests ahead of my own. As a BCGEU member, approximately 450 members elected me to the bargaining committee with the highest number of votes because they trusted me to represent them fairly.

One experience has stayed with me throughout my career. In 2020, a member who had previously filed a complaint against me asked me to represent him when he was facing termination. He knew I would set personal differences aside because someone's livelihood was at stake. That, to me, is what union representation means.

When I returned to HEU in September 2021 as a casual warehouse attendant at PHSA, I believed those same principles applied.

Instead, in March 2024, I was terminated because of a grievance against PHSA Human Resources as a department—not against any individual—which PHSA alleged had been filed in bad faith. I did not file that grievance. The union investigated the matter, decided to file it, owned it throughout the process, and settled it without my consent, explaining that the grievance belonged to the union and not to me. When everything went wrong, I was left to bear the consequences alone. The failure was not mine, but I paid the price for it.

In more than three decades of union involvement, I had never heard of anyone being terminated for filing a grievance.

When my applications reached the Labour Relations Board, I believed an independent tribunal would carefully examine whether I had received fair representation. I do not believe that happened.

The consequences did not stop with me. My wife returned to work while caring for my 100-year-old mother and her own 85-year-old mother. My son was affected. So was every plan our family had made for the future.

I had remained off social media until November 2024 because I valued my privacy. I eventually reached the conclusion that if HEU could do this to someone with decades of union experience, an ordinary member had little chance of holding the union accountable. That is what motivated me to create HEUBC – Uncensored and HEUBC.ca, so members would have a place to share information, ask questions, and hold their leadership to account. I knew from the beginning that I was unlikely to succeed in court. That was never really the point. My objective was a permanent public record—every court filing, every letter, every Freedom of Information request, and every public post leaves a digital footprint that future members can read and judge for themselves.

My concern has never been confined to my own circumstances. It is about whether members can expect an independent hearing when they bring legitimate complaints before the Labour Relations Board. The Board's authority rests on public confidence that every application will be decided fairly, independently, and solely on its merits. Once people begin to believe outcomes are predetermined, confidence in the institution itself is damaged.

Only you know whether you gave my applications the careful and independent consideration they deserved.

I cannot change what happened. Neither can you. But I hope you will reflect on the responsibility carried by every vice-chair. Behind every file number is a person, a family, a career, and years of work that a single decision can profoundly affect.

Throughout my life, I have learned that every action has consequences. Like everyone else, I have made mistakes and have had to live with them, and those experiences taught me to think carefully about decisions that affect another person's life.

I also believe we all live under the same universal rules. Courts and tribunals may have the final legal word, but I do not believe they have the final word in life. Every decision that profoundly affects another person is ultimately judged by a higher standard—**one where the blindfold is truly worn.**

That leaves me with one question: **Is career success ever worth destroying another person's livelihood?**

For anyone interested in reviewing the record, the following documents are available under **Tab 2** at www.HEUBC.ca:

- **February 7, 2025** – HEU's Response
- **February 28, 2025** – Jessie Bains' Reply Submissions
- **April 30, 2025** – Vice-Chair Andres Barker's Decision
- **May 5, 2025** – Application for Leave to Reconsider
- **June 18, 2025** – Decision on the Application for Leave to Reconsider

I encourage readers to examine the record and reach their own conclusions.

To the other members of the Labour Relations Board copied on this email, my only request is this: continue to decide every application independently, on its own merits, regardless of who the parties are or what the political consequences may be. For many workers, this Board is the last place they look for justice. I hope every applicant receives the independent consideration that I believe I did not.

Sincerely,

Jessie Bains