

**LRB**British Columbia
Labour Relations Board**FORM 12****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.



* = Required Answer

Form 12

APPLICANT INFORMATION

* Name:	Jessie Bains		
* Address:	5961 129 Street		
* City:	Surrey	Postal Code:	V3X 1Y3
* Home/Cell Telephone No:	604-365-3400		
E-mail:	bainsj@gmail.com	What pronouns should the Board use to address you?	
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:	V6H 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? March 7, 2024

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

If yes, when? March 7, 2024

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 declined to pursue my grievance further because they had no genuine interest in achieving my reinstatement. Instead, they aimed to close my grievance as quickly as possible to strip me of my membership for political reasons. This decision served to prevent my attendance at the convention and ensure that my Article 19 charges against Lynn and the union leadership would be dismissed upon the closure of my grievance.

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?

Yes. Despite my efforts, Lynn Bueckert ignored all appeals for support, including requests for external legal representation. The Union's internal appeal process failed to yield any responses or resolutions, and Lynn did not acknowledge any of my emails or communications.



6. If the Union proceeded with your grievance what was the outcome.

The Union ultimately settled my termination grievance without providing fair representation or adequate communication regarding its progress. Lynn Bueckert, as Secretary-Business Manager, failed to support my case through consistent neglect, which impacted the grievance outcome adversely.

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

The following outlines how Lynn Bueckert, in her role as Secretary-Business Manager, failed in her responsibilities, demonstrating neglect, lack of representation, and bad-faith conduct:

1. Unanswered Communications: Lynn disregarded 14 urgent emails I sent requesting updates on my grievance and external legal representation. These emails, sent on June 20, July 19, July 20, July 26, July 30, August 2, August 17, August 19, August 25, September 5, September 12, September 20, September 24, and September 25, 2024, received no response. This lack of acknowledgment left me isolated and uninformed about the grievance process, violating her duty to provide fair representation. (See Documents #4 to #17)

2. Failure to Investigate Complaints: On August 25, 2024, I filed a formal complaint via email against Chrystal Latham, citing perceived misconduct and requesting an investigation. Lynn failed to acknowledge or act on this complaint, undermining the grievance's fairness and transparency. (See Documents #12 to #17)

3. Denial of Union Rights: On October 11, 2024, Lynn sent me a registered letter prohibiting my attendance at the HEU convention, despite my status as a member in good standing. This action unjustly restricted my right to participate in union activities. (See Document #18)

4. Neglect of Leadership Responsibilities: Lynn's role required transparent communication with members and impartial handling of grievances. Her failure to respond to or act on my repeated requests constitutes a breach of duty, eroding trust within the union. (See Document #3)



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

Lynn Bueckert's conduct demonstrates a clear pattern of arbitrary, discriminatory, and bad-faith actions:

Arbitrary Conduct: Lynn disregarded every communication I sent without providing any justification, leaving my concerns unaddressed. This absence of explanation for her inaction during crucial grievance stages represents an arbitrary neglect of her duties.

Discriminatory Actions: By denying my right to attend the convention and selectively ignoring my requests, Lynn treated me inconsistently compared to other members. Her actions prevented me from accessing rights typically afforded to union members, which is a discriminatory exercise of her authority.

Bad Faith: Lynn's ongoing refusal to respond to requests, investigate complaints, or simply acknowledge inquiries signals a blatant disregard for her responsibilities and the duty of fair representation. Her behavior deprived me of adequate union support, impacting the grievance outcome unfavorably and indicating a deliberate failure to act in my best interests.

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. See Attachment.

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?

See Attachment:



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?)

No. Due to the union's persistent lack of response to my inquiries and appeals, filing this complaint with the Labour Relations Board is my only remaining option for recourse. I reserve the right to file additional Section 12 complaints against other HEU leaders, as multiple areas within HEU appear to have collaborated to ensure that reinstatement was not possible.

Additional space for answering questions if needed.

My grievance was handled in bad faith, with my own representatives repeatedly indicating a preference for a cash settlement over pursuing my reinstatement due to internal union politics. Instead of advocating for my best interests, the union immediately accepted the non-binding recommendations from the ITS, asking the employer to process the payment without any effort to negotiate improvements. They failed to seek any adjustments, such as ensuring the payment was categorized as damages (not income), considering a confidentiality agreement, or exploring any terms that might benefit me. This approach effectively closed my case with minimal regard for my rights and long-term interests.



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

Print name: **Jessie Bains**

Date of signing: **November 20, 2024**

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

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. Termination Letter dated March 4, 2024.
2. Grievance form filed March 7, 2024.
3. Role and Responsibilities of the HEU Secretary-Business Manager.
4. June 20, 2024: Final Request for New Representative at ITS and a Copy of Findings.
5. July 19, 2024: Urgent Request for Immediate Intervention and Legal Representation.
6. July 20, 2024: Request for Legal Assistance and Clarification on ITS Hearing Submissions.
7. July 26, 2024: Urgent Request for External Legal Representation for Termination Grievance.
8. July 30, 2024: Request for an Update and External Assignment of Termination Grievance.
9. August 2, 2024: Request for External Legal Representation for Arbitration Hearing.
10. August 17, 2024: Follow-Up on Request for External Representation in Termination Grievance.
11. August 19, 2024: Request for External Representation for Termination Grievance.
12. August 25, 2024: Filing of Formal Complaint against Chrystal Latham.
13. September 5, 2024: Follow-Up on Formal Complaint against Chrystal Latham.
14. September 12, 2024: Update Regarding Formal Complaint against Chrystal Latham.
15. September 20, 2024: Further Action on Formal Complaint against Chrystal Latham.
16. September 24, 2024: Follow-Up on Formal Complaint against Chrystal Latham.
17. September 25, 2024: Inquiry Regarding Per Diem and Mileage Reimbursement.
18. October 11, 2024: Registered Letter Prohibiting Convention Attendance
19. October 20, 2024: Emailed Lynn, stating that the registered letter she sent me violates my union rights.

20. October 21, 2024: No Response to Email Sent to Lynn, Barb Nederpel, and Provincial Executive Regarding Convention Attendance.
21. October 31, 2024 - letter from Bill Pegler indicating non-member and not proceeding with Article 19 charges..

March 4, 2024

Registered Mail

Email Delivery: bainsj@gmail.com

Jessie Bains
Warehouse Attendant at Langley Warehouse
5864 123A Street
Surrey BC, V3X 1V3

Dear Jessie,

Re: Termination of Employment

I regret to inform you that after careful consideration, it has been decided to terminate your employment with Provincial Health Services Authority (PHSA) effective March 4, 2024. This decision is due to culpable behavior which is in violation of company policies and standards of conduct.

History:

An investigation was concluded to address allegations against you for launching bad faith complaints against two PHSA employees. You met with Frances Gonzalez, HR Labour Relations Consultant and Chrystal Latham, Union Representative on February 22, 2024, to obtain your explanation about these allegations. It was determined on the balance of probabilities that the following occurred:

You made a claim via RESPECT at PHSA process against two PHSA employees on August 2023 alleging that these individuals have harassed you since September 2021 to present. An external investigator conducted the investigation of your complaint on October 30, 2023. The investigation report concluded that the complaints made were made in bad faith.

Bad faith claims are a violation of the following PHSA policies:

- PHSA's *Fostering a Culture of Respect* policy.
- PHSA's Standards of Conduct policy.
- the British Columbia *Human Rights Code*.
- the common law

PHSA's policies of Conduct and Respect are enforced to inspire PHSA employees of public confidence and trust by acting with the highest standards of personal and professional integrity and conduct. Your actions constitute culpable behavior and just cause for imposing a discipline. To consider the appropriate level of discipline, considerations were placed on the facts of the case in which you knew and was apparent to you that there were no foundation to your claims. But despite this, you responded to HR's questions on February 22nd by adamantly affirming that all the statements you made in the investigation report were 100% true. Further, you stated that you were being harassed but harassed in terms of your career. The accusation is considered a harassment perpetuated by PHSA HR personnel who are represented by the Respondents. Your reasons to justify your actions gave evidence that is more favorable to one side over the other. You explained there is nothing personal in accusing the Respondents of violating the Anti-Racism policy. And that it was your "psyche" that made you report the Respondents because you felt attacked. Your behavior is considered retaliatory. Your actions were made with great intent and purposeful, damaging the Respondent's reputation.

But most importantly, your actions have eroded the trust required to maintain an employment relationship to a point of beyond repair. And for these reasons your employment as a Warehouse Attendant with PHSA is terminated for just cause, effective immediately.

Sincerely,

Matt Scheer

Matt Scheer, P. Log
Manager – Lower Mainland Distribution
Provincial Health Services Authority

Office: 8521 198A Street, Langley BC
Phone: 604-455-1300 EXT 741417
Mobile: 236-996-4790
matt.scheer@phsa.ca | www.phsa.ca

cc: Employee File Records
Frances Gonzalez, LR Consultant
Chrystal Latham, HEU Representative



GRIEVANCE

Hospital Employees' Union

Appendix "C"

To be completed

2

MEMBERSHIP # 222552

GRIEVANCE # 136965

KEYWORD 1 Termination

KEYWORD 2 Dismissal

BETWEEN: Hospital Employees' Union (SSF - PHA) LOCAL

AND: PHSA LFC
EMPLOYER SITE

PRINT ALL NAMES

Name of Grievor: JESSIE BAINS

Mailing Address: 5264 123A STREET, CURBEY, BC V5X 1Y3
STREET/PO BOX/RR CITY POSTAL CODE

Home Tel: 6043652400 Work Tel: _____ Email: bainsj@gmail.com

Job Title/Desc: WAREHOUSE ATTENDANT Wage Rate/Grid: _____

Employee Status Full-Time ☐ Part-Time ☐ Casual ☐ Seniority Date: 8/23/38

Work Area: WAREHOUSE Department WAREHOUSE OPERATION

NATURE OF GRIEVANCE:

WRONG TERMINATION

Article Violated (and any other article relevant to the grievance) ARTICLE 9, and any other

Remedy Sought: GRANT REINSTATEMENT AND REMOVE OF LETTER OF TERMINATION
AND HAVE WHOLE

Grievor Signature [Signature] Date: Mar 07, 2024

HEU OFFICER/SHOP STEWARD SIGNATURE [Signature]

DATE GRIEVANCE FILED Mar 7, 2024 LOCAL GRIEVANCE # 02-2024 LFC

RECEIVED BY SUPERVISOR/MANAGER (signature) [Signature] Date: 7 Mar 2024

MANAGEMENT REPRESENTATIVE RESPONSE There is just cause for termination, grievance denied.

DATE MANAGEMENT REPRESENTATIVE RESPONSE: 3/7/2024 SIGNATURE MANAGEMENT REPRESENTATIVE [Signature] Wesley Brown

NOTE: Management Representative must give copy of written reply to shop steward within seven days

The role of the HEU (Hospital Employees' Union) Secretary-Business Manager is a senior leadership position responsible for the overall administration and management of the union. This position typically oversees key areas such as:

1. **Representation and Advocacy:** The Secretary-Business Manager leads the union in advocating for members' rights, ensuring proper representation in negotiations, grievances, and disputes with employers.
2. **Union Operations:** They are responsible for overseeing the daily operations of the union, managing staff, and ensuring that the union's goals and objectives are being met.
3. **Strategic Leadership:** The position involves setting and guiding the union's strategic direction, including policies related to collective bargaining, campaigns, and broader labor issues.
4. **Financial Oversight:** The Secretary-Business Manager is often involved in managing the union's financial resources, ensuring that funds are allocated effectively and in line with the organization's priorities.
5. **Communication with Members:** This role includes maintaining transparent and consistent communication with union members, addressing their concerns, and keeping them informed about key developments.
6. **Liaison with Political Leadership:** Since this is an appointed position, the Secretary-Business Manager acts as a bridge between the union's political leadership and the administrative staff, ensuring alignment in executing the union's mission and goals.

In essence, the Secretary-Business Manager plays a critical role in balancing both the administrative and service aspects of the union while ensuring that the members' interests are effectively represented.



Jessie Bains <bainsj@gmail.com>

Re: need a copy of findings - Final request for a new representative at my ITS

1 message

Jessie Bains <bainsj@gmail.com>

Thu, Jun 20, 2024 at 1:58 AM

To: Lynn Bueckert <LBueckert@heu.org>

Cc: Brenda Van Der Meer <bvandermeer@heu.org>, Chrystal Latham <CLatham@heu.org>, Chris Dorais <cdorais@heu.org>, Robbin Bennett <rbennett@heu.org>

Hi Lynn,

I would like to formally record that my union representative has refused to provide me with a copy of the findings I requested on June 15th. This document is essential for preparing my defense for the upcoming hearing with an Industry Troubleshooter on July 4th, which is only two weeks away.

I am being represented by Chrystal Latham, who has failed to represent me adequately due to her personal dislike of me and her discomfort in being in the same room as me. I have provided numerous examples, with specific dates and times, detailing how she has failed in her duties. Despite this, the union leadership refuses to assign another representative.

How can I have any confidence in someone who sat quietly through over three hours of questioning by the employer's investigator? Not once did Chrystal call for a caucus, raise an objection, show support, or offer advice on how I should respond. I have never felt so alone. Chrystal even told an employee from the head office, "I let Jessie talk during the meeting because he thinks he knows it all, so I allowed him to defend himself and stayed quiet."

PHSA obtained and reviewed my personal emails without my consent, constituting a serious breach of privacy. These emails were irrelevant to my work at PHSA and were obtained unlawfully. Despite my repeated requests, Chrystal failed to investigate this breach or support my efforts to hold PHSA accountable. This negligence significantly weakened my defense and contributed to my termination. I am now concerned that she will not be able to provide proper representation for my case.

In November, John Catigay sent an email stating he was resigning from his position as chair. I informed Chrystal of my intention to step up and take the position, to which she replied, "The local executive first has to accept John's resignation." However, John later told me and a few other members that Chrystal wanted him to stay on and promised to support him more as chair. Additionally, John mentioned that Chrystal had asked him to run for chair again in March and assured him of her support. Since then, she has consistently worked to keep me off the local executive and did not respond to my email expressing interest in the shop steward course she was going to conduct.

In February, Chrystal tried to stop me from attending our local meeting at LFC by saying, "I don't think you should be here because you are on paid leave and the employer might not want you onsite." This meeting was crucial, as nominations for our local executive election in March were to take place. I reminded her that, as an experienced representative, she should know that I am allowed to attend union meetings, especially since the employer has put me on paid leave and has not suspended my access to any workplace.

On March 20th, I sent an email to Chrystal: "As you are aware, my termination on March 4th was a significant and stressful event. I reached out to you immediately after the meeting at 9:12 AM but did not receive a callback until 12:52 PM, almost four hours later." On March 21st, Chrystal responded: "As I advised you the morning of your termination, I was extremely busy advocating for and working with other members in my portfolio. In fact, I called you during my lunch hour at my earliest opportunity." My response: "My meeting was scheduled to start at 9 AM and was supposed to last an hour, but it ended at 9:10 AM. I emailed you at 9:12 AM, meaning there were still 48 minutes during which you could have dedicated at least 10 minutes before moving on to advocate for other members. I'm not

sure how you prioritize your work, but in my experience, supporting a member during a termination meeting is highly important. Losing one's job can be nearly traumatic, and just having someone there to provide support, assistance, or simply listen can significantly impact the situation. Thankfully, I had friends who supported me while I awaited your call at 12:52 PM. Hearing your reasoning for attending to other members without acknowledging the importance of devoting nearly four hours of your time to them—and sacrificing your lunch hour to call me—is difficult for me to accept." This incident clearly demonstrates a lack of concern or respect for me, allowing personal feelings to win over professional responsibility.

Since my termination on March 4th, Chrystal did not contact me even once until last week when we had to visit the employer's site to view my investigation report. She has ignored my repeated requests for an in-person meeting to review the file and address my concerns about the lack of support for my termination grievance.

I am deeply concerned about being forced to rely on someone I have no confidence in to present my side of the story to the industry troubleshooter. Despite the employer having only one allegation of bad faith against me for termination, which would normally be straightforward, the stress and lack of proper representation over the past two years have made it difficult for me to sleep, knowing who will be on my side of the table.

The fact that I was terminated for a single bad faith allegation, rather than facing some simple disciplinary action, demonstrates the employer's confidence in who is representing me and their willingness to take advantage of this situation.

I do not believe asking for another representative is unreasonable. It is perplexing why someone would want to represent a member who has no confidence in them. If I were in such a situation, I would personally step aside.

In Solidarity,
Jessie Bains

On Sat, Jun 15, 2024 at 3:09 PM Jessie Bains <bainsj@gmail.com> wrote:

Hi Chrystal,

Could you please forward me a copy of the findings? I have the summary of evidence but not the findings, and I want to be prepared for our next meeting.

In solidarity,
Jessie

Phone: (604)365-3400

WITHOUT PREJUDICE
ALL RIGHTS RESERVED

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.



Jessie Bains <bainsj@gmail.com>

Request for Immediate Intervention and Legal Representation

1 message

Jessie Bains <bainsj@gmail.com>

Fri, Jul 19, 2024 at 5:00 PM

To: Lynn Bueckert <LBueckert@heu.org>

Cc: Bill McMullan <BMcMullan@heu.org>, Betty Valenzuela <BValenzuela@heu.org>, Talitha Dekker <TDekker@heu.org>, Chris Batting <CBatting@heu.org>, Olivia Burgon <OBurgon@heu.org>, Monica Thiessen <MThiessen@heu.org>, Baldeesh Sandhu <BSandhu@heu.org>, Barb Shukin <BShukin@heu.org>, Ian Smith <ISmith@heu.org>, Phil Henderson <PHenderson@heu.org>, Lisa Crema <LCrema@heu.org>, Lisa Kreut <LKreut@heu.org>, Lynn Serhan <LSerhan@heu.org>, Diane Tomei <DTomei@heu.org>, Donovan Adlam <DAdlam@heu.org>, Darlene Bown <DBown@heu.org>, Christine Edgecombe <CEdgecombe@heu.org>, Scott McKay <SMcKay@heu.org>, Cora Mojica <CMojica@heu.org>, Maria Lugs <MLugs@heu.org>, Mary-Ann Johnson <MJohnson@heu.org>, Charlotte Millington <CMillington@heu.org>, Louella Vincent <Lvincent@heu.org>, Chris Dorais <cdorais@heu.org>, Brenda Van Der Meer <bvandermeer@heu.org>, Robbin Bennett <rbennett@heu.org>, Barb Nederpel <bnederpel@heu.org>, Chrystal Latham <CLatham@heu.org>, Bonnie Hammermeister <bhammermeister@heu.org>

Hi Lynn,

I am asking you to intervene and assign a lawyer immediately to make submissions to the ITS troubleshooter, as I believe Chrystal lacks the necessary legal knowledge and understanding of "bad faith" allegations. If she had this understanding, she would have presented these allegations at my hearing on July 4th.

I believe I understand why Chris refuses to remove Chrystal from representing me, but I cannot disclose the reason at this time. However, the \$64,000 question remains: why has Chrystal not recused herself, knowing that a member has openly and repeatedly expressed a lack of trust in her? Anyone in Chrystal's position, acting in good faith and with integrity, would have stepped aside out of decency and respect not only for the member's feelings but also out of self-respect.

Chris seems to think I was well represented at the hearing on July 4th where Brenda VanDerMeer, without consulting me, countered the employer's \$10,000 offer with \$25,000. Is this considered good representation? This offer fails to consider that I would lose a minimum of four years of future income. Given that I was denied interviews for the last two years, it is crucial to recognize that an IT position would pay between \$80,000 and \$100,000 per year. Brenda completely disregarded my three IT grievances, where even Chrystal agrees that I will secure at least one of those positions. The only reason I was terminated was because the employer could no longer deny me a position in the IT department—there was no other justification.

I strongly believe that Chris, Chrystal, and Barb, for political and personal reasons, prefer a financial settlement over my reinstatement to remove me from membership. Barb confirmed she had a meeting with Chrystal before my Zoom meeting on May 22nd, where Barb used a partial screenshot from a member about brown people in exchange for me dropping the charge against her. Somehow, the employer tried to use the same screenshot against me at my ITS hearing.

I believe the employer terminated me without just cause, knowing they could rely on Chrystal to minimize their conduct and avoid asking hard questions.

On March 20th, I emailed Chrystal: "As you are aware, my termination on March 4th was a significant and stressful event. I reached out to you immediately after the meeting at 9:12 AM but did not receive a callback until 12:52 PM, almost four hours later." On March 21st, Chrystal responded: "As I advised you the morning of your termination, I was extremely busy advocating for and working with other members in my portfolio. In fact, I called you during my lunch hour at my earliest opportunity." I replied: "My meeting was scheduled to start at 9 AM and was supposed to last an hour, but it ended at 9:10 AM. I emailed you at 9:12 AM, meaning there were still 48 minutes during which you could have dedicated at least 10 minutes before moving on to advocate for other members. I'm not sure how you prioritize

your work, but in my experience, supporting a member during a termination meeting is highly important. Losing one's job can be nearly traumatic, and just having someone there to provide support, assistance, or simply listen can significantly impact the situation. Thankfully, I had friends who supported me while I awaited your call at 12:52 PM. Hearing your reasoning for attending to other members without acknowledging the importance of devoting nearly four hours of your time to them—and sacrificing your lunch hour to call me—is difficult for me to accept." This incident clearly demonstrates a lack of concern or respect for me, allowing personal feelings to overshadow professional responsibility.

Since my termination, I have met Chrystal three times: once on June 12th at the employer's site to review the investigation report, the second on June 27th via Zoom to prepare for my ITS hearing, and thirdly on July 4th at my ITS hearing.

Not once since my termination on March 4th has Chrystal bothered to pick up the phone to update me or check on my wellness. Despite knowing how I feel she is representing me in bad faith, Chris continues to tell me to stop disrespecting Chrystal. As experienced union representatives, we know the first step to conflict resolution is to pick up the phone or have an in-person meeting to ask how we can fix this. So I ask again: Is this good, fair, or even poor representation? I believe it is none of these but rather a clear case of BAD FAITH representation.

How many of you truly believe that Chrystal or her allies within our union are genuinely trying to get me reinstated?

The employer used the same investigator to bring up similar bad faith allegations against another member with 30 years of seniority and a clean record, leading to her termination just a month before mine. Unfortunately, this member, lacking experience and understanding of union politics, was forced into an unfavorable cash settlement. She was also represented by Chrystal, who, I am told, treated her the same way she has been treating me and made no effort to defend her during the investigation or after termination.

Fortunately, my decades of experience as a shop steward and serving in various executive positions have enabled me to recognize Chrystal's systematic behavior. While I am unsure how many others have suffered from her representation, it is clear that this pattern needs to be addressed. Chrystal should not only stop representing me but also be reassigned from her duties at SSF, where she has been for years. Her involvement extends beyond serving the local; she is deeply entangled in local politics, deciding who should run for executive positions, taking sides, and choosing delegates for the convention—a process that should occur at local meetings.

Moreover, Chrystal's presence at all local and executive meetings, coupled with our chair's lack of experience, allows her to manipulate the situation. This undue influence must be curtailed to ensure fair and democratic processes within our organization.

An employer should not be allowed to use cash settlements to terminate employees they dislike and then look for evidence to justify the termination afterward. This loophole has likely been exploited before and will continue to be used if I am not reinstated. It is shameful that HEU not only ignores the employer's pattern of behavior but also accommodates it, considering the sacrifices made by workers for our rights.

My representatives did not think it was relevant for the arbitrator to know about this other member or to point out that the same investigator used the same allegations against her. The employer stated they lost trust in me because I sent an email after my termination, providing a copy of the investigator's summary of evidence. This email was intended to help other HEU members understand how the best employee out of 400 was terminated without just cause and to highlight that the same thing happened to another member, with the same bad faith conclusion from the same investigator. Our union did nothing to protect these members before, during, or after the investigation. This was a warning to members considering filing grievances or complaints, demonstrating how these actions can be used against them instead of being properly investigated.

I am certain I will not be reinstated unless I receive proper representation by a real lawyer who can provide a legal argument based on law and actual cases, rather than someone merely going through the motions with a checklist to protect themselves from repercussions.

I am sending this to all of you to ensure that, as the elected body, you cannot claim ignorance of the situation. I believe my case would make a compelling Fifth Estate story about how unions have shifted from serving their members to serving themselves. Additionally, I am working on a book detailing how HEU has shifted from serving members to serving themselves, which will include my complete case, with a special chapter dedicated to the key bad actors. While the title is still a work in progress, my current choice is: **From Service to Self-Interest: The Transformation of HEU.**

In solidarity,
Jessie

Phone: (604)365-3400

WITHOUT PREJUDICE
ALL RIGHTS RESERVED

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.



Jessie Bains <bainsj@gmail.com>

Request for Legal Assistance and Clarification on ITS Hearing Submissions

1 message

Jessie Bains <bainsj@gmail.com>

Sat, Jul 20, 2024 at 11:15 AM

To: Lynn Bueckert <LBueckert@heu.org>

Hi Lynn,

I forgot to mention an important point regarding how Chrystal presented my case in favor of the employer at my ITS hearing on July 4th. She stated, "In 2022, Jessie filed three selection grievances of which two were awarded to senior applicants and the third was a posting he applied for externally." What she should have said was, "Jessie applied for 9 internal positions and received zero interviews." The key issue is not who was awarded the positions or how many grievances I filed, but the fact that I did not receive any interviews.

Chrystal has minimized the employer's behavior over the past two and a half years and has taken things to an extreme personal level. My claims are based on facts I have provided, which Chris disregards due to our personal differences when he was a rep 20 years ago. Additionally, Chris's wife, Ruby Kandola, who was my main political rival at SMH in 2010, likely harbors a strong dislike for me. Ruby was assigned to Vancouver Island for the last two weeks of June, and now Brenda Van Der Meer, a director from Vancouver Island, is assigned to support Chrystal at my hearing on July 4th. It seems suspicious that no one from the Lower Mainland could support Chrystal. The only employee I trust and respect is Naomi Inglehart, who I have seen provide unconditional support and time to every member at SMH.

I am urgently requesting that a lawyer be assigned to submit my submissions to Chris Sullivan, which are due by August 2nd or 9th. In 2021, while I was a member of BCGEU, I asked Stephanie Smith for similar assistance and was promptly assigned an external lawyer. Thanks to her, I received a settlement that exceeded my expectations.

Chris has agreed to allow me to add my own submissions, but I want to ensure this is carried out properly, and these are the submissions.

Submission to Chris Sullivan

Summary of Argument

First Issue: Denial of Work for 30 Days after Training in September 2021

I was hired by Lance Brown for the position of casual Warehouse Attendant, a PHSA Warehouse Manager, and underwent training from September 20th to 27th, 2021. New hires are supposed to receive access to their email and Workforce Management (WFM) within a couple of days after completing training. During the first week of October, I was not granted access to WFM, so I sent multiple emails inquiring why I could not access the system necessary to accept shifts but did not receive any responses. I called Lance over the telephone to discuss my situation, and he expressed uncertainty regarding the delay but mentioned that his manager was having discussions with HR.

Sometime in mid-October, still without access, I initiated a grievance over not being provided the tools to do my job. Shortly afterward, I gained access to WFM, with my first shift beginning on October 31st. My grievance was eventually resolved between March and April 2022, and as part of this, I was compensated for lost wages, totaling approximately \$3,300, and made whole. I did not receive an adequate explanation for the month-long delay in getting shifts.

In Geoff Barager's Summary Report, Lance Brown stated that when he inquired about my email access, he was told by Gus Estrada, the LFC Warehouse Manager, or Dean Wilkes, the Warehouse & Logistics Lead Manager, "[h]e should not have been hired." Lance informed me via email on October 18, 2021, that his manager was working with HR to

to possess my personal emails because they were unrelated to IT or cybersecurity. The responsibility for providing funds or making decisions on such matters lies with the Premier's office or the Ministry of Health, which is why I sent them the emails. If there were any threats to IT or information security, the Premier's office or the Ministry of Health would have addressed them directly or involved the appropriate authorities. Most importantly, neither Jim Tait nor Jeff Ng brought up anything about IT or cybersecurity issues at the meeting or any other time.

The letter of expectation provided to me on September 6, 2023, states:

1. Cease and desist from any further solicitation of public bodies for the sale of domain names or any other financial interests that you may hold.
2. Provide immediate disclosure to PHSA Human Resources of any other financial interests or external interests as required pursuant to the Policy.

Even the expectation letter from Jim Tait has no mention of IT or cybersecurity concerns. This only came up during Geoff Barager's investigation months later. What specifically was the cybersecurity concern, and what was PHSA planning to address by scheduling a meeting with me?

To highlight the breach of my privacy, PHSA is refusing to provide any records related to my emails, which I requested under the Freedom of Information (FOI) Act. They are claiming solicitor-client privilege. However, this matter is currently under review by the Office of the Information and Privacy Commissioner. The records in question are not part of any litigation, and PHSA possesses my personal emails without my consent.

PHSA said they had the right to access my personal emails because they provide IT services province-wide, which is true. However, my personal emails have absolutely nothing to do with IT or cybersecurity. If you read my emails to the government, you'll see that I am simply asking them to purchase domain names to prevent any future threats if I am no longer in charge of protecting the health information of British Columbians. This matter has nothing to do with PHSA. The government could consult with PHSA and reply to me directly, but the employer attempted to find reasons to discipline me and prevent me from communicating with my elected officials by issuing a letter of expectation. My charter of rights overrides the conduct and business guidelines of PHSA or any other employer. The meeting was strictly bullying, attempted intimidation, a fishing expedition, and straight-out harassment, which stopped immediately after they realized they couldn't answer my questions.

PHSA hired Geoff Barager to conduct a so-called independent investigation, yet concluded that my grievance was in bad faith without fully investigating my allegations. Geoff framed all his questions to fit the narrative of his report, which probably was already written. He did not investigate why my manager was told he should not have hired me, nor did he inquire into why I thought my privacy was breached or if PHSA was even allowed to possess my emails. He only asked questions to make it look like I had a personal issue with Jim Tait or Jeff Ng. Geoff suggested I had been blaming Jeff Ng from the beginning of my tenure at PHSA. In reality, I was unaware of who Jeff Ng was until he responded to my grievances in 2022. My harassment grievance was against the HR department for systemic behavior in denying me interviews, not against any individual.

In our meeting on February 22, 2024, initiated by Frances for additional clarification, Frances presented Chrystal and me with a summary from Geoff's report, indicating that three out of four allegations were made in bad faith. After reviewing the three pages provided by Frances, Chrystal and I identified only two allegations, classifying one as possible bad faith and the other as good faith. When Frances returned, we sought clarification on the remaining allegations; she acknowledged her difficulties in determining their nature.

The only statement that may be interpreted as bad faith comes from an email I sent to Jim. It states, "I must also point out that it appears PHSA is violating its own policy in 2.1.2 Anti-Racism, Diversity, Equity, and Inclusion, since I am a racialized Canadian. PHSA is not taking into consideration my cultural differences and my lived experiences while threatening my character and my livelihood for speaking up. PHSA purports to have a 'Speak up' culture, and now my employment is under threat for precisely doing this." In this statement, I am not accusing any individual, nor am I stating that PHSA has actually violated the policy. Rather, Geoff overlooked the key word "**appears**." Instead of investigating and stating that he found no evidence to support my suspicions, he changed it to bad faith. At no time have I ever said racism had anything to do with the systemic harassment, but Geoff had no problem picking out one word. This email was sent two weeks after I filed my harassment grievance so anything after my filing should be a separate investigation not is part of my harassment grievance.

In October 2023, I resigned from my position at the First Nations Health Authority as a Service Desk Analyst due to the demanding commute. The lengthy travel was overwhelming, and I preferred to earn less income until I could

resolve the issue. Since neither Lance nor his managers had met me, it is plausible that this information came from HR.

Second Issue: Denial of Internal IT Jobs Without Interviews, Even for Entry-Level Positions

From January to December 2022, I applied for nine internal IT positions but did not receive a single interview, despite my extensive IT career. I initiated grievances for three of these postings. Initially, HR claimed I was unqualified, but the union countered this by highlighting my 23 years of IT experience with Fraser Health and my current role as a Service Desk Analyst at the First Nations Health Authority. HR eventually acknowledged my qualifications but maintained that I had applied externally for the three postings I had grieved. This was impossible, as I had applied internally using my employee ID and password. My cover letters in the internal system correctly identified the internal posting numbers for all nine applications, yet the three postings I grieved were categorized as external.

The three grievances were resolved with an agreement that I would receive fair treatment going forward and be granted an interview for the Enrollment Analyst Position. Despite performing well in the interview, the position was awarded to a more senior employee. I believe the interview was offered only to close the grievances, as the employer likely knew that an internal candidate with higher seniority would be chosen. Unfortunately, I trusted my union representative and believed I would get the position if I performed well in the interview. Consequently, I accepted the offer, which I now regret, as I can prove that I applied internally and that all my cover letters had the correct internal posting numbers.

This pattern continued into 2023. In October and November 2023, I applied for three entry-level IT positions but was not granted interviews. One role went to a less experienced candidate, and another was filled externally.

In October, I applied for:

Job ID 154294 - Technical Support-Tier1, PHSA Identity & Access (Core), Regular Full Time

Job ID 154295 - Technical Support-Tier1, PHSA Identity & Access (Core), Regular Full Time

In November, I applied for:

Systems Technician, Posting #155839-2408670, but was not granted an interview, and the position was awarded to an external candidate.

With over 25 years of experience in Healthcare IT, I am well-acquainted with the job duties of these positions. Geoff Barager agreed that my grievances were in good faith.

Third Issue: Meeting on August 25, 2023

On August 25, 2023, I was summoned to a meeting with Jim Tait, Director of HR at PHSA, and Jeff Ng, Manager at PHSA, to discuss personal emails I had sent to the Premier and Ministry of Health officials. These emails were sent from my personal email address during my own time, unrelated to my work as a warehouse attendant. Jim insinuated that my actions may have violated PHSA's business conduct guidelines. My union representative, Triffini, stated that she had not seen these emails. Jim Tait then requested my permission to forward them to Triffini. I agreed and asked Jim where he obtained my permission to have them in the first place. The meeting ended abruptly, presumably because the employer realized they were breaching my privacy. If they had been acting within their rights, they would have pursued the matter further.

After this meeting, I initiated a harassment grievance against the HR department for breaching my privacy and conducting a fishing expedition to find a way to discipline or terminate me, likely to avoid dealing with my internal IT job applications. This meeting proved that I was being monitored by HR, denying me interviews for entry-level jobs and not giving me work after my training period ended in 2021.

In Geoff Barager's summary report, Jim Tait testified that PHSA provides cybersecurity for the health authorities and works closely with HEABC on cybersecurity. He mentioned that the emails I sent appeared to leverage information security risks for personal financial gain and could undermine PHSA's reputation. However, my emails had nothing to do with IT or cybersecurity, as indicated by Jim's notes, which mention "appeared to be leveraging information security risks for personal financial gain."

The sole purpose of the August 25th meeting was to threaten my employment, as reflected in the non-disciplinary letter of expectation, which has no mention of IT or cybersecurity concerns. This letter proves that PHSA had no right

secure a position in the PHSA IT department, where I had been employed for over 23 years. The one position I truly believe I am more than qualified for is in Output Management, for which I interviewed on February 14, 2024. This was perhaps one of my best interviews ever, as I was able to provide complete answers to all questions. I've performed almost every job duty listed over my 23 years at Fraser Health. They denied me an interview in 2022, and in January 2024, they sent me an email stating that the job postings were suspended until further notice. I confirmed with another member who was interviewed, and he did not receive any email, indicating that I was singled out. I believe the employer went through the motions by granting me an interview, knowing full well that I would be terminated. The way they denied me this position in 2022 and again in 2024 should be included in my harassment and termination grievances. I believe this demonstrates bad faith on the part of the employer.

Summary of Argument for Reinstatement

Request for Reinstatement - Case of Termination Due to Alleged Policy Violation

I would like to address the allegations made by my employer, PHSA, regarding my supposed breach of confidentiality and violation of PHSA policies following my termination. The employer asserts that due to these actions, they have lost trust in me and therefore cannot reinstate me to my job. I respectfully present my defense against these claims and request my reinstatement.

Lack of Trust Preceding Termination:

- The employer's claim of lost trust due to my actions post-termination is not valid. From the day I was hired, the employer consistently denied me positions and sought ways to terminate my employment, indicating they never had trust in me. This culminated in a bad faith termination, which should not be rewarded.
- My own manager reported that his superior stated, "You should not have hired him," following my training period. This reflects the employer's ongoing bad faith and lack of trust from the beginning of my employment.

Context of Actions Post-Termination:

- Upon my termination, I believed PHSA policies no longer applied to me. I sent the summary of my investigation to others to provide transparency to our union members. My actions were driven by a sense of injustice and transparency, not a malicious intent to breach confidentiality.
- My actions were influenced by emotional turmoil and distress over what I perceived as an unjust termination. This context should be considered in evaluating the severity of my actions.

Precedent in Labor Arbitration:

In cases like **Re Lornex Mining Corp. and United Steelworkers, Local 7619 (1985)** and **Re British Columbia Institute of Technology and British Columbia Government Employees' Union (1990)**, labor arbitration has recognized that post-termination conduct can be viewed differently, especially when the employee believed their employment relationship had ended and acted without malicious intent. My actions should be considered within this framework.

Pattern of Employer's Bad Faith:

The employer utilized the same investigator to levy similar bad faith allegations against another member, who had 30 years of seniority and an exemplary record, resulting in her termination just a month before mine. This member, unfortunately lacking the experience and understanding of the arbitration process, was coerced into accepting an unfavorable cash settlement. It is unacceptable for an employer to terminate employees they disfavor using cash settlements and then retrospectively seek evidence to justify these terminations. This loophole has likely been exploited previously and will continue to be used if I am not reinstated.

Settlement offer at ITS hearing was unjust:

The employer offered \$10,000, and my own representative, without consulting me, countered with \$25,000. This counteroffer fails to account for the minimum of four years of future income I would lose. Given that I was denied interviews for the last two years, it is crucial to recognize that an IT position pays between \$80,000 and \$100,000 per

year. My three selection grievances for IT positions were disregarded, even though Chrystal agreed that I would secure at least one of those positions. The sole reason for my termination was that the employer could no longer deny me a position in the IT department—there was no other justification. The employer terminated me to negotiate a cash settlement instead of granting an IT position to me, so it would be unjust to reward the employer's bad faith.

Conclusion

Allowing the employer to terminate an employee who did nothing wrong during their employment, and then use a "loss of trust" argument post-termination, sets a dangerous precedent. If unchecked, this practice will likely continue to be exploited. My termination was conducted in bad faith, and my post-termination actions, done in distress and without harmful intent, should not be used to justify it. The employer has been on a fishing expedition to terminate my employment since the day I was hired, and this behavior continued even post-termination.

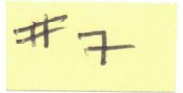
I am fully committed to adhering to all PHSA policies and maintaining the highest standards of confidentiality moving forward. Given the opportunity, I am confident that I can continue to be an asset to the organization. I respectfully request my reinstatement to rectify this unjust termination.

In solidarity,
Jessie

Phone: (604)365-3400

WITHOUT PREJUDICE
ALL RIGHTS RESERVED

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.



Jessie Bains <bainsj@gmail.com>

Urgent: Request for External Legal Representation for Termination Grievance

1 message

Jessie Bains <bainsj@gmail.com>

Fri, Jul 26, 2024 at 5:00 PM

To: Lynn Bueckert <LBueckert@heu.org>

Cc: Bill McMullan <BMcMullan@heu.org>, Betty Valenzuela <BValenzuela@heu.org>, Talitha Dekker <TDekker@heu.org>, Chris Batting <CBatting@heu.org>, Olivia Burgon <OBurgon@heu.org>, Monica Thiessen <MThiessen@heu.org>, Baldeesh Sandhu <BSandhu@heu.org>, Barb Shukin <BShukin@heu.org>, Ian Smith <ISmith@heu.org>, Phil Henderson <PHenderson@heu.org>, Lisa Crema <LCrema@heu.org>, Lisa Kreut <LKreut@heu.org>, Lynn Serhan <LSerhan@heu.org>, Diane Tomei <DTomei@heu.org>, Donovan Adlam <DAdlam@heu.org>, Darlene Bown <DBown@heu.org>, Christine Edgecombe <CEdgecombe@heu.org>, Scott McKay <SMcKay@heu.org>, Cora Mojica <CMojica@heu.org>, Maria Lugs <MLugs@heu.org>, Mary-Ann Johnson <MJohnson@heu.org>, Charlotte Millington <CMillington@heu.org>, Louella Vincent <lvincent@heu.org>, Chris Dorais <cdorais@heu.org>, Brenda Van Der Meer <bvandermeer@heu.org>, Robbin Bennett <rbennett@heu.org>, Barb Nederpel <bnederpel@heu.org>, Chrystal Latham <CLatham@heu.org>, Bonnie Hammermeister <bhammermeister@heu.org>, John Catigay <jcatigay@gmail.com>

Hi Lynn,

I am once again requesting that my termination grievance be assigned to an external lawyer, as I cannot receive fair representation internally. I have yet to hear a response regarding this request. As a member of BCGEU in 2020, I asked Stephanie Smith for similar assistance, and within 24 hours, my case was assigned to the Victory Square Law Office.

To date, I have not received the employer's submission, which was due on July 19th. Chris Dorais assured me that I would have access to all the submissions.

Since filing my initial charge against Barb, I have been informed that Barb has visited my SSF local a couple of times, meeting with Chrystal Latham and our local chair, John Catigay. I have three outstanding serious charges against Barb and three against John. Despite this, both Barb and John are attending the convention, while I am not. I have not received any updates on the charges I filed, and I sincerely hope they will be addressed before the convention.

I have also learned that Chrystal, along with a couple of local executive members, decided who would be the convention delegates, and I was not even considered. I would like clarification on which part of our constitution and bylaws grants Chrystal the authority to make this decision. This is another instance of Chrystal's deep involvement in our local politics. Except for one member, everyone on the local executive has never served in previous years. Chrystal advocated for John to become our local chair, despite his lack of prior union experience, enabling her to manipulate the situation as she sees fit.

I believe that Barb and Chrystal have been acting against my interests within my local and regarding my termination grievance. Both would benefit from my not being reinstated, as this would nullify the charges against Barb and allow Chrystal to continue her unchecked influence over our local.

With Barb's and Chris's support, Chrystal continues to represent me. I hold Barb responsible for meddling in the servicing side of our union.

In solidarity,
Jessie

Phone: (604)365-3400

WITHOUT PREJUDICE
ALL RIGHTS RESERVED



Jessie Bains <bainsj@gmail.com>

Request for Update and External Assignment of Termination Grievance

1 message

Jessie Bains <bainsj@gmail.com>

Tue, Jul 30, 2024 at 11:26 AM

To: Lynn Bueckert <LBueckert@heu.org>

Hi Lynn,

I called this morning to get an update on my termination grievance, as Chris Dorais has not provided me with the employer's submissions, which were due on July 19th. I am requesting that my termination grievance be assigned to external representation, as I have not been able to secure proper representation internally. My termination grievance and reinstatement are more important than my charges against Barb, Bill, Bonnie, and John.

In solidarity,
Jessie

Phone: (604)365-3400

WITHOUT PREJUDICE
ALL RIGHTS RESERVED

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.



Jessie Bains <bainsj@gmail.com>

Request for External Legal Representation in Arbitration Hearing

1 message

Jessie Bains <bainsj@gmail.com>

Fri, Aug 2, 2024 at 8:16 PM

To: Lynn Bueckert <LBueckert@heu.org>

Cc: Bill McMullan <BMcMullan@heu.org>, Betty Valenzuela <BValenzuela@heu.org>, Talitha Dekker <TDekker@heu.org>, Chris Batting <CBatting@heu.org>, Olivia Burgon <OBurgon@heu.org>, Monica Thiessen <MThiessen@heu.org>, Baldeesh Sandhu <BSandhu@heu.org>, Barb Shukin <BShukin@heu.org>, Ian Smith <ISmith@heu.org>, Phil Henderson <PHenderson@heu.org>, Lisa Crema <LCrema@heu.org>, Lisa Kreut <LKreut@heu.org>, Lynn Serhan <LSerhan@heu.org>, Diane Tomei <DTomei@heu.org>, Donovan Adlam <DAdlam@heu.org>, Darlene Bown <DBown@heu.org>, Christine Edgecombe <CEdgecombe@heu.org>, Scott McKay <SMcKay@heu.org>, Cora Mojica <CMojica@heu.org>, Maria Lugs <MLugs@heu.org>, Mary-Ann Johnson <MJohnson@heu.org>, Charlotte Millington <CMillington@heu.org>, Louella Vincent <lvincen@heu.org>, Chris Dorais <cdorais@heu.org>, Brenda Van Der Meer <bvandermeer@heu.org>, Robbin Bennett <rbennett@heu.org>, Barb Nederpel <bnederpel@heu.org>, Chrystal Latham <CLatham@heu.org>, Bonnie Hammermeister <bhammermeister@heu.org>, John Catigay <jcatigay@gmail.com>, Preety Chaudhry <preety84@hotmail.com>, isaacisrock76@gmail.com, jimmydavid39@hotmail.com, Constancio Castaneda <constancio_32@yahoo.com>, Amanpreet <amanpreet32k@gmail.com>, bukshr@yahoo.com, rob.sidhu@hssbc.ca, t_moon_7@hotmail.com

Hi Lynn,

First of all, I would like you to acknowledge that I am not just a regular member complaining about my representatives without real evidence. My concerns are based on facts, not disrespect. In my experience, members with very little experience often move up the ladder while real unionists work tirelessly on their own time to become representatives and advance. I have gathered so much material on this issue that I don't even know where to start.

I never imagined that I would be in a position where my own union would be working against my interests. As someone who consistently picked 300-400 orders in a 7.5-hour shift while others barely reached 150-200, I take pride in my work and dedication. To have the union sell me out is indefensible.

Since you have refused to assign my termination grievance to an independent law firm outside of HEU, I want to express my extreme disappointment with the continued bad faith in my representation.

The employer's deadline for submissions to the ITS troubleshooter was July 19th, but I did not receive them until July 30th at 4:02 PM, along with my union's response. I was given only 48 hours to add an Appendix A with my input for the ITS troubleshooter regarding my termination. How am I supposed to have an independent lawyer provide a written response within such a short timeframe? To ensure I had some input, I responded within hours just to get my thoughts included.

My representatives continue to go through the motions, making submissions without providing any legal basis or case law concerning bad faith allegations or post-termination behaviors. They seem to support the employer by only arguing William Scott, which appears to be the only case they understand.

An example of the tough questions or sorry simple questions which my reps did not even ask because they are not interested in having me reinstated:

No. 13: The Employer has complied with the requirements of the CBA to investigate allegations of harassment and discrimination. The evidence collected by the Investigator did not support Griever's allegations of discrimination and harassment breaches of the CBA.

The question that needs to be answered is: Who else did the law firm interview from PHSA? How can the investigation be considered thorough without interviewing key witnesses? How can it be called an investigation

only spoke to me about my complaint and didn't interview anyone else? One of these key witnesses was my manager, who was told by his manager, "Jessie should not have been hired." How can you conclude anything without getting to the source?

No. 15: The Grievor and the Union did not provide evidence showing any HR department staff of PHSA being involved in any hiring/firing/selection/IT functions/email setup or calling for scheduled or overtime work obligation for the job held or desired by the Grievor.

Isn't the evidence that I was not interviewed and that my repeated requests for an explanation were ignored?

No. 22: Most importantly, we must address Grievor's attempt to rectify his bad faith allegations by shifting the focus from the two individuals discussed during the investigation to the entire HR department of the Employer.

It didn't look like I was rectifying anything as much as providing information on the systemic issues and the smoking guns that I have found through my lived experience.

No.23: The expanded allegation of harassment and discrimination against the entire PHSA HR department has likely unintended consequences for the Grievor's case. It indicates that the trust between the Grievor and the PHSA, which the HR department represents, is irreparably broken. All PHSA needs to do is identify who in their HR department ignored my repeated requests for an explanation as to why I was not considered for jobs I was qualified for.

No. 44: I have found that there was no basis for this allegation whatsoever. I have also found that the Complainant knew that there was no factual foundation to support his allegation and that it was made in bad faith.

Isn't this akin to the police investigating themselves for police brutality and finding themselves not guilty.

These are just a few of the many defenses my union could have presented, but instead, they kept focusing on the William Scott case to negotiate a low settlement for me. If I, as a layperson, can come up with these arguments, what does that say about my representatives? In my experience attending arbitrations, the William Scott precedent is only argued heavily when there is even a small chance that the employer has reasonable grounds for termination.

Instead of refuting the bad faith allegation against me based on legal grounds, my representative argued that only one of the four allegations was considered bad faith. In reality, they should have been arguing that no allegations of bad faith were proven. Essentially, my own reps are seeking discipline rather than reinstatement, which clearly demonstrates the bad faith in my representation.

When a BCGEU member called me in 2019 to represent him at his termination hearing, even though he had previously filed a complaint against me with HR, he knew I take nothing personally. He asked me to represent him because he had known me for over 17 years and understood that I represent every member unconditionally. This commitment to serving all members is the only reason I have continued my service to the union.

Regardless of the ITS troubleshooter's recommendations, I expect you to assign an external lawyer to take up my case at a full arbitration hearing—one who will provide the necessary case law to support my reinstatement. I am hopeful for an independent representative for my final arbitration, someone who genuinely cares about doing the right thing and feels good about their work, because it's not always about how we feel.

The whole process has been shameful because I have dedicated my heart and soul to making our union strong, regardless of personalities.

In solidarity,
Jessie

Phone: (604)365-3400



Jessie Bains <bainsj@gmail.com>

Ongoing request for External representation for my Termination Grievance

1 message

Jessie Bains <bainsj@gmail.com>

Sat, Aug 17, 2024 at 12:17 AM

To: Lynn Bueckert <LBueckert@heu.org>

Cc: Robbin Bennett <rbennett@heu.org>, Chris Dorais <cdorais@heu.org>, Brenda Van Der Meer <bvandermeer@heu.org>, Chrystal Latham <CLatham@heu.org>

Hi Lynn,

I want to make it clear that I do not want Chrystal Latham or Brenda Van Der Meer involved in any capacity with my grievance file.

During my ITS hearing in July, Brenda, without consulting me, countered the employer's offer of \$10,000 with \$25,000—an amount that doesn't reflect the future loss of income, especially considering I was likely to secure an IT position at \$45/hour, which was a key reason for my termination. The \$25,000 doesn't even begin to compensate for the damages alone that I've suffered.

The employer had no grounds for my termination, and I dread to think what Brenda might have offered had they actually had any. Their representation was inadequate; they failed to provide any case law against the employer's bad faith allegations or any legal arguments regarding post-termination behavior. The employer, lacking evidence for my termination, is attempting to use my post-termination actions to justify a cash settlement instead of reinstatement. This is unacceptable on all levels, yet it seems to be supported by my reps and the political leadership.

I did nothing wrong after being terminated, aside from informing members about what happens when you file a harassment grievance against HR—how they used a so-called independent investigator to turn the grievance against the member. This happened to two employees within a month, both represented by Chrystal, who, instead of advocating for us, merely checked off boxes, clearly disliking us for being outspoken.

A prime example of this poor representation, which I will continue to emphasize, occurred during my ITS hearing when Chrystal echoed the employer's narrative, stating, "Jessie filed 3 grievances in 2022, where 2 were awarded to senior applicants." She should have said, "Jessie applied for 9 internal postings in 2022 and received 0 interviews despite 23 years of relevant experience." The number of grievances I filed or who got the positions is irrelevant; if it mattered, it was the employer's argument to make, not ours.

To say I'm disappointed is an understatement. I still haven't received the employer's submission after we filed ours. Regardless of the arbitrator's recommendations in September, the only viable solution is for you and Chris—whom I have no confidence in—to assign my grievance to an external investigator immediately, as I've completely lost trust in my HEU reps.

In Solidarity,
Jessie

Phone: (604)365-3400

WITHOUT PREJUDICE
ALL RIGHTS RESERVED

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.



Jessie Bains <bainsj@gmail.com>

Request for External Representation for Termination Grievance -personal history

1 message

Jessie Bains <bainsj@gmail.com>

Mon, Aug 19, 2024 at 12:26 AM

To: Lynn Bueckert <LBueckert@heu.org>

Cc: Bill McMullan <BMcMullan@heu.org>, Betty Valenzuela <BValenzuela@heu.org>, Talitha Dekker <TDekker@heu.org>, Chris Batting <CBatting@heu.org>, Olivia Burgon <OBurgon@heu.org>, Monica Thiessen <MThiessen@heu.org>, Baldeesh Sandhu <BSandhu@heu.org>, Barb Shukin <BShukin@heu.org>, Ian Smith <ISmith@heu.org>, Phil Henderson <PHenderson@heu.org>, Lisa Crema <LCrema@heu.org>, Lisa Kreut <LKreut@heu.org>, Lynn Serhan <LSerhan@heu.org>, Diane Tomei <DTomei@heu.org>, Donovan Adlam <DAdlam@heu.org>, Darlene Bown <DBown@heu.org>, Christine Edgecombe <CEdgecombe@heu.org>, Scott McKay <SMcKay@heu.org>, Cora Mojica <CMojica@heu.org>, Maria Lugs <MLugs@heu.org>, Mary-Ann Johnson <MJohnson@heu.org>, Charlotte Millington <CMillington@heu.org>, Louella Vincent <lvincent@heu.org>, Chris Dorais <cdorais@heu.org>, Brenda Van Der Meer <bvandermeer@heu.org>, Robbin Bennett <rbennett@heu.org>, Barb Nederpel <bnederpel@heu.org>, Chrystal Latham <CLatham@heu.org>, Bonnie Hammermeister <bhammermeister@heu.org>, John Catigay <jcatigay@gmail.com>, Preety Chaudhry <preety84@hotmail.com>, jimmydavid39@hotmail.com, isaacisrock76@gmail.com, t_moon_7@hotmail.com, bukshr@yahoo.com, Constancio Castaneda <constancio_32@yahoo.com>, Amanpreet <amanpreet32k@gmail.com>, rob.sidhu@hssbc.ca

Hi Lynn,

I am still waiting for my termination grievance to be assigned to an external law firm. Given the political dynamics involving Barb Nederpel and others, I don't believe anyone at HEU can be truly independent in providing a proper defense.

Chris Dorais, the Coordinator of Public Sector Servicing and Chrystal Latham's boss, should also recuse himself from this case. His spouse, Ruby, who is a rep in Vancouver, was my bitter main political rival at SMH. While I won't go into further detail at this time, as it could be seen as defamation, I believe these conflicts of interest need to be addressed to ensure a fair process.

A bit about my background to help you understand my perspective: I arrived in East Vancouver in 1972 from Bombay at the age of 9, with no memory of my past. The system failed me in many ways—I should have been held back two years in school, but instead, I graduated just a month after my 17th birthday. I was often the smallest and poorest kid in school, and I was relentlessly bullied. The taunts of "UIC bum" and "basement suite" echoed in my ears, all because my mother worked as a farm laborer and relied on EI during the winter months. Growing up without a father, alongside three sisters, by the end of high school in 1980, I vowed that no one would ever control or hurt me again.

In 1987, I was hired by BC Central Credit Union during contract negotiations due to my experience with a specific computer system. The employer initially assumed I would cross the picket line if a strike occurred. However, an employee close to management informed them otherwise, aware of my involvement in Bob Williams' and the NDP campaigns in East Vancouver, where I lived. After the contract was settled, I was laid off and replaced almost immediately, but my shop steward explained my rights and fought vigorously for my reinstatement, which was ultimately successful. This experience cemented my lifelong commitment to unions and their vital role in protecting workers. I found both comfort and security in being a union member.

Over my four decades as a union activist, I have always strived to ensure that every member is looked after, regardless of my personal feelings toward them.

I want to be clear that I hold no personal grievances against Chrystal Latham or anyone in HEU. However, I am deeply devastated that the union is not acting in my best interest. My termination from PHSA, which had no bearing on my performance as a casual warehouse attendant, seems, in my view, to be unjust at every level. I believe it was

influenced by external pressures and a desire to appease the old boys' club, rather than being related to any genuine work-related issues.

At the SSF local, out of 400 members, I was by far the best employee they ever had as a warehouse attendant. In a 7.5-hour shift, I picked over 600 orders on six different occasions, with not only my personal record but overall of 635 orders. To put this in perspective, the average number of orders picked in a 7.5-hour shift is between 150 and 200. My typical workday ranged from 300 to 550 orders, and it was never about trying to please the employer or outdo my fellow members. I simply took pride in my work, was content with what I was being paid, and always performed my duties to the best of my ability, regardless of what others were doing. Since 2021, as a warehouse attendant, I have consistently been the top performer in the SSF local. Please don't take my word but call any supervisor at SSF to confirm this.

I'm at a loss as to how many times or in what ways I need to express that my termination grievance cannot, and will never receive proper representation internally due to my long history with HEU since 1998.

Sincerely,
Jessie

Phone: (604)365-3400

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.



Jessie Bains <bainsj@gmail.com>

Formal Complaint Against Chrystal Latham

1 message

Jessie Bains <bainsj@gmail.com>

Sun, Aug 25, 2024 at 11:18 PM

To: Lynn Bueckert <LBueckert@heu.org>

To: Lynn Bueckert, Secretary-Business Manager - Hospital Employees' Union**Date:** August 25, 2024**Complainant:**

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

Respondent:

Chrystal Latham
Representative, Hospital Employees' Union

Dear Ms. Bueckert,

I am writing to formally file a complaint against Chrystal Latham, the servicing representative assigned to our SSF Local by the Provincial Head Office. This complaint pertains to several instances where I believe Chrystal Latham has failed in her duties, thereby denying me, as a member in good standing, my basic rights to participate fully in our local meetings.

Chrystal Latham, except for our local meeting in February, has attended all our local and executive meetings this year to provide support and guidance. This support was particularly necessary because almost the entire executive is new to their positions, having never served before. Despite her presence and experience, I believe Chrystal failed to ensure that I was provided with the necessary access to participate in these meetings, despite being fully aware of the situation through multiple email communications.

Summary of the Complaint:

- 1. April 24, 2024** - I requested access to the local meeting on April 25, 2024, via email. Although I was provided with a Zoom link, it did not work, and I was not given a backup phone number to join the meeting. When I contacted Chrystal, who was experiencing similar issues with her Zoom link, she responded that she couldn't assist with the matter. However, Chrystal was able to join the meeting using her phone, which was exactly what I had requested but was denied. Despite bringing this issue to her attention, Chrystal offered no support to rectify the situation (Gmail - Copy to Chrystal April 24 at 1553 asking access to the local meeting on April 25 at 1830.pdf).
- 2. April 25, 2024** - I followed up after the meeting, expressing my concerns about not being able to access the meeting due to a non-functional Zoom link and the absence of alternative access methods. Chrystal was copied on this email as well, but no corrective action was taken (Gmail - Copy to Chrystal April 25 at 1946 about not being given access to the Local Meeting at 1830.pdf).

3. **June 25, 2024** - I again requested access to the local meeting scheduled for June 27, 2024, emphasizing the need for proper notification and access. Despite this, I was again denied access to the meeting. Chrystal was aware of this ongoing issue but failed to intervene (Gmail - Sent to John on June 25 at 2234 asking for access to Local Meeting on June 27 at 1830.pdf).

4. **June 27, 2024** - On the day of the meeting, I reiterated my request for access, highlighting that the lack of access was preventing me from exercising my rights as a member. This email was also sent to Chrystal, but no action was taken to resolve the issue (Gmail - Copy to Chrystal June 27 at 0652 asking for access to Local Meeting on June 27 at 1830.pdf).

5. **June 27, 2024 (Post-Meeting)** - After being denied access to the meeting, I wrote to Chrystal directly, outlining my concerns and expressing my belief that she should recuse herself from representing me in any future matters, including my termination grievance. This email summarized the harm and frustration caused by her repeated inaction and lack of support (Gmail - Sent to Chrystal at 2338 about not providing access to Local Meeting on June 27 at 1830.pdf).

Harm Done:

As a result of Chrystal Latham's failure to ensure my access to local meetings, I have been unjustly excluded from participating in critical union activities, including the discussion on the approval of the 2024 budget and the nomination and election of delegates to the convention. This exclusion has not only violated my rights as a member but also undermined my ability to contribute to and be informed about the decisions that directly impact our local.

Moreover, Chrystal's failure to act, despite being fully informed of the issues, has eroded my trust in her ability to represent my interests, particularly in relation to my ongoing termination grievance. Her inaction has caused significant stress and anxiety, as I feel isolated and unsupported within my union.

Since November 2023, Chrystal Latham has actively contributed to divisions within our SSF local. A significant example of this occurred when she persuaded John Catigay to rescind his letter of resignation. This action appeared to be strategically motivated, with the sole purpose of preventing me from assuming the role of chair of our local, as no other candidates had expressed interest in the position.

Requested Penalties:

Given the severity of these issues, I request the following actions:

1. Chrystal Latham be removed as a representative from our SSF Local and, more broadly, from her role as a representative within our union.
2. Chrystal Latham be removed from representing me in all matters, including my termination grievance.
3. Any other penalties or actions deemed just and reasonable by the investigator.

I believe this matter warrants a thorough internal investigation, which should be handled by the union's HR department or an external lawyer to ensure impartiality and fairness.

I look forward to your response and to a resolution that ensures my rights as a member are upheld.

In solidarity,
Jessie Bains
SSF Local Member

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.



Jessie Bains <bainsj@gmail.com>

Re: Formal Complaint Against Chrystal Latham

1 message

Jessie Bains <bainsj@gmail.com>

Thu, Sep 5, 2024 at 11:21 PM

To: Lynn Bueckert <LBueckert@heu.org>

Cc: Mary-Ann Johnson <mjohnson@heu.org>, Gary Caroline <GCaroline@carolinelaw.ca>

Hi Lynn,

I am seeking confirmation that this charge is being moved forward in an expedited manner, as my rights as a member are being denied. I am concerned that I may once again be prevented from attending my local meeting this month.

Since November 2023, Chrystal has been advising my local executive and has attended most, if not all, SSF local and executive meetings this year. As the representative to our local, I believe she bears full responsibility for denying me access to my local meeting. In April, I called at the start of the meeting to inform Chrystal that my Zoom link was not working and that I needed to attend. Last week, I learned from a local executive member that this non-functioning Zoom link was deliberately sent to me because a few members of the executive do not want me to participate. I have already sent an email to Gary detailing the issue with the Zoom link.

Chrystal has been fully aware of how I was being denied my basic union rights, as she was included in all of my communications. This further highlights the bad faith representation I have received.

I respectfully request that this complaint be expedited.

In solidarity,
Jessie

On Sun, Aug 25, 2024 at 11:18 PM Jessie Bains <bainsj@gmail.com> wrote:

To: Lynn Bueckert, Secretary-Business Manager - Hospital Employees' Union

Date: August 25, 2024

Complainant:

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

Respondent:

Chrystal Latham
Representative, Hospital Employees' Union

Dear Ms. Bueckert,

I am writing to formally file a complaint against Chrystal Latham, the servicing representative assigned to our SSF Local by the Provincial Head Office. This complaint pertains to several instances where I believe Chrystal Latham has failed in her duties, thereby denying me, as a member in good standing, my basic rights to participate fully in our local meetings.



Jessie Bains <bainsj@gmail.com>

Re: Formal Complaint Against Chrystal Latham

1 message

Jessie Bains <bainsj@gmail.com>

Thu, Sep 12, 2024 at 3:22 PM

To: Lynn Bueckert <LBueckert@heu.org>

Cc: Mary-Ann Johnson <mjohnson@heu.org>, Bill McMullan <BMcMullan@heu.org>, Betty Valenzuela <BValenzuela@heu.org>, Talitha Dekker <TDekker@heu.org>, Chris Batting <CBatting@heu.org>, Olivia Burgon <OBurgon@heu.org>, Monica Thiessen <MThiessen@heu.org>, Baldeesh Sandhu <BSandhu@heu.org>, Barb Shukin <BShukin@heu.org>, Ian Smith <ISmith@heu.org>, Phil Henderson <PHenderson@heu.org>, Lisa Crema <LCrema@heu.org>, Lisa Kreut <LKreut@heu.org>, Lynn Serhan <LSerhan@heu.org>, Diane Tomei <DTomei@heu.org>, Donovan Adlam <DAdlam@heu.org>, Darlene Bown <DBown@heu.org>, Christine Edgecombe <CEdgecombe@heu.org>, Scott McKay <SMcKay@heu.org>, Cora Mojica <CMojica@heu.org>, Maria Lugs <MLugs@heu.org>, Charlotte Millington <CMillington@heu.org>, Louella Vincent <Lvincent@heu.org>, Brenda Van Der Meer <bvandermeer@heu.org>, Barb Nederpel <bnerdepel@heu.org>, Bonnie Hammermeister <bhammermeister@heu.org>

Hi Lynn,

I am following up on my request for an investigation into the complaint I filed against Chrystal Latham. Despite my earlier inquiries, I have not yet received a response from either you or Mary-Ann regarding this matter.

As you are aware, Chrystal has been heavily involved in our SSF local and executive meetings this year. Her actions, including denying me access to local meetings and delegate status at the convention, have significantly impacted my rights as a union member. Chrystal has been actively involved in local politics, from encouraging certain members to run for positions to setting the meeting agenda and selecting delegates. This has been problematic, given that much of the executive board lacks experience with the union local process.

Furthermore, Chrystal's involvement in my termination grievance has been deeply troubling. Rather than working towards my reinstatement, it appears she has been pursuing a financial settlement, which seems to serve her own interests and those of Barb Nederpel, rather than mine. Moreover, both the SSF Chair and another member of my local executive have indicated their plans to resign, attributing their actions to Chrystal's influence. This situation suggests a larger issue, as Chrystal has been fully aware of my attempts to participate in local meetings and attend the convention but has consistently prioritized the interests of our president, Barb Nederpel, over those of the union members.

Additionally, I have yet to receive the recommendations from Chris Sullivan, the arbitrator for my ITS hearing, which were expected by August 31st.

I would appreciate an update on the investigation into Chrystal Latham and any information regarding the delayed recommendations.

In solidarity,
Jessie

On Thu, Sep 5, 2024 at 11:21 PM Jessie Bains <bainsj@gmail.com> wrote:

Hi Lynn,

I am seeking confirmation that this charge is being moved forward in an expedited manner, as my rights as a member are being denied. I am concerned that I may once again be prevented from attending my local meeting this month.

Since November 2023, Chrystal has been advising my local executive and has attended most, if not all, SSF local and executive meetings this year. As the representative to our local, I believe she bears full responsibility for denying me



Jessie Bains <bainsj@gmail.com>

Re: Formal Complaint Against Chrystal Latham

1 message

Jessie Bains <bainsj@gmail.com>

Fri, Sep 20, 2024 at 3:19 PM

To: Lynn Bueckert <LBueckert@heu.org>

Cc: Mary-Ann Johnson <mjohnson@heu.org>, Bill McMullan <BMcMullan@heu.org>, Betty Valenzuela <BValenzuela@heu.org>, Talitha Dekker <TDekker@heu.org>, Chris Batting <CBatting@heu.org>, Olivia Burgon <OBurgon@heu.org>, Monica Thiessen <MThiessen@heu.org>, Baldeesh Sandhu <BSandhu@heu.org>, Barb Shukin <BShukin@heu.org>, Ian Smith <ISmith@heu.org>, Phil Henderson <PHenderson@heu.org>, Lisa Crema <LCrema@heu.org>, Lisa Kreut <LKreut@heu.org>, Lynn Serhan <LSerhan@heu.org>, Diane Tomei <DTomei@heu.org>, Donovan Adlam <DAdlam@heu.org>, Darlene Bown <DBown@heu.org>, Christine Edgecombe <CEdgecombe@heu.org>, Scott McKay <SMcKay@heu.org>, Cora Mojica <CMojica@heu.org>, Maria Lugs <MLugs@heu.org>, Charlotte Millington <CMillington@heu.org>, Louella Vincent <lvincent@heu.org>, Brenda Van Der Meer <bvandermeer@heu.org>, Barb Nederpel <bnerdpel@heu.org>, Bonnie Hammermeister <bhammermeister@heu.org>

Hi Lynn,

This is my third request, and I'm still waiting for your response. Historically, I tend to get lucky on my third attempt, so I'm counting on you not to break my streak! Your prompt attention to this matter would be much appreciated.

In solidarity,
Jessie

On Thu, Sep 12, 2024 at 3:22 PM Jessie Bains <bainsj@gmail.com> wrote:

Hi Lynn,

I am following up on my request for an investigation into the complaint I filed against Chrystal Latham. Despite my earlier inquiries, I have not yet received a response from either you or Mary-Ann regarding this matter.

As you are aware, Chrystal has been heavily involved in our SSF local and executive meetings this year. Her actions, including denying me access to local meetings and delegate status at the convention, have significantly impacted my rights as a union member. Chrystal has been actively involved in local politics, from encouraging certain members to run for positions to setting the meeting agenda and selecting delegates. This has been problematic, given that much of the executive board lacks experience with the union local process.

Furthermore, Chrystal's involvement in my termination grievance has been deeply troubling. Rather than working towards my reinstatement, it appears she has been pursuing a financial settlement, which seems to serve her own interests and those of Barb Nederpel, rather than mine. Moreover, both the SSF Chair and another member of my local executive have indicated their plans to resign, attributing their actions to Chrystal's influence. This situation suggests a larger issue, as Chrystal has been fully aware of my attempts to participate in local meetings and attend the convention but has consistently prioritized the interests of our president, Barb Nederpel, over those of the union members.

Additionally, I have yet to receive the recommendations from Chris Sullivan, the arbitrator for my ITS hearing, which were expected by August 31st.

I would appreciate an update on the investigation into Chrystal Latham and any information regarding the delayed recommendations.

In solidarity,
Jessie



Jessie Bains <bainsj@gmail.com>

Re: Formal Complaint Against Chrystal Latham

1 message

Jessie Bains <bainsj@gmail.com>

Tue, Sep 24, 2024 at 10:20 AM

To: Lynn Bueckert <LBueckert@heu.org>

Cc: Mary-Ann Johnson <mjohnson@heu.org>

Hi Lynn,

This is my fourth request for an investigation into Chrystal Latham's conduct, specifically her failure to fulfill her duties. Chrystal has repeatedly denied my basic union rights and has failed to provide fair representation.

Chrystal has consistently denied me access to my local SSF meetings, despite her own attendance and her responsibility to ensure compliance with our constitution and bylaws. Once again, she has made no effort to provide me with access to the upcoming meeting scheduled for September 26th.

For the past two years, remote access to meetings was provided but was discontinued in April of this year. Additionally, the meeting room is equipped with a telephone for conferencing, which had been regularly used by our local to facilitate participation. However, Chrystal has failed to acknowledge or utilize this option to ensure my involvement. Furthermore, she has never taken any steps to approach the employer to secure my onsite access to these meetings.

As someone in your position, it is critical to respond to such matters. Your continued silence raises concerns that you may also be neglecting your responsibilities to address these serious issues. I expect a clear response on whether or not you will initiate an investigation.

Failure to respond will be considered a further denial of my union rights and will be regarded as bad faith representation.

In Solidarity,
Jessie

On Fri, Sep 20, 2024 at 3:19 PM Jessie Bains <bainsj@gmail.com> wrote:

Hi Lynn,

This is my third request, and I'm still waiting for your response. Historically, I tend to get lucky on my third attempt, so I'm counting on you not to break my streak! Your prompt attention to this matter would be much appreciated.

In solidarity,
Jessie

On Thu, Sep 12, 2024 at 3:22 PM Jessie Bains <bainsj@gmail.com> wrote:

Hi Lynn,

I am following up on my request for an investigation into the complaint I filed against Chrystal Latham. Despite my earlier inquiries, I have not yet received a response from either you or Mary-Ann regarding this matter.

As you are aware, Chrystal has been heavily involved in our SSF local and executive meetings this year. Her actions, including denying me access to local meetings and delegate status at the convention, have significantly impacted my rights as a union member. Chrystal has been actively involved in local politics, from encouraging



Jessie Bains <bainsj@gmail.com>

Re: Per diem and mileage

1 message

Jessie Bains <bainsj@gmail.com>

Wed, Sep 25, 2024 at 12:59 PM

To: Lynn Bueckert <LBueckert@heu.org>

Bcc: Mary-Ann Johnson <mjohnson@heu.org>, Bill McMullan <BMcMullan@heu.org>, Betty Valenzuela <BValenzuela@heu.org>, Talitha Dekker <TDekker@heu.org>, Chris Batting <CBatting@heu.org>, Olivia Burgon <OBurgon@heu.org>, Monica Thiessen <MThiessen@heu.org>, Baldeesh Sandhu <BSandhu@heu.org>, Barb Shukin <BShukin@heu.org>, Ian Smith <ISmith@heu.org>, Phil Henderson <PHenderson@heu.org>, Lisa Crema <LCrema@heu.org>, Lisa Kreut <LKreut@heu.org>, Lynn Serhan <LSerhan@heu.org>, Diane Tomei <DTomei@heu.org>, Donovan Adlam <DAdlam@heu.org>, Darlene Bown <DBown@heu.org>, Christine Edgecombe <CEdgecombe@heu.org>, Scott McKay <SMcKay@heu.org>, Cora Mojica <CMojica@heu.org>, Maria Lugs <MLugs@heu.org>, Charlotte Millington <CMillington@heu.org>, Louella Vincent <lvincent@heu.org>, Brenda Van Der Meer <bvandermeer@heu.org>, Bonnie Hammermeister <bhammermeister@heu.org>, Chrystal Latham <CLatham@heu.org>, Robbin Bennett <rbennett@heu.org>, isaacisrock76@gmail.com, Amanpreet <amanpreet32k@gmail.com>, Barb Nederpel <bnederpel@heu.org>, Curtis Anshelm <canshelm@heu.org>, Constancio Castaneda <constancio_32@yahoo.com>, Preety Chaudhry <preety84@hotmail.com>, jimmydavid39@hotmail.com, rob.sidhu@hssbc.ca, Chris Dorais <cdorais@heu.org>

Hi Lynn,

For the record, this email also addresses your failure to respond to a member, without any legal or moral justification.

I have no expectation that the Arbitrator's decision will favour my reinstatement, considering that both the employer and the union fund his position. Chrystal Latham made this painfully clear during her presentation on July 4th, and the union's submission in August only reinforced the message: the union is more interested in securing a cash settlement than in fighting for the reinstatement of one of its own member.

As the person in charge, you are responsible for everything that happens under your leadership. Your continued silence is nothing short of consent to the disrespect and neglect I've been subjected to.

In solidarity,
Jessie

On Wed, Sep 25, 2024 at 12:39 PM Jessie Bains <bainsj@gmail.com> wrote:

Hi Chris,

Let's address disrespect head-on. I submitted my expense form to Chrystal on July 4th, followed up in August, and now, as of September 25th, I have received zero response. Not a single acknowledgment.

So, who exactly is being disrespectful here? You instructed your staff not to respond to me, but honestly, that wasn't necessary—they were already doing that. The complete silence from Chrystal for the last two years has been nothing but blatant disregard for my concerns. The disrespect is beyond anything I or any member should have to endure.

I'm not working, and Chrystal's utter failure to handle something as basic as my expenses only proves she has no concern for my well-being. Her neglect should have led to her removal as my representative long ago. That this hasn't happened shows a deep indifference from the union itself. By allowing her to continue in this role, you've signaled that my situation and reinstatement are of no interest to you. This inaction has only emboldened my employer, who terminated me without cause, knowing full well they'd have the support of Chrystal Latham in negotiating a financial settlement that benefits everyone but me.

This isn't solidarity—this is abandonment.

Jessie

On Tue, Sep 24, 2024 at 8:30 PM Jessie Bains <bainsj@gmail.com> wrote:

Hi Chris,

I am still waiting for a response to the email I sent to Chrystal on August 21st regarding my expenses, which have yet to be received.

In solidarity,

Jessie

On Wed, Aug 21, 2024 at 6:46 PM Jessie Bains <bainsj@gmail.com> wrote:

Hi Chrystal,

Please let me know when you submitted my expense report I filled out and gave you on July 4th at my ITS hearing.

I still have not received anything in the mail.

Jessie



#18

October 11, 2024

Jessie Bains
5961 129 Street
Surrey, BC V3X 0B9

Dear Jessie:

Subject: Confirmation of non-attendance

I write in response to various email communications addressed to HEU's leadership and staff where you appear to request or claim HEU Convention delegate or alternate status.

The purpose of this email is to confirm your non-attendance at Convention, in that you have not been credentialed by your local to Convention.

HEU will not issue you a credential or any type of access to Convention or official HEU events occurring in conjunction with Convention.

Accordingly, we expect you will not attend Convention or official HEU events occurring in conjunction with Convention.

Thank you very much for your anticipated cooperation.

Yours in solidarity,

Lynn Bueckert
Secretary-Business Manager



Jessie Bains <bainsj@gmail.com>

Unjust Denial of Access to HEU Convention and Ongoing Violations of Member and Rights

1 message

Jessie Bains <bainsj@gmail.com>

Sun, Oct 20, 2024 at 11:12 PM

To: Lynn Bueckert <LBueckert@heu.org>

Cc: Bonnie Hammermeister <BHammermeister@heu.org>, Mary-Ann Johnson <MJohnson@heu.org>, Bill McMullan <BMcMullan@heu.org>, Betty Valenzuela <BValenzuela@heu.org>, Chris Batting <CBatting@heu.org>, Olivia Burgon <OBurgon@heu.org>, Monica Thiessen <MThiessen@heu.org>, Baldeesh Sandhu <BSandhu@heu.org>, Barb Shukin <BShukin@heu.org>, Ian Smith <ISmith@heu.org>, Phil Henderson <PHenderson@heu.org>, Lisa Crema <LCrema@heu.org>, Lisa Kreut <LKreut@heu.org>, Lynn Serhan <LSerhan@heu.org>, Diane Tomei <DTomei@heu.org>, Donovan Adlam <DAdlam@heu.org>, Darlene Bown <DBown@heu.org>, Christine Edgecombe <CEdgecombe@heu.org>, Scott McKay <SMcKay@heu.org>, Cora Mojica <CMojica@heu.org>, Maria Lugs <MLugs@heu.org>, Louella Vincent <LVincent@heu.org>, Charlotte Millington <CMillington@heu.org>, Barb Nederpel <bnerdepel@heu.org>

Hi Lynn,

I received the attached registered letter from you, denying me access to the HEU convention. As an HEU member, I am entitled to attend the convention as an observer in the designated area. Union leadership may deny me delegate status, but they have no authority to block my attendance as an observer—especially when I have committed to adhering to the legal process and complying with all convention rules.

This denial is not only unjust but undermines the fundamental principles of transparency and fairness that the union claims to uphold.

I am deeply disgusted by this blatant violation of my rights. Under what authority do you claim the power to prevent a delegate from inviting any member or non-member to the official dinner? This letter further exposes the ongoing discrimination, bullying, and intimidation I have endured. My own union has worked against me, repeatedly isolating and ignoring me as a member. This is not just negligence—it's a deliberate act of bad faith.

I consider this a clear violation of Section 12, as it illustrates a systematic effort by HEU leadership to undermine and silence me. The refusal to provide basic representation, the constant stonewalling, and now this exclusion from observing a union event demonstrate how far the union is willing to go to stifle its own members. It's not just disappointing—it's disgraceful.

In solidarity,
Jessie

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.

Unjust Removal from Convention: A Blatant Denial of Union Rights - SHAME

1 message

Jessie Bains <bainsj@gmail.com>

Mon, Oct 21, 2024 at 5:58 PM

To: Barb Nederpel <bnederpel@heu.org>, Lynn Bueckert <LBueckert@heu.org>

Cc: Bonnie Hammermeister <BHammermeister@heu.org>, Mary-Ann Johnson <MJohnson@heu.org>, Bill McMullan <BMcMullan@heu.org>, Betty Valenzuela <BValenzuela@heu.org>, Chris Batting <CBatting@heu.org>, Olivia Burgon <OBurgon@heu.org>, Monica Thiessen <MThiessen@heu.org>, Baldeesh Sandhu <BSandhu@heu.org>, Barb Shukin <BShukin@heu.org>, Ian Smith <ISmith@heu.org>, Phil Henderson <PHenderson@heu.org>, Lisa Crema <LCrema@heu.org>, Lisa Kreut <LKreut@heu.org>, Lynn Serhan <LSerhan@heu.org>, Diane Tomei <DTomei@heu.org>, Donovan Adlam <DAdlam@heu.org>, Darlene Bown <DBown@heu.org>, Christine Edgecombe <CEdgecombe@heu.org>, Scott McKay <SMcKay@heu.org>, Cora Mojica <CMojica@heu.org>, Maria Lugs <MLugs@heu.org>, Louella Vincent <LVincent@heu.org>, Charlotte Millington <CMillington@heu.org>, Robbin Bennett <rbennett@heu.org>, Brenda Van Der Meer <bvandermeer@heu.org>, Chrystal Latham <CLatham@heu.org>, Curtis Anshelm <canshelm@heu.org>, Constancio Castaneda <constancio_32@yahoo.com>, Isaac Daniel <isaacisrock76@gmail.com>, bcfed@bcfed.ca, information@lrb.bc.ca, president-office@clccct.ca, Preety Chaudhry <preety84@hotmail.com>, Amanpreet <Amanpreet32k@gmail.com>, convention@heu.org

Hi Barb and Lynn,

This morning, I arrived at the convention, signed in, and received a guest pass to observe from the public area. Approximately 30 minutes later, Chris Dorais approached me and informed me that I had to leave the convention center because I was no longer a member. I told him that, to the best of my knowledge, my grievance remains unresolved. I have not received any payment or communication from the Provincial Office indicating I am no longer a member, nor have I heard from the employer about the status of my grievance.

Chris then escorted me out, physically closing the distance between us and attempting to provoke me with comments like, "You make a lot of threats, so why don't you do something about them?" He also claimed, "the staff do not feel safe around you." I responded by stating that I have never threatened anyone and, to my knowledge, no complaints have ever been filed against me. I also reminded him that there is a formal process for addressing threats, discrimination, or behavior that makes any member—or person—uncomfortable, a process that all staff representatives are well aware of.

This incident perfectly illustrates the concerns I've been raising since my termination: Chris Dorais and Chrystal Latham are allowing their personal feelings to override their professional responsibilities. It's absurd that they would suggest I, at 5'7" and 145 pounds, could be considered a physical threat—especially since I have never been involved in any kind of physical altercation in my life.

The irony here is glaring. I've spent over four decades as a union activist, fighting for the rights of others because I know firsthand what it feels like to be targeted. As an immigrant living below the poverty line, I endured extreme bullying and racism—things no human being, especially a teenager, should ever face. And now, here I am, being labeled a threat simply because certain individuals can't separate their personal bias from their professional duty. This baseless accusation is not just insulting—it flies in the face of everything I've stood for my entire life.

My concerns about bad faith representation in the handling of my termination grievance have been confirmed. It's clear that my representatives rushed to close my grievance to strip me of my membership and block me from attending the convention.

On October 2nd, Brenda VanDerMeer accepted the non-binding recommendations of the ITS troubleshooter without even attempting to negotiate with the employer. This blatant disregard for my interests as a union member was grossly negligent. Unlike every other representative I've encountered, Brenda made no effort to secure a better

outcome for me—whether through partial or full damages, improvements to the settlement terms, addressing the handling of my personnel file, or considering a non-disclosure agreement to protect my future interests.

Then, on October 8th, Chris Dorais rejected my appeal and urged the employer to process my payment as quickly as possible. Ironically, that payment hasn't even been processed yet, and I'm not sure the employer has agreed to it. It's worth noting that I have two other external investigations pending that could restore my employment if successful.

I can't help but wonder if the charges I've filed against the HEU leadership are connected to this blatant disregard for my union rights, especially my right to attend the convention. Here are the charges I've filed, which highlight serious breaches of conduct that may explain why my rights are being violated:

1. May 10, 2024 – Article 19 charge against Barb Nederpel and Bonnie Hammermeister

Allegation: I was denied the opportunity to be on the ballot for the position of Trustee at the SSF local after self-nominating past the deadline set by the local executive.

2. June 14, 2024 – Article 19 charge against Barb Nederpel

Allegation: During a Zoom meeting on May 20, 2024, Barb Nederpel, HEU President, threatened me to drop the May 10, 2024 charge against her and Bonnie Hammermeister or face a potential charge of racism. This was based on a partial screenshot of a text I sent during the local election, which encouraged diversity but was taken out of context.

3. June 21, 2024 – Article 19 charge against Bill McMullan

Allegation: Bill McMullan failed to respond to or progress the investigation into my complaint, enabling discriminatory actions to continue, and violating his constitutional duties.

4. June 29, 2024 – Article 19 charge against Barb Nederpel

Allegation: Barb failed to recuse herself from the complaint process regarding charges filed against her, creating a conflict of interest.

5. July 18, 2024 – Article 19 charge against Bonnie Hammermeister and John Catigay

Allegation: Bonnie and John ignored my communications regarding my self-nomination as a delegate to the convention. Their inaction denied me the right to be a delegate, violating the Constitution and Bylaws, which guarantee fair and democratic processes.

6. September 29, 2024 – Article 19 charge against Talitha Dekker

Allegation: Talitha violated the spirit of union solidarity by attempting to publicly humiliate me in a group email and refusing to engage in union-related communications, breaching her Oath of Office.

Oddly enough, I was escorted out of the convention shortly after singing "Solidarity Forever"—a great anthem, of course, until you start asking questions the union can't answer. Then, apparently, you become a "threat" to the self-interest of the very organization that's supposed to represent you. How convenient.

Rest assured, I will be taking this matter up with the Labour Board. This is one of the most blatant denials of union rights I have ever seen—rights I've spent decades fighting to protect. I will not let anyone strip them away.

The irony here is almost poetic. The same tactics my union is using to silence me are the very ones employers have historically used to suppress workers and deny them their rights. What a twist.

In solidarity,
Jessie

Phone: (604)365-3400



#21

October 31, 2024

VIA EMAIL: bainsj@gmail.com

Jessie Bains
5961 129th Street
Surrey, BC
V3X 0B9

Subject: Article 2 and Article 19

Greetings Jessie,

This letter is provided in response to your email of October 26, 2024. You forwarded an email to Gary Caroline and I that you had addressed to Ritu Mahil, in which you posed the following question:

If my grievances are resolved without my consent and my HEU membership is revoked, what will happen to all the Article 19 charges I filed several months ago against the President and certain Provincial Executive members?

I confirm you are no longer an HEU member.

Your grievance was settled in accordance with the recommendation of Arbitrator Sullivan. You filed an appeal, it was heard by Chris Dorais, and subsequently denied.

Your HEU membership was not revoked, but rather the Constitution and By-laws are definitive in respect of members whose employment has been terminated: Article 2, Section H (2), provides that HEU members who have suspended or terminated maintain their membership "...until they have exhausted all avenues of recourse". In that you have exhausted all avenues of recourse, you are no longer a member of HEU.

Article 19 pertains to HEU members in good standing, and the proceedings contemplated by Article 19 are intended to apply to HEU members. In that you are no longer a member in good standing, Article 19 no longer applies to you.

This means you may not initiate an Article 19 complaint against an HEU member, nor can such a complaint be initiated against you.

Accordingly, the Article 19 charges you filed, the charges filed against you, and the investigation undertaken by Gary Caroline, will no longer proceed.

I trust this answers your questions. Please accept my best personal regards.

Yours in solidarity,



Bill Pegler

Coordinator of Private Sector & Special Projects

cc Barb Nederpel, President;
Betty Valenzuela, Financial Secretary;
Lynn Bueckert, Secretary-Business Manager;
Chris Dorais, Coordinator of Public Sector Servicing;
Ritu Mahil;
Gary Caroline