

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 0B9
* Home/Cell Telephone No:	604-365-3400		
E-mail:	bainsj@gmail.com	What pronouns should the Board use to address you?	He
If you are represented by a legal or other representative, their name: _____			
Address: _____			
Telephone number: _____			
E-mail: _____			

WHO IS THE RESPONDENT TRADE UNION?

Trade Union (or Council of Trade Unions)			
* Name:	Hospital Employees Union	Local:	_____
* Address:	5000 N Fraser Way		
* City:	Burnaby	Postal Code:	V5J 5M3
* Telephone Number:	604-438-5000	Fax:	604-739-1510
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:	PHSA N/A		
* Address:	200-1333 W. Broadway		
* City:	Vancouver	Postal Code:	V6H 4C1
* Business Tel:	604-675-7400	Fax:	_____
Name of Contact Person:	_____	E-mail:	_____

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

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

If yes, when? _____

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

If yes, when? _____

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

If yes, please include a copy with your application.

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

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?

Everyone is at the convention, and on October 11, 2024, I received a registered letter from Secretary-Business Manager Lynn Bueckert (Exhibit 1), telling me not to attend the convention without providing any reason. She told me that I would not be granted credentials or any type of access to Convention. As a memeber all I was wanted was to be an observer at the convention at my own time and at my own expense.

If yes, what happened?

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

N/A

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

On October 21, 2024, I attended the HEU convention, signed in, and received a guest pass to observe from the public area. Approximately 30 minutes later, Chris Dorais, Coordinator of Public Sector Servicing, informed me that I had to leave the convention center because I was no longer a union member. I explained that I still have active grievances that remain unresolved and I had not received any official or non-official communication indicating that my membership had been terminated.

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 demonstrates an arbitrary and unjustified denial of my union rights, particularly my right to attend the convention as a member in good standing until all my grievances are resolved.

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

The union's actions in removing me from the convention were a blatant display of bad faith. No official communication regarding my membership status or the resolution of my grievances was provided prior to my removal. This alone constitutes a violation of procedural fairness. Chris Dorais' personal comments and behavior escalated the situation unnecessarily, clearly demonstrating that personal biases influenced the union decision to deny me access to the convention. His remarks, claiming that "staff felt unsafe," were not only unfounded but seemed deliberately intended to provoke a response.

This removal appears to be nothing more than a retaliatory action in response to the charges I've filed against the union leadership. It directly violates the union's constitution and bylaws, which are designed to protect the rights of all members, regardless of any internal disputes. Furthermore, this action disregards my right to due process and the principle of natural justice, both of which are enshrined in Section 12 of the Labour Relations Code.

The removal was clearly premeditated, as evidenced by the registered letter from Lynn Bueckert on October 11th. This letter explicitly advised me not to attend, without citing any legitimate reason. If my membership had been terminated or my grievance resolved, this letter would have stated so, yet it did not. This proves that Chris Dorais' claim that "staff felt unsafe" was a fabricated excuse, made in bad faith. The decision to deny me access was pre-planned and executed without any basis in fact, further breaching my rights as a union member under the Labour Board's provisions.

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. Letter from Lynn Bueckert to me dated October 11, 2024

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

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

I am requesting the following remedies:

That the Board acknowledges the unions violation of my rights by denying me access to the convention.

That my status as a union member in good standing be recognized until the resolution of my grievance.

Any additional remedies the Board finds appropriate to address this arbitrary denial of my rights and ensure fair representation moving forward.

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

Yes

No

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

Additional space for answering questions if needed.

Continuation of question 8.

I believe Chris Dorais knowingly lied when he claimed my membership had been terminated. As the Coordinator of Servicing, he is fully aware that any termination of membership requires formal notification to the member, as mandated by the union's constitution. No such notification was ever provided to me. This intentional act of bad faith demonstrates that Chris was not only aware of the union's procedural requirements but deliberately disregarded them to justify my removal from the convention.

This removal was not just procedurally flawed; it also constitutes a direct violation of the Labour Relations Code, which mandates that all members be treated fairly and equitably, without discrimination or retaliation, particularly in the context of internal disputes. By falsely claiming my membership was terminated, Chris Dorais acted in bad faith, further undermining the integrity of the union's processes and violating my rights as a member.

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

Print name: **Jessie Bains**

Date of signing: **October 22, 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:

bainsj@gmail.com

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