

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: <u>Jessie Bains</u>	
* Address: <u>5961 129 Street</u>	
* City: <u>Surrey</u>	Postal Code: <u>V3X 0B9</u>
* Home/Cell Telephone No: <u>604-365-3400</u>	
E-mail: <u>bainsj@gmail.com</u>	What pronouns should the Board use to address you? <u>He</u>
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: <u>Hospital Employees Union</u>	Local: _____
* Address: <u>5000 North Fraser Way</u>	
* City: <u>Burnaby</u>	Postal Code: <u>V5J 5M3</u>
* Telephone Number: <u>604-438-5000</u>	Fax: _____
Cell No.: _____	E-mail: _____
Representative to be contacted: <u>Barb Nederpel</u>	
Position: <u>President</u>	
Telephone Number (if different from above): <u>604-456-7004</u>	Cell No.: <u>250-689-0208</u>
E-mail: <u>bnederpel@heu.org</u>	

EMPLOYER INFORMATION

* Company Name: <u>Provincial Health Services Authority (PHSA)</u>	
* Address: <u>1200-1333 W. Broadway</u>	
* City: <u>Vancouver</u>	Postal Code: <u>V6H 4C1</u>
* Business Tel: <u>604-675-7400</u>	Fax: _____
Name of Contact Person: <u>Ivo Dimitrov</u>	E-mail: <u>ivo.dimitrov@phsa.ca</u>

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?

There is no appeal process available to me for this issue, as my membership was terminated following a grievance process that I believe was conducted in bad faith. Since I am no longer a member, filing this Section 12 complaint is my only remaining avenue for recourse.

If yes, what happened?

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

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

On October 31, 2024, I received a letter from Bill Pegler (#16) stating that my Article 19 charges would not proceed now that I am no longer a member of the HEU. However, I assert that these charges must continue. I filed them as a member in good standing, and the HEU Constitution does not mandate dismissing charges if membership status changes after filing. It only requires that the filer be a member in good standing at the time of submission.

The charges are directly tied to my termination grievance, which I believe was conducted in bad faith, likely contributing to my non-member status. For my Section 12 filing to succeed in demonstrating a breach of the duty of fair representation, investigating these charges is critical, especially as the individuals named remain in their HEU positions. Their alleged actions significantly impacted my grievance process, and transparency demands a full investigation.

Article 19 Charges Against HEU Leadership:

May 10, 2024: Charge against Barb Nederpel and Bonnie Hammermeister (#3)

June 14, 2024: Second charge against Barb Nederpel (#4)

June 21, 2024: Charge against Bill McMullan (#5)

June 27, 2024: Charge against John Catigay (#6)

June 28, 2024: Second charge against John Catigay (#7)

June 29, 2024: Third charge against Barb Nederpel (#8)

June 29, 2024: Charge against Preety Chaudhry (#9)

July 4, 2024: Third charge against John Catigay (#10)

July 18, 2024: Charge against Bonnie Hammermeister (#11)

August 23, 2024: Fourth charge against John Catigay (#12)

September 29, 2024: Charge against Talitha Dekker (#13)

October 22, 2024: Charge against Lynn Bueckert, Secretary-Business Manager (#14)

October 25, 2024: Charge against Chris Dorais Coordinator of Public Sector Servicing) (#15)

* 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 refusal to proceed with my Article 19 charges solely due to a change in my membership status is arbitrary and inconsistent with the HEU Constitution. By disregarding these charges, which are deeply tied to my grievance's mishandling, the Union avoids accountability and shields its leadership from scrutiny. This refusal not only appears retaliatory but further compounds the bad faith that characterized my grievance handling.

The refusal to investigate points to a serious conflict of interest, particularly as the individuals named in my charges were directly involved in the grievance process that resulted in my termination. Dismissing these charges after a change in my membership undermines the Constitution's democratic intent, suggesting the Union selectively applies its governing rules to avoid addressing misconduct within its ranks. The Union's failure to provide fair representation by ignoring these charges compromises its core principles, weakens member solidarity, and raises concerns over accountability and transparency.

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 Attached

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 request that the BC Labour Relations Board direct HEU to proceed with the investigation and adjudication of my Article 19 charges, as they are essential to evaluating the union's duty of fair representation. Additionally, I ask for any further remedies the Board deems appropriate to rectify the Union's failure to represent me fairly and impartially.

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.

See attachment

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

Print name: **Jessie Bains**

Date of signing: **November 13, 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. May 10, 2024 - Article 19 Charge against Barb Nederpel and Bonnie Hammermeister.
4. June 14, 2024 - Second Article 19 Charge against Barb Nederpel.
5. June 21, 2024 - Article 19 Charge against Bill McMullan.
6. June 27, 2024 - Article 19 Charge against John Catigay.
7. June 28, 2024 - Second Article 19 Charge against John Catigay.
8. June 29, 2024 - Third Article 19 Charge against Barb Nederpel.
9. June 29, 2024 - Article 19 Charge against Preety Chaudhry.
10. July 4, 2024 - Third Article 19 Charge against John Catigay.
11. July 18, 2024 - Article 19 Charge against Bonnie Hammermeister.
12. August 23, 2024 - Fourth Article 19 Charge against John Catigay.
13. September 29, 2024 - Article 19 Charge against Talitha Dekker.
14. October 22, 2024 - Article 19 Charge against Lynn Bueckert (Secretary-Business Manager)
15. October 25, 2024 - Article 19 Charge against Chris Dorais (Coordinator of Public Sector Servicing)
16. October 31, 2024 - letter from Bill Pegler indicating non-proceeding of 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 repute.

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"

Regional office

MEMBERSHIP # 222552

2

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, CURRY, BC V5X 1Y3
STREET/PO BOX/RR CITY POSTAL CODE

Home Tel: 604365-7400 Work Tel: Email: bainsj@gmail.com

Job Title/Desc: WARDEN/ATTENDANT Wage Rate/Grid:

Employee Status Full-Time ☐ Part-Time ☐ Casual ☐ Seniority Date: 7-23-38

Work Area: WARDEN/ATTENDANT Department WARDEN/ATTENDANT

NATURE OF GRIEVANCE:

WARRANT TERMINATION

Article Violated (and any other article relevant to the grievance) ARTICLE 9.1 and any other

Remedy Sought: GRIEVOR REINSTATEMENT AND REMOVAL OF LETTER OF TERMINATION
AND HAVE WHOLE

Grievor Signature [Signature] Date: 11-07-2024

HEU OFFICER/SHOP STEWARD SIGNATURE [Signature]

DATE GRIEVANCE FILED 11-07-2024 LOCAL GRIEVANCE # 02-2024 LFC

RECEIVED BY SUPERVISOR/MANAGER (signature) [Signature] Date: 7-10-2024

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

Formal Complaint/Charge Regarding Breach of Article 4 or any other Article in the Constitution and By-Laws- HEU

1 message

Jessie Bains <bainsj@gmail.com>

Fri, May 10, 2024 at 4:13 PM

To: Barb Nederpel <bnederpel@heu.org>

Cc: BValenzuela@heu.org, BMcMullan@heu.org, CMillington@heu.org, DAdlam@heu.org, TDekker@heu.org, CBatting@heu.org, OBurgon@heu.org, Bonnie Hammermeister <bhammermeister@heu.org>, SMcKay@heu.org, DTomei@heu.org

To: Office of the President – HEU

I am writing to formally lodge a complaint/charge regarding a breach of Article 4 under the Constitution and Bylaws.

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

Complainant: Jessie Bains

Address: 5864 123A Street Surrey, BC V3X 1Y3

Phone: (604)365-3400

Email: bainsj@gmail.com

Respondents: Barb Nederpal (President) and Bonnie Hammermeister (Fraser RVP)

Facts:

On May 4, 2024, I self-nominated for the position of Trustee by sending an email to Bonnie (Exhibit 1).

On May 5, 2024, I received an email from Bonnie rejecting my nomination because nominations were closed on April 29, 2024 (Exhibit 2).

On May 5, 2024, I replied to Bonnie and Barb, expressing my confusion regarding the nomination deadline. I stated that I couldn't recall any specific deadline for nominations during our local elections, as members could typically be nominated from the floor during a meeting on Election Day or up to the date of the remote election. Additionally, to the best of my recollection, there was no deadline for nominations during our last local election in March. I inquired of Bonnie how our local, or other locals, typically notify members who are working offsite, on WCB, on vacation, on sick leave, etc. (Exhibit 3).

On May 6, 2024, Barb responded by referencing the language from Article 15 and informing me that the Regional RVP determines the election, nomination, and electioneering process. She clarified that the Regional RVP works with the local executive to establish the process. Barb emphasized that once these parameters are determined, it is crucial to uphold the integrity of the process and refrain from deviating from them for the sake of fairness (Exhibit 4).

On May 6, 2024, I emailed Bonnie, requesting her to reconsider my nomination. I cited my lack of access to the bulletin boards and highlighted that during the last election, I self-nominated just two days prior to the election, without any deadline in place (Exhibit 5).

On May 6, 2024, in an email to Bonnie and Barb, I elaborated on reasons why I should be included on the ballot. I noted that several constitutional bylaws and rules were not being followed. For instance, based on Article 4, I expressed my belief that some candidates running haven't attended the required meetings. Additionally, I referred to Article 14 to justify my presence on the ballot, explaining that I have just cause for not being able to access the bulletin boards or have onsite access to my workplace while awaiting resolution of my termination grievance (Exhibit 5).

On May 7, 2024, I received an email from Barb wherein she stated that Article 4 eligibility requirements had been applied to the nominated candidates. However, in a subsequent email, Barb clarified that there were no records to prove this, so they applied the requirements to all nominations, regardless of whether the candidates actually met them. In the same email, Barb claimed that the nomination process for both the March and current elections was the same, as virtual elections operate under the same process out of necessity. She mentioned that this process is outlined on the HEU website and has been standard practice since 2021 for all local virtual elections. However, no evidence has been provided to demonstrate that the same nomination process has been followed. Barb herself admitted that they cannot find any records of the eligibility of candidates or minutes of meetings outlining the election process (Exhibit 6).

On May 7, 2024, I sent an email to Barb and Bonnie, pointing out that during our March election, there was no nomination deadline. I mentioned that I self-nominated for several positions just two days prior to the election, which I consider to be a past practice. I expressed certainty that some candidates did not attend 50% of the meetings during the previous 12 months and requested evidence from the sign-in sheets if this was the case. Furthermore, I provided ample justification for missing the nomination deadline, explaining that I lacked access to the bulletin boards at my workplace, which prevented me from seeing any notices posted by the executive while awaiting the resolution of my termination grievance (Exhibit 7).

On May 7, 2024, I sent an email to Barb and Bonnie, pointing out that during our March election, there was no nomination deadline. I mentioned that I self-nominated for several positions just two days prior to the election, which I consider to be a past practice. I expressed certainty that some candidates did not attend 50% of the meetings during the previous 12 months and requested evidence from the sign-in sheets if this was the case. Furthermore, I provided ample justification for missing the nomination deadline, explaining that I lacked access to the bulletin boards at my workplace, which prevented me from seeing any notices posted by the executive while awaiting the resolution of my termination grievance (Exhibit 7).

On May 7, 2024, I sent an email to John Catigay, our local chair, requesting records of previous local and executive meetings, along with sign-in sheets (Exhibit 8).

On May 8, I received an email from Barb. She stated that she had been able to determine that there was a nomination deadline, and I had submitted my self-nomination past that deadline. Barb explained that in the previous election, there was also a nomination deadline, and I had met it, thus I was on the ballot. She mentioned that eligibility was extended to every member due to the absence of meetings or records kept for the previous 12 months. Barb noted that if proof of eligibility is not available or inconsistent, they are unable to enforce this requirement. She mentioned that notice of the election was provided on the union board in accordance with the Constitution. Barb acknowledged that I could argue my absence from the local meeting for cause because it was on-site; however, she pointed out that the article states that in such circumstances, I must indicate my willingness in writing (self-nomination) to the Local Executive "prior to nomination," meaning before the nomination deadline, not before the election (Exhibit 9).

On May 8, I emailed Barb and Bonnie expressing my disbelief that there are no records or minutes of meetings from the previous 12 months, especially since sign-in books were consistently used at the meetings I attended, and I always signed them. I suggested that John, as chair, could reach out to previous local executive members like Amy and Rob, who might know where the records are kept. I emphasized that our provincial office should take accountability seriously, particularly given the size of our local, with close to 400 members. Even disregarding all eligibility requirements, the discrepancy in the deadline compared to the last election is sufficient justification to overturn the results of this election. Lastly, I referred to Barb's statement, "'If proof of eligibility is not available or inconsistent, we are unable to enforce this requirement.'" I pointed out that I have asked Barb and Bonnie to follow the same process.

If they cannot provide records of how the nomination process was conducted or if there are any inconsistencies from the previous election just a couple of months ago, then they cannot enforce the nomination deadline (Exhibit 10).

On March 4, 2024, I emailed Bonnie, self-nominating myself for all positions of the local executive election originally scheduled for March 6, 2024, but later changed to March 7, 2024. This demonstrates that there was no deadline, contrary to what Barb stated, and the same election rules were followed for the May 8, 2024 election as they were for the March 7, 2024 election. This discrepancy alone is sufficient grounds to hold another election where I am allowed on the ballot (Exhibit 11).

Resolution: The election that took place on May 8, 2024, should be nullified, and another one should be scheduled with my name on the ballot for the two trustee positions. The constitution does not permit elected officials to selectively apply its provisions. In this instance, the eligibility requirement was disregarded, and no evidence was provided indicating any attempt made by the RVP or the local executive to locate records from the past 12 months by simply consulting previous executive members regarding the records. No evidence or records were provided to me regarding how the nomination process was established or any minutes of local executive or local meetings where discussions or deadlines were set.

Contrary to Barb's statement, the same process as the previous election was not followed because no deadline for nominations was set for the March 7, 2024, election, as evidenced by my email from March 4, 2024 (Exhibit 11). Additionally, Bonnie has remained silent on how the process was established and how the previous election was conducted, despite being in charge of both elections. She has been unwilling to provide further information beyond her email declining my nomination based on the artificial deadline.

In Solidarity,
Jessie

Phone: (604)365-3400

I acknowledge the homelands of the Indigenous Peoples of this place we now call British Columbia, and honour the the unceded territory of the Coast Salish Peoples, including the territories of the x̱məθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and Səlilwətaʔ/Selilwitulh (Tsleil-Waututh) Nations in which I live and work.

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.

11 attachments

 **Exhibit 11.pdf**
82K

 **Exhibit 9.pdf**
144K

 **Exhibit 7.pdf**
137K

 **Exhibit 8.pdf**
102K

 **Exhibit 10.pdf**
183K

 **Exhibit 6.pdf**
84K

 **Exhibit 2.pdf**
74K

 **Exhibit 3.pdf**
92K



Jessie Bains <bainsj@gmail.com>

Formal Charge under Article 19 - Office of the President

Jessie Bains <bainsj@gmail.com>

Fri, Jun 14, 2024 at 4:14 PM

To: Barb Nederpel <bnederpel@heu.org>, Bill McMullan <BMcMullan@heu.org>

To: Office of the President – HEU

Subject: Formal Charge under Article 19

I am writing to formally lodge a complaint/charge under Article 19 of the HEU Constitution and Bylaws.

Complainant:

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

Respondent:

Barb Nederpal (President)

Allegation:

On May 20, 2024, during a Zoom meeting, I was threatened by Barb Nederpal, President, to drop my charge against her and Bonnie Hammermeister (Fraser RVP), which I filed on May 10, 2024, or face the consequences of a possible charge of racism. This potential charge stems from a member who sent Barb a partial screenshot of a text I sent during the local election about having all Brown people on the local executive. This message was taken out of context as I was encouraging diversity and inclusion.

Facts:

- May 10, 2024: I filed a charge against Barb Nederpal (President) and Bonnie Hammermeister (Fraser RVP) for keeping me off the ballot for our local executive election, which took place on May 8, 2024.
- May 17, 2024: Barb requested, via email, to discuss my complaint.
- May 20, 2024: Barb and I met on a Zoom call. During the meeting, Barb stated that the purpose was to resolve the issue to maintain solidarity within HEU and our local. She mentioned that she had no problem with redoing the SSF election but wanted to give me an opportunity to reconsider my charge. Barb informed me that an unnamed member sent her a screenshot allegedly showing me making a racist comment about brown people during the election a couple of weeks ago. She emphasized that this issue must be resolved before she can call for another election. Barb mentioned she doesn't want to blame anyone but noted, "Bonnie, the RVP for SSF, made a mistake in how she handled the election in March, and now we need to fix it." Barb suggested that this matter could be dismissed if I chose not to proceed with my Article 19 charge.
- I made it clear to Barb that I, along with every other candidate, am brown and have always advocated for diversity to ensure everyone is represented on every committee. I questioned how this could be considered

racism. As someone who grew up in East Vancouver and was one of the few brown kids, I understand what racism really is. Taking a few words out of a text conversation out of context is nowhere near what I experienced in my youth. I was shocked that this would even be discussed without an official complaint being filed, in which case I could properly respond. Instead, it felt like our president was fishing for more information from me.

- I asked Barb directly if she was threatening me with a possible racism complaint unless I dropped my charge against her and Bonnie. She denied it was a threat but cautioned me about the potential consequences of pursuing my charge. I reiterated that my charge and the alleged racism issue are separate matters that should be addressed independently. I insisted that my charge move forward and stated that I would handle any complaints filed against me separately.
- Barb also requested that I refrain from copying other PE members as she is aware that I have been in contact with a PE member who she might need to disqualify from overseeing my charge. I'm unsure how she obtained this information as I have copied several PE members to gain support for myself. I am a strong believer in transparency, which sometimes conflicts with the behind-the-scenes nature of politics.

Violations of the Constitution:

Article 19, Section B, Offenses, specifically:

- Subsection a: Violate the Constitution contrary to the oath of installation to Office or initiation to the Union.
- Subsection k: Otherwise engage in conduct detrimental to the welfare or interests of the Union, its Locals, or its Members

Requested Penalty:

I am requesting that the following penalties be considered:

1. A written reprimand for the breach of confidentiality and misuse of personal information.
2. Suspension from office and/or access to the membership pending the outcome of an Article 19 trial.
3. Permanent removal from office.
4. Denial of the right to hold any office in the Union or Local for a specified period.
5. Removal from any external committees.
6. Denial of endorsement for any labour or political organization.
7. Comprehensive investigation of electronic communication tools and products for additional breaches.
8. Fines and repayment of benefits as outlined in Article 19, Offenses (d) of the Constitution.
9. Other penalties or actions deemed just and reasonable by the Provincial Executive, a Trial Panel, or a Disciplinary Panel.

In solidarity,
 Jessie Bains
 Local: SSF Position: Warehouse Attendant

 Phone: (604)365-3400

WITHOUT PREJUDICE
 ALL RIGHTS RESERVED



Jessie Bains <bainsj@gmail.com>

Formal Charge against Bill McMullan under Article 19

1 message

Jessie Bains <bainsj@gmail.com>

Fri, Jun 21, 2024 at 11:03 PM

To: Barb Nederpel <bnederpel@heu.org>

Cc: 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 Bueckert <LBueckert@heu.org>, Lynn Serhan <LSerhan@heu.org>, Bonnie Hammermeister <BHammermeister@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>, Bill McMullan <BMcMullan@heu.org>

To: Office of the President – HEU

Subject: Formal Charge under Article 19

I am writing to formally lodge a complaint/charge under Article 19 of the HEU Constitution and Bylaws.

Complainant:

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

Respondent:

Respondent: Bill McMullan (1st vice-president)

Allegations:

Failure to Uphold the Duties of Office: By not responding or progressing with the investigation, Bill McMullan has acted in bad faith, thereby undermining the integrity of the union's processes and violating the duties of his office as outlined in the constitution. His failure to act expeditiously has allowed the respondents to continue their arbitrary and discriminatory actions against the complainant and others in the local.

Facts:

On May 10, 2024, I filed a charge against Barb Nederpel and Bonnie Hammermeister for arbitrary and discriminatory application of rules, preventing me from appearing on the ballot for local executive positions.

On May 27, 2024, I emailed Bill McMullan for an update on the charge, which Bill, as the 1st Vice-President, should handle. No response was received.

On June 4, 2024, I again emailed Bill McMullan, copying the provincial executive, requesting an update. Bill responded, stating he would address the charge after his vacation and instructed me to refrain from copying the

provincial executive.

On June 7, 2024, I proposed a settlement to Bill McMullan, which included scheduling a re-election for the Trustee positions by July 1st.

On June 14, 2024, I filed a second charge against Barb Nederpel for threats made during a Zoom meeting on May 20, 2024.

Subsequent follow-ups with Bill McMullan on June 14 and June 16, 2024, did not yield any substantive progress, leading to continued arbitrary actions by the respondents.

Violations of the Constitution:

- Violation of Article 19, Section A (Charges): Bill McMullan, as the designated investigator, has failed to initiate a timely investigation into the charges filed on May 10, 2024, against Barb Nederpel and Bonnie Hammermeister. According to the constitution, the highest-ranking Vice-President, when the President is named in the charge, should assume the duties of investigating the charge.
- Violation of Article 19, Section D (Preliminary Procedures): Bill McMullan has not adhered to the requirement to appoint an Investigator to conduct a preliminary assessment of the charges "as soon as reasonably practicable. His failure to act expeditiously has allowed the respondents to continue their arbitrary and discriminatory actions against the complainant and others in the local.

Requested Penalty:

I am requesting that the following penalties be considered:

1. Immediate transfer of all investigations concerning this matter and other charges I have filed to the 2nd Vice-President or the next eligible officer as per Article 19, Section A of the constitution.
2. Suspension from office and/or access to the membership pending the outcome of an Article 19 trial.
3. Permanent removal from office.
4. Denial of the right to hold any office in the Union or Local for a specified period.
5. Removal from any external committees.
6. Denial of endorsement for any labour or political organization.
7. Implementation of measures to ensure timely and impartial handling of future charges to prevent similar delays and procedural violations.

In solidarity,

Jessie Bains

Local: SSF Position: Warehouse Attendant

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Additional FACTS.docx

16K



Jessie Bains <bainsj@gmail.com>

Formal Charge Against John Catigay for Violation of Article 14, Section D of the HEU Constitution and Bylaws

1 message

Jessie Bains <bainsj@gmail.com>
To: Barb Nederpel <bnederpel@heu.org>
Cc: Bill McMullan <BMcMullan@heu.org>

Thu, Jun 27, 2024 at 8:23 AM

To: Office of the President – HEU

Subject: Formal Charge under Article 19

I am writing to formally lodge a complaint/charge under Article 19 of the HEU Constitution and Bylaws.

Complainant:

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

Respondent:

John Catigay (Chair SSF Local)

Allegation:

Failure to Post Local Union Meeting Notice 7 Days in Advance

- The failure to post meeting notices in a timely manner is a serious breach of our union's governance. It is imperative that we uphold our constitution and ensure all members can participate in union activities. I trust the Local Executive Committee will take appropriate action to rectify this situation.
- The failure to provide proper notice has resulted in significant inconvenience and has prevented members from fulfilling their right to participate in union meetings. Specifically, it rendered the business conducted on June 27, 2024, void due to non-compliance with the constitution.

FACTS:

- Email sent to John Catigay on June 25, 2024, detailing the failures in providing proper notice and access to meetings (attached).
- For the meeting scheduled on June 27, 2024, the notice was not posted 7 days in advance. This was confirmed by a member on June 25th who informed me that the notice was only made available less than 3 days before the meeting.
- On June 22, 23, and 24, I asked a member to check if there was a meeting notice posted onsite on the bulletin boards at LFC. The member confirmed that there was no notice posted on any of these days.

Violation:

According to Article 14, Section D of the HEU Constitution and Bylaws, it is mandatory to post notices for local union meetings at least 7 days in advance. This ensures that all members have adequate notice to attend and participate in the meetings.

Requested Penalty:

In light of these violations, I request that the Local Executive Committee take the following actions:

- Formally address the failure to comply with the notice requirements.
- Void the SSF meeting of June 27, 2024, and ensure proper notice is given as per the constitutional requirements.
- Implement measures to prevent future violations of the notice requirements.

In solidarity,

Jessie Bains

Local: SSF

Position: Warehouse Attendant



Jessie Bains <bainsj@gmail.com>

Complaint Against John Catigay for Failing to Provide Notice and Access to SSF Local Union Meetings

1 message

Jessie Bains <bainsj@gmail.com>

Fri, Jun 28, 2024 at 3:11 AM

To: Barb Nederpel <bnederpel@heu.org>

Cc: Bill McMullan <BMcMullan@heu.org>

To: Office of the President, Hospital Employees' Union**Subject:** Formal Charge Against John Catigay for Violations of Union Constitution and Bylaws**Complainant:**

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

Respondent:

John Catigay (SSF Local Chair)

Allegations:

- 1. Failure to Provide Notice of Meetings:** According to Article 14, Section D of the HEU Constitution and Bylaws, each Local shall hold regular meetings, and notice of such Local meeting must be displayed on the Local's notice board for a minimum of seven (7) days in advance of the meeting(ConstAndBylaws2022-May2...). John Catigay has failed to provide such notice, thereby violating the constitutional requirement to inform members about the meetings.
- 2. Denial of Remote Access:** Historically, remote access to Local meetings has been provided. I requested a Zoom link or a phone number to attend our monthly local meeting remotely on several occasions, specifically sent emails on May 13, June 2, June 25, and June 27, 2024. However, these requests were ignored, thereby denying me my right to participate in these meetings as a member(ConstAndBylaws2022-May2...)
- 3. Violation of Member's Rights:** By failing to provide access to the meetings, John Catigay has infringed upon my rights as outlined in the Constitution. Members are entitled to attend meetings and participate in the decision-making processes of the union, which includes the election of delegates to the convention and the approval of the budget(ConstAndBylaws2022-May2...)
- 4. Violation of Rights:** The consistent failure to inform and allow participation undermines my role and rights as a member, hindering my ability to engage in union activities and represent my interests.

Personal Knowledge: I have personal knowledge of these facts, evidenced by my email communications and the lack of responses or proper meeting access from John Catigay.

Facts:

- **Failure to Provide Notice:** Despite several communications requesting meeting details, I did not receive the required notice for the local meetings.
- **Denial of Remote Access:** Specific emails sent on May 13, June 2, June 25, and June 27, 2024, requesting remote access were ignored, directly violating the precedent of providing remote access and my rights to attend these meetings.
- **Violation of Rights:** The consistent failure to inform and allow participation undermines my role and rights as a member, hindering my ability to engage in union activities and represent my interests.

Violations of the Constitution:

1. **Article 14, Section D - Local Meetings & Quorum:** This article requires that local meeting notices be posted at least seven (7) days in advance. John Catigay failed to comply with this requirement, as evidenced by the lack of notice and the failure to provide adequate meeting information(ConstAndBylaws2022-May2...) .
2. **Article 19, Section B - Offenses:** This section outlines offenses that include conduct unbecoming of a member or officer, and actions detrimental to the welfare of the union. By failing to provide notice and access, John Catigay has engaged in conduct that is detrimental to the union's operations and member participation.
3. **Article 19, Section D - Method of Resolving the Charge:** This article emphasizes the importance of fair treatment and adherence to constitutional protocols. John Catigay's actions have violated these principles by denying me the opportunity to participate and be informed .

Requested Penalty:

I am requesting that the following penalties be considered:

1. Suspension or removal from his duties as the SSF Local Chair for a period determined appropriate by the trial panel.
2. Denial of the right to hold any office in the Union or Local for a specified period.
3. A directive to ensure proper notice and remote access is provided to all members for future meetings.

Conclusion:

The actions of John Catigay have repeatedly violated the Constitution and Bylaws of our union. It is imperative that these violations be addressed to uphold the integrity of our union and ensure all members can exercise their rights fully.

In solidarity,
Jessie Bains
Local: SSF Position: Warehouse Attendant



Jessie Bains <bainsj@gmail.com>

Formal Charge against Barb Nederpel for Conflict of Interest

1 message

Jessie Bains <bainsj@gmail.com>
To: Barb Nederpel <bnederpel@heu.org>
Cc: Bill McMullan <BMcMullan@heu.org>

Sat, Jun 29, 2024 at 12:23 AM

To: Office of the President – HEU

Subject: Formal Charge under Article 19

Complainant:

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

Respondent:

Barb Nederpel (President)

Allegation:

Conflict of Interest – Failure to Recuse from Complaint Process

Facts:

- On May 10, 2024, I filed a charge against Barb Nederpel and Bonnie Hammermeister for keeping me off the ballot for our local executive election.
- On May 22, 2024, despite the charge filed against her on May 10th, Barb Nederpel held a Zoom meeting with me regarding the charge, which she should have passed on to the 1st Vice President due to the clear conflict of interest in trying to resolve her own charge.
- On June 14, 2024, I filed another charge against Barb Nederpel for threatening me during a Zoom meeting on May 20, 2024, to drop my charge against her or face a potential racism charge.
- Despite these charges against her, Barb Nederpel has continued to involve herself in the complaint process, including responding to my June 27, 2024, complaint against John Catigay. This involvement creates a clear conflict of interest.
- Barb's involvement undermines the fairness and impartiality required in handling complaints, as she is the respondent in two ongoing complaints filed by me.

Violations of the Constitution:

- Article 19, Section B, Offenses, specifically:

- Subsection a: Violate the Constitution contrary to the oath of installation to Office or initiation to the Union.
- Subsection k: Otherwise engage in conduct detrimental to the welfare or interests of the Union, its Locals, or its Members.

Requested Penalty:

In light of these violations, I request that the following actions be taken:

- Immediate Recusal: Barb Nederpel should be immediately recused from any involvement in the complaint processes in which she is a respondent.
- Written Reprimand: A formal written reprimand should be issued to Barb Nederpel for the breach of confidentiality and misuse of personal information.
- Suspension: Suspension from office and/or access to the membership pending the outcome of an Article 19 trial.
- Permanent Removal: Permanent removal from office.
- Denial of Office: Denial of the right to hold any office in the Union or Local for a specified period.
- Removal from Committees: Removal from any external committees.
- Denial of Endorsement: Denial of endorsement for any labor or political organization.
- Investigation: Comprehensive investigation of electronic communication tools and products for additional breaches.
- Fines and Repayment: Fines and repayment of benefits as outlined in Article 19, Offenses (d) of the Constitution.
- Other Actions: Any other penalties or actions deemed just and reasonable by the Provincial Executive, a Trial Panel, or a Disciplinary Panel.

Jessie Bains

Local: SSF

Position: Warehouse Attendant

--

Jessie Bains

Phone: (604)365-3400

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Jessie Bains <bainsj@gmail.com>

Formal Complaint Against Preety Chaudhry for Failure to Fulfill Duties as Secretary Treasurer

1 message

Jessie Bains <bainsj@gmail.com>
To: Barb Nederpel <bnederpel@heu.org>
Cc: Bill McMullan <BMcMullan@heu.org>

Sat, Jun 29, 2024 at 12:43 AM

To: Office of the President – HEU

Subject: Formal Complaint under Article 19

Complainant:

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

Respondent:

Preety Chaudhry (Secretary Treasurer, SSF Local)

Allegation:

Failure to Fulfill Duties as Secretary Treasurer – Refusal to Communicate with Members

Facts:

- On June 20, 2024, Preety Chaudhry sent an email to multiple members, including myself, stating, "Please do not include me in any of your emails. If you have any questions or concerns, please ask Crystal Latham, our local representative." This was in response to a legitimate query regarding voting for delegates to our convention (Email attached as Exhibit 1)(Gmail - Re_ Voting for ...)
- As the Secretary Treasurer for our SSF Local, Preety Chaudhry has an obligation to assist and communicate with all members. By refusing to engage with my emails and redirecting my concerns to another representative, she is neglecting her responsibilities and failing to provide the necessary support to a member.
- This refusal to communicate undermines the trust and confidence that members have in the local leadership and disrupts the proper functioning of our union.

Violations of the Constitution:

- Article 19, Section B, Offenses, specifically:
- Subsection a: Violate the Constitution contrary to the oath of installation to Office or initiation to the Union.

- Subsection k: Otherwise engage in conduct detrimental to the welfare or interests of the Union, its Locals, or its Members.

Requested Penalty:

In light of these violations, I request that the following actions be taken:

- Resignation: Preety Chaudhry should be asked to resign from her position as Secretary Treasurer if she is unable to fulfill her duties and assist members effectively.
- Written Reprimand: A formal written reprimand should be issued to Preety Chaudhry for failing to fulfill her duties and neglecting her responsibilities.
- Training: Preety Chaudhry should undergo additional training on the duties and responsibilities of her position to ensure she can effectively support and communicate with all members.

Jessie Bains

Local: SSF

Position: Warehouse Attendant

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Formal Charge Against John Catigay for Violations of Union Constitution and Bylaws - SSF Local

1 message

Jessie Bains <bainsj@gmail.com>
To: Barb Nederpel <bnederpel@heu.org>

Thu, Jul 4, 2024 at 11:35 PM

To: Office of the President, Hospital Employees' Union

Complainant:

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

Respondent:

John Catigay, SSF Local Chair

Allegations:

I, Jessie Bains, a member in good standing of the SSF Local for the Hospital Employees' Union (HEU), hereby file a formal charge against John Catigay, Chair of our local, for breaching his oath and failing to respond to a member's concerns.

Facts:

Failure to Respond to Emails:

1. May 13, 2024: Requested email notices for union meetings and union-related business. No response was received.
2. June 2, 2024: Inquired about the date of the next local meeting and nomination of delegates to the convention. No response was received.
3. June 5, 2024: Proposed a resolution for the upcoming convention regarding the cessation of NDAs in grievance settlements. No response was received.
4. June 23, 2024: Sent a request regarding the election for delegates to the convention. No response was received.
5. June 25, 2024: Requested proper notification and access to local meetings. No response was received.
6. June 26, 2024: Requested support for a constitutional amendment and resolution proposal. No response was received.

Violations of the Constitution:

1. Failure to Maintain Transparent Operations: Article 16, Section B requires the Chairperson to maintain transparent and accountable operations. John's failure to communicate and provide information constitutes a lack of transparency.
2. Neglect of Duty: Article 16, Section C states that the Chairperson must ensure all members are informed of union activities and decisions. By not responding to emails, John has neglected this duty.
3. Violation of Member Rights: Article 5, Section A guarantees members the right to be informed and to participate in union activities. John's lack of response has impeded my ability to exercise these rights.
4. Failure to Conduct Meetings Properly: Article 12, Section D requires proper notification and conduct of local meetings. John's actions have led to improper notification or conduct.
5. Failure to Support Resolutions and Amendments: Article 14, Section F requires the Chairperson to facilitate the submission and discussion of resolutions and amendments. Ignoring my proposal for a constitutional amendment violates this section.
6. Neglecting Member Concerns: Article 16, Section E mandates that the Chairperson addresses member concerns promptly. John's failure to respond to multiple inquiries clearly violates this duty.

Supporting Documentation:

Attached are copies of the emails sent on the dates mentioned above, along with the HEU Constitution and Bylaws, highlighting the relevant sections that outline the responsibilities of the Chairperson.

Requested Penalty:

I am requesting that the following penalties be considered:

1. Suspension or removal from his duties as the SSF Local Chair for a period determined appropriate by the trial panel.
2. Denial of the right to hold any office in the Union or Local for a specified period.

Conclusion:

The actions of John Catigay have repeatedly violated the Constitution and Bylaws of our union. It is imperative that these violations be addressed to uphold the integrity of our union and ensure all members can exercise their rights fully.

Jessie Bains

Local: SSF

Position: Warehouse Attendant

Phone: (604)365-3400

WITHOUT PREJUDICE



Jessie Bains <bainsj@gmail.com>

Charge Against Bonnie and John for Violating Constitution and Bylaws

Jessie Bains <bainsj@gmail.com>

To: Barb Nederpel <bnederpel@heu.org>

Thu, Jul 18, 2024 at 6:20 PM

To: Office of the President – HEU

Complainant: Jessie Bains

Address: 5961 129 Street Surrey, BC V3X 0B9

Phone: (604)365-3400

Email: bainsj@gmail.com

Respondents: Bonnie Hammermeister (Fraser RVP), John Catigay, SSF Local Chair**Allegations:**

1. Bonnie and John, in their capacities as members of the union, failed to respond to my communications regarding my self-nomination as a delegate to the convention, which constitutes a failure to fulfill their duties as outlined in the Constitution and Bylaws.
2. Bonnie and John denied me the right to be a delegate to the convention, thereby violating the Constitution and Bylaws, which guarantee fair and democratic processes for the election and appointment of delegates.
3. John failed to put forward my resolution and constitutional amendment proposals for discussion at our local meeting, which violates the democratic process outlined in the Constitution and Bylaws.

Constitution and Bylaws Violated:

- Article 4, Eligibility for Office, regarding the requirements for holding office and acting as a delegate.
- Article 19, Section B, Offenses, particularly:
 - Subsection (a): Violate the Constitution contrary to the oath of installation to Office or initiation to the Union.
 - Subsection (k): Otherwise engage in conduct detrimental to the welfare or interests of the Union, its Locals, or its Members.

Facts:

1. On July 4, 2024, I sent email communications to Bonnie and John regarding my self-nomination as a delegate to the convention. These communications went unanswered.
2. Despite fulfilling all the requirements outlined in the Constitution and Bylaws for self-nomination as a delegate, I was denied the opportunity to participate in the convention as a delegate without any valid explanation.

3. On June 26, 2024, I sent a detailed email to John, copied to the local executive, requesting support for a constitutional amendment and a resolution proposal for the upcoming convention. This email was ignored, and my proposals were not put forward for discussion at the local meeting.

Personal Knowledge and Source of Information:

I have personal knowledge of the facts alleged, as I was the one who sent the communications and received no response.

Penalty Sought:

- A written reprimand for Bonnie and John for failing to fulfill their duties and for denying my right to be a delegate.
- Immediate recognition of my status as a delegate to the convention.
- Immediate forwarding of my resolution and constitutional amendment proposals to the resolution and amendment committees for consideration at the convention, as I believe they have not put anything forward and, being new, may not understand the significance to our laws.
- Implementation of measures to ensure that such failures in communication and process do not occur in the future.
- Suspension from office and/or access to the membership pending the outcome of my charges at trial.
- Permanent removal from office.
- Denial of the right to hold any office in the Union or Local for a specified period.
- Other penalties or actions deemed just and reasonable by the Provincial Executive, a Trial Panel, or a Disciplinary Panel.

Supporting Documents:

- Attached email dated July 4, 2024 sent to Bonnie and John regarding my self-nomination as a delegate.
- Attached email dated June 26, 2024, requesting support for a constitutional amendment and resolution proposal.

Jessie Bains
Local: SSF
Position: Warehouse Attendant

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2 attachments

Gmail - self nomination as a delegate.pdf
82K



Gmail - Request for Support on Constitutional Amendment and Resolution Proposal.pdf
113K

#12



Jessie Bains <bainsj@gmail.com>

Formal Charge Against John Catigay for Violations of Union Constitution and Bylaws

1 message

Jessie Bains <bainsj@gmail.com>
To: Barb Nederpel <bnederpel@heu.org>

Fri, Aug 23, 2024 at 11:58 PM

To: Office of the President, Hospital Employees' Union

Complainant:

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

Respondent:

John Catigay, SSF Local Chair

Allegations:

I, Jessie Bains, a member in good standing of the SSF Local for the Hospital Employees' Union (HEU), hereby file a formal charge against John Catigay, Chair of our local, for his role in providing a screenshot of my personal text message, which was part of an internal union election campaign, to Barb Nederpel, President of HEU, and for being involved with other members in sharing it with the employer. This action was taken with the intent of causing serious harm to my efforts to regain employment during an ongoing grievance for unjust termination.

Facts:

- Breach of Confidentiality:** On May 8, 2024, during my campaign for a certain candidate in our internal union election, I sent a text message advocating for diversity. This message was private and related solely to internal union matters. Despite this, John Catigay admitted in his charge against me on July 22, 2024, that he and other members had submitted this screenshot of my text to the President of HEU, expressing concern that this statement could impact our election. John also revealed that "another member submitted this to the employer as they felt it made the workplace toxic and were fearful of retaliation and harassment."
- Violation of Privacy and Member Rights:** The screenshot of my text message was later included in the relevant book of documents that the employer relied on during my ITS hearing on July 4, 2024, which was 18 days before John Catigay filed his charge against me. The timing and nature of this disclosure strongly suggest that the charges filed by John on July 22, 2024, were in retaliation for the charges I had filed against him in June 2024. The intent of this violation was to cause me personal harm.
- Failure to Prevent Harm:** As Chair of the SSF Local, John Catigay failed to prevent the unnamed members from sharing my private text message with the employer—an entity with no jurisdiction over internal union matters and no authority to intervene in workplace issues concerning me, as I was not an employee. This act was carried out with the sole purpose of undermining my efforts to regain employment and supporting the employer's termination case against me, thereby seriously jeopardizing my livelihood. I believe that not only

did John Catigay fail to prevent this breach, but he was also actively involved in the decision to provide the employer with this crucial information.

4. Breach of Oath of Office: John Catigay, with full knowledge that the employer had no jurisdiction over me since I was no longer employed, broke his oath of office by allowing and possibly participating in this breach of confidentiality. His actions have directly violated my rights and undermined the integrity of our union.

5. Failure to Disclose Involved Members: John Catigay has failed to disclose the identity of the other members he collaborated with to submit my screenshot text message to the employer, as implied by his use of "We" and "they" in his statement: "We have submitted this screenshot to the President with the concern that this discriminatory statement would impact our election. And another member submitted this to the employer as they felt this made the workplace toxic and were fearful of retaliation and harassment."

Violations of the Constitution and Bylaws:

- **Article 19, Section B, Offenses:**

- **Section (a):** Violation of the Constitution contrary to the oath of installation to office or initiation to the Union.
- **Section (i):** Violation of the confidentiality of union meetings, union and membership information, or the publication or circulation of false reports or misrepresentations.
- **Section (k):** Engaging in conduct detrimental to the welfare or interests of the Union, its Locals, or its Members.

- **Article 3:** Violation of the Oath of Obligation, which requires members to uphold the integrity and confidentiality of the Union.

Requested Actions:

- 1. Disclosure of Information:**

Immediate disclosure of the identity of the member or members responsible for sharing my personal text message screenshot with the employer.

- 2. Investigation:**

A full investigation into the circumstances surrounding the sharing of the screenshot text with the employer

- 3. Penalties:**

- A written reprimand for the breach of confidentiality and misuse of personal information.
- Suspension from office and/or access to the membership pending the outcome of an Article 19 trial.
- Permanent removal from office.
- Denial of the right to hold any office in the Union or Local for a specified period.
- Other penalties or actions deemed just and reasonable by the Provincial Executive, a Trial Panel, or a Disciplinary Panel.

Conclusion:

The withholding of member names and the sharing of this crucial information with the employer by John Catigay is a violation of my rights as a union member and undermines the integrity of our union. It is essential that the identity of the member or members responsible for this breach is disclosed and that appropriate action is taken to address this serious offense. Additionally, it is critical to determine the extent of John Catigay's involvement in sharing my screenshot text message with the employer.

In solidarity,
Jessie Bains
SSF Local Member

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Formal Charge under Article 19 against Talitha Dekker

1 message

Jessie Bains <bainsj@gmail.com>
To: Barb Nederpel <bnederpel@heu.org>

Sun, Sep 29, 2024 at 12:00 PM

To: Office of the President – HEU

Subject: Formal Charge under Article 19

Complainant:

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

Respondent:

Talitha Dekker (Senior trustee)

Allegation:

Talitha Dekker's email violated the spirit of union solidarity, and her attempt to publicly humiliate me through a group email thread is both unprofessional and unacceptable behavior from an elected official. Her refusal to include herself in union-related communications further violates her **Oath of Office**, which obliges her to serve all members of the union. As an elected union officer, she is accountable for maintaining the respect, dignity, and fair treatment of all members, which she failed to uphold in this instance.

I, Jessie Bains, a member in good standing of the Hospital Employees' Union, formally file an Article 19 charge against **Talitha Dekker**, Senior Trustee, for the following violations of the HEU Constitution and By-Laws:

Violations:

1. Bullying and Intimidation:

On September 29, 2024, Talitha Dekker sent an email with the subject "ENOUGH. STOP EMAILING ME" addressed to all recipients in a group email thread (including several officers and members of the HEU). This action was intended to publicly embarrass, disrespect, and intimidate me. Her conduct reflects a breach of respect and courtesy expected of a union officer and constitutes bullying as it attempts to silence me inappropriately.

2. Disrespect towards a fellow member:

Article 19, Section B of the HEU Constitution outlines that members are expected to treat one another with respect. Talitha's communication violated these principles by addressing me in a harsh and demeaning

manner without just cause.

3. Violation of the Oath of Office (Article 3):

As per Article 3 of the Constitution, all union officers take an **Oath of Obligation** to serve and represent all members fairly and equitably. By instructing me, a member in good standing, to stop emailing her and attempting to exclude herself from communication, Talitha has violated her duty to remain available and responsive to all members of the union. This action breaches the oath she took as an elected officer, as it undermines her obligation to represent and communicate with **all members**, without exclusion.

4. Failure to fulfill her duties as an elected officer (Article 7, Section C):

As a Senior Trustee, Talitha is responsible for setting an example of respectful and ethical behavior towards all members. By refusing to engage in communications with me, she has failed to fulfill her obligation to perform her duties in accordance with the Constitution and By-Laws, and to represent all members without prejudice.

Specific Violations:

- **Article 19, Section B (Offenses):** Talitha's actions constitute an offense under this section, which prohibits disrespect, intimidation, and bullying within the union.
- **Article 3 (Oath of Obligation):** Talitha violated her oath by attempting to exclude herself from communication with a member, thereby failing to fulfill her duty to represent and engage with all members.
- **Article 7, Section C (Duties of Officers):** Talitha failed to uphold her responsibilities as a Senior Trustee by acting disrespectfully and refusing to serve a member in good standing.

Requested Penalty:

In light of these violations, I request that the following actions be taken:

- **Written Reprimand:** A formal written reprimand should be issued to Talitha Dekker for violating her oath of office, bullying and being disrespectful.
- **Suspension:** Suspension from office and/or access to the membership pending the outcome of an Article 19 trial.
- **Permanent Removal:** Permanent removal from office.
- **Denial of Office:** Denial of the right to hold any office in the Union or Local for a specified period.
- **Other Actions:** Any other penalties or actions deemed just and reasonable by the Provincial Executive, a Trial Panel, or a Disciplinary Panel.

Jessie Bains

Local: SSF

Position: Warehouse Attendant

Formal Charge under Article 19 against Lynn Bueckert (Secretary-Business Manager)

1 message

Jessie Bains <bainsj@gmail.com>
To: Barb Nederpel <bnederpel@heu.org>

Tue, Oct 22, 2024 at 6:48 PM

To: Office of the President – HEU

Subject: Formal Charge under Article 19

Complainant:

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

Respondent:

Lynn Bueckert (Secretary-Business Manager)

Allegation:

I, Jessie Bains, a member in good standing at the time of filing this charge, submit this Article 19 charge against Secretary-Business Manager Lynn Bueckert for failing to uphold her responsibilities under the HEU Constitution and Bylaws, specifically her duties outlined in **Article 7**, Section A of the HEU Constitution.

Lynn Bueckert has repeatedly failed to provide proper representation, respond to critical communications, and investigate grievances and complaints, all of which are her duties as Secretary-Business Manager. This failure violates my union rights, as outlined in **Article 19** of the HEU Constitution concerning "Charges, Trials, and Penalties."

Details of the Charge:

1. Failure to Respond and Provide Representation:

Despite multiple requests for external legal representation, updates on grievances, and investigation into formal complaints against Chrystal Latham, Lynn has consistently ignored my communications, including but not limited to the following emails:

- **06-20-2024:** Request for a copy of findings and final request for a new representative at my ITS hearing.
- **07-19-2024:** Request for Immediate Intervention and Legal Representation.
- **08-25-2024:** Formal Complaint against Chrystal Latham.
- **09-05-2024** through **09-25-2024:** Follow-up emails regarding the Formal Complaint against Chrystal Latham.
- **10-11-2024:** Letter confirming my non-attendance at the HEU Convention without proper explanation.

Her refusal to even acknowledge these communications constitutes gross negligence and arbitrary conduct, directly impacting my right to fair representation.

2. Failure to Investigate Formal Complaints:

Lynn has failed to investigate or take appropriate action regarding my formal complaint against Chrystal Latham, who denied me access to local meetings and mishandled my termination grievance. This lack of action violates her duty to ensure all members receive fair and equal treatment under the union's governance structure.

3. Bad Faith Conduct:

Lynn's persistent inaction and refusal to engage with my legitimate concerns suggest bad faith. Her lack of response, especially during critical stages of my grievance process, has left me without representation, causing significant harm to my ability to seek recourse.

4. Denial of Union Rights:

On **October 11, 2024**, I received a letter from Lynn Bueckert denying me access to the HEU Convention without proper explanation or due process. This action, coupled with her previous failures to represent me, further violates my rights as a union member.

Violations of the HEU Constitution:

1. Violation of Duties as Secretary-Business Manager (Article 7, Section A):

- Lynn failed to administer the business of the union and act as spokesperson for the union, violating Article 7, Section A, Subsections 3 & 5.

2. Failure to Provide Fair Representation (Article 19, Section B):

- By not responding to my concerns, Lynn committed conduct unbecoming an officer, violating Article 19, Section B, Subsections 1 & 3.

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

- Her refusal to grant me access to the HEU Convention without explanation violated Article 5, Section C, which guarantees member participation in union conventions.

4. Failure to Investigate Grievances and Complaints (Article 7, Section A, Subsection 6):

- Lynn failed to investigate formal complaints as required under Article 7, Section A, Subsection 6.

Requested Remedies:

- A full investigation into Lynn Bueckert's actions and failure to fulfill her duties as outlined in the HEU Constitution.
- Appropriate disciplinary measures as outlined in **Article 19**, Section K (Penalties), to ensure accountability for her neglect and misconduct.
- A formal acknowledgment of the harm caused to me due to the lack of representation and communication during this process.
- Restitution for any consequences resulting from her failure to act, including but not limited to loss of convention participation and lack of support in my grievance process.
- Any other penalties or actions deemed just and reasonable by the Provincial Executive, a Trial Panel, or a Disciplinary Panel.

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

Sincerely,

Jessie Bains

Local: SSF

Position: Warehouse Attendant

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

1 message

Jessie Bains <bainsj@gmail.com>
To: Barb Nederpel <bnederpel@heu.org>

Fri, Oct 25, 2024 at 5:57 PM

To: Office of the President – HEU

Subject: Formal Charge under Article 19

Complainant:

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

Respondent:

Chris Dorais (Coordinator of Public Sector Servicing)

Allegation:

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

Details of the Charge:

1. Unjust Removal from Convention

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

2. Attempt to Provoke

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

3. Violation of Rights and Denial of Convention Access

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

Violations of the HEU Constitution:

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

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

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

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

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

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

Requested Remedies:

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

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

Sincerely,

Jessie Bains

Local: SSF

Position: Warehouse Attendant

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

138K



16

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