



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:	Courtney Parobec		
* Address:	[REDACTED]		
* City:	[REDACTED]	Postal Code:	[REDACTED]
* Home/Cell Telephone No.:	(250) [REDACTED]		
E-mail:	[REDACTED]	What pronouns should the Board use to address you?	<u>She</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:	Hospital Employees' Union	Local:	_____
* Address:	5000 North Fraser Way		
* City:	Burnaby, B.C.	Postal Code:	V5J 5M3
* Telephone Number:	(604)438-5000	Fax:	_____
Cell No.:	_____	E-mail:	heu@heu.org
Representative to be contacted: <u>Barb Nederpel</u>			
Position: <u>President</u>			
Telephone Number (if different from above): _____		Cell No.: <u>250-689-0208</u>	
E-mail: <u>bnederpel@heu.org</u>			

EMPLOYER INFORMATION

* Company Name:	Island Health Authority		
* Address:	1900 Fort St,		
* City:	Victoria, B.C.	Postal Code:	V8R 1J
* Business Tel.:	(250) 370-8699	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.

N/A

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?

On January 4, 2026, I filed an internal complaint with the ^{Hospital} ~~Health~~ Employees' Union (HEU) concerning the leadership's failure to provide clarification regarding the voting process and the reported results. On March 4, 2026, the HEU Ethics Commissioner, the only internal authority responsible for addressing complaints against HEU leadership, advised that "this is not a conduct issue that the Ethics Commissioner has jurisdiction over." Accordingly, no internal avenue remains available to address this matter, and the British Columbia Labour Relations Board (BCLRB) is the only remaining forum through which I and other HEU members may seek review of this issue.

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

Lined area for response to question 6.

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

Please see the attached response to Question 7.

Large lined area for response to question 7.

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

Please see the attached response to Question 8.

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. Exhibit A - Letter to HEU dated January 7, 2026 requesting disclosure

2. Exhibit B - Letter from HEU counsel dated January 21, 2026

3. Exhibit C - Ethics Commissioner response dated March 4, 2026

4. Exhibit D - Notice of Civil Claim filed in the Supreme Court of British Columbia

5. Exhibit E - Notice of Application filed in the Supreme Court of British Columbia

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?

Please see the attached response to Question 10.

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?)
Please see the attached response to Question 11.

12. Are you asking the Board to wait until after that process ends to decide your duty of fair representation application?

- Yes No

If yes please explain why:

Additional space for answering questions if needed.

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

Print name: **Courtney Parobec**

Date of signing: **March 14, 2026**

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.

FILING FEE PAYMENT

This application is subject to a \$100.00 filing fee. The fee is due when you submit the application. The application may not be accepted for filing until you have paid the fee. Select how you would like to pay:

- Cheque/money order (make out to: Labour Relations Board c/o Ministry of Finance)
- Charge to a pre-approved account:

Account holder/company name

Payor email

- 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:
courtneyparobec1982@gmail.com

The Board cannot accept:

- **payment by electronic funds transfer (EFT), or**
- **credit card payments by email, fax, or over the phone.**

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

Between **December 15 and December 19, 2025**, members of the Hospital Employees' Union voted on the ratification of a tentative collective agreement reached on November 17, 2025.

Under the HEU Constitution and Bylaws, ratification of the agreement required two thresholds:

1. Two-thirds of eligible locals voting in favour; and
2. A majority of individual ballots cast voting in favour.

Initial voting results circulated on **December 19, 2025** indicated that **107 of 161 locals voted in favour of ratification**, representing approximately **66.45% of locals**, which did not meet the required two-thirds threshold for ratification.

Subsequently, on **December 22, 2025**, HEU leadership announced that **108 locals had voted in favour**, thereby meeting the constitutional threshold required for ratification.

Members were not provided with a clear explanation identifying:

- which local result changed,
- when the determination was made,
- what documentation or verification was relied upon in making that determination, or
- how the final number of locals voting in favour was calculated and confirmed.

On **January 7, 2026**, a letter was sent to HEU leadership on behalf of several members requesting disclosure of information necessary to verify the ratification vote. The request sought information including:

- the total number of eligible voters,
- the total number of ballots cast,
- a detailed breakdown of votes by local,
- confirmation of voter eligibility,
- any audit or verification reports generated by the electronic voting system,
- and communications between HEU and the electronic voting provider relating to vote verification or irregularities.

On **January 21, 2026**, counsel for HEU responded but did not provide documentation necessary for members to independently verify the ratification results.

The response indicated that the change in the number of locals voting in favour resulted from an internal interpretation regarding the classification of the **South Delta Local vote**, where **70 members voted in favour and 69 members voted against**, and that the vote had been **certified by the electronic voting provider Simply Voting Inc.**

However, members have not been provided with documentation verifying:

- how individual ballots were assigned to locals,
- how local majority results were determined,
- how the final number of locals voting in favour was calculated,
- whether all eligible members received ballots,
- or whether any irregularities were detected by the electronic voting system.

Because the ratification outcome depended on a difference of **one local**, where **107 locals voting in favour would not meet the threshold and 108 locals voting in favour would meet the threshold**, transparency regarding the administration and verification of the vote is critically important.

In an effort to address these concerns internally, I filed a complaint against HEU leadership on **January 4, 2026**, requesting clarification regarding the ratification vote and the reported results.

Under the HEU Constitution, the only internal body responsible for reviewing complaints against HEU leadership is the Ethics Commissioner.

On **March 4, 2026**, the Ethics Commissioner responded to my complaint and advised that **“this is not a conduct issue that the Ethics Commissioner has jurisdiction.”**

Because the Ethics Commissioner declined jurisdiction over my complaint, the internal process available within the union was unable to review the concerns I raised or provide clarification regarding the ratification vote.

As a result, I have exhausted the only internal complaint mechanism available to address concerns regarding the conduct of HEU leadership.

The concerns described above are not unique to me personally. The ratification vote determines the collective agreement governing all members of the Hospital Employees' Union, and similar concerns regarding the transparency and administration of the vote have been raised by multiple members.

I raised these concerns through the internal complaint process of the Hospital Employees' Union on January 4, 2026 in an effort to resolve the matter internally before bringing an application to the **British Columbia Labour Relations Board**. On March 4, 2026, the Ethics Commissioner advised that the matter was outside their jurisdiction and declined to review the complaint. I filed this application promptly after receiving that response. I believe the application has therefore been brought in a timely manner after exhausting the only internal remedy available to me.

* 8. Explain why you say the Union's representation or response was arbitrary, discriminatory or in bad faith.

I believe the union acted arbitrarily and without sufficient transparency in administering and reporting the ratification vote, which directly affects the employment terms and working conditions of the members it represents.

Specifically, I believe the union's conduct was arbitrary because:

1. The union reported preliminary voting results indicating that the ratification threshold had not been met and subsequently announced revised results without providing clear documentation explaining the change.
2. The union has not provided transparency regarding how the number of locals voting in favour was determined or verified.
3. Despite requests from members, the union has not disclosed documentation necessary to independently verify the ratification results.
4. The union has relied on certification by the electronic voting provider without providing the underlying reports or records supporting that certification.
5. The union has not adequately addressed concerns raised by members regarding voter eligibility, ballot distribution, and the classification of local vote results.

The ratification vote determines the collective agreement governing the wages, working conditions, and employment rights of members of the Hospital Employees' Union. Members must therefore be able to rely on the union to administer the ratification process in a fair, transparent, and consistent manner.

This application does not seek to challenge the outcome of the vote itself. Rather, I am seeking review of whether the union fulfilled its duty to represent members fairly in administering and reporting the ratification process.

Because the internal complaint mechanism of the union declined jurisdiction over my complaint, **the British Columbia Labour Relations Board is the only remaining avenue available to me to seek independent review of the union's conduct in administering the ratification vote.**

This application does not ask the Board to determine internal political issues or interpret the HEU Constitution in isolation. Rather, I am asking the Board to review whether the union administered and reported the ratification vote in a manner that was arbitrary, lacking transparency, and inconsistent with its duty to represent members fairly under section 12 of the Labour Relations Code (British Columbia).

I believe the conduct described above constitutes **arbitrary representation** because the union failed to provide transparency or documentation necessary for members to verify the ratification process, despite reasonable requests from members whose employment rights are directly affected by the outcome of the vote.

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?

If the application is granted, I respectfully request that the **British Columbia Labour Relations Board** order any remedies it considers appropriate to ensure the ratification vote was administered in a fair and transparent manner consistent with the union's duty of fair representation under section 12 of the Labour Relations Code (British Columbia).

In particular, I request that the Board consider ordering:

1. Disclosure of documentation verifying the final ratification vote results.
2. Disclosure of any certification, audit, validation, or verification reports produced by **Simply Voting Inc.** relating to the ratification vote.
3. Disclosure of records showing how individual ballots were assigned to locals and how the final number of locals voting in favour of ratification was calculated.
4. Disclosure of communications between the Hospital Employees' Union and Simply Voting relating to the administration, verification, or certification of the ratification vote.
5. Any further investigation or remedy the Board considers appropriate to ensure transparency and confidence in the ratification process.

I do not seek disclosure of how any individual member voted, and I respect the importance of maintaining the secrecy of individual ballots.

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

Issues related to the ratification vote are currently the subject of a proceeding before the Supreme Court of British Columbia. That proceeding seeks relief related to the ratification vote and disclosure of records relating to the vote.

However, the court proceeding concerns legal remedies relating to the ratification result itself and does not address whether the Hospital Employees' Union fulfilled its duty to represent members fairly in administering and reporting the ratification vote.

This application concerns separate issues relating to representation rights and procedural fairness under section 12 of the Labour Relations Code (British Columbia), including whether the union administered the ratification vote in a transparent and consistent manner.

These issues fall within the jurisdiction of the Labour Relations Board and are not addressed by the court proceeding.

Given that the ratification vote determines the collective agreement governing the employment rights of HEU members, resolving concerns regarding the transparency and administration of the ratification process is important to ensure confidence in the union's representation of members before future ratification votes occur.