



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:

* Address:

* City:

Postal Code:

* Home/Cell Telephone No:

E-mail:

What pronouns should the Board use to address you?

If you are represented by a legal or other representative, their name:

Address:

Telephone number:

E-mail:

WHO IS THE RESPONDENT TRADE UNION?

Trade Union (or Council of Trade Unions)

* Name:

Local:

* Address:

* City:

Postal Code:

* Telephone Number:

Fax:

Cell No.:

E-mail:

Representative to be contacted:

Position:

Telephone Number
(if different from above):

Cell No.:

E-mail:

EMPLOYER INFORMATION

* Company Name:

* Address:

* City:

Postal Code:

* Business Tel:

Fax:

Name of
Contact Person:

E-mail:

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

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

If yes, when?

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

If yes, when? _____

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

If yes, please include a copy with your application.

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

5. Did you attempt to appeal the Union's decision through the Union's internal appeal procedure (yes/no)?

Yes No

If no, why not?

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)

Section 12 Guide.)

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

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?

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.

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

Print name:

Date of signing:

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