

**CAPE Executive Committee
Minutes of June 25, 2014
CAPE National Office
Boardroom
4:00 p.m.**

Present: C. Poirier (Chair), J-L. Bourdages, R. Brockington, A. Butler (5:00 p.m.), C. Creran, N. Giannakoulis (teleconference), A. Kurikshuk-Nemec, S. Mullen, G. Phillips, C. Danik, D. Martin.

Apologies: S. Gagnon, L. Haméon, A. Picotte, S. Jaroudi, J. Ouellette,

Announcement: C. Poirier advised the NEC that B. Black was acting in an excluded position until September.

1) Items for Approval

1 a) Agenda

NJC seminar was added as item 1 g),

Executive Director of Operations report was moved as item 2 a) and Solemn Declaration was added as item 2 c).

Motion: It was moved by G. Phillips, seconded by S. Mullen, that the agenda be approved, as amended. **Motion carried unanimously.**

1 b) In Camera Minutes of May 28, 2014

There was a consensus that not all of the issues in the HR Committee report were in camera and that these issues should be transferred to the regular minutes.

Minor typographical errors were noted.

R. Brockington stated that the NEC was not being provided with sufficient material and information under Collective Bargaining. He will be proposing amendments to the constitution for the membership to vote on and they can decide on how the Collective Bargaining Committees should function.

Motion: It was moved by J-L. Bourdages, seconded by A. Kurikshuk-Nemec, that the minutes be approved, as amended.

In favour = 7, Opposed = 0, Abstention = 1. **Motion carried.**

1 c) Minutes of May 28, 2014

Extract the items that were not in camera from the HR Committee Report, only add the issue title, description and recommendation in the minutes.

Motion: It was moved by A. Kurikshuk-Nemec, seconded by R. Brockington, that the minutes be approved, as amended.

In favour = 7, Opposed = 0, Abstention = 1. **Motion carried.**

1 d) Motion from A. Kurikshuk-Nemec on President's secondary residence and travel policy

R. Brockington asked C. Poirier if he would be present for the entire topic. C. Poirier stated that he would be.

A. Kurikshuk-Nemec presented her motion and advised that she would have put this forward at the last meeting but the timing did not allow her to do so. She advised that it was not the intention of the HR Committee to be unfair to new candidates and that the secondary residence and travel policy should be in the contract and that it should be negotiated with each new President.

R. Brockington stated \$42,000 which is budgeted per year is not a lump sum payment but it is split \$1,600 per month for accommodations, meals and travel are not included in this.

C. Poirier advised that travel and meal allowance is based on the NJC directive.

R. Brockington said that there are capped amounts and that the President exceeds these and has to pay out of his pocket.

The question about this benefit is not new - we as NEC need to consider this issue and I do not know if the NEC has the authority as the Vice-President's negotiate the contract with the President. We need to be up to date so Presidents are not financially hurt for doing their job.

What would we replace the policy with? What do we envision as a replacement?

Perhaps buy a house, furnished condo or apartment – maybe this would be a better solution.

G. Phillips said that a policy is needed but that this one is 6 years old and if it remains in effect it will disadvantage a lot of regional members. Maybe a lump sum payment to be negotiated with the Vice-President's and approved by the NEC. I would like a less descriptive policy so that it is standardized and does not have to be changed all the time.

J-L. Bourdages- what is the benefit of rescinding this policy and adopting a new one when the elections has been initiated. If someone is in the NCR would they receive it?

Candidate would be advised that the policy exists and is being reviewed.

J-L Bourdages – yes but it is still late why not wait until the next election?

S. Mullen – want to know what we are replacing it with before I vote to rescind. Need something concrete first and we are in the middle of an election.

R. Brockington – agree the vast majority of members don't know this policy exists, the timing is not ideal to address it. We need a fair offering and NEC has the authority to deal with this. Strike a three person sub-committee to review it.

A. Butler – review to ensure that it is fair for all regions across Canada. This needs to be a policy. By rescinding the current policy now it forces us to review it now. What if a Vice-President is from outside the NCR does this apply to them?

Motion: It was moved by A. Kurikshuk-Nemec, seconded by G. Phillips, that the current Secondary Residence and Travel Policy be rescinded effective 31 December 2014. No New applications under the policy will be made in the interim.

Recorded vote: C. Poirier = In favour, R. Brockington = In favour, S. Mullen = In favour, A. Butler = In favour, A. Kurikshuk-Nemec = In favour, G. Phillips = In favour, C. Creran = In favour, J-L. Bourdages = In favour.

**N. Giannakoulis was not present for the vote.*

In favour = 8, Opposed = 0, Abstention = 0. **Motion carried unanimously.**

Motion: It was moved by A. Butler, seconded by C. Creran, that a sub-committee will be struck immediately to review and propose an alternate secondary residence and travel policy for the September NEC meeting.

The sub-committee will consist of the two Vice-Presidents and C. Creran.

Recorded vote: C. Poirier = In favour, R. Brockington = In favour, S. Mullen = In favour, A. Kurikshuk-Nemec = In favour, G. Phillips = In favour, A. Butler = In favour, C. Creran = In favour, J-L. Bourdages = In favour.

**N. Giannakoulis was not present for the vote.*

In favour = 8, Opposed = 0, Abstention = 0. **Motion carried unanimously.**

1 e) Constitutional Amendments proposed by R. Brockington

R. Brockington stated that he wanted to propose amendments to collective bargaining. He wanted staff to sit down with him and listen to what he wanted to see; then help him write it. If that is not possible then he asks for 4 hours of contract work to hire a consultant to assist him. Discussion of the amendments was deferred to a special September NEC meeting.

1 f) Finance Committee Motions

Motion # 1

As of April 30, 2014, \$40,129.76 remained in the Executive Contingency Fund from the 2013-2014 budget. During the month of April, the following budget categories overspent their allotted amounts:

Professional Fees	\$33,540.01
Collective Bargaining	\$12,815.58
Local Rebates	\$12,109.30
Total	\$58,464.89

Therefore, the Finance Committee recommends that \$40,129.76 be taken from the Executive Contingency Fund to apply to these budget categories and the remaining \$18,335.13 be funded by the reserve fund.

Concerns raised in regards to over spending of Local rebates

- Major issue about over spending on a line item
- NEC was notified that Local AGMs would be earlier in the year
- Have an issue with our planning
- Mechanisms of control need to be with the NEC
- NEC needs to approve contingency fund spending in advance
- Who takes the decision to pay from contingency
- C. Poirier explained that some items are not predictable to budget and when these unforeseen items happen they are paid out of the contingency
- The contingency is budgeted
- Want to make sure we are not in violation of the constitution
- What happens if we defeat this?
- I don't know the money has been sent
- The process needs to be dealt with later

Recorded vote: C. Poirier = In favour, R. Brockington = In favour, S. Mullen = In favour, A. Butler = Opposed, A. Kurikshuk-Nemec = Abstention, G. Phillips = Opposed, C. Creran = In favour, J-L. Bourdages = In favour, N. Giannakoulis = In favour.

In favour = 6, Opposed = 2, Abstention = 1. **Motion carried.**

Motion # 2

The Finance Committee recommends to the Executive Committee to amend the 2014 – 2015 budget by adding line item 8.1.5 – Professional Fees (Benefits compliance) with an amount of \$175,000.

Recorded vote: C. Poirier = In favour, R. Brockington = In favour, S. Mullen = In favour, A. Butler = In favour, A. Kurikshuk-Nemec = In favour, G. Phillips = In favour, C. Creran = In favour, J-L. Bourdages = In favour, N. Giannakoulis = In favour.

In favour = 9, Opposed = 0, Abstention = 0. **Motion carried unanimously.**

1 g) NJC seminar

C. Poirier advised that the NJC seminar will be held on September 16th – 18th at the Hilton Lac Leamy.

Volunteers are: C. Poirier, A. Kurkishuk-Nemec, R. Brockington and A. Butler. G. Phillips is the first alternate and N. Giannakoulis is the second alternate. J. Ouellette and P. Lebel from the staff.

2) Matters Arising

2 a) Executive Director of Operations Report

Internal Matters

Normand Forgues-Roy started June 3, and until August 28, working in a communications' position three days a week.

Website

The June 13th launch was delayed until June 18th to allow for training of staff.

Negotiations

We are still waiting for a reply from the Employer to our request for information. No meetings will be scheduled with the Employer until we receive a reply and have had an opportunity to analyze the information provided.

Public Service Commission Joint Advisory Council (PSCJAC), Public Service Labour Relations Board Client Committee (PSLRBCC) and Public Servants Disclosure Protection Tribunal Client Consultation Committee (PSDPTCCC)

The next meeting of the PSCJAC is to be held in the Fall.

The next meeting of the PSLRBCC was to be held in June but has been postponed.

The next meeting of the PSDPTCCC should be held in the January 2015.

Representation Files

Here is a breakdown of the major subjects with all of the representation files opened since the beginning of 2014:

Absenteeism	1	NJC (benefits)	
Access to information		NJC (Dental)	
Accommodation	28	NJC (FSD)	
Acting Appointment	1	NJC (health care plan)	
ATIP		NJC (Relocation)	
Authorship		NJC (Transportation All.)	
Bargaining Unit Work		NJC (Travel)	
Benefits		NJC (WFAD)	17
Bilingualism Bonus		Pay	12
Career & Registration Fees	1	Pension	1
Classification	6	Performance Evaluation	28
Code of Conduct	1	Personal File	1
Consultation		Policy	
Deployment	1	Political Activity	

DFR		Privacy	1
Disability Insurance	7	Probation	2
Discipline	24	RAND	
Discrimination	4	Recruitment Program	
Employment Status	1	Representation	
Ergonomic Assessment		Resignation	
Fitness to Work Evaluation		Retirement	1
Harassment	32	Return to work	8
Health and Safety	2	FIP	
Health and Safety (Claim)		Security Status	
Hours of Work	2	Service	
Hours of Work (Overtime)	1	Staffing	21
Hours of Work (Travel)		Staffing (WFAD)	1
Human Rights		Statement of Duties	5
ICMS	2	Telework	1
Implementation of MOA	1	Term Employee	
Johnson Insurance		Termination	6
Language Profile		Terms and Conditions of Work	
Language Training	1	Training Program	1
Leave	6	Travelling Time	
Leave (Annual)	4	Unfair Labour Practice Complaint	
Leave (Bereavement)		Union Dues	2
Leave (Other)	6	Union Representation	
Leave (Parliamentary)		Work Assignment	5
Leave (Sick)	10	Work Location	
Leave (Without Pay)	8	Workload	
Letter of Expectation		Wrongdoing (Whistle Blowing)	1
Maternity Allowance	4		
Medical Evaluation	4		
		Total	273

Court cases

An application for judicial review of the decision in the Lebeau case (discrimination – human rights issue – Statistics Canada) was filed on November 22 with the Federal Court of Appeal.

Public Service Labour Relations and Board (PSLRB)

Scheduled hearings

These are the cases involving CAPE scheduled for a hearing before the PSLRB.

Ottawa July 4 Paquet (Leave) PWGSC (BtB)

Ottawa Sept. 15 to 19 Kalounji (Termination) IRB

Please note that hearings may be postponed or cancelled up to the day of the hearing. The PSLRB schedule may be consulted at:

http://www.crtfp-pslrb.gc.ca/hearingschedules/intro_e.asp

http://www.crtfp-pslrb.gc.ca/hearingschedules/intro_f.asp

2 b) E-communications Policy

The policy was voted on by electronic vote which was defeated.

2 c) Solemn Declarations

The national office is to contact Local Leaders to ensure that they have received the notifications and are asked to obtain, if possible, a reason why they have not returned it.

3) Substantive Issues for Discussion

4) Reports

4 a) President

After our last NEC meeting in May, I participated in a telephone Town Hall with Larry Rousseau of PSAC. This was a very interesting experience both from a technical point of view and from a mobilisation point of view. It is an excellent way of reaching a great number of people at the same time. People not only get a chance to hear different speakers but also get to ask questions from them. It is quite different from our OnConference system because the software used by PSAC calls people that have asked to participate. That way no 'uninvited guest' can listen on the line.

June was a shorter month than usual for me since I was away for a week on Holidays. However, the rest of the month was quite busy. The NJC Bargaining Agents met for an entire day and discussed negotiation strategies, with an update of everyone as well as an update from our subcommittees. We are still on track at helping each other and breaking grounds in our preparation and research efforts.

Bargaining Agents are still having a hard time getting the employer to understand that consultation and bargaining are not the same, and certainly cannot occur at the same time on the same subjects. We keep receiving invitations regarding the employer's "Wellness Strategy", knowing that there is a strong component of the strategy which is dependent on changes to the sick leave provisions in our collective agreements.

I had to make a personal intervention with Treasury Board on their documents for the TR table that were sent in English only, knowing that this table has always been negotiating in French only. We are talking here of justifications to the designation of essential positions in this group. It took the ADM a couple of weeks to get back to me with an appropriate response, that is, that deadlines for consultations would be extended by the time it took them to provide a translation.

Two of our Locals held their AGMs early in the month. At the PHAC / Health Canada Local, in addition to the usual reports, we were delighted to hear a colleague from CUPE remind us of some basic union principles and realities. After all, we are union people. Participation was limited, but organizers are already looking at other options for future meetings. The other AGM was at Library and Archives. Questions on sick leave, on pensions and on how to stop the attacks on the Public Service and on unions took a good portion of the meeting.

I also attended a PSAC public event on bargaining near Portage and we received the visit of the Tuesday walk of solidarity led by activists from the joint unions, including Emmanuelle Tremblay, President of our Local at DFATD.

While I was out of the country we received coverage in Le Droit newspaper as a follow-up to our blog entry on pensions posted the week before on our website. (<http://www.lapresse.ca/le-droit/politique/fonction-publique/201406/18/01-4776946-le-regime-de-retraite-du-federal-loin-detre-trop-genereux-dit-lacep.php>)

Sometimes, our interventions do not yield results immediately. A number of weeks ago, Pierre Lebel and I met with advisors from the Office of the Official Opposition. They wanted to have our opinion on what was going on in the Federal Public Service and on how employees were being treated. We made it very clear that there would be a lot of healing to do and that it would be very important to restore the trust between the government and its Public Service employees. The result came in an op-ed from Tom Mulcair in the *Ottawa Citizen* titled *Respect the public service* (<http://ottawacitizen.com/news/politics/respect-the-public-service>). The full article will be posted in our blog section, in both official languages.

When we meet again in September, we will know the names of candidates for the next CAPE election. I hope that this does not become a distraction from the real reasons we are all supposed to be here: fight back against all the attacks on our rights as workers as well as attacks on us as a union; defend our members in cases of abuses from the employer; negotiate a decent collective agreement; perpetuate the solidarity with our colleagues from other unions. And, by the way, solidarity is not only with other unions, it starts at home.

Have a great summer!

4 b) Executive Director of Policy

EC Collective Bargaining

- Since the last NEC meeting, CAPE's EC bargaining team met with the employer's team on two occasions at the bargaining table.
- On June 11 the parties exchanged proposals at the table. On June 24, Treasury Board arranged for a presentation of the Short Term Disability project in its current iteration to the EC bargaining team.
- Bargaining team members were provided with the opportunity to ask questions.
- Furthermore, we were invited to send any additional questions through the offices of the Treasury Board negotiator. The employer offered and CAPE accepted that other presentations would be made to the team, dealing in greater details with the following issues: the case management process for a possible STD plan, the design of a retendered LTP plan, the procurement strategy and timelines, and data and gaps analysis.

- Two days had been set aside this week for bargaining. However, the Treasury Board negotiator responsible for the employer's position at the EC bargaining table was unavailable; and the second day of bargaining was canceled.
- The parties will be returning to the bargaining table for three days in July: July 22, 23 and 24. At that time CAPE and the employer will be presenting rationale for proposals for which language has been provided.
- Dates for bargaining in the fall are to be determined.

TR Collective Bargaining

- The TR Bargaining Team met with the employer on June 17, 18 and 19. On June 19, Treasury Board made arrangements for the presentation of the Short Term Disability project in its current iteration.
- The TR bargaining team members were provided with the opportunity to ask questions.
- Furthermore, we were invited to send any additional questions through the offices of the Treasury Board negotiator. The employer offered and CAPE accepted that other presentations would be made to the team, dealing in greater details with the following issues: the case management process for a possible STD plan, the design of a retendered LTP plan, the procurement strategy and timelines, and data and gaps analysis.
- There will be no bargaining over the course of the summer.
- The schedule of meetings for the fall is as follows: September 16, 17 and 18; October 21, 22 and 23; December 3 and 4.

TR Essential Services (Designation Process)

- Further to Treasury Board's refusal to agree arbitration as an impasse resolution process for the TR table, Treasury Board officials communicated to CAPE the positions that will be designated essential.
- Incumbent of positions designated essential are required to report to work when their bargaining unit is on strike.
- In the past, positions designated essential were negotiated between the parties, with recourse to the PSLRB if there was a disagreement.
- Since C-4, the employer has the unfettered authority to designate positions; it is only required to consult the bargaining agent.
- The consultation period is 60 days.
- We have met three times and there is a fourth meeting on Friday.
- There have been minor changes to the rationale provided by the employer, mostly to make the rationale clearer.
- The initial proposal from the employer was for 296 designated positions. The number of designated positions now stands at 275.
- The two opposing realities that are guiding the discussions are the level of rigidity created by specialized translation and the level of flexibility afforded by the Translation Bureau's status as manager of all translation in the Public Service.
- It should be noted that the employer does not designate positions that are encumbered by union representatives.
- CAPE works with the employer to identify these positions.

EC Essential Services (Designation Process)

- I have been informed the list of positions for the EC bargaining unit that will be designated as essential by the Employer will be sent to CAPE on Friday, June 27.

Bargaining Information

- As promised, CAPE will be posting regular updates of bargaining information on its web site.
- We will also post the bargaining schedule for each bargaining unit.
- Most importantly, we will be posting CAPE's proposals and the Employer's proposals for the TR and EC tables because the conciliation process has been imposed on our EC and TR members.
- The updates will include a summary of information provided by the Employer on the matter of its STD project.

Information Sessions: C-4

- CAPE continues to provide members an opportunity to become familiar with the effects of C-4 on their rights, in various ways.
- The two information sessions, one in English and one in French are scheduled for CAPE and PIPSC members working at the Crémazie building in Gatineau were canceled.
- CAPE will explore the possibility of organizing meetings for September.

Other Meetings

- I was invited to provide a report on collective bargaining to CAPE members at the Health/PHAC local AGM on June 10.
- The local did a great job organizing speakers on various matters.
- The meeting was very interesting as members demonstrated a great deal of interest in negotiations and in issues surrounding the bargaining process and unions in general.

4 c) Finance Committee

The financial statements were reviewed for the period ending April 30, 2014.

4 d) Legislative Review

The updated report was provided.

5) Adjournment

The meeting adjourned at 9:58 p.m.