

**CAPE Executive Committee
Minutes of March 26, 2014
CAPE National Office
Boardroom
5:00 p.m.**

Present: C. Poirier (Chair), B. Black (teleconference), J-L. Bourdages, R. Brockington, A. Butler, S. Gagnon, N. Giannakoulis (teleconference), L. Haméon, S. Jaroudi, A. Kurikshuk-Nemec (teleconference), S. Mullen, G. Phillips, A. Picotte, C. Danik and D. Martin.

Apologies: C. Creran, L. Whitmore, J. Ouellette.

Guest: D. Cooper, National Joint Council – a presentation from 5:00 – 5:30 was provided to the NEC on how the NJC functions and the type of work it does bargaining agents.

1) Items for Approval

1 a) Agenda

Motion: It was moved by A. Picotte, seconded by A. Butler, that the agenda be approved.
Motion carried unanimously.

1 b) In Camera Minutes of February 26, 2014

It was moved by S. Mullen, seconded by A. Butler, that the minutes be approved.

In favour = 11, Opposed = 0, Abstention = 2. **Motion carried.**

1 c) Minutes of February 26, 2014

Motion: It was moved by A. Picotte, seconded by S. Jaroudi, that the minutes be approved.

In favour = 12, Opposed = 0, Abstention = 1. **Motion carried.**

1 d) Approval of New Local

Motion: It was moved by A. Picotte, seconded by G. Phillips, that the Environment Canada Local be approved. **Motion carried unanimously.**

It was suggested that established Locals could become mentors to newly formed Locals.

Matters Arising

2 a) Collective Bargaining (In Camera)

2 b) Economic Reaction Plan (In Camera)

2 c) Update on Strike Pay costs (In Camera)

2 d) Update on Professional Fees

This item was deferred.

3) Substantive Issues for Discussion

3 a) E-communications Policy

This item was deferred.

3 b) CLC/FTQ

- Should we send this to the membership to vote on
- If this goes to a vote then provide financial document
- What are the benefits to joining
- Should we be rebuilding the reserve fund instead
- Members have been asking about this item for a while
- Should this be left to the next NEC
- Surplus coming in 2015/16 – should we delay until then
- Ask CLC to come and do a presentation

Motion: It was moved by A. Butler, seconded by A. Picotte that the National Office proceeds to gather information and arrange for the CLC to do a presentation to the NEC.

In favour = 12, Opposed = 0, Abstention = 1. **Motion carried.**

4) Reports

4 a) President

Several months have passed since Canadian union leaders decided to work together instead of going it alone. The presidents and their advisors have been gathering in meetings, but the real work is being done in the background by the respective staff members of the various national organizations. At the start of this month, the presidents decided to renew the terms of reference of the joint committee on collective bargaining and to flesh it out with the inclusion of the members of another committee that had been tasked with examining the issue of sick leave. Another group focusing on communications has now also been assigned the key issue of mobilization.

Mobilization has been a priority for CAPE since the start of this year. The number of non-members who have signed cards continues to increase. Inactive Locals are organizing. Our members in departments and agencies without Locals have been participating in information sessions and are being motivated to sign applications to establish Locals. The success rate has been very positive, and Jean will be giving a complete report on this subject next month.

I visited the following departments and agencies: Fisheries and Oceans Canada, Environment Canada, Canadian Heritage, the new Department of Foreign Affairs, Trade and Development (formed from the merger of CIDA and DFAIT), and the Canada Border Services Agency. Also, today and tomorrow, our colleagues at the Library of Parliament are holding information sessions on the effect that Bill C-4 will have on the lives of Canadian public servants as well as

on other issues that are currently in the news. Next week, I will be visiting Transport Canada, Infrastructure Canada and Finance Canada. Then I will be travelling to the regions.

Cooperation between unions in the various departments and agencies is growing, with events such as last month's St. Valentine's Day march. A major gathering is also being planned for May 1 at Place du Portage. CAPE is helping to organize this event together with PSAC and PIPSC.

On the collective bargaining front, CAPE has now received the notice to bargain for the TR group from the employer. As was the case for the EC group, the parties have 20 days to hold an initial meeting, which is likely to focus exclusively on the practical aspects of the forthcoming bargaining sessions. Indeed, both the employer and employee sides need to finish their preparation work before they can comfortably launch into the new round of bargaining.

Speaking of negotiations, the National Joint council's Public Service Health Care Plan Partners Committee managed to reach an agreement with Treasury Board on certain changes to the Plan. You will recall that the parties were at loggerheads because of the employer's insistence on unilaterally changing the cost of the Plan for retirees. In fact, the government made this a key element of its February budget. Minister Clement had even threatened special legislation, which brings back some bad memories for us.

The changes to premium contributions will be phased in over a period of five years, and low-income pensioners will be exempted from the increases. Some new benefits will be added: laser eye surgery will be partly covered under the Plan, with a lifetime cap of \$1,000 on reimbursements; repairs and replacement parts for sleep apnea machines will be covered up to \$300 per year; and the limit on reimbursement for psychological services will increase to \$2,000. In addition, the annual deductible for health claims, currently at \$60 for single members and \$100 for family coverage, will be eliminated. We will be keeping a close watch on this file.

As further proof of the growing unity between bargaining agents, CAPE now has a seat on the Joint Learning Program (JLP) Steering Committee. The JLP is part of the Public Service Alliance of Canada's collective agreements. In the last round of collective bargaining, the parties agreed that the JLP would be actively offered to other bargaining agents, which explains our participation in the JLP Steering Committee. Since the collective agreements are expiring this year, it is anticipated that the Program will be extended to as many federal public service employees as possible. New additions to the Program this year will include training on mental health, which will probably be launched in mid-June. This subject will undoubtedly be very popular, given the present state of conditions in the workplace.

I will be meeting with the Leader of the Official Opposition's team tomorrow to discuss expectations for the public service in a post-Harper era. General topics of discussion will include the public service, unions, the effects of Bill C-4 and how better relations between the government and its public service might possibly be rebuilt following the 2015 election. We hope to be able to hold similar discussions with the other parties in the near future.

We will soon be launching a media offensive on the issue of sick leave, using our document on the 9 myths as a starting point. The resignations of the federal Finance Minister and the Premier of Alberta took some of the wind out of our sails, however, since these two stories and the Quebec election have dominated the headlines recently.

4 b) Executive Director of Policy Report

EC Collective Bargaining

- We reported last month that we received a notice to bargain from the employer for the EC group on February 24. As stipulated in the PSLRA, the parties thereafter had an obligation to meet within 20 calendar days (March 16 at the latest) or agree to meet at a later date. We agreed to meet on March 20 for preliminary talks.
- The EC bargaining committee completed the questionnaire for the input survey and the questionnaire was distributed to NEC members for comments as stipulated in the NEC/CBC Communications Statement of Intent on Collective Bargaining. Comments were received from two members of the NEC.
- As the comments were numerous and required more than a technical adjustment of the questionnaire, it was necessary to convene the EC Bargaining Committee to review each and every suggested change and direct the research officer and negotiator.
- Thus, the EC Bargaining Committee met on March 11, reviewed suggestions and decided on appropriate changes to the questionnaire.
- The questionnaire was sent to translation. CAPE's service provider has been working with staff to set the survey up on the service provider's web site. The questionnaire will be tested. And once we have a working survey, the French version will be piggy backed on the structure in order to facilitate the compilation of results and accelerate the data analysis phase.
- The objective is to have the survey ready to allow EC members to begin the survey process next week, probably April 3. The survey period will last two weeks, i.e. until the week before Easter (April 17).
- The EC bargaining committee will meet the week after Easter to review results and work on proposals for the bargaining table.
- The employer has made it clear that it wishes to move more quickly at the bargaining table than they have in the past.
- We expect to exchange proposals in June.

TR Collective Bargaining

- The TR Bargaining Committee met on April 13 to finalize its review of the results from the TR bargaining survey. Direction has been given in regards to the preparation of proposals.
- The national office is working diligently to prepare the proposals for the bargaining table. Priorities have been identified by the TR membership¹. In addition several issues that were outstanding at the end of the previous round have been identified as important.
- Treasury Board provided CAPE with a notice to bargain on March 7 for the TR group. It was agreed that the parties would meet later than the 20-day period.
- We have scheduled two meetings for the bargaining table: a first meeting on April 9 for preliminary discussions, and a second meeting on April 24 to exchange proposals.

LoP- CAPE Joint Committee on Departures

¹ A report summarizing the results of the survey will be provided to the NEC confidentially.

- In April 2013, CAPE and the Library of Parliament agreed to establish a joint union-management committee and engage in meaningful consultation to examine the reasons for the high turnover rate in the bargaining unit. CAPE's Research Officer is the CAPE representative on the Committee.
- The joint committee has been meeting since September, and has determined that surveying former employees on their experience at the Library and the reasons why they left their employment would be a key part of their analysis.
- A survey was developed over the course of two months. Once addresses were obtained for as many former employees as possible, CAPE sent out the survey on March 5th to former employees by email and regular mail. Former employees were given the option of responding by regular mail, email, or online. They could submit their survey either to CAPE or to the Library of Parliament.
- With respect to the online version of the survey, all responses will be sent to a secure data base within FluidSurveys, a survey provider used by the Library of Parliament. All respondents will be treated anonymously.
- The joint committee is meeting in April to review the survey responses and has until the end to May to prepare its report.

LoP- CAPE Consultations: WFA Policy

- Further to extensive consultations with CAPE, the Library of Parliament has made several changes to its WFA Policy that reflects the concerns expressed by the Association's representatives.
- Association representatives are mostly satisfied with the results of the process, though the Policy is not included in the collective agreement as is the case with the NJC directive for our TR and EC members.
- The new policy is significantly improved and is currently in effect.

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.
- Much of our work on this matter has been done with the PSAC. Larry Rousseau, PSAC Regional VP for the NRC and I have been delivering jointly a presentation on C-4 which has been well received. We have done three together and are scheduled for a fourth tomorrow. Larry is very knowledgeable and a great public speaker.

Internal Working Groups

- Performance Management
 - We have finalized the document that will provide members with advice regarding the performance management exercise that will begin officially as of April 1. The document will appear on CAPE's web site Thursday this week, with the customary notice of posting going out to members who have chosen to register for the service.
 - We are also preparing a document for members who may have an unsatisfactory evaluation of their performance in the coming year. The preparation of the document

has been delayed for various reasons, including a review of the content of the document in light of C-4 and in light of recent decisions such as the Cavanaugh decision.

- Workplace 2.0
 - Work is progressing slowly as other matters including C-4 and collective bargaining have become a priority.

4 c) Legislative Reviews

No update this month.

4 d) Executive Director of Operations Report

Internal Matters

We have postponed the appointment of another employee to occupy the Services Coordinator's position in an acting capacity due to operational reasons.

E-surveys

We launched three surveys since our last meeting:

- the LoP collective bargaining survey closed last week – a total of 35 members out of 98 completed the survey.

Mobilization

The responsibility of coordinating the mobilization efforts will cease to be the responsibility of the LRO/Mobilization as of April 1. LROs will continue to carry out mobilization functions. A full detailed report of the activities and results of the mobilization campaign will be provided in early April to the members of the NEC.

Negotiations

The fourth meeting of the Collective Bargaining Committee for CAPE members at the Library of Parliament was to be held on March 21st. It has been postponed to April 15.

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 scheduled for April 30th, 2014.

The PSLRBCC met on March 4th. The members discussed operational matters (mediation, expedited arbitration, retirement of Board members, etc.) and the impact of the implementation of C-4. It is expected that, save and except for the collective bargaining provisions contained in C-4 that have already been implemented, the other provisions will be implemented 12 to 18 months from the date of the legislation came into force.

The date of the next meeting of the PSDPTCCC has not yet been set – this committee meets twice a year.

Representation Files

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

Absenteeism		NJC (benefits)	
Access to information		NJC (Dental)	
Accommodation	11	NJC (FSD)	
Acting Appointment		NJC (health care plan)	
ATIP		NJC (Relocation)	
Authorship		NJC (Transportation All.)	
Bargaining Unit Work		NJC (Travel)	
Benefits		NJC (WFAD)	7
Bilingualism Bonus		Pay	4
Career & Registration Fees		Pension	
Classification	2	Performance Evaluation	5
Code of Conduct		Personal File	1
Consultation		Policy	
Deployment		Political Activity	
DFR		Privacy	
Disability Insurance	3	Probation	2
Discipline	10	RAND	
Discrimination	1	Recruitment Program	
Employment Status		Representation	
Ergonomic Assessment		Resignation	
Fitness to Work Evaluation		Retirement	1
Harassment	15	Return to work	4
Health and Safety		FIP	
Health and Safety (Claim)		Security Status	
Hours of Work	1	Service	
Hours of Work (Overtime)		Staffing	4
Hours of Work (Travel)		Staffing (WFAD)	1
Human Rights		Statement of Duties	4
ICMS		Telework	
Johnson Insurance		Term Employee	
Language Profile		Termination	2
Language Training		Terms and Conditions of Work	
Leave	3	Training Program	
Leave (Annual)	3	Travelling Time	
Leave (Bereavement)		Unfair Labour Practice Complaint	

Leave (Other)	2	Union Dues	1
Leave (Parliamentary)		Union Representation	
Leave (Sick)	5	Work Assignment	1
Leave (Without Pay)	2	Work Location	
Letter of Expectation		Workload	
Maternity Allowance	1	Wrongdoing (Whistle Blowing)	
Medical Evaluation	3		
		Total	99

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 May 23 Dupuis (Relocation – NJC dir.) DFATD

Ottawa June 30 Paquet (Leave) PWGSC (BtB)

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

4 e) Finance Committee

The financial statements were reviewed.

Motion: It was moved R. Brockington, seconded by L. Haméon, that \$54,114.02 be transferred from the Executive Contingency Fund to cover the shortfalls for Professional Fees = \$51,541.08 and Collective Bargaining = \$2,572.94

In favour = 12, Opposed = 0, Abstention = 1. **Motion carried.**

4 f) HR Committee

No report this month. The next meeting is scheduled for April 1, 2014.

4 g) Visioning Exercise Committee

Reviewed survey and the next meeting is scheduled for April 14, 2014.

4 h) Constitution and By-Laws

This item was deferred.

5) Adjournment

Motion: It was moved by A. Kurikshuk-Nemec, seconded by A. Butler that the meeting be adjourned at 9:46 p.m. **Motion carried.**