

**CAPE Executive Committee  
Minutes of September 24, 2014  
CAPE National Office  
Boardroom  
5:00 p.m.**

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

**Apologies:** B. Black, R. Brockington.

**Guests:** President, Canadian Labour Congress  
Chair, CAPE Audit Committee, Sean Maguire

A presentation on the Canadian Labour Congress was provided to the NEC, as requested.

**1) Items for Approval**

1 a) Agenda

Item 1 d) Audited Financial statements was moved as Item 1b) and Item 1f) Approval of new steward was added.

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

1 b) Audited financial statements

S. Maguire advised the NEC that the Audit Committee was pleased to see that its recommendations from last year regarding the Pension Plan and the accounting of travel have been addressed.

The Audit Committee is suggesting that the Auditor's be changed every 3 to 5 years as a good practice.

It was asked why there was an increase in steward's training. There were additional training sessions on mobilization and also some Locals held AGMs earlier in the year.

In regards to the Income tax matter the Audit Committee did not see any need to review other areas but did agree that the membership need to be advised and informed that corrective measures have been put in place.

**Motion:** It was moved by A. Picotte, seconded by C. Creran, that the audited financial statements be recommended to the membership for approval.

In favour = 10, Opposed = 0, Abstention = 2. **Motion carried.**

#### 1 c) Minutes of June 25, 2014

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

In favour = 8, Opposed = 0, Abstention = 4. **Motion carried.**

#### 1 d) Mobilization Job Action Plan

J. Ouellette provided an update on the ongoing work. He mentioned that each Local will receive a list of designations. Communications is a source of concern. Strategy and proposals are being shared – this is unheard of between bargaining agents.

A call for volunteers to establish a Mobilization Committee needs to be sent. It was asked how the members will be selected.

It was recommended that two NEC Directors, two Local Leaders, a representative from the EC and TR bargaining committees and regional representation be the basis for the committee.

It was requested that dates be inputted into the table.

How will the NEC be provided with reports and who would report on the work of the Committee? We need regular and frequent reporting back to the NEC and the Local Leadership Council.

**Motion:** It was moved by A. Picotte, seconded by G. Phillips, to adopt the plan in principle and establish the Committee no later than the end of October. **Motion carried unanimously.**

#### 1 e) President's secondary residence and travel policy

This item was deferred to the next meeting.

#### 1 f) Approval of new steward

**Motion:** It was moved by G. Phillips, seconded by L. Haméon, that T. Tranquilla be approved as a new steward at the Canadian Human Rights Commission.

In favour = 11, Opposed = 0, Abstention = 1. **Motion carried.**

### **2) Matters Arising**

#### 2 a) ServicePlus

J. Ouellette provided an explanation on how the proposed new program for the membership functions. He noted that legal counsel is providing advice on how to end contract with our current program provided.

**Motion:** It was moved by C. Poirier, seconded by S. Mullen, that the President, Chair of Finance Committee and the Executive Director of Operations negotiate the best terms available with PIPSC and enter on behalf of CAPE into a licensing agreement to offer ServicePlus program to the membership as soon as possible. **Motion carried unanimously.**

### **3) Substantive Issues for Discussion**

There were no items for discussion.

### **4) Reports**

#### **4 a) President's Report**

Summer is usually a quiet time for us: a chance to kick back, relax a little and recharge our batteries, but not this year.

This summer, there was no real break in collective bargaining, for example. Even though we did not necessarily meet with the employer, preparations were in full swing.

On the inter-union front, the bargaining agents continued to hold discussion meetings and strategy sessions throughout the summer. We had agreed at the start of the year to hold meetings at intervals of not more than 4 to 6 weeks, and we stuck to that agenda.

In July, PSAC and CAPE negotiators reported on their meetings with Treasury Board. For once, CAPE was running slightly ahead of the larger PSAC, although that was strictly a matter of form. Discussions on concrete issues were still a long way off.

Also in July, the Executive of our new Local at Infrastructure Canada and their labour relations officer organized a meeting with the Associate Deputy Minister in order to lay the groundwork for new cooperation.

I also attended a meeting of the Pension Advisory Committee as an observer. It would appear that Mr. Clement is in no hurry to approve the renewal of my membership in that committee.

I took a two-week vacation in August before the anticipated resumption of activities in September.

September started with the announcement of the names of the candidates in CAPE's general election. It is hoped the campaign will proceed with respect and dignity, but unfortunately I have my doubts.

In the meantime, however, life goes on. Our colleagues at the Health Canada CAPE and PSAC Locals organized a BBQ at Tunney's Pasture to show support for our bargaining teams. Thanks to all involved for their excellent work. The level of participation was good, but we hope to see an even better turnout next time with more advertising.

The day of the BBQ, Treasury Board decided to submit its sick leave proposal to the PSAC bargaining tables. Needless to say, this created quite a stir. The following day, PSAC President Robyn Benson asked to organize a conference call to inform the other unions.

We have since been put on “advance notice” by Treasury Board’s lead negotiator Carl Trottier. His message advised us, out of courtesy, of the contents of Treasury Board’s offer to PSAC. This comes dangerously close to bad faith bargaining.

The bargaining agents met again last week in preparation for the NJC Annual Seminar. It goes without saying that discussions revolved around bargaining. The obstinacy of the government and of its hatchet man, Tony Clement, has had a galvanizing effect on resistance.

This year’s NJC Annual Seminar was held over a period of slightly less than two days. Several activities shed light on some little-known public service jobs. We also observed that there exists a considerable gap between the “everything’s going fine” image which the employer wants to project and the realities observed by the unions. As I told some of the people who gave presentations at the Seminar: “Thanks for not wearing the employer’s rose-coloured glasses.” Of course, these were PSAC representatives who had just told us about the impact that Bill C-4 would have on health and safety. Next year’s scheduled Seminar in Charlottetown was again postponed to a later date. In September of next year, the National Joint Council will likely be meeting in Toronto or elsewhere in Ontario. What was once a priceless networking opportunity will undoubtedly disappear in the next few years.

#### 4 b) Executive Director of Policy

#### **EC Collective Bargaining**

- Initially, Treasury Board had designated Dennis Duggan as the negotiator for the employer at the EC table. Cynthia Nash would be available for continuity purposes as Ms. Nash negotiated with CAPE at the EC table in the last round.
- However, for health reasons, Mr. Duggan was not able to attend meetings at the table in late June. And for the same health reasons, Mr. Duggan retired from the table and Ms. Nash is now the employer negotiator at the EC table.
- The EC Collective Bargaining Committee (EC CBC) met on June 26 for a working session.
- The committee worked on items that had been identified in its package as items to be discussed. Language was drafted by the research officer and negotiator, for review by the committee during the summer.
- On July 22 and 23, CAPE and the employer met at the EC bargaining table. The sessions were used to provide rationale for proposed language.
- In the afternoon of July 23, the EC bargaining committee met for a work session and developed language for other matters that were flagged as issues for discussion at the table. Subsequently, some work was done by means of email.
- Then the committee met again on September 17 to review drafted language and to work on a final set of matters that were identified by the EC bargaining committee as matters to be discussed. The committee completed its work and is now in a position to table its last proposals during the coming session at the bargaining table and to invite the employer to provide the Association with its last proposals.

- The EC bargaining team will meet with the employer's team next week (dates are September 30, October 1 and 2) and also later in October (October 14, 15 and 16).

### **TR Collective Bargaining**

- The parties met at the table in mid-June and returned to the table for discussions on September 17 and 18.
- The employer tabled its long anticipated sick leave and STD proposals on September 18. They were of course identical to the proposals that were tabled a week earlier at PSAC tables.
- The STD proposal was very incomplete and did not contain sufficient information to understand what the plan would actually entail and how it fit into the sick leave proposal. It was said at the table that the union should understand the proposal in the context of the presentation of the STD project by Treasury Board at the table in June. CAPE's team noted that it was not in a position to respond and would not respond to the proposals as they were vague and incomplete.
- The proposals have been posted on CAPE's web site.
- For sick leave the employer is proposing:
  - Reducing the annual entitlement by 66%, from 15 days to 5 days;
  - Ceasing the accumulation of sick leave credits and carry over as of the date when the STD plan would come into effect, i.e. September 1, 2016;
  - Erasing all accumulated sick leave credits on September 1, 2016.
- For the short term disability plan the employer is proposing:
  - A 7-calendar days waiting period during which sick or injured employees would be entitled to pay only if they have sick leave days;
  - 4 weeks of STD benefits at 100% of salary if the employee's claim is accepted;
  - Another 22 weeks of STD benefits at 70% of salary if the employee's claim is accepted;
  - The LTD plan would be changed so that the waiting period would begin once the employee has used the 26 weeks of the STD plan; therefore the waiting period would go from 13 weeks to 26 weeks.
- The four reasons justifying the sick leave and the STD proposals that were presented at the table were:
  1. Ensure revenue continuity for sick and injured employees;
  2. Prevent where possible illness and injury;
  3. Rehabilitate and return employees to work;
  4. Reduce absenteeism.
- CAPE will identify and communicate to the employer what information will be required before it can provide a responsible and well informed response to the employer.
- CAPE presented a series of proposals that were identified as matters to be discussed. Language and rationale were provided.
- The employer presented verbally its proposal on retroactivity. The employer is proposing that the parties agree that retroactivity would be limited to the twelve months that precede immediately the date of signing the collective agreement.

- The employer also raised the matter of the parliamentary leave regime. (Employees working in the core public service but serving parliamentarians must be available at all times, day and night, to provide services. Not only do they not receive overtime pay for work outside of core hours; they receive no pay whatsoever. However, they are entitled to a maximum of 40 days of parliamentary or sessional leave to compensate for the demanding conditions of work special provisions exist in the TR, EC and PA agreements providing such entitlements).
- The TR bargaining team explained that it was prepared to listen. However, it warned that the Association considers the parliamentary leave system the system best adapted to the unique working conditions on Parliament Hill.
- The next day, on September 19, the TR bargaining team met to complete work on proposals that it will be presenting and explaining when it meets next with the employer's team on October 21, 22 and 23.

### **TR designations**

- The consultation process took two months to complete.
- The three final meetings between the employer and CAPE were held on June 27, July 4 and July 8.
- At the end of the process approximately 30% of the TR bargaining unit was designated essential by the employer.
- TR employees encumbering designated positions should have received a letter to inform them of the designation during the month of August.
- It is important to note that the employer can decide to designate at any time more positions. It is the employer's position that it is not required to engage in consultations for any additional designations.

### **EC designations**

- Consultations occurred in July and August. The employer met with CAPE's representative on July 29, August 5 and August 12. Less than 4% of the bargaining unit is designated.
- Letters were to be sent to incumbents of designated positions during the month of September.
- In regards to designations in general, CAPE is preparing information for Locals so that they can prepare for accordingly.

### **Meetings with Locals**

- For the purpose of providing members with as much information as possible in order to make informed decisions, we have been posting on the CAPE web site as much as we can.
- To supplement the reports, I am also meeting with members when invited by locals.
- At this time, I am scheduled to meet with members of the following locals on the following dates:
  - ESDC local on October 9;
  - Infrastructure Canada local on October 10;

- Elections Canada local on October 20 (English) and October 27 (French).
- We are also looking into organizing a meeting for our members at the Crémazie building in Gatineau.

#### 4 c) Executive Director of Operations

##### Internal Matters

Normand Forgues-Roy's term ended on August 28. We have entered into a 50 hour work contract with him to assist in converting some of the PDF documents on our website to a format that meets accessibility requirements.

Claude Archambault was the successful candidate for the term Labour Relations Officer / Mobilization position. Jake Baizana has been hired until February 2015 as a term Labour Relations Officer to replace Mr. Archambault during his assignment.

Isabelle Gaetz has been hired as a term Administrative Clerk, replacing an employee who is on extended leave, and as of September 29 will work with Claude Archambault on mobilization. Suzanne Carré has been hired as a term Administrative Clerk to backfill Isabelle Gaetz's position.

Following a reassignment of administrative duties, Gaston St-Onge has been hired as a term Switchboard Operator and Receptionist. He commenced on September 15.

Finally, Alain Cossette has been hired as a term Communications Officer for a period of three weeks due to an important increased demand for our communications products.

##### Website

The new website was launched on June 17 and we have received positive feedback from members and non-members. Communication staff has been trained to work with the new system and some of the work that was contracted out previously is now being carried out internally. Changes are being made to improve the website on a continuing basis and member's suggestions are always greatly appreciated. We are converting some of the PDF documents on our website to a format that meets accessibility requirements

##### Negotiations - LOP

The bargaining committee met on September 8 to finalize CAPE's collective bargaining proposals. The first meeting for purposes of bargaining will be held on September 25. Negotiations are scheduled for October 28 to 30 and November 18 to 20.

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. As the PSLRB and the PSST will be merging shortly as the Public Service Labour Relations and

Employment Board, no meeting of the yet to be established of the Public Service Labour Relations and Employment Board Client Committee (PSLREBCC) is expected until 2015.

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

#### Representation Files

Due to our present workload, we are not able to provide a breakdown of the major subjects with all of the representation files opened since the beginning of 2014. The information will be provided in the October report.

#### Court cases

The application for judicial review of the decision in the Lebeau case (discrimination – human rights issue – Statistics Canada) before the Federal Court will be heard on November 25.

#### Public Service Labour Relations and Board (PSLRB)

##### Scheduled hearings

There are no cases involving CAPE presently scheduled for a hearing before the PSLRB.

##### 4 d) Finance Committee

This item was deferred to the next meeting.

##### 4 e) Legislative Review

The updated report was provided.

#### **5) Adjournment**

The meeting adjourned at 9:40 p.m.