

**CAPE Executive Committee**  
**Minutes of May 28, 2014**  
**CAPE National Office**  
**Boardroom**  
**5:00 p.m.**

**Present:** C. Poirier (Chair), B. Black (teleconference), J-L. Bourdages, R. Brockington, A. Butler (teleconference 6:30 p.m. – 8:00 p.m.), S. Gagnon, N. Giannakoulis (teleconference), L. Haméon, A. Kurikshuk-Nemec (teleconference), S. Mullen, G. Phillips, A. Picotte, C. Danik, J. Ouellette, D. Martin.

**Apologies:** C. Creran, S. Jaroudi, L. Whitmore.

**Announcement:** C. Poirier advised the NEC that he had received a resignation from L. Whitmore due to workload and personal matters and that he sends his thanks to the NEC. C. Poirier advised that he would send a thank you letter.

**1) Items for Approval**

1 a) Agenda

By-Law # 7 amendment was added to the agenda as item 1 g) and item 4 f) Constitution and By-Laws Committee was moved as Item 1 h).

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

1 b) In Camera Minutes of April 30, 2014

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

In favour = 10, Opposed = 0, Abstention = 1. **Motion carried.**

1 c) Minutes of April 30, 2014

L. Haméon provided some minor wording in the French version of the minutes.

**Motion:** It was moved by L. Haméon, seconded by S. Mullen, that the minutes be approved, as amended.

In favour = 10, Opposed = 0, Abstention = 1. **Motion carried.**

1 d) Approval of New Member on the Communications Committee

**Motion:** It was moved by C. Poirier, seconded by A. Picotte, that M. Parasiuk be approved as a member on the Committee.

In favour = 10, Opposed = 0, Abstention = 1. **Motion carried.**

#### 1 e) Approval of New Steward

**Motion:** It was moved by L. Haméon, seconded by A. Picotte, that D. Harris be approved as a new steward at Status of Women Canada. **Motion carried unanimously.**

#### 1 f) Finance Committee Motions

##### Motion # 1

The Finance Committee recommends to the Executive Committee that the following be transferred from the Executive Contingency Fund to cover the shortfalls for Professional Fees of \$30,654.43 and Collective Bargaining of \$1,297.54 for a total of \$31,951.97.

**Motion:** It was moved by R. Brockington, seconded by L. Haméon that the money is from the Executive Contingency.

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

##### Motion # 2

The Finance Committee recommends to the NEC to review By-Law 4.7 with respect to the frequency, type of receipts and supporting documents that are submitted to the Association.

**Motion:** It was moved by R. Brockington, seconded by G. Phillips, that receipts for all expenses are submitted. **Motion carried unanimously.**

#### 1 g) By-Law # 7 Amendment

It was mentioned that the EC Collective Bargaining Committee had received 7 volunteers and 3 alternate members who were interested to participate on the Collective Bargaining Team. However, By-Law # 7 limits the numbers to six members and only 2 alternates.

**Motion:** It was moved by R. Brockington, seconded by G. Phillips, that By-Law # 7 be amended as below;

B 7.2.3 A CBC will select no more than ~~six~~ **seven (7)** members for the CBT of the EC bargaining unit or the CBT of the TR bargaining unit, in addition to the negotiator. It may choose up to **2 three (3)** alternates.

It was **agreed** to increase B 7.2.4 by one for the CBT and maintain status quo for the alternates.

#### 1 h) Constitution and By-Laws Committee

#### **16. Audit Committee (with all subsequent sections renumbered accordingly)**

16.1 The NEC shall appoint an Audit Committee, with at least one Regular or Pending member from each bargaining unit.

16.2 No member of the National Executive Committee shall be eligible to serve on the Audit Committee.

16.3 The Audit Committee shall review year-end financial statements prepared by the Finance Committee and the Auditor for the NEC's approval.

**Motion:** It was moved by S. Mullen, seconded by L. Haméon, that the above constitutional amendment be recommended to the membership for approval. **Motion carried unanimously.**

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

#### 3 b) Update from HR Committee (In Camera)

The draft report was provided.

### **2) Matters Arising**

#### 2 a) Update on Strike Pay costs (In Camera)

An update on cost scenarios was provided. No matters arising.

#### 2 b) Update on Professional Fees

The updated breakdown of costs was provided. No matters arising.

#### 2 c) E-communications Policy

J. Ouellette provided an update on the policy and informed that NEC that it would be updated as suggested by legal counsel and that it would come into effect on June 15, 2014, if approved by the NEC. It was noted that the Employer has the right to monitor and retrieve information from its networks at any time.

There was a **consensus** that the policy be approved by an electronic vote.

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

#### 3 a) Solemn Declaration process

Local Leaders for whom the Association does not have a signed solemn declaration on file were mailed a request to provide the same. There were some Local Leaders that returned them via e-mail or fax; however the By-Law states that the original must be sent to the national office.

It was **agreed** to allow the solemn declarations to be received via fax and e-mail.

The national office advised the NEC that there was a Local Leader who asked what the repercussions were if they refused to sign the solemn declaration.

**Motion:** It was moved by L. Haméon, seconded by A. Kurikshuk-Nemec, that CAPE officers failing or refusing to sign the solemn declaration in a timely manner be notified that they are forbidden from acting as a CAPE officer as per the Constitution Clause 21.4 and warned that continued attempts to act as a CAPE officer will be met with disciplinary action as provided for in By-Law 5.2.

After further discussion there was a **consensus** that the National Office send another letter advising that if we do not receive a signed solemn declaration that the National Office will notify departments and agencies and the membership, for those Local Leaders who do not submit to the National Office the above-mentioned, that they are no longer authorized to act as representatives of the Association and no longer hold an office as a Local Leader.

### 3 b) Update from HR Committee (In Camera)

This item was discussed In Camera.

### 3 c) Collective Bargaining Strategy (R. Brockington)

This item was In Camera.

## **4) Reports**

### 4 a) President

The month of May came in like a lion this year. For a union that does not have a history of involvement in major public events and demonstrations, we had a strong and visible presence at the May Day BBQ at Place du Portage and the march organized by Solidarity Against Austerity. The promotional efforts by our Locals and National Office succeeded in attracting numerous CAPE representatives, and CAPE's flags were prominently displayed at the front of the demonstration. We hope this will become an annual tradition.

CAPE Locals continued to hold their annual general meetings; a few more such meetings will be held in June before the start of the summer holiday period. Two constants were noted: our members are fed up with a government that systematically abuses its authority and treats them like second-class citizens; and members want to hear some positive news that will allow them to hope for an end to this mistreatment. The forthcoming issue of *Professional Dialogue (Entre professionnels)* was prepared from this perspective, and my closing remarks at the various AGMs also contained a message of hope.

I told our members that we have more power than we suspect, and that we can exercise that power by participating in union activities and in the inter-union solidarity movement, and by becoming involved in the democratic life of our union. Also, we must not overlook our power as taxpayers: political parties are financed by taxpayers like us. We also have power as electors, and we have a duty to exercise our right to vote in order make it clear to the dishonest people who are currently in power that their time is done. I must say that my message was very well received.

Speaking of favourable receptions, I was invited by my good friend Larry Rousseau, the Public Service Alliance of Canada's Regional Executive Vice-President for the National Capital Region, to be a guest speaker at PSAC's Triennial Regional Convention. I spoke to an audience of delegates and representatives of PSAC's national and regional executives about the new spirit of inter-union cooperation that now exists among the 18 federal public service bargaining agents. This may have been the first time the president of another union appeared as a guest speaker at one of these events, but it surely will not be the last. In fact, Larry and I will be working together again tomorrow evening in a "telephone meeting" on the risks surrounding the Ontario election. We will be fielding questions from participants who are on the line.

On the election front, during my tour of the AGMS, I was able to gauge participants' reactions to the "economic (re)action plan" concept submitted to us by our colleague Greg a few months ago. People were initially surprised, but they quickly came to understand that by investing as little as \$10 (an actual after-tax cost of only \$2.50) they could change the outcome of the next election. Many people – myself included – would of course be prepared to make a political donation of more than \$10 to replace their current MP with a more-qualified individual. I also suggested that they include a note with their donation cheque, asking the political party receiving the donation to refrain from attacking public servants and to make a commitment to restore the lost rights of government employees. Members reacted quite favourably to this.

CAPE must change the way it communicates. We must become merchants of hope. We must move past the gloom generated by years of program reviews, budget cuts, workforce adjustment, cutbacks in employee benefits, bad faith bargaining and attacks in the media. The time has come for us to "reply from the mouths of our cannons," to borrow the famous words uttered by Governor Frontenac at the Battle of Quebec in 1690. The federal public service unions have made a commitment to solidarity. Now it is their members' turn to show their colours. We will need flags and placards, of course, but we will above all need the support of colleagues, relatives, children and friends. In short, we will need Canadians to make it clear in no uncertain terms that they have had enough of this government and that it must be replaced.

#### 4 b) Executive Director of Policy

#### **EC Collective Bargaining**

- CAPE's EC members were invited to participate in the EC bargaining input process. An electronic questionnaire was administered over a period of two weeks. The invitation went out to members who have provided CAPE with a personal electronic address; 29% participated, i.e. 2,573 EC members.
- Members were asked whether they wanted their bargaining committee to ask the employer to agree to arbitration as the impasse resolution process for the EC table. 95% of EC members responding to the questionnaire asked that the bargaining committee approach TBS on this matter. The response from TBS came back while I was away from the office. The response was no. Apparently, the TBS is comfortable with using conciliation as an impasse resolution process if ever there was no agreement at the EC bargaining table.
- The EC bargaining committee continued to prepare for the exchange of proposals which is now scheduled for June 11, 2014. The committee met on April 23 and May 27. The proposals package needs fine tuning as a result of the committee's comments on its latest version.
- In addition to the meeting of June 10, the EC bargaining team will meet with the employer's bargaining team on June 24 and June 26.
- As a result of TBS decision to reject, CAPE will need to provide EC members with more information than usual regarding bargaining. CAPE will be posting on its web site its proposals as well as the proposals of the employer before the end of June.
- The EC bargaining committee chose yesterday the members of the EC bargaining team.

## **TR Collective Bargaining**

- The TR Bargaining Team met twice with the employer at the bargaining table, the first time on April 9 and the second time on April 24. The first meeting was a meeting devoted to bargaining logistics. The second meeting was used to exchange proposals and to make general statements.
- We are meeting again on June 17, 18 and 19 at the table.
- TBS has contacted CAPE and provided the notice that kicks off the consultation process for TR positions designated essential to the safety and security of Canadians by the employer. The new process imposed by C-4 replaces bargaining essential positions with a process whereby the employer has total discretion and is only required to consult.
- The employer has advised CAPE of its intention to designate 297 TR positions that are currently occupied by some of the 824 unionized TR employees (36%). The notice provides for a process that would end on July 10.
- The documentation sent to CAPE was entirely in English, a first in TR- Employer relations. CAPE asked that a French version of the documents be provided. TBS has agreed, but will not reset the 60-day consultation period as of the date when CAPE receives the working or French version. CAPE is exploring the possibility of filing an official languages complaint.
- Five dates have been set aside for consultations: May 29, June 6, June 12, June 27 and July 4.

## **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.
- Two information sessions, one in English and one in French are scheduled for CAPE and PIPSC members working at the Crémazie building in Gatineau: the first meeting is scheduled for June 3 and the second for June 4. I will doing a presentation on behalf of CAPE while Denise Doherty-Delorme will be presenting on behalf of PIPSC.

## **Other Meetings**

- I was invited to provide a report on collective bargaining to CAPE members at the STC local AGM at noontime today. ...
- I have been invited to meet with members of the HC/PHAC local in the evening of June 10 at their local AGM.

## **Personal**

- I was asked to be a member of a panel discussing the matter of the future of labour organizations in Canada. On Saturday, April 26, I shared the podium with Larry Rousseau of the Alliance (NCR VP) and Shannon Bittman of the Institute (National fulltime VP), and presented my views to approximately 300 NCR representatives of PIPSC.

#### 4 c) Executive Director of Operations

##### Internal Matters

Chloé St-Jean as part of her communications course at La Cité collégiale is working for a six week period in a traineeship position. Normand Forgues-Roy will be, starting June 3 and until August 28, working in a communications' position three days a week.

##### E-surveys

The Elections' Committee of Local 503 informed us that three members were elected by acclamation to the positions up for election. Accordingly, no e-election will be required.

Our service provides has completed programming work to allow us to manage and administrate bilingual surveys using our Member Information System.

##### Website

The contract for the design and creation of the new website, along with training for the staff and maintenance and support was awarded on April 30<sup>th</sup> to Envision Online. We will begin working with Envision on May 5, and the new website is scheduled to be delivered by June 13, 2014. An opportunity to provide input was forwarded to the members of the NEC and some members, along with staff, provided useful comments and suggestions. We are still planning a June 13<sup>th</sup> launch.

##### Negotiations

The sixth meeting of the Collective Bargaining Committee for CAPE members at the Library of Parliament was to be held on May 16<sup>th</sup>. The members of the committee and staff have almost completed the bargaining proposals. A request for information from the Employer was on May 20<sup>th</sup> and the notice to bargain was served on May 22nd.

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 will be held in June.

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	23	NJC (FSD)	

Acting Appointment		NJC (health care plan)	
ATIP		NJC (Relocation)	
Authorship		NJC (Transportation All.)	
Bargaining Unit Work		NJC (Travel)	
Benefits		NJC (WFAD)	13
Bilingualism Bonus		Pay	10
Career & Registration Fees	1	Pension	1
Classification	6	Performance Evaluation	21
Code of Conduct	1	Personal File	1
Consultation		Policy	
Deployment	1	Political Activity	
DFR		Privacy	1
Disability Insurance	5	Probation	2
Discipline	21	RAND	
Discrimination	4	Recruitment Program	
Employment Status	1	Representation	
Ergonomic Assessment		Resignation	
Fitness to Work Evaluation		Retirement	1
Harassment	29	Return to work	7
Health and Safety	1	FIP	
Health and Safety (Claim)		Security Status	
Hours of Work	2	Service	
Hours of Work (Overtime)	1	Staffing	17
Hours of Work (Travel)		Staffing (WFAD)	1
Human Rights		Statement of Duties	5
ICMS	1	Telework	1
Implementation of MOA	1	Term Employee	
Johnson Insurance		Termination	5
Language Profile		Terms and Conditions of Work	
Language Training	1	Training Program	1
Leave	5	Travelling Time	
Leave (Annual)	4	Unfair Labour Practice Complaint	
Leave (Bereavement)		Union Dues	1
Leave (Other)	4	Union Representation	
Leave (Parliamentary)		Work Assignment	5
Leave (Sick)	9	Work Location	
Leave (Without Pay)	5	Workload	
Letter of Expectation		Wrongdoing (Whistle Blowing)	1
Maternity Allowance	2		
Medical Evaluation	4		
		<b>Total</b>	<b>227</b>



### 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)
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Ottawa Sept. 15 to 19 (Termination)	IRB
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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_e.asp)

[http://www.crtfp-pslrb.gc.ca/hearingschedules/intro\\_f.asp](http://www.crtfp-pslrb.gc.ca/hearingschedules/intro_f.asp)

#### 4 d) Finance Committee

The financial statements ending March 31, 2014 were reviewed. No Matters arising.

#### 4 e) Visioning Exercise Committee

No report this month.

### **5) Adjournment**

The meeting adjourned at 10:25 p.m.