

Canadian Association of Professional Employees

Special Governance Review Committee's *Interim Report*

Presented to

The National Executive Committee

May 30, 2007

Members of the Special Governance Review Committee

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INTRODUCTION

Pursuant to the mandate of the Special Governance Review Committee, the Interim Report provides an overview of the Committee's work and its recommendations to the National Executive Committee (NEC).

OVERVIEW

The Special Governance Review Committee (SGRC) was established in January, 2007 by the NEC. The mandate of the Committee was:

- i. To review CAPE's current model of governance to assess its adequacy in meeting our organization's challenges in providing the best services to our members, defending their interests and protecting their rights.
- ii. To review various models of governance, both within and outside the public sector and to recommend the best model that is conducive to our organization's future needs, responsibilities, and obligations to our members and staff.
- iii. To present an Interim Report to NEC by mid May, 2007.

GENERAL PRINCIPLES

The committee will establish effective decision making processes, ensure accountability at all levels of decision making, and ensure the legitimacy of decisions.

OBJECTIVES

The committee worked to provide recommendations for the following purposes:

1. Encourage elected officers to work together for the benefit of members;
2. Invite greater participation of the local leadership;
3. Make participation in the activities of the organization more attractive to members.

DELIBERATIONS

The committee met on six occasions, and reviewed matters relating to the Annual General Membership (AGM) meeting, the role of stewards, the role of the local

leadership, the role of local leaders, terms of office for all elected officials of CAPE, the electoral process, and the recall process.

SIGNIFICANT ISSUES DISCUSSED AND RECOMMENDATIONS

1. Issue: Low Attendance at Annual General Membership Meeting

The Committee identified that attendance at AGMs has been quite low and agreed that it needs to be enhanced. It discussed how the level of attendance could be increased and made the following recommendations.

Recommendations

- I. Enhance the AGM meeting with an advisory function. The AGM will be empowered to present, deliberate and vote on recommendations to the NEC.

This requires an amendment to the current Constitution to enable AGMs the power to make recommendations.

- II. Enhance the AGM with a requirement that the NEC report back on its decisions regarding recommendations by the AGM.

This requires an amendment to the current Constitution to enable AGMs the power to make recommendations.

- III. Enhance the independence of the AGM by assigning members of the NEC the status of observers. They would not participate in the deliberation or vote on recommendations; they would be expected to answer questions and provide information.

This requires an amendment to the current Constitution to limit NEC's role at AGMs to observer status.

- IV. The President of CAPE will chair the AGM, but would not participate in the deliberation or vote on recommendations. He or she would be expected to answer questions and provide information.

This requires an amendment to the current Constitution to limit the President's role at AGMs to answering questions and providing information.

- V. Enhance the AGM meeting with greater emphasis on learning opportunities (e.g.: guest speakers, films).

This requires a policy addition.

2. Issue: The Term of Office of the National Executive Committee (NEC) Members

The Committee deliberated on this issue extensively and examined the pros and cons of a two year term versus a longer term. It also compared NEC's terms of office with those of other Bargaining Agents in the provincial and federal public sector.

Among other things, the Committee believes that a longer term will create organizational stability necessary for NEC to develop and implement stronger and longer term policies and initiatives. That a longer term will bring an end to the current election process that finds the NEC operating in perpetual elections mode at a significant cost to the Association.

The Committee further believes that a longer term will provide a mandate that allows the time necessary for members of the NEC to develop and foster good working relations which will strengthen the NEC as a whole. The Committee therefore recommends the following:

Recommendations

- I. Move to three year terms for all members of the National Executive Committee.

The process for a Constitutional amendment is in progress – (Re: NEC's Call for the SGM).

- II. Move to non-staggered elections.

No action further to amendment proposed to members for June 18 vote.

- III. Move to elections on fixed dates. (e.g.: in the second week of November)

This requires an amendment to the current Constitution.

- IV. Establish that NEC standing sub-committees will have terms corresponding to the terms of newly elected National Executive Committee members.

Requires a new policy with a renewal, Terms of Reference will be reviewed, as well as membership of the committees;

- V. A call to volunteers would go out with electoral package in the fall.

(There would be two exceptions to the above: the Audit Committee, the Elections Committee as well as other special oversight committees).

- VI. Define the process of NEC appointed stewards, including confirmation of stewards at the beginning of each new NEC mandate.

This requires a new By-Law.

3. Issue: The Local Leadership

The Committee recognized the important role the Local Leadership plays in the organization. It discussed various ways of strengthening the role and made these recommendations.

Recommendations

- I. Reword Article 21 in order to change the Local Leadership to Local Leadership Council (LLC).

This requires a Constitutional amendment.

- II. Enhance the LLC meeting with an advisory function. The LLC will be empowered to present, deliberate and vote on recommendations to the National Executive Committee (NEC).

This requires an amendment to the current Constitution to enable the LLC the power to make recommendations.

- III. Enhance the LLC with a requirement that the NEC report back on its decisions regarding recommendations by the LLC.

This requires a Constitutional amendment.

- IV. Enhance the independence of the LLC by assigning members of the NEC the status of observers: they would not participate in the deliberation or vote on recommendations; they would be expected to answer questions and provide information.

This requires a Constitutional amendment.

- V. The President of CAPE will chair the LLC, but would not participate in the deliberation or vote on recommendations; he or she would be expected to answer questions and provide information.

This requires a Constitutional amendment.

- VI. Establish a secretariat function for the Local Leadership Council, as well as rules.

Requires new policy: (for example, set the quorum, how to invite NEC members, define mandate, etc).

- VII. Set fixed dates for regular Local Leadership Council meetings, one in mid-January for consultations on the budget process, one in June for resolutions to amend the Constitution or By-Laws or to discuss other matters.

Requires a new By-law.

- VIII. Add a regular annual meeting in October of the Presidents of locals with the President of CAPE, as well as the two Vice-Presidents.

Requires a Constitutional amendment.

- IX. Reword Article 21 of the Constitution for greater clarity: identify the members of local executives and stewards as the local representatives.

Requires a Constitutional amendment.

NOTE: The SCGR expressed the need to consult with the Local Leadership on all matters that touch the governance structure of the organization, but most importantly on those matters that directly touch the Local Leadership. A matter considered by the committee but for which it had no recommendation at this time is the term of office of elected local officers and of stewards. It recommends that this matter be reviewed with the Local Leadership.

4. Additional Concerns raised by the National Executive Committee

The following issues were referred to the Special Governance Review Committee by the NEC for consideration. The Committee has not yet discussed these issues and will be doing so in the next phase of its deliberations.

I. NEC Meeting March 28, 2007

It was moved by C. Lakaski, seconded by M. Holyk, that the Special Governance Review Committee address the issue of creating an effective and efficient mechanism for investigating complaints from National Executive Committee or CAPE members.

In Favour = 14, Opposed = 0, Abstention = 1. Motion carried.

It was moved by A. Picotte, seconded by B. McVicar, that C. Lakaski be mandated to advise the Special Governance Review Committee of the above motion as carried. Carried unanimously.

II. NEC meeting – April 25, 2007

Following the approval of the Elections Committee members, the NEC discussed the issue of the composition and selection process of sub-committees members. The NEC agreed to refer this matter to the SGRC.

Therefore, it was moved by A. Sipos, seconded by M. Zinck, that the Special Governance Review Committee review the composition and selection process of sub-committees. Carried unanimously.