

## CAPE Executive Committee

Minutes of January 31, 2007  
CAPE National Office  
Boardroom  
5:45 p.m.

**Present:** J. Aggrey (Chair), C. Card , G. Dussault, M. Holyk, M. Korol,  
C. Lakaski, R. McVicar, L. Perrin, A. Picotte, S. Spano, A. Sipos  
C. Therrien, M. Zinck, C. Danik, J. Ouellette, S. Wensink (A-Secretary).

**Apologies:** D. Martin (Secretary).

J. Aggrey proposed a toast to a good year and a special “Welcome Back” to A. Sipos. He requested that everyone introduce themselves.

### 1. Approval of Agenda

B. McVicar requested a debate on the necessity of the Governance Review Committee because he did not recall the NEC approving the formation of the Committee. J. Aggrey stated that the NEC had already approved the establishment of the committee and he produced a document to support his statement and he also referred to the Minutes of September 13, 2006. B. McVicar stated that the National Executive Committee is still missing a step. J. Aggrey stated this could be further debated when the issue arises on the agenda.

J. Aggrey then added the following items to the agenda:

- item 4 becomes 4.1 and 4.2
- delete item #6 and renumber the remaining agenda items
- add 8.4 ESU/Management Collective Bargaining Team
- add 8.5 LMCC Team
- D.2 - Participation/Representation at Labour Management Relations Committees at Regional and National levels
- D.3 - Participation/Representation at Workplace Health and Safety Committees, Health and Safety Policy Committees at Regional and National levels.

A. Sipos requested that under E.1 – President’s Report, that the President informs the NEC what he intended to do about the February 6, 2007 deadline given by R. Oslund to respond to his e-mail.

It was moved by C. Lakaski, seconded by M. Zinck, that the agenda be approved, as amended.

In favour = 12; Against = 1; Abstention = 0. **Motion Carried.**

## **2. Approval of Previous Minutes**

It was moved by M. Zinck and seconded by M. Korol, that the minutes of November 8, 2006 be approved.

In favour = 10; Against = 0; Abstention = 3. **Motion Carried.**

## **3. Rules of Procedure for Meetings**

J. Aggrey presented selected sections of interest from Bourinot's to remind the NEC the Rules of Procedure for Meetings. ([See attachment – Annex A](#))

## **4. Finance Committee Recommendations**

### November 21, 2006 Recommendations

#### Recommendation #1 - Investment Strategy:

The Finance Committee recommends to the National Executive Committee that CAPE obtain three (3) bids to devise an investment strategy as the Auditor has recommended.

J. Aggrey said he will obtain advice from Legal Counsel as a first step to insure the Association is following the Laws and Standards of the Trustee Act. **Tabled.**

#### Recommendation #2 - Changing CAPE's financial year end:

The Finance Committee recommends to the National Executive Committee to change the Association's fiscal year end to April 30 starting with the fiscal year ending 2008.

J. Aggrey gave the background and rationale for the change.

It was moved by A. Picotte, seconded by C. Therrien that the above recommendation be approved.

In favour = 13; Against = 0; Abstention = 0. **Motion Carried.**

January 23, 2007 Recommendations:

Recommendation # 1 - Shortfall of Printing – AGM/SGM.

The Finance Committee recommends to the National Executive Committee that \$4,401.64 be transferred from the Executive Contingency Fund to cover the shortfall of “**Printing – AGM/SGM**”.

It was moved by M. Zinck, seconded by A. Picotte that the above recommendation be approved.

In favour = 12; Against = 0; Abstention = 1. **Motion Carried.**

January 23, 2007 #2 - Shortfall of Meetings – AGM/SGM.:

The Finance Committee recommend to the Executive Committee that \$2,633.10 be transferred from the Executive Contingency Fund to cover the shortfall of “Meetings – AGM/SGM”.

It was moved by M. Zinck , seconded by A. Picotte that the above recommendation be approved.

In favour = 12; Against = 0; Abstention = 1. **Motion Carried.**

January 23, 2007 #3 - Clarification on the use of Contingency Funds

The Finance Committee recommends to the National Executive Committee that the National Executive Committee clarify whether the CAPE Constitution requires that shortfalls in the line items must be covered by the Contingency Fund.

J. Aggrey explained that no motion is necessary as it is clearly stated in the CAPE Constitution (Article 12.3.4) that any shortfalls are to be covered by the Executive Contingency Fund.

C. Therrien explained why this issue had been raised at the Finance Committee meeting.

**5. Approval of New Locals (New Brunswick and NRCan)**

Members discussed the need for information on new Locals before being approved. J. Ouellette explained that he has been working on a policy to approve new Stewards' and/or Locals. It was pointed out that the new Local was New Brunswick and not Moncton.

It was moved by M. Zinck, seconded by A. Picotte that a New Brunswick Local be approved.

In favour = 13; Against = 0; Abstention = 0. **Motion Carried.**

There was not enough information to approve the NRCan Local. J. Aggrey will send apologies to NRCan. **Tabled.**

## **6. Vacant Positions on NEC**

J. Aggrey informed the NEC that there was no general call to the EC group for filling the vacancies and suggested that the NEC could approve the names submitted or could wait until a general call is made.

It was moved by C. Therrien, seconded by C. Lakaski that a Call to EC Members be sent out with respect to vacancies on the National Executive Committee.

In favour = 12; Against = 1; Abstention = 0 **Motion Carried.**

## **7. Professional Services Report – C. Danik and J. Ouellette**

### **Negotiations**

#### **Financial Incentive Plan (FIP)**

Three meetings of the bargaining committee have been held and has;

- Drafted and sent out the questionnaire and analyzed the results
- Choose the members of the bargaining team (see our Internet site)
- Determined the dates of negotiation meetings in February and March – the first meeting is scheduled for February 12

We have identified four problems that will be brought to the bargaining table.

The employer has advised that the composition of its bargaining team will be different; the TB negotiator will not participate in some bargaining sessions.

#### **Bargaining agent responsibility for collective agreements:**

- Late last year, a localized problem came to the attention of the national office, and that could have been averted with better communications between the local and the national office.
- The matter was related to the interpretation of a collective agreement.
- As a result of this incident, I have decided in consultation with the Director of Labour Relations to prepare a letter to be sent to CAPE stewards and local leaders.
- The letter encourages stewards and directors to communicate with their LROs for interpretations of the collective agreement before they agree to arrangements proposed by the employer.

### Meeting with Treasury Board:

- Further to an invitation from Treasury Board, representatives from CAPE, PIPSC and the PSAC met with Treasury Board representatives to discuss possible changes to the grievance clauses of their various collective agreements.
- The new Public Service Labour Relations Act creates new types of grievances.
- The parties decided that it would be productive to engage in preliminary talks before approaching the bargaining table with proposals on the matter.
- It should be noted that CAPE raised the issue of adapting its collective agreements to the new legislation in 2005.

### The TR table:

- The TR bargaining committee had its first meeting of 2007 on January 18.
- Last December, the committee invited TR stewards and local leaders to participate in the preparation of the membership input questionnaire.
- January 18, the committee spent the entire day reviewing proposals, and began shaping the questionnaire.
- There is another meeting scheduled for tomorrow, February 1st.
- Notice to bargain will be sent to the employer, Treasury Board, prior to the expiry date of the TR collective agreement.

### The EC table:

- The EC bargaining committee met twice since the last NEC meeting: on December 14 and, yesterday evening.
- Further to an earlier decision to not have another questionnaire, the committee decided that it would gather new proposals (1) through the EC local leadership network, and (2) by means of the CAPE web site.
- Research was done in order to determine the cost of purchasing labour market data. A decision was made regarding the appropriate consulting firm, and the breadth of the survey.
- Data will be available for our other bargaining tables.
- However, CAPE's national office will be responsible for generating the reports.
- The committee discussed PSHRMA's progress with the EC classification standard and how the progress will impact on the committee's preparation for the bargaining table.
- Meetings are scheduled for Tuesday, February 27, Tuesday March 27, Thursday April 26, Tuesday May 29 and Thursday June 28.

## **Service Wide Consultations**

### **The new EC classification standard:**

- Since the last meeting of the Executive, there has been one meeting of the EC Group Advisory Committee, on December 5.
- The meeting generated a series of questions from CAPE as information from PSHRMA did not appear to be consistent with information provided in September.
- There was also discussion of progress with work description writing in departments.
- It appears that some departments will not complete the writing until June 2007.
- PSHRMA explained also that it was not going to force departments to use a work description format corresponding to the new standard.
- CAPE's representative expressed concern, and reminded departments that they should be sensitive to the fact that collective bargaining was just around the corner.
- CAPE also stated that evaluation of work descriptions that are not in the proper format will be considered suspect, and members will accordingly be encouraged to file grievances.
- There were further discussions between CAPE and PSHRMA away from the EC Group Advisory Committee consultation table.
- PSHRMA will provide CAPE shortly with a final version of the standard; PSHRMA will be leading the coordination of department work description writing; it is committed to providing ES and SI employees with a copy of the standard prior to the Advanced Personal Notification;
- Once CAPE receives the final version of the standard, it will complete Part II of the advice document that was sent to EC stewards and posted on the CAPE web site.

### **LoP members and the issue of staffing competitions in the PS:**

- C-2 received royal assent on December 12.
- The new legislation amends the PSE ACT and makes it possible for our members at the Library of Parliament to compete on internal public service wide competitions.
- CAPE is in the process of preparing an information meeting with our LoP members to explain staffing in the public service.
- Concomitantly, CAPE will contact Treasury Board to explore the possibility of expanding the definition of continuous employment to include service on Parliament Hill.
- This change would allow our members to carry over to the PS leave entitlements defined by the term "continuous employment".

## Representation

### LMCC :

- NJC meetings of the Dental Care Board of Management on January 18 and upcoming meeting of the Official Languages Committee on February 6;
- Local LMCC at Statistics Canada on December 7 – CAPE raised the issue of EC conversion)
- Local LMCC at Heritage Canada on January 16 – CAPE raised the issue of EC conversion)
- LMCC at IRB on January 25 and upcoming LMCC at Public Safety and Emergency Preparedness Canada

### Member Representation – important cases :

- WSIB case - This file was presented to the WSIB Appeals Resolution Officer. The claimant in this case objected to the denial of: 1) loss of earnings, 2) initial entitlement and 3) traumatic mental stress. At the initial level of the WSIB appeals process, a decision from an adjudicator was rendered and it was recognized that the employee did suffer a work related injury. The adjudicator did not allow any loss of earnings benefit due to the fact that the employer had offered suitable accommodation to the injured worker. The merit of this case related to the duty to accommodate and the employers obligation in accommodating the physical limitation caused by the work related accident. The Appeals Resolution Officer in her decision found that the employer did make all possible efforts in trying to accommodate the claimant and the appeal was denied.
- SI Classification grievances (2 files) - the issue was that the level of the two positions should be increased from SI 2s to SI 3s. The grievances were presented to the classification grievance committee members and in their decision, the committee accepted our argument that two of the factors, “Responsibility for Contacts” and “Supervision” should be amended and allowed more points under the SI standards. The review of the two factors resulted in an increase of 29 points and this was sufficient to bring the two positions to the next level, SI 3. The committee’s decision was accepted by the department; the effective date is November 2002.
- A member of CAPE filed appeals under section 21 of the Public Service Employment Act. The Appeal Board allowed the member’s appeal with respect to two (2) allegations. The appellant was of the opinion that the Appeal Board Chair erred in her decision, since she allowed certain documents into evidence based on serious credibility concerns that seriously impacted on the marking of certain key questions which in the end prejudiced the merit principle. A legal opinion held that a judicial review application would probably not be successful for a number of reasons. The decision has a heavy factual component and therefore the Court would likely apply a higher standard of reasonableness, or possibly even patent unreasonableness in this case. Second, the appellant was

successful in his appeal and therefore the Court is less likely to be sympathetic to his case.

- Three SI members filed classification grievances on September 28, 2005 following a classification review of their position by a Committee. Following the recommendations of a classification grievance committee decision on December 12, 2006, it was decided that the 3 SI 1 members should be re-classified at the SI 02 level retroactive to November 2003.
- An employee appealed his fifth place result in a competition to staff four SI-03 positions. The appeal was upheld and the competition cancelled in its entirety since the selection committee has not uses its options to shorten the staffing procedure. The poster was issued on October 14, 2004 and the testing of candidates was held on February 24, 2006. It was held that the merit principle had not been respected as the delay was unreasonable and it had created a situation whereby some candidates were at a disadvantage. The employer will have to start the process anew under the provisions of the new PSEA and complete it in a reasonable period of time.
- Cases of two members that we decided not to represent for different reasons. In both cases, PSLRB adjudicators who heard their cases have ruled that their grievances were without merit and rejected them.

#### New LRO and amendment to assignments:

- Isabelle Germain started January 8, 2007. She was working at Transport Can. and her background there was mostly in staffing. She has a degree from UQO in Industrial Relations and past experience in labour relations in the private sector. Comment on renewal and gender representation.
- This led to a reorganization of the assignments. Major change say Bertrand Myre take on the responsibility of the Translation Bureau which he will keep – Isabelle Borré will be assigned other departments when she returns to work in late March 2007. Isabelle Germain has taken on a large part of Bertrand Myre's previous departments, the Québec Region and the NJC Official Languages Committee.

#### NEC Policies

- CAPE's privacy policy has required adjustments to some of its operations, including the manner in which the national office provides membership lists to its locals. A draft policy has been drafted and it stipulates that local leaders who wish to obtain a copy of a membership list for their local must sign a form in which they acknowledge having read the policy and that they agree to limit the use of same to CAPE activities. It should be finalized for presentation at the next NEC meeting.

- The LRO's have raised a number of concerns as to the impact of CAPE's privacy policy on how they carry out their representation duties and how they maintain files. The concerns will be discussed with legal counsel and, if required, amendments to the policy will be submitted to the NEC.
- A draft policy has been prepared to establish an internal process on the appointment by the NEC of stewards where there are no locals and the creation of locals. It will be discussed internally before being presented to the NEC for discussion and approval.

### Internal Matters

As of January 1<sup>st</sup>, the new information and communication protocols have been in effect.

- We are gradually getting each process into place and I am generally pleased with the staff's buy-in, and the results.
- We are monitoring the implementation, and there will be a review of the processes in June.
- I have prepared a letter for the local leadership explaining the new services that the national office will be able to offer as a result of the new protocols.
- The national office will make available to local leaders a press clipping service as well as a web scanning service.
- In addition, locals are invited to provide the national office with the notices, agendas and minutes of local meetings, and LMCC meetings with the employer. The information will be posted on the CAPE web site. CAPE will also post local newsletters.

### ESU/CAPE collective Bargaining:

- The ESU/CAPE collective agreement expires February 28, 2007 and ESU has already served notice to bargain.
- Management team has started drafting the employer's bargaining demands.
- We need four volunteers from the NEC to make up the employer's bargaining team – one negotiator in chief (spokesperson) who has prior experience at the bargaining table with ESU and three other negotiators – seeking to balance experience, gender, language, etc.
- I have been asked to act as advisor to the employer's bargaining team and look forward to that role.

### ESU/CAPE LMCC:

- While drafting the employer's bargaining proposals, it was determined that there are a number of issues and matters that should be discussed with ESU at a LMCC. We will request that one be held, probably in February.
- We need two volunteers from the NEC to make up, with the four members of the management team, the employer's LMCC representatives

## **8. NJC Seminar**

J. Aggrey explained for the new members on the NEC what the NJC is and what happens at the Seminar. He informed members that he was bringing this to their attention early for volunteers to prepare themselves for the Seminar which is held in September of each year.

J. Aggrey proposed the following be selected to attend this year;

C. Lakaski, L. Perrin, M. Korol, M. Zinck, J. Aggrey, C. Danik, J. Ouellette and H. Paris.

It was moved by C. Therrien, seconded by S. Spano, that the proposed names by the President be accepted.

In favour = 13; Against = 0; Abstention = 0. **Motion Carried.**

M. Holyk requested that J. Aggrey communicate to the NJC that more Labour input be put forth.

C. Therrien attended the NJC and noted that the salary for this event is covered by Management.

A. Sipos suggested that perhaps an additional person could attend if members left only on the day prior to the seminar as there would be a savings in costs and these savings would cover the costs of the additional person.

J. Aggrey agreed to bring this issue up at a later date.

## **9. New Sub-Committees**

### **Governance Review Committee**

C. Therrien requested a debate on the usefulness of this committee. Concerns were raised that this committee would infringe upon the Constitution and By-Laws Committee. M. Zinck stated that the Governance Review Committee would come up with ideas and that it would then go to the Constitution and By-Laws Committee for comment and to implement the changes.

J. Aggrey called the question – Do the members wish to establish a Governance Review Committee.

It was moved by B. McVicar, seconded by M. Zinck, to establish the Governance Review Committee

In favour = 13; Against = 0; Abstention = 0. **Motion Carried.**

J. Aggrey proposed the following names: L. Perrin, C. Lakaski, C. Therrien, P. Rosen, M. Korol, M. Zinck, C. Card, A. Picotte and S. Spano.

A. Sipos asked to be included on the Subcommittee and M. Holyk intervened on A. Sipos' behalf. M. Zinck responded by saying that the proposed number of members for the Subcommittee is larger than he had expected and that the number be kept as proposed by J. Aggrey.

It was moved by A. Picotte, seconded by C. Lakaski, to approve the list of names, as proposed.

In favour = 8; Against = 5; Abstention = 0. **Motion Carried.**

### Audit Committee

J. Aggrey proposed the following names: J. Mrenica and F. Beauregard-Tellier and stated that he has requested the TRs to identify a TR member to join this Committee. Any member so identified will be presented to the NEC for approval.

It was moved by C. Therrien, seconded by M. Korol, to approve the list of names, as proposed.

In favour = 13; Against = 0; Abstention = 0. **Motion Carried.**

### Task Force on Membership Participation

J. Aggrey proposed the following names: C. Lakaski, to Chair, B. McVicar, G. Dussault, S. Lawson and L. Perrin, A. Sipos and M. Holyk.

A. Sipos and M. Holyk withdrew their names.

A. Sipos asked if there had been a call, and finds this very limiting. J. Aggrey explained that he was exercising his right as President.

M. Holyk finds this procedure to be very undemocratic and requested this be put on record.

S. Spano stated that NEC members are elected and should be able to make judgment calls on important matters. However, if the concern is about the process then this issue should be open for discussion. G. Dussault agreed.

It was moved by M. Zinck, seconded by C. Lakaski, that the proposed list of names be approved noting the two withdrawals.

In favour = 13; Against = 0; Abstention = 0. **Motion Carried.**

### CAPE/ESU Collective Bargaining Team

J. Aggrey proposed the following names: M. Korol, C. Card, A. Picotte and S. Spano.

It was moved by M. Zinck, seconded by C. Lakaski, that the proposed list of names be approved.

In favour = 12; Against = 1; Abstention = 0. **Motion Carried.**

### CAPE/ESU Labour Management Consultation Committee

J. Aggrey proposed the following name: A. Sipos

It was moved by C. Therrien, seconded by A. Picotte, that A. Sipos be approved.

In favour = 13; Against = 0; Abstention = 0. **Motion Carried.**

## **10 Reconfirmation of current Sub-Committees and membership**

### Communications Committee

It was moved by M. Zinck, seconded by L. Perrin, that the following members be reconfirmed;

M. Korol, C. Therrien, A. Picotte, B. McVicar and P. Rosen.

In favour = 12; Against = 0; Abstention = 1. **Motion Carried.**

### Constitution and By-Laws

C. Therrien requested clarification as to the need for bios. D. Brackley had requested to remain on the Committee, but had been informed by the President that he would need to submit a bio. C. Therrien was in disagreement as D. Brackley's bio was public knowledge as he had been on the NEC and had run for President in the elections. J. Aggrey explained that he had already sent D. Brackley an email to address the issue.

It was moved by M. Zinck, seconded by M. Korol, that the Committee and the following members be reconfirmed;

C. Therrien, C. Lakaski, D. Brackley, M. Monaghan, R. Oslund, A. Picotte, P. Rosen and S. Spano.

In favour = 10; Against = 0; Abstention = 0. **Motion Carried.**

## Finance

It was moved by A. Picotte, seconded by C. Lakaski to reconfirm the following members;

A. Picotte, C. Lakaski, L. Perrin, L. Gervais, K. Kostenbauer, M. Monaghan, and C. Therrien.

In favour = 12; Against = 0; Abstention = 1. **Motion Carried.**

## Young Members Advisory

The names of the current committee members were not available at the time of the meeting. **Tabled.**

## Equal Opportunity and Diversity

J. Aggrey proposed the following names: J. To-Thanh-Hien, T. Belliveau, C. Toone and T. Yokoyama.

C. Therrien requested to join.

It was moved by C. Therrien, seconded by M. Zinck, that the proposed list of names, including C. Therrien be approved.

In favour = 13; Against = 0; Abstention = 0. **Motion Carried.**

It was noted by A. Sipos that there were exceptions for some committees and not for others. M. Zinck agreed and that this should be an issue covered in the By-Laws.

## **11. Substantive Issues for Discussion**

### Communications Committee

It was explained by M. Korol that an issue had arisen from the Communications Committee that warranted some urgency. The Communications Committee proposed that the portraits of the past Presidents should be displayed in the offices of the Association.

J. Aggrey explained that the portraits would be M. Dubois and L. Pomerleau, formerly with CUPTE, and J. MacKinnon and W. Krause, formerly with SSEA.

It was moved by B. McVicar, seconded by M. Zinck, that portraits of the past Presidents be displayed in the offices of the Association.

In favour = 11; Against = 1; Abstention = 0. **Motion Carried.**

Participation/Representation at Labour Management Relations Committees and Workplace Health and Safety Committees, Health and Safety Policy Committees at Regional and National levels

M. Holyk expressed concern that there is not representation with respect to these issues and inquired how this was being dealt with in other departments/committees. She asked if the Association has a policy with respect to this and does an LRO have to be present at these meetings?

J. Ouellette explained the role and responsibilities of the LRO's and Locals as it pertains to LMCC's and OHS.

**12. President's Report**

Public Service Health Care Plan

Discussions around the structure of the Public Service Health Care Plan Trust have been going on for a few years. I sat on a Pre-Partners Committee that developed both the Letters Patent for the Federal Public Service Health Care Plan Administration Authority (FPSHCPAA) and the Terms of Reference for the PSHCP Partners Committee.

The PSHC Administration Authority has replaced the PSHCP Trust. The Authority is governed by a Board of Directors.

For your information, the NJC at its meeting on January 16, 2007 approved the establishment of the Authority, approved the letters patent, recommended a candidate for Chair, recommended candidates for Bargaining Agent representatives, and recommended a Pensioners' representative. As well, it agreed to establish the Partners Committee and to appoint members to this Committee.

The following have been appointed as Officers to the Board of Directors of the FPSHCPAA: Patty Ducharme (PSAC), Mike McNamara (PSAC), Rudy Loiselle (PIPSC), and Paul Morse (Ex-IBEW). Martha Hanna was proposed as Chair of the Authority.

The following were appointed to the Public Service Health Care Plan Partners Committee: John Gordon, President (PSAC); Michèle Demers, President (PIPSC), and Ron Cochrane, Executive Director (PAFSO).

A. Sipos reminded the President that she had requested what his response would be to the e-mail from R. Oslund, and if the NEC would have the opportunity to see the response first.

J. Aggrey offered to discuss this issue with A. Sipos after the meeting.

TR Negotiating Team

A member of the TR negotiating Team has resigned but the negotiator said that the team will continue without a replacement.

**13. Adjournment**

It was moved by M. Zinck, seconded by M. Korol, that the meeting be adjourned at 9:45 p.m. **Motion Carried.**

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Date

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J. Aggrey  
Chair