

CAPE Executive Committee

Minutes of April 30, 2008

CAPE National Office

Boardroom

5:45 p.m.

Present: J. Aggrey (Chair), J-R. Benoit, C. Card, G. Dussault, M. Holyk, M. Korol, C. Lakaski, R. McVicar, L. Perrin, A. Picotte, A. Sipos, S. Spak, C. Therrien, M. Zinck, C. Danik, J. Ouellette, D. Martin.

Apologies: S. Spano.

1 a) Approval of Agenda

The following items were added under:

1) Items for Approval

d) Add new local for NWT

i) Approval of new stewards

j) Move Finance Committee up on the agenda from item 5 a)

k) Responsibilities of Executive Director

2) Matters Arising

f) Training plan for staff

Motion: M. Zinck moved, S. Spak seconded, that the agenda be approved, as amended. **Carried unanimously.**

1 b) Approval of Minutes of March 26, 2008

L. Perrin requested that under Representation in the second bullet, that the following sentence be removed "The organization the member belonged to is non-theist and non-spiritual".

Motion: M. Zinck moved, C. Card seconded, that the minutes be approved, as amended.

In Favour = 12, Opposed = 0, Abstentions = 2. **Motion Carried.**

1 c) Approval of Special Minutes of April 4, 2008

L. Perrin noted that under his motion in the French version of the minutes that the words "règles de" should be deleted and add an "s" at the end of the word

“procédure”.

Motion: M. Korol moved, J-R. Benoit seconded, that the minutes be approved, as amended.

In Favour = 11, Opposed = 0, Abstentions = 3. **Motion Carried.**

1 d) Approval of New Locals at PWGSC and NWT

Motion: M. Zinck moved, C. Therrien seconded, that a new Local at PWGSC be approved. **Carried unanimously.**

Motion: S. Spak moved, C. Therrien seconded, that a new Local in the NWT be approved. **Carried unanimously.**

1 e) Volunteers to NEC Vacancy

There were 11 volunteers submitted to the NEC vacant position. It was agreed that a vote by secret ballot would be used to select the candidate.

C. Danik referred the NEC to Article 8.3 of the Constitution which states the following “A bargaining unit shall have a Director for each 1,000 individuals or part thereof” and would they therefore not be selecting two (2) candidates?

J. Aggrey stated that he interprets this Article to mean that a bargaining unit would require 1,000 or more additional members in order to increase the number of Directors per bargaining unit. He mentioned that he had requested a legal opinion on this matter earlier in the year but he did not have the opinion and he could ask for it again.

M. Holyk challenged the Chair on his interpretation on the meaning of “or part thereof”.

There was a consensus of the NEC that the President’s interpretation was incorrect and that Article 8.3 was unambiguous and it is stated clearly. There was a consensus that the NEC should be voting to add an additional EC NEC member on the Committee. It was further mentioned that there was no need to get a legal opinion and not to spend money on the matter.

Motion: C. Therrien moved, A” Sipos seconded, that the NEC appoint two (2) new members. One (1) to fill the vacant position and one (1) to fill the additional EC position in accordance with the bargaining unit numbers as of the fiscal year end.

In favour = 9, Opposed = 0, Abstentions = 5. **Motion Carried.**

1 f) Approval of Elections and Resolutions Committee

Motion: C. Therrien moved, C. Card seconded that Larry Deters, STC and Jackie Leblanc, PWGSC, Michael Dewing, LoP and Jill Finley, TBS, be approved as the 2008 Elections and Resolutions Committee. **Carried unanimously.**

1 g) Approval of new members to Equal Opportunities and Diversity Committee

Motion: C. Therrien moved, B. McVicar seconded , that the Gary Aslanyan PHAC, Hong Qiu, HRSDC, Wenqin Shao, HC and Michael Zinck, VAC be approved as new members on the Committee. **Carried unanimously.**

C. Therrien recommended that a budget of \$10,000 be allocated for this Committee and that it be publicized accordingly.

1 h) Approval of Policy on Awards and Recognition

J. Aggrey noted that under section E. Selection Process all references to deadline dates were not deleted in the English version. L. Perrin noted some editorial corrections in the French version and also mentioned that the gender references throughout the policy are in masculine form only and that it should reflect the use of both genders.

Motion: C. Therrien moved, M. Zinck seconded, that the policy be approved in principle.

S. Spak was absent for the vote.

In favour = 9, Opposed = 3, Abstention = 1. **Motion carried.**

At this point of the meeting, A. Sipos noted that due to the amount of time past and the important issues left remaining on the agenda that require the NEC's approval and that meetings are not to last more than three (3) hours she therefore proposed the following;

Motion: A. Sipos moved, C. Lakaski seconded, that the NEC rescind its previous motion to adjourn meetings after three (3) hours.

In favour = 8, Opposed = 6, Abstention = 0. **Motion carried.**

1 i) Approval of New Stewards

D. Martin mentioned that since the NWT Local was just approved by the NEC and that they do not have a Local Executive Committee in place yet to approve their own stewards could the NEC approve the application forms from two members to become stewards there.

Motion: C. Therrien moved, M. Zinck seconded, that the NEC make an exception this one time in order to approve Brooke Harker and Julie Jackson as new stewards in the NWT Local. **Carried unanimously.**

1 j) Finance Committee Recommendations

L. Perrin noted that there was a recommendation by the Finance Committee that was provided to the NEC and that the recommendation was as follows;

The Finance Committee recommends that the NEC recommend to the Communications Committee to think of business cards for the Local Leadership Council members to be included in the promotional budget.

Motion: A. Picotte moved, C. Therrien seconded, that the Communications Committee suggest a generic model and cost estimate of business cards and provide this information to the NEC. **Carried unanimously.**

Motion: A. Picotte moved, C. Therrien seconded, that NEC approves the Finance Committee to add \$5,000 to the promotional material budget.

In favour = 12, Opposed = 0, Abstentions = 2. **Motion Carried.**

1 k) Responsibilities of Executive Director

These are speaking notes from C. Danik on this matter.

- I don't often come to the NEC to request your support on a matter; this is in fact the first time; it is important.
- It is a delicate issue; and I would hope that we can avoid personalizing the issue and focus on decision making processes and not on individuals.
- Earlier this week as I opened my e-mail at home to do some work before leaving for the office and I found an e-mail message from the President advising me that henceforth the Director of Labour Relations would no longer be reporting to me; he would be reporting directly to the President.
- The President's decision is in fact a major re-organization of the national office, of reporting relationships, of the functions of the organization; as a result, of the 12 staff members that reported to me 8 were taken away from me; this action as well as other actions by the President have for all intents and purposes taken away from the position of Executive Director

most of its responsibilities; considering that a major part of the Executive Director's time over the past few years has been devoted to bargaining, and considering that bargaining is in fact a responsibility of the President which has been delegated to the Executive Director, only the responsibilities regarding communications and research remain with the executive director; considering that these duties would not suffice to justify a full position, this all looks a lot like constructed dismissal.

- The President may not be fully aware of the consequences of his actions; this would be terribly sad; he may not be aware that he does not have the authority to take such action; but the results are very real, regardless.
- I don't believe that the Executive Director deserves to be treated in this fashion, with an e-mail message sent at 5:50pm; the Executive Director was never consulted on this matter; to the best of my knowledge, the director of labour relations was never consulted; nor was ESU the staff union though several members of the union will be affected.
- I don't challenge the right of the President to consider re-organizing the national office; but, I feel that the manner in which he proceeded demonstrates a lack of respect for staff, as well as a serious lack of knowledge about such matters and mostly a very serious lack of judgement.
- Considering that the Constitution does not allow him to make such decisions, I would ask that the NEC direct the President accordingly and advise the President that if he wishes to re-organize CAPE's national office that he proceed in the appropriate manner with consultation of all interested persons, i.e. the Executive Director, the Director of Labour Relations and the staff union.
- I would ask for your support in this matter.

An open discussion ensued. Most members of the NEC individually expressed their support of the Executive Director. The President answered that he did not intend to fire the Executive Director. When he changed the reporting relationship, it was because he wanted information from the Director of Labour Relations. He apologized to the Executive Director and expressed his respect.

It was suggested by some members of the Executive Committee that mediation may be a way to solve differences between the President and the Executive Director since it is obvious that the working relationship has suffered or is most certainly damaged now.

The Executive Director answered that he never said that he was too busy to provide the President with information and that mediation between the President and Executive Director is possible; however, the Executive Director is far from being the only person in the national office who has had problems with the President.

Motion: L. Perrin moved, G. Dussault seconded, that the decision by the President be suspended right away until consultation has been done, and, the decision be submitted to the NEC with the rationale on the reorganization.

In favour = 9, Opposed = 0, Abstention = 5. **Motion Carried.**

Motion: L. Perrin moved, G. Dussault seconded, that a Special General meeting be called under Article 18.01 to remove the President from office.

L. Perrin requested a recorded vote be taken.

C. Card – Opposed, M. Zinck – Opposed, S. Spak – Opposed,
A. Picotte – Opposed, M. Korol – Opposed, M. Holyk – In favour,
G. Dussault – In favour, A. Sipos – In favour, J-R. Benoit – Opposed,
C. Lakaski – In favour, L. Perrin - In favour, B. McVicar – Opposed,
C. Therrien In favour, J. Aggrey – Opposed

Results of vote: In favour = 6, Opposed = 8, Abstention = 0. **Motion Defeated.**

Motion: C. Card moved, B. McVicar seconded, that the meeting adjourn at 10:33 p.m. and that a motion to adjourn cannot be debated.

In favour = 7, Opposed = 6, Abstention = 1. **Motion carried.**

There was a **consensus** that a Special meeting be scheduled as soon as possible to deal with all remaining items on the agenda.