

**CAPE Executive Committee**

**Minutes of January 30, 2008**

**CAPE National Office**

**Boardroom**

**5:45 p.m.**

**Present:** J. Aggrey (Chair), C. Card, G. Dussault, M. Holyk, M. Korol, R. McVicar, A. Picotte, S. Spak, S. Spano, C. Therrien, M. Zinck, C. Danik, J. Ouellette, D. Martin.

**Apologies:** J-R. Benoit, C. Lakaski, L. Perrin, A. Sipos.

**Observer :** C. Poirier, President, Translation Bureau Local

**Guest:** F. Campbell, Legal Counsel, Sack Goldblatt Mitchell

**IN CAMERA – Pension Case**

**Approval of Agenda**

The following items were added under:

2) Matters Arising

g) Audit Committee – Terms of reference

h) Investment Policy

**Motion:** C. Therrien moved, M. Zinck seconded, that the agenda be approved, as amended.

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

**Approval of Minutes of November 14, 2007**

C. Card requested that under Substantive Issues for Discussion -Purchase vs. Rent that it be amended as below for clarity purposes;

There was a consensus that a Working Group on Accommodations be formed and that it be composed of J. Aggrey, C. Danik and C. Lakaski in order to prepare a needs assessment paper for the January meeting.

**Motion:** M. Zinck moved, B. McVicar seconded, that the minutes be approved, as amended.

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

### **Approval of Special Minutes of December 12, 2007**

**Motion:** C. Card moved, S. Spak seconded, that the minutes be approved.

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

### **Approval of LoP Bargaining Committee**

**Motion:** R. McVicar moved, M. Korol seconded, that E. Hurtubise-Loranger, F. Beauregard Tellier, F. Côté and M. Dewing be approved. **Motion carried unanimously.**

### **Finance Committee Recommendation**

The Finance Committee recommends to the NEC to ask the Constitution and By-Laws Committee to draw up a set of provisions so that Locals receiving a rebate must submit a budget and an annual financial statement in order that they receive a rebate in the second year.

**Motion:** C. Therrien moved, A. Picotte seconded, that the recommendation be amended as below;

The Finance Committee recommends to the NEC to ask the Constitution and By-Laws Committee to draw up a set of provisions so that Locals receiving a rebate must submit an annual financial report in order that they receive a rebate in the year following the year in which the financial report was received. **Motion carried unanimously.**

### **C. Therrien Complaint**

C. Therrien presented his complaint against J. Aggrey stating that J. Aggrey had misinterpreted clause 9.8 of CAPE Constitution. After discussion, J. Aggrey requested direction from the National Executive Committee on how they wished to proceed. The Executive decided to seek Legal Counsel's interpretation of the Constitutional clause in question.

**Motion:** M. Korol moved, S. Spak seconded, that a legal opinion be obtained on the interpretation of clause 9.8 of CAPE Constitution. **Motion carried unanimously.**

### **Privacy Policy**

J. Ouellette informed the NEC that the policy is currently being reviewed by legal counsel and that the final policy should be available for the February meeting.

## **Framework for Local By-laws**

M. Zinck reported that the Framework had been distributed to all local leaders for their input and that the deadline to receive comments was January 31. The final framework will be available for the February meeting.

M. Zinck wishes to thank: the Local Leaders, members of NEC, C Therrien in particular for his input along with the copy of his Local's By-Laws, and a special note of thanks to D. Brackley and C. LaSalle for their extensive editorial comments and edits.

## **Working Committee on Office Accommodations**

J. Aggrey reported that the committee has not met pending the inclusion of an ESU (Union representing CAPE's staff) member and that the Terms of reference will be discussed once the Committee has its first meeting.

## **Recommendations from Atlantic Canada Regional Forum**

**Motion #1:** That Michael Zinck (with the assistance of head office) be responsible for consulting with all Locals to obtain their input on this Framework. A final copy of the framework will then be drafted and recommended to NEC for approval.

The motion passed unanimously. CAPE Head Office will circulate this document to all locals.

**Action:** M. Zinck advised that the Locals had been consulted with and the final draft of the Framework would be ready for the next NEC meeting.

**Motion #2:** The Governance Review Committee examines the idea of regional representation on National CAPE Committees.

Motion passed unanimously.

**Action:** The National Executive **agreed** to forward this as recommended.

**Motion #3:** That the National Executive Committee forms an exploratory committee regarding social advocacy and whether it should be pursued by CAPE.

Motion passed unanimously.

**Action:** The National Executive **agreed** to forward this to the Governance Review Committee.

**Recommendation:** The participants, therefore, enthusiastically recommend to the NEC that: “The Atlantic Forum be an annual regional event rotating in location between the four Atlantic Provinces”.

**Action:** This was deferred to the February meeting.

### **Taskforce on Membership Participation Committee**

This item was tabled to the February meeting.

### **Audit Committee – Terms of reference**

This item was tabled to the February meeting.

### **Investment Policy**

J. Aggrey reported that this was being worked on and that it would have to go to the Finance Committee first and then brought to the National Executive Committee for final approval.

### **Office Accommodations – ESU Participation**

**Motion:** C. Card moved, M. Korol seconded, that the membership of the Subcommittee on Accommodations be expanded, by including the addition of an ESU representative, and that it consider CAPE's future accommodation needs with a view to making recommendations to NEC.

C. Danik suggested an amendment that two ESU members be included.

C. Card accepted the amendment that two ESU members be appointed to serve in a consultative capacity.

J. Aggrey asked for volunteers and suggested that he wanted up to seven members only and that the seven to include two from the TRs. C. Card volunteered, but A. Picotte declined but suggested L. Perrin.

M. Korol and M. Holyk volunteered. C. Therrien expressed interest on being on the Committee and suggested he could be an alternate because of the cap on the maximum number on the Committee.

With the amendment and the membership on the Working Committee expanded the **Motion carried unanimously.**

### **Manitoba Local Issues**

This item was withdrawn.

## **President's Report**

NIL

## **Professional Service Report**

### **EC Conversion**

- Got a call yesterday from the person responsible at the CPSA for the EC conversion who left a message: he wants to provide me with an update on the conversion data base and the APN as I had requested.
- I'll try to speak to him Friday when I am not a bargaining table.
- Currently, the process is in the hands of the various departments as they complete the process of evaluating ES and SI work descriptions or EC work descriptions, with the new EC classification standard.
- We are back at the EC bargaining table next week (February 6, 7 and 8) and would need to have a better feel for the delivery date of the data base.

### **TR collective bargaining**

- Since the last NEC meeting CAPE has had one week of bargaining at the TR table.
- In addition, we are currently at the table this week.
- The Employer's negotiator has changed: Daniel Langevin will no longer be at the table.
- Louis Labrie, who has been at the table but was not carrying out the duties of negotiator for the employer at the TR table, is taking over.
- We were advised at the beginning of negotiations that there would be a transfer of responsibility... so there is no surprise here. We will simply need to adapt to Louis's style and Louise will need to adapt to us.
- We are moving along with a bargaining schedule of one week of bargaining per month.
- The next set of meetings is schedule for the week after next; there is another set of meetings the week before Easter week-end.

### **EC collective bargaining**

- Since the last NEC meeting CAPE has had one week of bargaining at the EC table.
- We are meeting at the table again next week
- There is progress on minor issues, as well as a feeling of openness at the table.
- The EC bargaining team is meeting Tuesday evening to discuss its position on some of the more important issues.
- The employer has said at the table that it will not negotiate classification, staffing and pension proposals. However, as we have not made our proposals

explicit, there may still be an opportunity to get some bargaining done on these matters.

- PIPSC has stated publicly that it would challenge before the board and courts the employer's refusal to negotiate similar matters.
- We are currently in the process of reviewing the best strategy for our members.
- We are consulting with legal counsel and trying to get PIPSC to talk to us.
- We have dates scheduled for February, March and April.

### FIP Negotiations

The first session of negotiations took place on January 22, 23 and 24th. The two parties identified solutions to resolve the problems raised at the bargaining table. The parties agreed to another day of negotiation on February 21 to finalize an agreement.

### LoP Negotiations

As per item 1 d), the LoP Bargaining Committee has now been appointed and will commence its work.

### Representation

- The Association represented a member by filing a series of grievances and making presentations at different levels of the grievance procedures available to the parties. The member alleged that CAPE's Labour Relations Officer had not dealt with her grievances properly. She filed a duty of fair representation complaint under section 190 of the Public Service Labour Relations Act. A 3 day hearing was held in Vancouver, where all the evidence was presented to a member of the Public Service Labour Relations Board. In a decision rendered on September 20, 2007, he concluded that there was no evidence of bad faith or arbitrariness in the bargaining agent's representation of the complainant. Accordingly, the complaint was dismissed.
- A member filed an appeal under the provisions of the former Public Service Employment Act. The appeal was rejected and the decision published by the Public Service Commission. It is now accessible on the Internet by doing a search under the member's name using the Google search engine. The member finds this very disturbing and is of the opinion that it is an invasion of his privacy. Our assistance was requested. In certain exceptional cases, we will review a member's privacy complaint and provide comments. In this case, as the Appeal Board's decision is a public document, we referred the member to the Office of the Privacy Commissioner of Canada.
- A member wanted to publish a paper that was critical of an international body which is an agency of the United Nations. Canada is also a member of the agency in question. The member was advised to have the document reviewed by her employer to avoid an actual or perceived conflict of interest situation, and/or to avoid breaching the member's duty of loyalty. The member was advised that

failure to do so may result in discipline being imposed.

### **Internal Matters**

Claude Vézina started in his functions as Labour Relations Officer / Classification in January. Accordingly, Allan Stead's period of employment as a Term Labour Relations Officer has been extended to March 2009. He is providing services to the members and region previously served by Claude Vézina.

### **Administration Report**

NIL

### **Adjournment**

**Motion:** A. Picotte moved, M. Zinck seconded, that the meeting be adjourned at 9:35 p.m. **Motion carried unanimously.**