

**CAPE Executive Committee
Minutes of July 9, 2008
CAPE National Office
Boardroom
5:45 p.m.**

Present: J. Aggrey (Chair), G. Dussault, M. Holyk (teleconference), J. Horvath, M. Korol, M. Mascaro, L. Perrin, A. Picotte, A. Sipos, S. Spak, C. Therrien, M. Zinck, C. Danik, J. Ouellette, D. Martin.

Apologies: J-R. Benoit, C. Card, C. Lakaski, R. McVicar, S. Spano.

1 a) Approval of Agenda

L. Perrin requested that item 2 e) Dissolution of Governance Review Committee be tabled until the September meeting of the NEC.

Motion: M. Zinck moved and L. Perrin seconded, that the agenda be approved, as amended. **Motion carried unanimously.**

1b) Approval of June 25, 2008 Minutes

J. Aggrey requested to add a new paragraph under the item "CAPE's position on NEC members reclassified outside of bargaining unit" as follows:

J. Aggrey stated that "our Constitution only allows regular members and pending members to seek and hold office and be members of any committee established by the association or NEC except where membership is restricted to the NEC".

Motion: M. Zinck moved and S. Spak seconded, that the minutes be approved, as amended.

Some members did not recall this statement being made and after a discussion the question was called.

In Favour = 5, Opposed = 7, Abstention = 0. **Motion defeated.**

J. Horvath mentioned that under the same item the minutes should reflect that it was him who requested that a policy paper be established on this matter.

D. Martin mentioned that she had received amendments from A. Sipos also under the same item as follows: that "It was mentioned" in paragraph two should be replaced by "D. Martin" and under the item "adjournment" it should be changed to "Recess"

Motion: L. Perrin moved and M. Holyk seconded, that the minutes be approved, with J. Horvath's and A. Sipos's amendments.

In Favour = 8, Opposed = 3, Abstention = 1. **Motion carried.**

1c) Finance Committee recommendations

1) The Finance Committee recommends to the Executive Committee that \$3,103.64 be transferred from the Executive Contingency Fund to cover the shortfall of ***"Collective Bargaining"***.

Motion: A. Picotte moved and M. Zinck seconded, that the recommendation be approved.

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

2) The Finance Committee recommends that the NEC adopt a policy on the Reserve Fund, and that in the event the NEC approves the recommendation, grants the Finance Committee with the task to draft a policy for the Association.

It was mentioned that the French version of this recommendation does not have the same meaning as in the English and we should be consist on the wording.

Motion: A. Picotte moved and G. Dussault seconded, that the Finance Committee prepare a draft policy for the NEC for their review. **Motion carried unanimously.**

3) The Finance Committee recommends that the NEC examine the possibility of combining the AGM with the MBM.

Motion: A. Picotte moved and G. Dussault seconded, that this recommendation be referred to the Constitution and By-Laws Committee. **Motion carried unanimously.**

4) The Finance Committee underscores to the NEC, the lack of judgement by the President, who has used up most of the training budget allotted for the President & Management Development, on a single training activity for himself in the final year of his mandate.

A. Picotte noted that this was dealt with at the June 25, 2008 meeting.

5) The Finance Committee requests that a copy of the invoice for the President's training be provided to the Finance Committee and the NEC.

Action: J. Aggrey said he will provide the invoice for the next Finance Committee meeting and the next Executive Committee meeting.

6) The Finance Committee recommends that the NEC adopt a policy requiring the communication of details for meals and public relations expenses by senior Management which includes the President and the two Directors of the Association.

Motion: A. Picotte moved and C. Therrien seconded, that this recommendation be approved.

M. Mascaro asked if this was required as it should already be in the authority of the Finance Committee to request this information.

It was requested to change the “policy” to “directive”.

D. Martin requested that the recommendation be amended to include all management and mentioned that management includes the President.

Therefore A. Picotte and C. Therrien **agreed to withdraw** the motion above.

Motion: A. Picotte moved and C. Therrien seconded, that the NEC adopt a directive requiring the communication of details for meals and public relations expenses by Management.

M. Holyk made a friendly amendment to add the following words “to the NEC and Finance Committee”

The friendly amendment was accepted by the mover and the seconder.

The motion as amended reads:

Motion: A. Picotte moved and C. Therrien seconded, that the NEC adopt a directive requiring the communication of details for meals and public relations expenses by Management to the NEC and Finance Committee.

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

7) The Finance Committee recommends that the NEC approve payment of the invoice for services rendered by Cushman & Wakefield Lepage, in the amount of \$7,875.

Concerns were raised on certain services that were rendered on this invoice, in particular that letter of offers were drawn and the NEC did not authorize this.

Motion: A. Picotte moved and C. Therrien seconded, that the NEC approve the payment.

A. Sipos requested a recorded vote.

J. Aggrey – In Favour, L. Perrin – In favour, A. Picotte – In favour,
G. Dussault – Opposed, C. Therrien – In favour, A. Sipos – Abstention,
M. Korol – In favour, S. Spak – In favour, M. Mascaro – Abstention, M. Zinck,
In favour, M. Holyk - Abstention, J. Horvath – Abstention.

In Favour = 7, Opposed = 1, Abstentions = 4. **Motion carried.**

2 a) Revised Section 10 of Framework for Local By-Laws

It was mentioned that there may be problems for some Locals to obtain the quorums under 10.2.

M. Zinck said that this is just a guideline for Local and the Local Executive should amend their Local By-Laws as needed to best suit their particular needs in accordance with their membership numbers.

J. Horvath had some additional comments and was advised by J. Aggrey to contact M. Zinck with them.

Motion: M. Zinck moved and C. Therrien seconded, that the NEC approve the revised section 10.

In Favour = 8, Opposed = 0, Abstentions = 4. **Motion carried.**

J. Aggrey thanked M. Zinck for all his work in preparing the Framework.

2 b) Report by Sub-Committee investigating CAPE members' complaint

M. Korol provided an update to the National Executive Committee and the Sub-Committee considers this investigation to be closed.

J. Aggrey thanked the sub-committee for all their work done on the investigation.

2 c) Complaint of L. Perrin

L. Perrin presented his complaint to the National Executive Committee and requested that a sub-committee be established to investigate his complaint and that he requested that this be investigated as soon as possible in order that it be finalized prior to the upcoming Elections.

Motion: M. Holyk moved and C. Therrien seconded, that the NEC strike a sub-committee to investigate L. Perrin's complaint.

L. Perrin stated that he would recuse himself from the remainder of the discussion on this item.

J. Aggrey also said he would recuse himself at this time.

M. Holyk nominated M. Zinck to Chair this portion of the meeting and there were no objections.

M. Zinck stated that in accordance with By-Law 5.3 that the NEC is required to establish a sub-Committee of three members.

Therefore, M. Holyk **withdrew** her above motion.

M. Zinck asked if there were any volunteers to form the sub-committee.

C. Therrien, G. Dussault and M. Mascaro volunteered.

Motion: A. Picotte moved and A. Sipos seconded, that the above named volunteers be approved as the sub-committee members.

In Favour = 7, Opposed = 0, Abstentions = 3. **Motion carried.**

2 d) President's employment contract

A lengthy discussion took place on this issue. Several members of the NEC stated that this document was the property of the NEC as it manages the President's contract. It was asked why the President was refusing to provide the NEC with a copy.

The President stated that had anyone asked him for a copy he would have given it to them.

Members pointed out that there have been e-mail exchanges requesting copies of this in light of the legal opinion received on this issue and they still have not been provided with a copy.

M. Mascaro asked the secretary why she has not sent the document as requested in her e-mail dated July 2, 2008.

D. Martin responded that she read in an e-mail exchange from J. Aggrey that he has not approved the distribution of the contract to the NEC and therefore she has not distributed it and she could not until the President approved.

It was mentioned that the NEC should have a copy in order to have it prepared in advance of the next election. It was mentioned that currently there is no managing this contract.

Motion: J. Horvath moved and G. Dussault seconded, that the NEC censure the President for non-compliance with the last bullet of By-Law 5.2, clause 3.6 of the Constitution and Canadian Law, as reflected in the legal advice received on June 23, 2008, and that significant penalties be adduced and that the NEC take legal action immediately to assert its authority.

A recorded vote was requested.

J. Aggrey – Opposed, L. Perrin – Abstention, A. Picotte – Opposed, G. Dussault – In favour, C. Therrien – In favour, A. Sipos – In favour, M. Korol – Opposed, S. Spak – Opposed, M. Mascaro – In favour, M. Holyk – In favour, J. Horvath – In favour.

In Favour = 6, Opposed = 4, Abstentions = 1. **Motion carried.**

4 a) President's Report

1. May 29, 2008: Governance Review Committee Meeting

Issues discussed include:

- i. Creation of an Ombudsman Committee. Michael Zinck and Carl Lakaski volunteered to write the Terms of Reference for the Committee. Phil Rosen offered to review their draft.
- ii. Create a Mechanism for Investigating Complaints from NEC or CAPE Members. The mechanism or model should be similar to the Human Rights Commission's. I was asked to get legal advice from counsel and I already have. Counsel is working on it.
- iii. Regional Representation on National CAPE Committees. GRC will review the composition of the NEC and other committees and make recommendations to NEC.
- iv. Should the Atlantic Forum be an Annual Event? Recommendation has already been made to NEC to have the Event held for the next two years. The Recommendation has already been approved by NEC.
- v. The Committee suggested that NEC may want to consider having CAPE Day on the day the Association received its certificate from the PSLRB, that is, December 17, 2003.

2. Local AGMs June 9 - 16, 2008

I attended the Local AGMs in the Maritime Region; NB, NS, PEI, and NFLD. The AGMs were well attended. Frank Cobert, Local President for NFLD resigned after many years of service. I thanked him for his many years of dedication, commitment to our organization and service to his Local. I recommend that the Association give him an appreciation award.

I also attended the Vancouver Local AGM. It was well attended also. We have a new President Michael Haberl, replacing Derek Brackley.

Many of the issues raised were related to the EC Conversion and the members were provided with the latest updates.

4 b) Professional Services Report

EC Conversion

- Departments were on schedule for the APN with only a few exceptional cases within a few departments.
- Some members were advised that they would not have their positions converted; these positions were to be reclassified.
- CAPE is receiving fewer calls than expected on the matter; the association gets a few dozen calls a week on EC conversion.
- Advice to members will be re-issued and posted on the CAPE web site.
- An article is being prepared for the next issue of *Professional Dialogue*.
- On a related matter, I met the HRSDC local executive with Lionel Saurette (LRO) to review the conversion process in general and also to talk about EC conversion at HRSDC.

The Bilingualism Bonus and the TR Group

- The National Joint Council's Bilingualism Bonus directive explicitly excludes the TR group from receiving the bilingualism bonus.
- However, the exclusion is conditional: if TR employees are required to carry out duties that are not specifically work language work then they would qualify for the bilingualism bonus if they meet the two conditions: (1) they have the appropriate SLE scores; and (2) their positions have been identified as bilingual by the employer.
- It is our understanding that some members feel that they should be in receipt of the bonus.
- CAPE is looking into the matter.

TR Collective Bargaining

- The bargaining session in June was very frustrating for CAPE's TR bargaining team; all of the outstanding issues for which it was waiting for responses from the employer received a negative answer.
- There have been problems at the table in the past ten months that the parties have tried to address together.
- After taking stock of what has been accomplished at the table the team felt that there was a need this time to seek the intervention of a third party.
- The chief negotiator for the TR team and the Chief negotiator for the employer met informally with a representative of the Public Service Labour Relations Board to discuss the possibility of the Board providing the parties with assistance.
- The representative of the Board suggested that certain matters needed to be reviewed before the Board could commit to any assistance.
- Both negotiators were asked to review these matters with the members of their respective teams.
- The Board's representative and the two negotiators will be meeting on July 25 to determine the next step.

EC Collective Bargaining

- CAPE's EC bargaining team met with the employer on July 2 in order to complete the presentation of the team's rationale for its pay proposal, and to present the pay proposal itself.
- Hélène Paris, CAPE's research officer, did a great job pulling together and analyzing various pieces of information to substantiate our pay proposal.
- The EC bargaining team is to be applauded for the strategic proposal that was presented at the table.
- The employer will be using the summer to review the four parts of the pay rationale and will come back to us at the bargaining table in the last week of September with a response.
- Once we have the response on pay, we can take a closer look at proposals that will lead to a direct cost for the employer, e.g. leave proposals.
- Two more sessions are tentatively scheduled for the EC table, one in October and another in November.

Communications

- CAPE will be providing members in early August with the latest issue of *Professional Dialogue*.
- Release of the issue has been delayed for reasons of resources but also for reasons of events: we have been waiting for certain events to take

- place in order to provide analysis on related matters of interest to our members.
- Among the topics discussed in the issue are: the charter challenge, EC conversion, the online survey of LoP members for bargaining, a recent decision regarding maternity leave and term employees, a recent deployment agreement between CFIA and Treasury Board, and how the bilingualism bonus applies to our TR members.

5 a) Committee Matters

2008 Elections and Resolutions Committee

The National Executive Committee was provided with a letter from M. Dewing, Chair in regards to the pension petition stating that it did not contain wording for a resolution and there was no action required on its part.

The letter also advised the NEC that if and when a resolution was submitted in accordance with the by-laws it would then action it accordingly.

Adjournment

Motion: A. Picotte moved and L. Perrin seconded, that the meeting adjourn at 10:05 p.m.

J. Aggrey stated that he would be seeking independent legal advice.