

**CAPE Special Executive Committee
Minutes of June 5, 2008
CAPE National Office
Boardroom
Noon**

Present: C. Lakaski (Chair), G. Dussault (late arrival), M. Holyk, J. Horvath, M. Mascaro, R. McVicar, L. Perrin, A. Picotte, A. Sipos, C. Therrien, C. Danik, J. Ouellette, D. Martin.

Apologies: J. Aggrey, J-R. Benoit, C. Card, M. Korol, S. Spak, S. Spano, M. Zinck.

Guest: Mr. Stephen Kakfwi

Presentation: noon – 1:00 p.m.

Mr. Stephen Kakfwi, the former Premier of the Northwest Territories and Dene Nation President, made a presentation to the National Executive Committee on the parliamentary process followed in the territories which is built on a consensus model.

1 a) Approval of Agenda

The following items were added under:

1) Items for Approval

- f) Recommendation from the Governance Review Committee
- g) Grievance of CAPE employee

2) Matters Arising

e) Investigator ESU's

6) Information Items

a) NJC Seminar

Motion: It was moved by B. McVicar, seconded by A. Picotte, that the agenda be approved, as amended. **Motion Carried unanimously.**

1 b) Approval of Minutes of April 30, 2008

Some minor typographical errors were noted and corrected accordingly.

Motion: It was moved by B. McVicar, seconded by A. Picotte, that the minutes be approved, as amended. **Motion Carried unanimously.**

1 c) Approval of Special Minutes of May 20, 2008

Motion: It was moved by B. McVicar, seconded by L. Perrin, that the minutes be approved.

In Favour = 6, Opposed = 0, Abstentions = 3. **Motion Carried.**

1 d) Documents to be mailed to the membership regarding the Pension Appeal

The NEC discussed the process on how to instruct the Elections and Resolutions Committee on what documentation should be included with a referendum vote on the Pension Appeal.

It was mentioned that the NEC could not instruct the Elections and Resolutions Committee but that they could only make recommendations to the Elections and Resolutions Committee as they oversee all voting processes and have full jurisdiction over all voting processes.

Motion: It was moved by A. Picotte, seconded by B. McVicar, that the NEC recommends to the Elections and Resolutions Committee that it sends the letters which were received by B. Krause and L. Pomerleau on the pension issues and that the President also provide a letter that explains the NEC's decision to withdraw from the Pension Appeal.

It was noted that this motion could be conceived as the NEC intervening in the voting process. It was mentioned that the Elections and Resolutions Committee should perhaps contact the person who submitted the petition.

It was noted that the petition was not submitted by any specific member but that over 100 signatures were received so there was no single person to contact on this issue.

Therefore; the motion above was withdrawn.

Motion: It was moved by L. Perrin, seconded by A. Picotte, that the Chair of today's meeting transmit the petition to the Elections and Resolutions Committee to deal with this issue. **Motion Carried unanimously.**

1 e) Mandate of Sub-Committee studying Pension Appeal

L. Perrin presented the draft mandate to the NEC.

It was noted that the timeframes seemed a little tight. J. Ouellette responded that the NEC had requested a final report for the September meeting of the NEC so the timeframes were made in accordance with this request.

Motion: It was moved by C. Therrien, seconded by L. Perrin, that the mandate be approved. **Motion Carried unanimously.**

1 f) Atlantic Forum: An Annual Event?

D. Martin read the following motion from the Governance Review Committee meeting of May 29, 2008.

Motion: It was moved by M. Zinck, seconded by A. Picotte, that the Governance Review Committee recommends that the National Executive Committee support the budget of \$10,000 per year for the 2008 and 2009 pilot project Atlantic Regional Forum. **Motion Carried unanimously.**

This motion will allow the National Executive Committee the time required to assess the success of the event to CAPE.

The NEC members made the following comments:

- This should be done in all Regions
- This is a pilot project only
- It will be extended to other regions if the NEC assesses that this has value
- Employment Equity issues would be a better value for the costs
- The budget amount seems to be expensive
- There is no information on the breakdown of the costs – what is covered?
- Budget must be approved by the membership first – so this forum would not be able to take place until afterwards
- The Association is in the process of preparing the budget now
- The Finance Committee must make a decision and recommend to the NEC and then the membership approves budget

It was agreed to **table** this item until the next meeting.

1 g) Grievance of CAPE Employee

Motion: It was moved by C. Therrien, seconded by J. Horvath, that the NEC authorize that the employee's grievance be sustained as per the provisions of the collective agreement.

In favour = 9, Opposed = 0, Abstention = 1. **Motion carried.**

2 a) Elections and Resolutions Committee

An open discussion on the procedures and process of voting took place. Some concerns were raised in regards to the following issues:

- verifying the qualifications of the candidates in accordance with By-Law 3.7. - it was mentioned that this could be very time consuming as the Elections and

- Resolutions Committee could have to verify over 20 or more candidates
- mailing out the ballots should be done at an outside location to ensure the security of the ballots as they are in an unsecure location and could be duplicated
 - receipt of the return ballots should be sent to a postal box and not to the National Office.
 - There would be costs associated with renting an outside location to mail the ballots to the membership

Motion: It was moved by C. Therrien that these issues be referred to the Constitution and By-Laws Committee. **Motion failed as it was not seconded.**

Motion: It was moved by G. Dussault, seconded by A. Sipos, that all Presidential candidates be subject to By-Law 3.7.

The NEC was reminded that they could not instruct the Elections and Resolutions Committee as it could be conceived as a conflict of interest and that the By-Law pertains to all the candidates and not just the Presidential candidates. **Therefore, the above motion was withdrawn.**

Motion: It was moved by G. Dussault, seconded by A. Sipos, that the NEC has concerns on the verifying the qualifications of candidates', on the security of the mailing out of the ballots and the receipt of the returned ballots for the upcoming elections. **Motion Carried unanimously.**

Motion: It was moved by A. Picotte, seconded by C. Therrien, that D. Martin be mandated to forward these concerns to the Elections and Resolutions Committee. **Motion Carried unanimously.**

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

This item was **tabled**.

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

This item was **tabled**.

2 d) Staff training

J. Ouellette advised the NEC that the budget for staff training is sufficient for now and that the training for staff is cyclical.

It was asked if staff is offered training courses that would advance their careers. C. Danik stated that yes – there was an employee not so long ago who took some courses in this regard.

J. Ouellette advised that there is no decision required by the NEC at this time on the budget for the staff training.

2 e) Investigator to deal with ESU's concerns regarding the President

C. Danik provided the NEC with a draft contract for the investigator to deal with ESU's concerns regarding the President. He advised them that we are waiting to hear back from two potential investigators to be hired.

Some members of the NEC raised concerns that the timeframes were a little short and inquired if the investigator would be able to keep within the timeframe if they had to meet with 17 or 18 individuals.

C. Danik explained that this was a draft contract and that when an investigator is selected then the final timeframes could be looked at closer.

It was asked if the respondent was to be present in the office during the investigation process.

C. Danik explained that normally, in the public service that the respondent would be removed from the work location or suspended with pay until the investigation was completed.

Motion: It was moved by C. Therrien that the NEC schedule leave time for the respondent during the investigation process. **Motion failed as it was not seconded.**

Motion: It was moved by C. Therrien, seconded by G. Dussault, that the NEC advise the respondent to not communicate with any complainants on this matter. **Motion carried unanimously.**

Motion: It was moved by A. Picotte, seconded by C. Therrien, that C. Danik and J. Ouellette be mandated to negotiate with the investigator to finalize the contract. **Motion carried unanimously.**

Motion: It was moved by J. Horvath, seconded by A. Sipos, that no employees suffer any retribution for participating in the investigation. **Motion carried unanimously.**

Motion: It was moved by C. Therrien, seconded by J. Horvath, that J. Aggrey be directed to work from home during the investigation process. **Motion carried unanimously.**

3 a) CAPE website

It was mentioned that the minutes of meetings were difficult to find on the website.

C. Danik advised the NEC that the website is under going a redesign and it will be easier to find items but could not give an exact date of when this will be completed.

It was requested that in the meantime could there be a button placed on the homepage that members could click on and be taken directly to the minutes.

C. Danik stated that he would direct the Communications Officer to proceed with this request.

4 a) Reports

President's Report

There is no report for this month.

Professional Service Report

EC Conversion

- Nothing new to report, except that CAPE's review of the data base for collective bargaining a few weeks ago showed that an exceptionally large number of members at INAC appeared to be headed for downward conversions or salary protection situations.
- I immediately sent a message to the CPSA asking that they investigate.
- About ten days later the Agency reported back to me that a special team had been put together in order to address the issue at INAC; that the number of positions that were expected to be salary protected had been reduced by more than 75%; and that the department will continue to work on the relevant work descriptions in order to bring the numbers down even more for the APN in mid-June.
- I also requested a series of work descriptions for the purpose of job matching with private sector data. The job matching exercise is part of our wage proposal preparation for the EC table. We have been comparing work descriptions with level definitions found in the Mercer data that we have purchased.
- Our intervention at PWGSC was successful to the extent that the latest information from the department shows a significant drop in the number of positions that was proposed for reclassification.
- I met with two groups of SI members of the Translation Bureau. I may be meeting within the next month or so with members at HRSDC.
- APN is scheduled for June 16 to June 21. OPN is scheduled for some time after a new collective agreement has been negotiated, ratified and signed. At this time I do not expect OPN until very late into 2008 or more likely in the first few months of 2009.

- Members should use the period between the APN and OPN to address any problems they may have with the content of their work description or with its EC classification.

TR Collective Bargaining

- We met with the employer at the bargaining table two weeks ago. Several important issues should be resolved for the next set of meetings. We have been waiting for a final word from the employer on tentatively settled matters. There are still many issues that have yet to be broached at the table. It is not anticipated that we will have an agreement before late in the year.
- The parties are back at the table on the 16, 17 and 18 of June.

EC collective bargaining

- The Collective Bargaining Committee met on May 21st to review some of the rationale for our EC pay proposal.
- The Bargaining Team met with the employer last week.
- We addressed a number of non pay proposals but the main event was the presentation of Parts I, II and III of the rationale for our pay proposal.
- Part IV of the Pay proposal is scheduled for presentation on July 2nd when we meet with the employer one final time before we break for the summer.
- There are still some 40 or so proposals remaining on the table.
- We have significant progress over the past few weeks; the parties have agreement on almost two dozen proposals (though several are editorial in nature and do not represent changes to entitlements).
- I am still predicting that we will have a tentative agreement some time late in the year.
- ACFO have negotiated a new contract which has been ratified recently by its FI members. The agreement includes a short list of changes. It appears that the most important issue at the table was the matter of pay restructuring. You may remember that ACFO negotiated temporary allowances in the previous round; these allowances were for a transitional period to a new system of accountability in the federal public service initiated with the Federal Accountability Act and the redefinition of the role of the Chief Financial Officer. The agreement is of a two year duration which means that ACFO will be preparing for the next round in a few months.

Charter Challenge

- The preparation of our charter challenge proved time consuming in April and in the first week of May. It in fact delayed some of our preparation for our two Treasury Board bargaining tables.

- Reminder: the challenge is to the exclusion by the Public Service Labour Relations Act from the bargaining table of three general fields of work place interests: pensions, classification and staffing.
- As you know CAPE and PIPSC have joined together and filed on May 5 a notice of application to the Superior Court of Ontario on this matter. The objective of the application is to demonstrate to the court that the exclusion of the three earlier mentioned issues from the bargaining table represents an unreasonable restriction of our members' human rights.
- Legal counsel, SGM, PIPSC and CAPE have been working on the arguments.
- We have spent a considerable amount of time on the preparation of affidavits.
- CAPE has also dug into its archives in order to pull out evidence from past round of negotiations carried out by both CUPTE negotiators and ESSA/SSEA negotiators.
- A press conference was organized on May 5th for the launch of the challenge.
- Work continues.

LoP Negotiations:

- The members of the LoP Bargaining Committee finalized the questionnaire in April and we are working to resolve the last technical issues concerning the electronic survey. As this is the first time that CAPE is proceeding by way of an electronic survey, provisions must be made in this pilot project to insure that the procedures in place can also be used for electronic voting and for bigger audiences. The questionnaire should be sent to the members next week at the latest.

Hélène Paris, Deborah Fiander and Jean Ouellette will provide a report on the pilot project to Claude Danik.

Representation

- A member filed a harassment complaint that was found to be admissible. Investigation indicated that eight of the ten allegations were justified. Since this was a special case, we assisted the member with the drafting and submission of the individual corrective action he sought. The corrective action awarded included a formal apology, and reinstatement of vacation and sick leave days. The member found a job in another department while the complaint was being dealt with.
- The issue is the proper calculation of a member's severance pay regarding her years of service as a part time and full time employee. The employer incorrectly calculated her years of continuous service for severance pay purposes as being 28 years. We were successful in having the calculation corrected as per provisions of the collective agreement. The employer agreed to pay her the maximum 30 weeks of severance pay.

Administration Report

Call for Nominations and Resolutions

D. Martin advised the NEC that the call for nominations and resolutions was mailed to the membership on May 26th in advance of the deadline of June 1.

She reminded the NEC that all nominations and resolutions had to be submitted to the National Office no later than September 1.

Special General Meeting

The NEC was advised that an SGM was scheduled on the pension appeal for June 19th as a petition was received with over 100 signatures and that the notice of the meeting was mailed out to the membership.

IT Support - IN CAMERA

D. Martin provided the NEC with an update and advised the NEC that this issue was completed now.

Adjournment

It was moved by M. Holyk, seconded by L. Perrin, that the meeting be adjourned at 5:25 p.m. **Motion carried unanimously.**