

CAPE Executive Committee

Minutes of May 28, 2008
CAPE National Office
Boardroom
5:45 p.m.

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

Apologies: S. Spano.

L. Perrin explained that the In Camera session was not actually considered to be In camera but that the parties involved in the complaint would be asked to absent themselves in order that a follow-up could be done on matters arising from the May 20, 2008 meeting on the complaints filed by A. Sipos and C. Lakaski. He asked that this item be dealt with first prior to commencing the meeting.

Follow-up on complaints by A. Sipos and C. Lakaski

L. Perrin took over as Chair at 6.00 p.m. J. Aggrey, A. Sipos and C. Lakaski left the meeting for this item.

The letter of censure to J. Aggrey was reviewed and J. Horvath suggested the following amendments;

The word "later" should be "latter" in the third paragraph;

Add the word "unacceptable" before the word "conduct" in the fourth paragraph

Add the word "and acknowledge" after the word "recognize" in the first sentence of the fifth paragraph.

Motion: It was moved by C. Card, seconded by C. Therrien, that the letter to J. Aggrey be approved, as amended.

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

The letters of apology to A. Sipos and C. Lakaski were reviewed and J. Horvath suggested the following amendments;

that the second paragraph in both letters of apology be amended to add the word "unacceptable" prior to "course" and add an "s" at the end of the word "action" and that the last sentence in the third paragraph be amended to delete the word

“his” and replace it with “more prudent” and delete the word” prudently”.

Motion: It was moved by G. Dussault, seconded by A. Picotte, to approve the letters of apology to A. Sipos and C. Lakaski, as amended.

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

L. Perrin inquired as to whom replaces the President during his suspension period.

Motion: It was moved by A. Picotte, seconded by J. Horvath, that Claude Danik, Executive Director be delegated to oversee the National Office from June 2, 2008 through June 6, 2008. **Motion carried unanimously.**

This portion of the meeting ended at 6:50 p.m. J. Aggrey resumed as Chair.

1 a) Approval of agenda

Claude Vézina, ESU President, sent in a request on behalf of the CAPE staff union (ESU) to address the NEC as soon as possible to raise employees concerns in regards to the President’s conduct in the office.

J. Aggrey stated that he could not provide any further details on this matter as he had not been advised on what the issues are. He stated that this is an internal matter and that it should not go to the NEC but that the internal process should be used.

A member of the NEC asked if the processes in the collective agreement were followed and asked why they were requesting to have intervention from the NEC first.

C. Danik mentioned that this is the first time an issue has been brought directly to the NEC by ESU. He advised the NEC that three ESU members were outside waiting to see if they would be allowed to speak to the NEC. He suggested that the NEC should hear what ESU has to say and then the NEC could decide on how to proceed after they were given further information on the issues.

Motion: It was moved by C. Therrien, seconded by M. Holyk, to invite ESU to address the NEC in order to provide the substance of the matter without providing the full details of the issues and to find out why they have not followed the grievance procedures in the ESU collective agreement.

In favour = 9, Opposed = 6, Abstention = 0. **Motion carried.**

C. Vézina, B. Myre and S. Wensink enter meeting at 8:03 p.m.

C. Vézina stated that before he could proceed he was required to draw a letter to the attention of the NEC that he received from Ogilvy Renault at 4:50 p.m. today on behalf of CAPE and that the NEC was required to make a decision on this letter before he could continue with his presentation to the NEC.

A member of NEC inquired why he had to circulate this letter. C. Vézina stated that he was threatened with legal action if he made a presentation to the NEC today and that he would not proceed unless they assured him that no legal action against him would take place as a result of his presentation.

The NEC agreed that he could circulate the letter from Ogilvy Renault. ESU members left the meeting in order for the NEC to review the letter and to make a decision.

Motion: It was moved by C. Therrien, seconded by A. Sipos, that J. Aggrey recuse himself.

In favour = 5, Opposed = 8, Abstention = 2. **Motion defeated.**

M. Holyk asked who authorized this letter to be sent by legal counsel. She mentioned that the NEC had previously passed a motion that all legal requests be authorized by the NEC first.

Motion: It was moved M. Holyk, seconded by A. Sipos,

Whereas one should be free to speak without threat of intimidation to the NEC;
Whereas the NEC had no knowledge of this letter;
Therefore that the NEC state this is not our letter and we do not support it and would like to know under whose authority and the justification of why this letter was sent.

L. Perrin made a friendly amendment to add at the end of the motion “and we vote that this document is Null and Void”.

A. Picotte made a friendly amendment to add “that the NEC will take no legal action against C. Vézina.

In favour = 7, Opposed = 8, Abstention = 1. **Motion Defeated.**

After further discussion the motion was **withdrawn.**

Motion: It was moved by A. Picotte, seconded by M. Zinck, that the NEC state that they will take no legal action against C. Vézina as a result of his presentation to the NEC on May 28, 2008.

In favour = 11, Opposed = 4, Abstention = 1. **Motion carried.**

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

1 b) ESU request to address the NEC

C. Vézina explained to the NEC that 17 ESU members unanimously mandated him to speak to the NEC on their behalf. He stated that he was coming directly to the NEC as the members of the staff are afraid that if they filed a complaint against Mr. Aggrey that he would take legal action against them or they would be reprimanded.

C. Vézina explained to the NEC that he was asked by Mr. Aggrey to meet on this issue. Mr. Aggrey tried to obtain a lot of information on the issues from C. Vézina and Mr. Aggrey also tried to discourage me from coming to the NEC.

C. Vézina was asked whether this was a harassment complaint. C. Vézina stated that the issues are of harassment and intimidation and that ESU was coming directly to the NEC as ESU members have a lack of confidence in the process in the collective agreement.

Motion: It was moved by A. Picotte, seconded by M. Zinck, that the NEC hire an investigator to do an inquiry on ESU's concerns against the President and that the investigator make the necessary conclusions and recommendations to the NEC. **Carried unanimously.**

J. Aggrey was advised not to vote on the above motion due to a conflict of interest.

Motion: It was moved by G. Dussault, seconded by A. Sipos, that the President cease any activities with legal counsel and that this matter be delegated to a Vice-President to deal with ESU's concerns presented to the NEC on May 28, 2008. **Withdrawn.**

J. Aggrey delegated C. Lakaski to advise legal counsel to cease taking any legal actions against C. Vézina.

J. Aggrey agreed to the investigation and to any investigator chosen by ESU and the NEC representatives.

It was agreed to hold a special NEC meeting the week of June 2, 2008 to deal with the tabled agenda.

Adjournment

It was moved by B. McVicar, seconded by A. Picotte that the meeting be

adjourned at 11:25.p.m. **Motion carried unanimously.**