

**CAPE Executive Committee**

**Minutes of October 11, 2006  
CAPE National Office  
Boardroom  
5:45 p.m.**

**PRESENT:** J. Aggrey (Chair), D. Brackley, C. Card, M. Holyk, M. Korol, R. Oslund, A. Picotte, P. Rosen (late arrival), C. Danik, D. Martin and J. Ouellette.

**APOLOGIES:** C. Lakaski, R. McVicar, S. Spak, C. Therrien and M. Zinck.

**Approval of Agenda**

The following item was added under "Items for Approval" - Appointment of sub-committee to investigate a member complaint under By-Law #5

The following item was added under "Other Business" - Constitution and By-Law amendments

It was moved by A. Picotte, seconded by M. Korol, that the agenda be approved, as amended.

In favour = 6, Opposed = 0, Abstention = 1. **Motion Carried.**

**Approval of Previous Minutes**

Some minor typing errors were noted and D. Brackley mentioned that he would forward his amendments to D. Martin for action.

It was moved by R. Oslund, seconded by M. Korol, that the minutes be approved as amended once all comments have been received.

In favour = 5, Opposed = 0, Abstention = 2. **Motion Carried.**

**TR Negotiating Team (FIP)**

The following members volunteered to participate on the Committee: Caroline Leclerc, Stephen Mullen, Lionel Perrin, André Picotte, Claude Poirier and Marc Vallée.

It was moved by P. Rosen, seconded by D. Brackley, that all volunteers be approved. **Carried unanimously.**

### **TR Collective Bargaining Team**

The following members volunteered to participate on the Committee: Carol Card, Suzanne Dumas, Luc Gervais, Lionel Perrin, André Picotte, Claude Poirier and Francine Roy.

It was moved by P. Rosen, seconded by D. Brackley, that all volunteers be approved. **Carried unanimously.**

### **New Steward**

It was moved by D. Brackley, seconded by M. Korol, that Lisa Hutton, INAC, be approved. **Carried unanimously.**

### **Appointment of NEC sub-committee**

The NEC was advised that we received a complaint by a member of the Association under By-Law # 5 – Discipline. Accordingly, a request was made for volunteers to form a sub-committee to investigate the complaint was requested.

The following member's volunteered: R. Oslund, M. Holyk, C. Card, M. Korol and D. Brackley.

It was moved by R. Oslund, seconded by D. Brackley, that C. Card, M. Holyk and M. Korol be approved as the Sub-Committee. **Carried unanimously.**

### **Protocol on Member Representation**

#### **PROTOCOL ON REDRESS REPRESENTATION**

CAPE Representation services are provided to all CAPE members, subject to its Constitution and By-laws, protocols, representation history, jurisprudence and financial resources.

The Director of Labour Relations has the responsibility of ensuring the representation of CAPE members in redress procedures. To that end, the Director of Labour Relations determines, by way of a Protocol on Redress Representation, CAPE's role and the role of CAPE officials in redress procedures. This protocol is revised periodically as required and posted on CAPE's website.

If a member feels that his or her matter has been dealt with in an arbitrary, or discriminatory manner or in bad faith, he or she may, after having discussed the issue concerning his or her representation with the CAPE officer assigned to his or her department or agency, submit the issue first to the Director of Labour Relations, then to the Executive Director, and finally to the President of CAPE. This recourse mechanism is posted on CAPE's website.

It was moved by D. Brackley, seconded by P. Rosen, that the National Executive Committee gives its full support to the CAPE Protocol on Redress Representation, as amended above. **Carried Unanimously.**

### **Young Members Advisory Committee**

The Committee last met on October 19<sup>th</sup> **to review a draft** Terms of Reference. J. Aggrey mentioned that if anyone was interested to participate on this Committee or if they know of any members who may be interested to advise them to submit their names to the secretary of the Committee.

### **Equal Opportunities and Diversity Committee**

Another call for volunteers to this Committee will be issued.

### **By-Law and Constitutional Amendments**

**The following amendments below were considered :**

#### **Constitutional Amendments**

11.3.1 No sitting member of the National Executive Committee shall be a member of the Elections Committee, the Audit Committee, or any similar oversight committee established by the National Executive Committee.

It was moved by P. Rosen, seconded by D. Brackley, that the above new clause be approved. **Carried unanimously.**

14.2 No member of the current Elections Committee shall be eligible, in the current election year, to stand as a candidate for election to any position on the NEC, to support a candidate's nomination paper, to volunteer as a scrutineer for a candidate, or to support a candidate in any other way.

It was moved by P. Rosen, seconded by D. Brackley, that the above amendment be approved, as amended.

In favour = 7, Opposed = 0, Abstention = 1. **Motion Carried.**

16.3 All By-Laws adopted by the NEC shall immediately come into effect except for amendments to the Elections By-Laws, which shall come into effect on March 31, when the Elections process is deemed to begin.

It was mentioned that this amendment was dealt with at the March 24<sup>th</sup> meeting.

### **By-Law Amendments**

B 3.10.

- i. The Committee shall establish an elections schedule which allows for electoral activities, such as candidates forum, debates, and presentations. These activities will end at the end of the Annual General Meeting
- ii. Voting period begins on the day members receive the elections package and ends 10 working days after the Annual General Meeting
- iii. The ballots will be counted on the 11<sup>th</sup> working day after the Annual General Meeting
- iv. Results shall be announced on the 12<sup>th</sup> working day after the Annual General Meeting.

There was a consensus that this matter be dealt with at the January 2007 regular meeting of the NEC as it deals with elections by-laws and the election process has already begun. **Tabled.**

### **Local Leadership Meeting**

J. Aggrey confirmed that the meeting would be held on November 27, 2006 at 2:00 p.m. It was agreed that we would survey the Local Leadership for any agenda items that they may have.

### **Creation of Defence Fund**

This matter was **tabled**.

### **Policy on Paying for Legal Advice under By-Law # 5 – Discipline**

J. Aggrey provided the NEC with legal counsel's advice **which stated that there was no obligation of CAPE to pay for legal advice under the By-Law.**

### **Finance Committee Recommendation**

*Finance Committee Recommendation - July 20, 2006*

The Finance Committee recommends that the budget be given to the National Executive Committee and that the National Executive Committee review the possibility

of a dues increase.

It was moved by R. Oslund, that the National Executive Committee reject the Finance Committee recommendation that the National Executive Committee review a dues increase. **Motion failed due to lack of a seconder.**

It was moved by P. Rosen, seconded by A. Picotte, that the National Executive Committee recognizes the concerns in this recommendation and that it be considered by the 2007 National Executive Committee.

In favour = 7, Opposed = 1, Abstention = 0. **Motion Carried.**

#### Finance Committee Recommendation (Tabled from September 13, 2006 NEC meeting)

The Finance Committee recommends to the National Executive Committee that the balance of the Contingency Funds be used to cover the over spending of line items and that the members be informed that additional funds are needed.

It was moved by A. Picotte, seconded by M. Korol, that upon review of the information received from the Auditor the recommendation is no longer necessary.

In favour = 4, Opposed = 3, Abstention = 1. **Motion Carried.**

#### **President's Report**

##### National Joint Council Seminar

The format for this year's Conference in Vancouver was markedly different from previous years. Two significant differences:

First, the forum has always been used to provide opportunity for one or two Bargaining Agents to make a presentation on who they represent, their relations with the employer and major operational challenges from a union perspective.

Second, and perhaps more important difference, particularly for the CAPE members attending Conference for the first time is that there were no workshops. Normally it is at these workshops that issues of importance or that are contentious are openly discussed by management and the bargaining agents.

##### Highlights

1. The Public Servants Disclosure Protection Act (PSDPA). It is intended to encourage public service employees to come forward if they have reason to believe that serious wrong doing has taken place. It is supposed to provide protection against reprisal to

those who make disclosure.

An employee has three ways to make a disclosure:

- i. to his or her supervisor or senior officer designated for the purpose
- ii. to the Public Sector Integrity Commissioner, or
- iii. public disclosure if there is no sufficient time for the other methods.

As a union, we are very concerned about reprisal for our members who may have a reason to disclose. I will meet with the Public Sector Integrity Commissioner to ensure the rights of our members to procedural fairness and natural justice.

#### *Public Service Labour Relations Act – Progress, Issues and Challenges*

Of particular interest to us is the establishment of the Compensation Analysis and Research Services (CARS). The purpose of it is to promote constructive labour management relations by supporting the parties to collective bargaining in their discussions and negotiations over compensation issues with accurate, impartial and timely information.

The service will conduct compensation surveys to support the negotiations of public service wages, benefits and working conditions. The question remains as to how this will benefit our Association at the table.

#### **Professional Services Report**

##### **Bargaining Committees**

The time limit for volunteering to serve on the FIP negotiating committee or the collective agreement bargaining committee was Friday, October 6.

Seven members volunteered to negotiate the collective agreement:

- Carol Card,
- Suzanne Dumas,
- Luc Gervais,
- Lionel Perrin,
- André Picotte,
- Claude Poirier and
- Francine Roy.

Six members volunteered to serve on the FIP negotiating committee:

- Caroline Leclerc,
- Stephen Mullen,

- Lionel Perrin,
- André Picotte,
- Claude Poirier and
- Marc Vallée.

Caroline Leclerc's application for the FIP negotiating committee was received late, because of illness. I propose that her application be accepted. She was an active participant in the FIP negotiations last year, and will provide useful experience for our new negotiator, Jean Ouellette.

I also propose that Carol Card be appointed to the collective agreement bargaining committee, despite the few hours' delay in her application. For personal reasons, again, the e-mail was sent after the deadline. Carol participated in the previous round, and her contribution was much appreciated.

Letters confirming their appointments will go out next week. The members of both committees will be invited to an initial meeting in November.

Moreover, the EC bargaining committee will be re-convened in November to discuss preparations for next spring's bargaining.

### **EC Classification Reform**

You will remember that I reported last month that the documentation that we needed and requested from PSHRMA had yet to be provided. That very week, I met with officials responsible for the conversion exercise who provided me with documents.

For the past couple of weeks, I have been reviewing and analyzing the mountain of information. I am preparing a document that will provide advice to our EC members on the matter of their work descriptions.

By the end of October or early November, we will post on the CAPE web site and send to local leaders a copy of a document similar to the document that we prepared for ES and SI members for UCS. The document will explain to members their rights further to the collective agreement, and give advice regarding work description writing in relation to the EC standard.

### **Internal Matters**

We have completed our analysis of information and communications processes within CAPE's national office. I will remind you that the exercise began last May. More than 150 combinations of information sources, types of information and clients were identified. Then a good part of the summer was spent on organizing our data, analyzing

the data and drafting procedures.

In September, the draft procedures or protocols were shared with the other members of CAPE's management team for comments. Then, the modified drafts were shared with the members of the Research and Communication section of the office. Further to their comments.

Yesterday, the draft protocols were provided to the rest of the staff for more comments. Staff has until October 20 to provide input. Thereafter, a final version will be drafted. The protocols are expected to be effective some time in November.

The protocols are operational directives on various matters including the manner in which information is expected to flow in the national office, the purpose and content of a new virtual library, making available to members of the staff administrative information (such as the daily log of mail received by the association; contact information re service providers), the new information role of administrative assistants, the information flow from CAPE committees to CAPE's web site, and how get more local information on the web site.

### **Other Matters**

- Input for the annual report has been provided and translation is almost completed. Next week, Deborah will be working on two layouts: a hard copy layout, and one that is more appropriate for the Web site, with titles and hyperlinks and continuous text. The report will be up on the CAPE Web site by the second week of November. Members receive a reminder with their annual membership meeting package that they can request a hard copy of the annual report from the national office. There are very few requests for hard copies.
- We have been working for some weeks on data from the survey of public service employees. It is interesting to see how the reality of the environments in which our members work is reflected in the figures. For example, 44% of our ES members report that they are not being paid for overtime worked. We had planned to table a summary of the highlights today, but we are a little behind schedule. However, reports on each bargaining unit will be prepared in due course for the members of the TR and EC bargaining committees.
- We are also preparing an analysis of section 101 of Bill C-2. Section 101 amends section 35 of the Public Service Employment Act to give persons previously excluded the right to take part in staffing processes in the public service. The amendment gives that right to those working for the Senate, the House of Commons, the Office of the Ethics Commissioner **and the Library of Parliament**. You will likely recall that the question of the exclusion of our Library of Parliament members from public service competitions was brought to the attention of

**Comment [blt1]:** The federal body; COI commissioners seem to be provincial and territorial (I assume the reference is to Mr Shapiro's office).



parliamentary committees by ESSA and CAPE. CAPE even brought the issue to the bargaining table during the last round.

### **Adjournment**

It was moved by A. Picotte, seconded by M. Korol, that the meeting be adjourned at 9:20 p.m.