

CAPE

Canadian Association
of Professional Employees



CAPE Annual Report
2011-2012



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President's Message

Dear colleagues,

When you think you have seen everything, reality can often bite you in the backside, as it did this past year. After several decades of relative peace on the union front, with progress achieved in many areas, we suddenly became fully aware that we were dealing with a government that did not consider harmonious relations with the public service a priority.


The election of a majority in the House of Commons in May 2011 had the effect of tipping the apple cart. Suddenly the government began looking for ways to save money, regardless of the consequences, and our previously hard-earned gains would now be placed under attack. CAPE tried hard to inform the government and the Canadian public of the effects budget cuts would have on the Canadian economy, but a union can be made an easy target by stating that its warnings come from a place of self-interest. Of course, this was before one of Canada's major banks, the CIBC, corroborated our predictions in an economic update published in August. When a union and a bank are in mutual agreement, there must be something very real to what they are saying.

Nobody disputes a government's legitimate right to clean up its finances. Our concern, however, is with the method by which it chooses to go about doing so.

For instance, the aim of the Work Force Adjustment Directive (WFAD) is not to prevent the employer from changing how work is organized. Rather, the WFAD seeks to ensure that dignity and respect are maintained. As things now stand, these two concepts seem to have been swept aside entirely. The refusal to allow job swapping, the disorganized nature of selection processes, the increase in the number of obstacles, the lack of transparency regarding spending cuts and the campaign of disinformation in the media are all just symptoms of a deeper ailment. Treasury Board, which signs all collective agreements, however, does not seem willing to take the necessary steps to try and cure this ailment. Despite sustained discussions with CAPE and the other two major federal public service unions, complaints and policy grievances have become the only ways to move things forward. Meanwhile, the work atmosphere has become unhealthy. A change in direction is needed. Can we really tolerate workers losing their health or even their lives over this?

Collective bargaining is another aspect of our relationship with the employer that can only be described as anaemic. With an employer that refuses to negotiate properly, arbitration seems to have become the Treasury Board negotiator's preferred fall-back position to avoid losing face: there can be no shame in having to abide by a solution imposed by a third party.





The very appreciable gains we have achieved are nevertheless bitter to the taste. However, your representatives on CAPE's bargaining teams should be congratulated and thanked for their fine work. With the able assistance of some experienced negotiators, they managed to achieve some truly exceptional steps forward under the circumstances. At this writing, the outcome of bargaining at the Library of Parliament table is not yet known. We can only hope that equally positive results are achieved there.

Speaking of positive results, I must say a few words about the exceptional climate of cooperation that exists with our colleagues in other unions. In the face of the government's ongoing attacks against its public service and the unions representing its workers, CAPE decided to take on a greater leadership role in the work force adjustment file and concerning the lack of transparency in the March 2012 budget cuts. CAPE wrote to Treasury Board's Chief Human Resources Officer to ask her to change the instructions given to departments and agencies, since they were refusing to provide information to Parliamentarians on the spending cuts. In fact, the departments and agencies claimed that the public service unions were preventing them from supplying this information, which was patently untrue. CAPE also asked the other bargaining agents to exert pressure to make certain that the facts on this issue are known.

Another positive sign is the continued rise of our media profile. Our views and opinions now matter, and they are featured in the "headlines". As a result, the general public is better informed about topical issues affecting the federal public service and Canadians in general.

And there are more topical issues on the horizon, such as the transition to a 50/50 ratio for Public Service Pension Plan contributions, and the raising of the retirement age to 65, to name but two. Pressure groups outside the public service are calling for a levelling down of working conditions in Canada, and the treatment received by Canada Post employees was only a warning.

In the meantime, CAPE members have decided not to lift the freeze on dues that has now been in place for six years. CAPE has managed to keep itself financially solvent with the lowest rate of dues among the major public service unions; however, the gap between CAPE and these other bargaining agents is bound to increase, as the other two major unions have recently adopted measures to boost their financing to a more adequate level. PSAC has voted in favour of two separate dues increases, including one tied to a drop in its membership; and PIPSC delegates will be voting to adopt a \$7 increase in November that will raise their dues to more than \$62 per month.

Do we really want a union that can defend our interests against an increasingly abusive employer? Are we willing to watch our benefits disappear progressively without reacting? Is it a rational decision to have CAPE kneel down before a decidedly anti-union government? We will have to start taking a close, hard look at ourselves in the months to come. ●

Claude Poirier
CAPE President

Collective Bargaining

A round of collective bargaining tends to become predictable as soon as a trend begins to reveal itself. When PSAC members represented at three different tables ratified a tentative settlement that had been reached in late September 2010 covering close to 100,000 public service employees, it was assumed by many that the template had been set, and that other groups would have no choice but to fall in line.

In the months that followed, from one table to the next, for the most part this proved to be true. There were two notable exceptions: the LA (Lawyers Group) agreement in June 2012 and the EC arbitral award of July 12, 2012. The EC award included deletion of the lowest increment of each pay line and the addition of a new top increment worth 3.45%. Because the average value of an increment in the EC pay scales is 3.45%, the hidden effect was to increase the value of the entire pay structure by 3.45% as of June 22, 2013. Here is how it happened.

There were rumours in late September, 2010. While union representatives were meeting at the annual National Joint Council Symposium, it was noted that important representatives from the PSAC and from Treasury Board were missing. Shortly thereafter, and six months before the expiry of the earliest of three agreements, it was announced that the PSAC and Treasury Board had come to tentative agreements for three of the five Alliance tables.

In light of this exceptional action undertaken



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by the largest federal public service union and the employer, other unions demanded information and the opportunity to bargain prior to the expiry of their respective collective agreements. Information was provided to each union separately: the settlement included pay adjustments of 1.75%, 1.5% and 2% for a three-year contract, and the end of accumulation of years of employment used for the calculation of severance pay for retirement and resignation; and there was no room for any additional money or leave, period. When the content of the agreements was made public, following reaction from their respective memberships, unions pulled away.

This was not, however, the end of the story. In late January 2011, CAPE received a letter from Treasury Board threatening the retroactive provisions of CAPE's collective agreements which protect the retroactive application of pay adjustments back to the expiry date of the previous agreement. CAPE wrote back to Treasury Board Secretariat to explain why this would not happen. And the matter quietly went away.

The end of winter and the spring of 2011 was a period of intense work where CAPE's



bargaining committee prepared detailed proposals for the bargaining table. The work was being done with Treasury Board's January threat lingering in the background, with the threat of retributory budget legislation, and with a growing sense among the membership that CAPE could do no better, and would probably do worse than the trend, particularly after May 2, 2011 election results came out.

EC Collective Bargaining

The EC collective agreement expired on June 21, 2011. The parties first met on June 27 to exchange proposals, in preparation of extensive negotiations in the fall of 2011. The parties met at the table on October 11, 12 and 13 to begin negotiating proposals in earnest.

At the end of these three days the EC bargaining team felt that there had been a lot of talk, with very little walk.

The parties next met on November 22, 23 and 24, at which time CAPE tabled comprehensive evidence based pay proposals. This included an analysis of general economic indicators, pay relativity of EC rates with comparable job classification pay rates with the public service, as well as relativity with private sector wages. Little progress was made in terms of reaching a tentative collective agreement.

By the middle of December it was clear to the bargaining team that the employer had set conditions at the table that made it impossible to truly negotiate. CAPE's pay proposal had been rejected in its entirety. The EC team made it clear that it was prepared to listen to the employer and to address employer concerns. The employer made it clear that it was not prepared to extend the same towards the EC community.

On December 14 the Association filed for arbitration in the matter of the EC collective agreement. Treasury Board denied CAPE's assertion that there was an impasse at the bargaining table, and stated that it would be willing to enter into mediation with the hopes of reaching a collective agreement. CAPE noted that the *Public Service Labour Relations Act* gives the Public Service Labour Relations Board (PSLRB) the authority to propose mediation at any time in the process, and that the possibility of mediation should not be an

excuse to delay the process of setting up an arbitration board.

On January 17, 2012, CAPE received notice from the PSLRB that they would proceed with the establishment of a three member arbitration board. CAPE's nominee to the arbitration board was Bill Krause, former President of CAPE, and the Chair of the board was Yvon Tarte, former chairperson of the PSLRB. The arbitration board scheduled the hearing for June 18, 19 and 20.



In the interim, CAPE and Treasury Board did meet with a mediator in May 2012. Several minor matters were resolved. The parties were still unable to agree to a general settlement and as a result brought the remaining matters to the arbitration hearing in June. The five remaining issues brought before the board by the Association were overtime on the second day of rest, variable hours of work, sabbatical leave, a classification review process and pay. CAPE then provided its response to the five proposals from the employer – the premium for reporting back to work, travel time,

Your representatives on CAPE's bargaining teams should be congratulated and thanked for their fine work.

duration, pay and severance pay. The two most important issues before the board were the matters of pay adjustments and severance pay.

On July 12, 2012 CAPE received the arbitration board's decision. The decision awarded the employer its proposal to cease the accumulation of years of service for the purpose of severance pay on resignation and retirement. The award provided ECs with a 1.75% pay adjustment retroactive to June 22, 2011, and a 1.5% pay adjustment retroactive to June 22, 2012. Most importantly, it included deletion as of June 22, 2013 of the lowest increment on each EC pay line and a 3.45% increment added to the top of each of the eight pay lines, effective June 22, 2013, and a 2.0% pay adjustment effective June 22, 2013. In addition, the EC collective agreement saw the following improvements: double time for work performed on a second day of rest, even if no work was performed on the first day, and extension of the duration of variable work schedules from 28 days to 52 weeks. At the time of the decision, CAPE's EC negotiator Claude Danik remarked that *"CAPE's breakthrough regarding pay inequities should be considered a significant victory for our EC members, because it is a just outcome."*

For a summary of the changes to the EC collective agreement, please visit http://acep-cape.ca/pdfs/General/files/EC_CB_NC_EC_07_12_e.pdf

For clarification of the impact of the end to the accumulation of years of service for the purpose of severance pay on resignation and retirement

please visit our website at:

http://acep-cape.ca/pdfs/General/files/Indeminitecessationemploi_EC_severance_e.pdf

TR Collective Bargaining

The TR collective agreement expired on April 18, 2011. Proposals were exchanged in June of the same year. By early October, after several meetings with the employer, the Association had not received any response to its proposals. This was a first in CAPE's experience. By early December a few important issues had been resolved, but the possibility of referring the outstanding matters to arbitration had become more real.

During the week leading up to Christmas, the parties agreed to meet for three days – December 19, 20 and 21. The CAPE TR bargaining team remained hopeful that a tentative agreement might be reached at that time but it became clear almost immediately that the employer representatives had arrived back at the table with their hands tied. No progress was made. CAPE advised Treasury Board that it would be filing for arbitration.

On January 10, 2012, CAPE made a request to the Public Service Labour Relations Board to establish an arbitration board. The employer requested mediation. CAPE advised the Board that in order for mediation to be successful, the employer needed to acknowledge that they had some flexibility in their position. The employer did not, and so the request for arbitration proceeded.

The arbitration hearing was held on July 18,

19 and 20. The Associations' representative on the board was Suzanne Dumas, a former member of CAPE with several rounds of bargaining experience. The Chair of the board was Yvon Tarte, former chairperson of the Public Service Labour Relations Board. CAPE began the hearing with a presentation of matters that remained outstanding further to collective bargaining. These included breaks, meal allowances, pay supplements for TR-02s working in the evenings, the pay supplement for webcasting of interpretation, telework and pay. CAPE then provided its responses to the employer's proposals, the most significant being the end to the accumulation of years of service for the purpose of calculation of severance pay on retirement and resignation. Both parties provided proposals for pay adjustments for April 19, 2011, 2012 and 2013.

On August 10 CAPE received the arbitral award. It fell short of the teams' expectations in terms of pay adjustments, and was received

with disappointment by the Association and its TR members. The award provided the TR members with a 1.75% pay adjustment, retroactive to April 19, 2011; a 1.5% pay adjustment retroactive to April 19, 2012 and a 2.0% pay adjustment, effective April 19, 2013. The award also brought an end to the accumulation of years of service for the purpose of severance pay on resignation and retirement.

The new collective agreement will see some improvements that address long-standing problems. TR employees are now entitled to take two rest periods of 15 minutes each, every day, interpreters will receive a pay supplement not only for televised interpretation but for all interpretation that is directly distributed on the internet and through other media, and the word "telework" now appears in the collective agreement. The new collective agreement also includes a new special work arrangement for evenings where managers will be required to



consider requests for telework from employees who volunteer for the special arrangements.

For a summary of the changes to the TR collective agreement, please visit our website at: <http://acep-cape.ca/pdfs/General/files/Changements CC TR Changes CA edocxn2ncd.pdf>

For clarification of the impact of the end to the accumulation of years of service for the purpose of severance pay on resignation and retirement please visit our website at: <http://acep-cape.ca/pdfs/General/files/Indeminitecessationdemploi TR severance e.pdf>

LoP Collective Bargaining

The Analysts and Research Assistants' collective agreement expired on June 15, 2011. After conducting an online survey of the membership, the collective bargaining team used the members' input to identify priorities and prepare their bargaining demands. The team was given the clear mandate to address the long-standing issue of salary relativity with the Clerks at the Senate and House of Commons.

Near the end of October the bargaining team was cautiously optimistic that matters could be resolved at the table, and a sense of progress was shared by the team. On October 31, 2011, however, the Library of Parliament advised the team that they were unable at that time to meet the Associations' demands. It was agreed that the talks would be suspended, to resume in early 2012 – as the parties were unable to agree on meeting dates prior to then. It was decided at that time that if it became evident

that an agreement could not be reached at the table, the matter would proceed to arbitration.

A meeting of the bargaining teams was scheduled for January 26. The Employer cancelled. A meeting was scheduled for early February. This meeting was cancelled as well. Meetings were scheduled for March 19 and 20. On March 19 CAPE withdrew from bargaining when it became clear that the employer was not interested in reaching an agreement at the table. On April 4 all outstanding issues not settled at the table were referred to arbitration. *"In March, CAPE went back to the table prepared to resolve all outstanding issues by moving considerably on a number of issues, and by tabling a pay proposal,"* said CAPE's LoP Chief Negotiator Hélène Paris, *"After attempting, with no success, to get movement from the Employer, it became abundantly clear that the parties had reached an impasse."*

The arbitration hearing has been scheduled for November 15 and 16. Peter Engelmann of Sack Goldblatt and Mitchell will be CAPE's counsel for the arbitration, and past CAPE President Bill Krause will act as CAPE's nomination to the Board.

TR Financial Incentive Plan

In May of 2011 the Translation Bureau Financial Incentive Plan (FIP) was renewed for a two year period. The current plan expires on March 31, 2013. In September of this year the Association issued a call for volunteers for the upcoming FIP negotiations, preparatory meetings for which will begin this fall. ●

The Workforce Adjustment Directive, Alternations and CAPE Members

When the Conservatives brought in the 2011 budget in the summer of 2011, CAPE had already spent months preparing for the fallout. And the fallout began almost immediately, with cuts announced at Public Works and Government Services that directly impacted on our members.

CAPE had already put in place a system through which members who are at risk of losing their employment may exercise their rights within the Workforce Adjustment Directive (WFAD) to switch positions with a member who wants to leave the federal government workplace. At that time this process was dubbed the “Exchange Facilitation Service”. In addition, CAPE President Claude Poirier sent a letter to departments and agencies asking what measures had been taken to facilitate alternations.

The federal government committed to putting a similar mechanism in place as well through the various affected Departments and Agencies. The efficacy of these mechanisms has been constantly called into question during the past many months by bargaining agents across the federal public service. In some cases, Departments and Agencies had not even created such a mechanism, until the bargaining agents reminded them, time and again, of their obligation to do so.

In addition, the bargaining agents were obligated to hold the employer accountable for the application of the Workforce Adjustment Directive. As a result of several irregularities and inconsistencies in the application of the Directive, in the administration of selection processes relating to the WFA and in the interpretation of “years of service”, CAPE filed three separate policy grievances against the employer through the summer of 2012. At the

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time of this writing, all three issues have yet to be resolved.

As for CAPE's Alternation Program, the Association provides to members of the Local Leadership and the National Executive Committee a list of departments undergoing downsizing exercises, and includes such information as the total number of affected employees, of surplus employees, of opting employees and finally alternations. CAPE also makes its list of volunteers for alternation available to opting members, upon request. ●

Labour Relations and Consultations

CAPE's Labour Relations Officers (LROs) provide key services to the members of the Association, through both formal and informal representation, providing advice regarding employer policies and collective agreements as well as representing the Association in many consultative forums. Second only to collective bargaining, their work is the core of CAPE as a bargaining agent. What follows is a brief snapshot of the work accomplished by the Labour Relations Officers throughout the course of the last year.

Representation

Political Activity – a member engaged in political activity during the last federal election – posting facebook and twitter comments on his home computer, on his own time. As well the member assisted a candidate with their political campaign. The Public Service Commission determined that while political activity had occurred, it was not inappropriate.

Duty to Accommodate – CAPE argued that the employer failed to accommodate a member by refusing to modify her workplace and grounds, to accommodate her disability. The matter was settled and the member received compensation for pain and suffering, as well as reimbursement of lost benefits.

Duty to Accommodate – a grievance was filed alleging that the employer failed to meet the recommendations of an ergonomic assessment. During mediation a confidential settlement was reached.

Termination – a member was terminated following a series of disciplinary actions taken against him over a brief period of time. While it was clear to the LRO that the termination was warranted, the Association was successful in negotiating the resignation of the member instead of the disciplinary termination – which allowed this long time member to re-

ceive his severance pay. In this case the member only approached CAPE at the 11th hour, after all the disciplinary action had been meted out. It serves as a reminder that it is important to contact CAPE early when issues relating to terms and conditions of employment arise.

Harassment – a Local Leader was verbally harassed by managers for taking time for union business. The grievance was allowed, in part, at the final level.

Harassment – several members brought the harassing behavior of their supervisor to management's attention, including two members who filed formal complaints. After meeting with human resources regarding the supervisor's behavior, an investigation was undertaken which concluded that the allegations were founded. The supervisor was reassigned non-managerial responsibilities, and the employer undertook to improve the climate in the workplace.

Harassment – a member was a respondent to a harassment complaint. The CAPE LRO provided advice and support throughout the proceedings and investigation. The investigative report exonerated the member.

Staffing – a year after having been deemed qualified in a competitive process, a member was advised that an error had occurred during

the process and that the member was not, in fact, qualified. Together, the CAPE LRO and member developed an approach to the matter, that involved convincing the Deputy Head that the member did meet the selection criteria. Based on the arguments, management screened the member back into the selection process.

Health and Safety – shortly after moving to a new work location, several members experienced strong symptoms possibly related to air quality. The LRO and CAPE Local President met with members to find out more regarding the situation, and to develop a strategy. The matter was brought to the attention of the Joint Occupational Health and Safety Committee, and to the attention of the Deputy Minister. Air quality testing determined that there were high concentrations of carbon dioxide in the workplace. The members were quickly relocated to a new location while steps were taken to remedy the situation.

Sick Leave | Leave with pay – CAPE negotiated a compromise on behalf of a member on sick leave, who faced a significant period without income before bridging the gap to disability. The employer agreed to allow the member to take other leave with pay, thereby reducing the period of time that the member would be without income.

Sick Leave – a member was disciplined for not properly reporting absences when calling in sick. The employer placed a letter on file and denied the sick leave. After a careful and full review of the file and the history of an existing problem related to a different incident, and after reviewing similar cases, it was determined that the employer's action could not be challenged successfully.

Workers Compensation Appeal – a member was claiming entitlement for a work related injury. The claim was accepted and benefits

were paid, at the final level of the Workplace Safety and Insurance Board. The employer appealed the decision, and the tribunal overturned the original decision and allowed the appeal in favour of the department.

Flexible Work Arrangement – a member's request for flexible work hours in order to fulfill volunteer work for her religious institution was rejected. The employer was of the opinion that this was volunteer work which is not a religious obligation but rather a personal choice. Following CAPE's intervention, an alternate work schedule was arrived at.

Discrimination based on disability – several members attempted to address the need for accommodation based on physical disability in an informally manner, unsuccessfully. Grievances were filed alleging discrimination based on physical disability. In each case, the matter was resolved to the full satisfaction of the member.

Discrimination based on sex – two women encountered difficulties receiving their maternity allowances from the employer. They were obligated to provide pay and benefits with proof that they had received their employment insurance before receiving their allowances. After sending the grievances to arbitration, the matters were settled to the satisfaction of the members.

Classification – for the greater part of the last two years, CAPE designated one LRO to deal with a backlog of classification grievances which resulted from the EC conversion exercise two years earlier. A great many of these grievances were successfully argued – 34 positions were reclassified upwards.

Termination of term employment – after completing 2 years and 9 months of continuous unbroken term employment, the member was advised that his term employment would not be renewed and that his employment would terminate in the fall of 2011. After CAPE reviewed the

facts and evidence of the file, there was compelling evidence that the member met all of the obligations to be appointed full time indeterminate, pursuant to Treasury Board's Term Employment Policy. In addition, there was detailed written confirmation that the member would be rolled-over to indeterminate full time, from the previous Director. A grievance was filed on behalf of the member, and the grievance was upheld.

Workforce adjustment grievances – please see the article entitled

“The Workforce Adjustment Directive, Alternations and CAPE Members” elsewhere in this publication.

Consultation

Departmental and Agency Consultations

Over the past year, a significant amount of time and energy went into, and continues to be dedicated to, departmental and agency Workforce Adjustment Committees (for more information on this, as noted earlier, please see our article entitled “The Workforce Adjustment Directive, Alternations and CAPE Members” elsewhere in this publication), as well as other topics relating to the implementation of the 2012 federal budget. In addition to this increase in consultation, Labour Relations Officers continued to consult on a vast array of other issues, across the federal public service. These issues include, but are not limited to: action plans for the federal budget reductions, public service surveys, workplace wellbeing, employment equity, harassment, shared services, Values and Ethics Code, language training, official languages, travel, professional development, terms of reference for consultation, committee mandates, access to education leave, restructuring, amalgama-

tions, relocation, disability management, return to work policies, casual and term employment and EC development programs.



Disability Management Initiative Technical Committee

In late 2011 the Treasury Board of Canada Secretariat announced the official launch of many of the products developed under the Disability Management in the Federal Public Service project (<http://www.tbs-sct.gc.ca/hrh/dmi-igi/index-eng.asp>) to help deputy heads and departments acquire a disability management capacity or build upon their existing capacity. This project was undertaken by a Disability Management Initiative Technical Committee consisting of employer representatives and representatives from six federal public service bargaining agents, including CAPE. This committee was tasked with reviewing the problems and issues identified by the Disability Management Initiative through the development of several resources to assist managers and members in understanding and managing disability management cases across the federal public service. Of particular interest are the following resources:

Managing for Wellness – Disability Management Handbook for Managers in the Federal Public Service (<http://www.tbs-sct.gc.ca/hrh/wds-mst/disability-incapacite-eng.asp>). The purpose of this handbook is to improve managers' use of tools available to them for disability management.

Disability Management: Employee Wellness Resource (<http://www.tbs-sct.gc.ca/hrh/dmi-igi/fundamentals-fondements/ewr-rme-eng.asp>). This document was developed for employees and sets out the various resources available to help them stay physically and mentally healthy.

Although CAPE participated in the project, it did not give its stamp of approval to the final versions of these resource documents. CAPE was reluctant to endorse some of the views concerning several sections of these documents because they contradict the basic principles to which it subscribes. CAPE will be keeping a close eye on the application of these Web resources in order to remedy any negative impact that may arise from their use.

Pension Advisory Committee

CAPE is an active member of the Pension Advisory Committee. Most recently the committee examined the Treasury Board renewal initiative – Management Accountability Framework, and its administrative update, as well as a training module on administration of the Public Service Pension Plan.



National Joint Council (NJC) Committees

Workforce Adjustment Committee – between August 2011 and September 2012 the committee met on six occasions to discuss the readiness to handle an influx of workforce adjustment situations and possible grievances. At the meetings, committee members reviewed WFA situations occurring under the Directive, and bargaining agent representatives asked Treasury Board for regular updates on the number of positions affected by WFA as well as their status. Bargaining agent representatives consistently emphasized the importance for Treasury Board to put in place mechanisms to coordinate alternation. At the time of this writing, no grievance challenging the interpretation or application of the WFA Directive has been scheduled for a hearing by the committee. Policy Grievances follow a different course and do not appear before the NJC committee.

Travel Committee – The Association introduced input in to the initial proposal for changes to the NJC Travel Directive. The

cyclical review process began in August, 2012 and it is expected that the NJC Travel Committee will complete the review process by April 2013. It is anticipated that the new Travel Directive will contain some changes that will likely have an impact on our members who are required to travel for business. CAPE will keep our members advised of these changes when the new Travel Directive becomes effective.

Dental Care Board of Management – this board received appeals from federal public servants regarding coverage of benefits while on Leave Without Pay, with many cases relating to departmental errors, appeals regarding late claims, and claims relating to orthodontic benefits.

Joint Employment Equity Committee - Between August 2011 and September 2012 the committee discussed stigmas surrounding the return to work of employees with invisible disabilities, the impact of the OCHRO policy suite review on employment equity goals, the impact of work force adjustment on employment equity goals, and joint learning opportunities, among other topics.

Official Languages Committee - As part of information sharing, the Official Languages Committee received an update from the Public Service Commission on the proposed changes to the Appointment Policy. The Committee also received presentations from the Office of the Commissioner of Official Languages on the Annual Report and the study *Beyond Bilingual Meetings: Leadership Behaviours of Managers*. The Committee participated in consultations and received a presentation from TBS on the Official Lan-

guages Policy Review – Parts IV, V, VI. No grievances were heard by this committee.

This Committee also undertook an evaluation of the Official Languages Centre of Excellence initiative in support of the horizontal evaluation of the Roadmap for Canada's Linguistic Duality 2008-2013.

The Committee also examined the results of the 2011 Public Service Employee Survey regarding official languages. A significantly smaller proportion of Francophones than Anglophones stated that they were able to use the language of their choice to write documents and emails and to express themselves during meetings at work. The perception of discrimination has improved since 2008, but the level of satisfaction among Francophones and Anglophones with the way in which their departments or agencies respond to matters related to harassment and discrimination has declined. Overall, the responses given by Francophones were more positive than those given by Anglophones.

CAPE's Education Officer

All new queries coming into the CAPE national office relating to terms and conditions of employment, working conditions and the collective agreements are directed to the CAPE Education Officer, who acts as the first contact and information source to members. The CAPE Education Officer is confronted with all of the same issues and concerns that face the Labour Relations Officers. If members contact the office with issues that require ongoing advice or representation, they are directed through this conduit to the appropriate Labour Relations Officer. ●

What the Members Have to Say to CAPE LROs and Education Officer

“The road that we have taken has allowed me to realize the difficult nature of your work, especially knowing that, regardless of the policies involved, the process is neither just nor fair. Chances of success are at best minimum, but in reality are non-existent... The devotion that you and your colleagues bring to the defense of members has earned my admiration and my profound respect.”

- ▶ I would like to thank you for your help and assistance at the meeting last week. Your presence made all the difference.
- ▶ Thank you enormously for your quick response. Your explanations were clear and very useful.
- ▶ A great big thank you for your research. It's very much appreciated, and I will follow your advice.
- ▶ Thank you for your detailed response as well as your suggestions.
- ▶ Thank you for your guidance today. It was actually very helpful just to have someone to discuss my situation with.
- ▶ Thank you so much for the information. Your pulling the information out helps me focus on what I was looking for since there is so much to read on the site! I do appreciate you taking the time to explain each of the sections.
- ▶ Thank you for your assistance. I truly believe that your involvement and follow-up help immensely.
- ▶ Thank you very much for this prompt and thorough response.
- ▶ When the record is set straight, it feels so good.
- ▶ I just want to say “thank you” for your guidance and support. In a time where the role of the union is coming under scrutiny, where members may be questioning their dues vis-à-vis need of representation, where there seems to be a public backlash on the positions that the unions take... I am very appreciative to have had the union's support against the Goliath.
- ▶ Thanks for getting back to me so quickly. Much appreciated. Your comments and suggestions are very helpful.
- ▶ Your help in ensuring that I'm not launched into a process without the appropriate accommodations is greatly appreciated. ●

CAPE Communications

Professionals Serving Canadians

On the eve of the 2012 federal budget, a coalition of six unions representing Canada's federal public service professionals launched a major social media-based campaign to stop the government from undermining programs and services that keep Canadians safe.

The launch of the "SafetyEh.ca campaign" saw CAPE, the Professional Institute of the Public Service of Canada, the Association of Canadian Financial Officers, the Association of Justice Counsel, the Canadian Federal Pilots Association, and the Professional Association of Foreign Service Officers joining forces to present a united front to the current government.

Professionals Serving Canadians believes that the Harper government's plan to slash programs and services across the government represents a serious danger to the well-being of Canadians, their families, and their communities. The campaign aims to educate Canadians on the dangers of cutting services that protect them and to provide ways for ordinary Canadians to voice their concerns and create change. The focus of the campaign is on the effect cuts will have on the safety of Canadians more broadly, rather than union members specifically.

In May of 2012, CAPE President Claude Poirier represented this coalition before the House of Commons Standing Committee on Finance in an attempt to convince the Committee of Professionals Serving Canadians' concern that the governments' planned cuts to federal programs and services represent serious dangers to the well-being of Canadians, their families and their communities.

CAPE and Social Media

In February 2012, CAPE entered the world of

social media by opening French and English Twitter accounts. CAPE uses Twitter to pass along tidbits of political, economic and social news and information to its members and to anyone interested in union matters.

CAPE posts 5 to 10 tweets every day, and it also re-tweets dozens of messages from journalistic, political and union sources or from independent observers.

By October 2012, 290 individuals and organizations were following @CAPE_ACEP; its French-language equivalent, @ACEP_CAPE, had 90 followers.

Anyone can sign up to follow either of the two CAPE accounts:

- https://twitter.com/ACEP_CAPE
- https://twitter.com/CAPE_ACEP

Use the hashtag #acep or #cape.

The Online Discussion Platform

CAPE plans to invest in more online tools in the months to come. We intend to set up a Facebook account in order to link the contents of our website to the Facebook community.

CAPE members already have access to another electronic forum where they can discuss union-related issues as well as broader social issues. The Online Discussion Platform is open exclusively to members in good standing of CAPE, and is a forum for discussing current issues and events.

The Platform is the brainchild of former Vice-President (EC-LoP) Ray Zwicker, who retired at the beginning of October. It is powered by phpBB open source software. In early October, the platform had about 250 registered users.

To get on the platform, just go to the CAPE website and click on the “CAPE’s Discussion Platform” link.

Note also that the CAPE website has been adapted for cellphone and tablet users since September 2012. People who access the CAPE site via these devices can access a simplified menu to help them navigate around the site.

*Our views and opinions
now matter, and they are
featured in the “headlines.”
As a result, the general
public is better informed
about topical issues affecting
the federal public service and
Canadians in general.*

Blog for the President and Guests

Another new addition for 2012 is the CAPE President’s blog. The idea for this blog came about because CAPE’s name is sometimes brought up in media coverage of the federal public service without giving us an opportunity to set the record straight or participate in the discussion. In fact, it is not always easy to get our comments published following an inaccurate or incomplete article.

The blog therefore provides a forum for the President and his guests to comment on current events or to present a version of the facts that the traditional media are seemingly in no hurry to report.

Published at least once a week, this blog is a place where the President, individuals who share the same values as CAPE and organized labour can air their views freely.

Make sure to read the blog on the CAPE website at www.acep-cape.ca.

National Public Service Week and the Grey Square

During the weeks leading up to Public Service Week 2012, CAPE participated in a campaign to encourage federal public service employees to wear a grey square during National Public Service Week. The grey square represented a gesture of solidarity with other federal public employees who will be losing their jobs. Inspired by the “red square” campaign mounted by the student movement in Quebec, this badge of solidarity allowed people to respectfully demonstrate that the impacts of the budget cuts affect everyone. It also served as a means to express thanks to colleagues who would be leaving their jobs in the wake of the government’s cost cutting measures.

CAPE increased its parliamentary outreach activities

One of CAPE’s priorities in 2012 was to meet with Parliamentarians in order to inform them of our positions on specific issues. Of course, the number of these issues increased considerably when the federal government’s March budget triggered a wave of spending cuts, the effect of which has been to slow Canadian economic growth and reduce services to the public.

In preparation for these meetings, CAPE

analysed the impact that a federal austerity budget would have on the Canadian economy and began publishing its analysis results at the end of February. Initially based on cuts in the \$8-billion range, as announced by the Treasury Board President and the Minister of Finance in the weeks leading up to the budget, CAPE's findings were subsequently adjusted when the budget tabled in the House of Commons revealed \$5.2 billion in actual spending cuts. Disparaged by the government, our analysis findings, which we arrived at by applying a model developed by Statistics Canada, were subsequently corroborated by Moody's and CIBC, among others.

The analysis results became a sort of calling card for CAPE and its President, Claude Poirier, in arranging meetings with senators and MPs. The members of three House of Commons Standing Committees (Finance, Public Accounts and Government Operations) and of the Senate Committee on National Finance were initially targeted.

Nearly all of the members of these committees were contacted, and meetings were held with the following: MP Hoang Mai (NDP) on February 29; MP Alexandre Boulerice (NDP) on February 29; MP Scott Brison (Liberal) on March 8; MP Peter Julian (NDP) on March 13; MP Guy Caron and the Quebec Caucus of the NDP on April 25; Senator Pierrette Ringuette (Liberal) on June 18; and MP Anne-Marie Day (NDP) on June 21. During the course of these meetings, CAPE's President presented the Association's findings on the impact the federal budget cuts would have on Canada's

economy; he also discussed public service expertise, the vital need for government decision-making to be based on unbiased analysis and facts rather than impressions, and the importance of a number of government programs.

CAPE's President was warmly received, and the discussions gave Parliamentarians a better understanding of our position and of the consequences of government decisions on the



Canadian public. Moreover, the NDP Members of Parliament representing ridings in the Outaouais (Nycole Turmel, who was then the acting leader of the NDP, Françoise Boivin and Mathieu Ravignat) and NDP Labour Critic Alexandre Boulerice contacted CAPE and the Public Service Alliance of Canada (PSAC) to organize a meeting on March 15 specifically to discuss the impact the federal budget cuts would have on the National Capital Region.

CAPE was also invited to appear before the House of Commons Standing Committee on Finance on May 29 as the Committee deliberated over the budget. On behalf of the

Professionals Serving Canadians coalition, CAPE President Claude Poirier presented a submission to the Committee outlining the dramatic impact the budget cuts would have on the public service and on services to Canadians. Mr. Poirier was accompanied by Tim Edwards, President of the Professional Association of Foreign Service Officers.

In accordance with legal requirements, CAPE is now registered with the Registry of Lobbyists administered by the Office of the Commissioner of Lobbying of Canada, where information about its meetings with Parliamentarians is duly recorded.

CAPE intends to pursue its efforts to promote knowledge of the work of its members as well as their concerns by continuing to meet with Parliamentarians in the coming months. Given the forthcoming legislative changes affecting employee contributions to the Public Service Pension Plan and the age of retirement, there is clearly an important need for us to continue to reach out to Parliamentarians to ensure that they understand our position on these and other vital issues and can therefore debate them with full knowledge of the facts involved. ●



CAPE's National Executive Committee Strategic Planning Session

Early in 2012 the CAPE National Executive Committee (NEC) attended a Strategic Planning Session. The scope of the issues examined extended from internal affairs to governance, membership involvement and inter-union cooperation.



The NEC examined the allocation formula that determines the number of Directors per bargaining unit, as well as the role, function and workload of the two Vice Presidents. Orientation for new members of the National Executive Committee was initiated during this session.

The structure and flow of committees to the NEC were also examined, and addressed such issues as the composition of committees, the skills required to participate on committees, a review of the mandates of the existing committees, and the functional relationship of committees to the NEC.

The NEC also examined ways and means of enhancing the CAPE membership, including transparency of information, greater dissemination of information, timely and in-depth

information on the CAPE website and increased interaction with the membership through technology – discussion platforms, a blog, etc.

The matter of inter-union cooperation was discussed, and the NEC agreed that a greater level of coordination and cooperation with other public service unions would make defending jobs, compensation and

bargaining rights more effective.

The NEC also agreed during this strategic planning session that the CAPE dues structure needed a close and thorough examination. Other recommendations included increased communications, recruitment of Rands, strengthening of the Local Leadership network and encouraging the establishment of new locals. ●

The 2012 CAPE Dues Votes

Early in the spring of 2012 the CAPE Finance Committee made a recommendation to the National Executive Committee (NEC) that they approve a motion to ask the members to approve an increase of CAPE membership dues by \$15.00 per month. This motion was approved by the NEC, and the membership was asked to vote on the proposed dues increase.

After a brief voting period fraught with technical difficulties, which called into question the very integrity of the voting process, the vote was abandoned. The most significant error in creating the ballots was the omission of the configuration of settings to block access to a ballot after one was submitted. This caused members to think that they were capable of submitting more than one ballot – even though the system has a secondary level of security in place to ensure that only one vote per registered member is collected. In light of the errors and of the legitimate concerns expressed by some members regarding the integrity of the vote, CAPE cancelled the initial voting process.

It was decided to rerun the voting process, beginning on June 22 to July 13. On June 19 the Association held a Special General Meeting where some members expressed their perceptions of a voting process that lacked transparency. They further impressed upon the National Executive Committee that in order to make a well informed decision in this matter, additional information should be forthcoming. A great deal more information. To review the related information which was provided to the CAPE membership subsequent to these requests by the membership, please visit the CAPE website.

As a result of the member feedback heard at the June 19 SGM, the NEC amended its origi-

nal motion to reflect a change in the scheduling of the vote, to the period of September 7 to September 28.

On September 7 the Association once again issued ballots to the membership. This time the process was relatively free of technical difficulties - though not without some frustration for some members. In all instances where difficulties were brought to the attention of the national office, all measures possible were taken to ensure that members were able to exercise their right to vote. CAPE is currently conducting a post-mortem of this process with the goal of eliminating all technical difficulties relating to casting ballots in CAPE voting processes.

For additional information relating to CAPE's current and projected financial situation, please see the Message from CAPE President Claude Poirier. ●

2011 Elections and Resolutions and the Financial Ballots

CAPE elections are held every three years. As such all elected officers have a mandate of three years. In the summer of 2011 an official call for nominations and resolutions was sent to the membership. As a result, in September of 2011 the following results were announced:

Claude Poirier was acclaimed as President.

Ray Zwicker was acclaimed as EC/LoP Vice President.

André Picotte was acclaimed as TR Vice President.

EC Directors

Originally, fourteen members were nominated for the thirteen available EC Director positions. Subsequently one member declined the nomination, and as such Derek Brackley, Gordon Brennan, Riley Brockington, Cindy Creran, Sandra Gagnon, Ann Kurikshuk-Nemec, Janet Marshall, Shawn Menard, Gregory Phillips, Patrick Warner, Lee Whitmore, Ambrose Wong and Michael Zinck were acclaimed as EC Directors.

TR Directors

One member was nominated for the two available positions.

Stephen Mullen was acclaimed to one position. The vacant position was filled by the National Executive Committee in January 2012. Loïc Haméon became the second TR Director.

LoP Director

Jean-Luc Bourdages was acclaimed to the position.

Constitution and By-Law Amendments

Over the course of the 2010 – 2011 year, the

Constitution and By-Laws Committee was mandated by the National Executive Committee to review the Constitution and By-Laws in order to address new issues. The following amendments were approved by the membership in the fall of 2011:

By-Law # 10 – Retired members The objective of this change was to allow the NEC to appoint a former member of CAPE or its predecessors who have retired from the Public Service as a non-voting advisor to any sub-committee of the Association.

By-Law 12 – Loans to Members The objective of this change was to prohibit the loaning of membership monies or any other valuables by any CAPE entity to any of its members or another party.

By-Law 13 – Constitutional Amendment Process By Member or Local The objective of this change was to outline the process for a member or Local or the NEC to submit a petition to a vote of the membership to amend the Constitution.

By-Law 14 – Suspension due to Absenteeism The objective of this change was to describe the process by which the NEC can suspend one of its members from the NEC or one of its sub-committees due to absenteeism.

Constitutional Amendment to Clause 11 – Duties and Responsibilities of members of the National Executive Committee The objective of this change was to describe the duties

and responsibilities of members of the NEC. This is a new section as these duties had not been described before.

Constitutional Amendment to Clause 15 - Resolutions The objective of this amendment was to remove the ability to use Resolutions to propose changes to the Constitution or By-Laws as there are proposed or existing processes which members use to undertake such amendments.

In addition, the membership approved the following resolution:

Resolution for Mental Health Parity in the Public Service Health Care Plan

This resolution proposed to achieve parity in physical and mental health by amending coverage for psychological services to align with coverage for treatment of physical conditions. Recent union studies and media coverage demonstrate the rising incidence and cost of mental illness and disability in the public service. Psychological services form a part of the diagnosis and treatment of mental illness.

Under the Public Service Health Care Plan (PSHCP), the current maximum coverage for psychological services is \$1000 annually. However, psychological services can cost upward of \$180 per hour, meaning that current benefits could cover fewer than 6 appointments. This coverage does not reflect the reality of what is needed for treatment of many mental health conditions, and can lead to significant expenses being incurred by plan members.

By comparison, coverage is provided for physiotherapy for up to \$500 and over \$1000 per year, ensuring that members with more extensive treatment needs are not subject to financial hardship. Extending this coverage model to psychological services would help achieve equity in the treatment of physical and mental illnesses.

Whereas, psychological services coverage is currently capped at \$1000 per year.

Whereas, physiotherapy, with coverage of up to \$500 and over \$1000 in a calendar year, would be a more appropriate corollary to psychological services.

Therefore, be it resolved: We, the members of CAPE, direct our executive, and all relevant committees bargaining with the NJC on our behalf, to negotiate revisions to PSHCP coverage for psychological services to align it with that of physiotherapy.

Be it also resolved: The membership also directs our executive, and all relevant committees bargaining with the NJC on our behalf, to amend terms and conditions in the PSHCP to allow maximum flexibility in treatment options, such as stated allowance for practitioners under the supervision of a qualified psychologist or nurse-practitioners under the supervision of a qualified psychiatrist.

Finally, be it resolved: The membership calls on the employer representatives to the NJC to work with the CAPE executive and relevant bargaining committees to ensure these amendments are introduced expediently and in good faith, in alignment with initiatives such as the Disability Management Initiative (DMI).

Financial Votes

Members were also asked to vote on the CAPE Audited Financial Statements, the appointment of a CAPE Auditor, and the CAPE 2011/2012 and 2012/2013 budgets. The members approved each of these. ●

CAPE Committees

With the exception of the CAPE President, all positions on the National Executive Committees, the Finance Committee, CAPE subcommittees and in CAPE locals, are volunteer positions. These members giving freely of their time and expertise, and are the backbone of the Association.

"Volunteers are essential to any union organization, but more so to CAPE. CAPE is a union representing professionals, and our volunteers have to try and maintain a balance between their involvement with us and their professional and personal life. There are no words to express how grateful we are to them."

Claude Poirier, CAPE President



CAPE Committee Members

Minutes of all CAPE committee meetings can be found on the CAPE Website at www.acep-cape.ca

CAPE National Executive Committee

To contact any member of CAPE's Committees or Local Leadership, please call our National Office at 613-236-9181 or 1-800-265-9181.

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OHS Rep Ève Lyne Marchard
OHS Rep Geneviève Parent

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Human Resources Unit
Diane Bisson
André Picotte

Aboriginal Affairs Unit
OHS Rep Émilie Viens
OHS Rep Christine Lee

Canadian Heritage Unit
OHS Rep Line Niquet
Lucia Molino

Legal Translation Division

Economics and Legal Services Unit Chantal Desrochers
Loïc Haméon-Morrisette
OHS Rep Johanna Kratz

Courts Unit Sebastian Desbarats

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OHS Rep Renée Bédard

International Trade Canada Unit Katerine Arpin
OHS Rep Gil Fontenele
Delphine Moser

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OHS Rep David Rettie
OHS Rep Annie Bayeur

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OHS Rep Carole Dion

Interpretation and Parliamentary Translation

Parliamentary Proceedings

Committees I Martin Meunier

Committees II Olivier Alarie

Debates 1 Stéphanie Beaulieu
OHS Rep Bernard Desgagnés
Isabelle Rochon

Parliamentary Documents

Parliamentary Services Lionel Perrin

Legislative Translation Unit Stephen Mullen

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Lillian Cook
Gitte Krogh-Lytle
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Connie van Rosmalen

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Yvonne Kunce
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Manon Mallet
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Julie Nadeau ACOA

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Catherine Hollahan
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Paul Parsons
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Robert Grandy
Glenn McMullen
Steve Jreige
Jennifer Burley
Tracy Kempton

Labour Management Consultation Committee Canadian Coast Guard College

Monique Berger

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Steward

Sarah Smale

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Kingston (Local #504)

President

Marcelene Holyk

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Wendy Dennis
Teresa Cuke
Nadine Robinson
Karen Mendonça

Occupational Health and Safety Labour Management Consultation Committee Representative

Karen Mendonça

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Craig Abbott
Mary Beth Maclean
Teresa Pound
Scott Crawford
(DVA) Don Ramsay
Michael Zinck

Québec

Montreal (Local #402)

President Stewards

Mario Jodoin
Hubert Brown
Gwen Cartier
Marilou Dufour
Catherine Giguère
Pascal Guilbault
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Jean-Pierre Racine

Québec City/Ste-Foy (Local #401)

Principal Representative Assistant Representative Assistant Representative

Frédéric Lessard
Natacha Canuel
Martial Ménard

Saskatchewan

Northern Region (Local #701)

Director/Steward

Laurie Desautels

Membership Distribution*

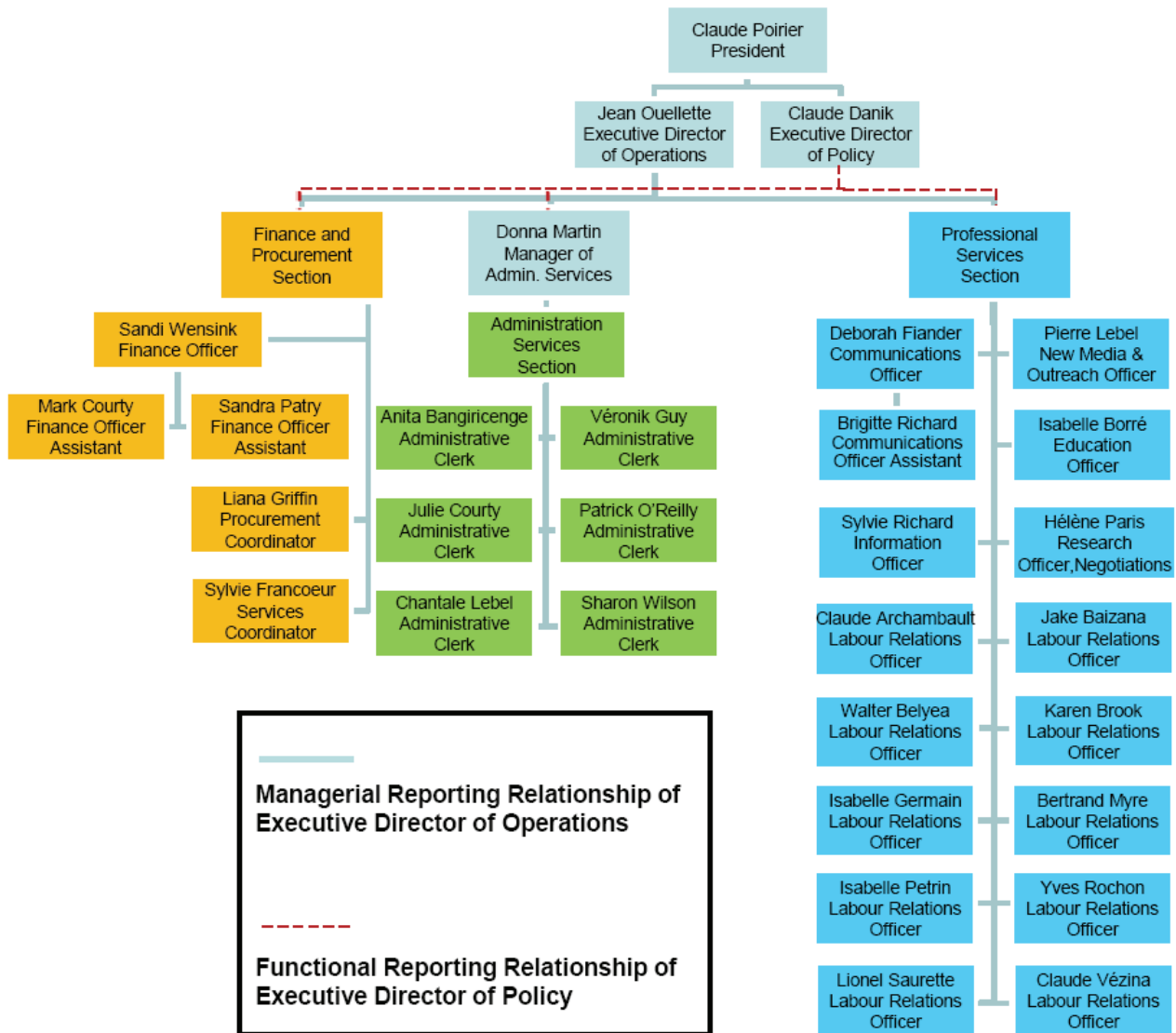
Department or Agency	EC	AN/RA	TR	Total
Statistics Canada	2020			2020
Social Development Canada	1249			1249
Health Canada	986			986
Aboriginal Affairs and Northern Development Canada	762			762
Public Health Agency	637			637
Justice Canada	435			435
Agriculture and Agri-Food Canada	416			416
Public Works & Government Services Canada	358		919	1277
Industry Canada	319			319
Natural Resources Canada	415			415
Environment Canada	356			356
Transport Canada	377			377
Treasury Board Secretariat	353			353
Finance Canada	325			325
Foreign Affairs Canada	320			320
Citizenship and Immigration Canada	316			316
Fisheries and Oceans	265			265
Library and Archives	220			220
International Development Agency	199			199
Public Safety Canada	203			203
Canadian Heritage	132			132
Privy Council Office	100			100
National Defense	215			215
Elections Canada	104			104
Infrastructure Canada	89			89
Library of Parliament		92		92
Public Service Commission	59			59
Canada Border Service Agency	85			85
Royal Canadian Mounted Police	68			68
Office of the Director of Public Prosecutions	78			78
Penitentiary Services	66			66
Atlantic Canada Opportunities Agency	46			46
Veterans Affairs	48			48
Federal Regional Development (Quebec)	31			31
Western Economic Diversification	34			34
Canada School of Public Service	42			42
Immigration & Refugee Board	36			36
Passport Canada	24			24
Canadian Environmental Assessment Agency	19			19
Canadian Transportation Agency	23			23
Office of the Privacy Commissioner of Canada	16			16
Federal Economic Development Agency for Southern Ontario	19			19
Canadian Space Agency	17			17
Coordinator Status of Women	15			15
Human Rights Commission	17			17
Patented Medicine Prices Review Board	10			10
Registrar of the Supreme Court of Canada	14			14
Radio-Television & Telecommunications	11			11
Transportation Safety Board	7			7
Canadian Dairy Commission	7			7

Membership Distribution* cont'd....

Department or Agency	EC	AN/RA	TR	Total
Canadian Grain Commission	9			9
Canadian International Trade Tribunal	4			4
Military Police Complaints Commission	1			1
Assisted Human Reproduction Canada	3			3
Federal Judicial Affairs	3			3
Copyright Board	1			1
Canadian Labour Relations Board	1			1
Canadian Artists and Producers Tribunal	2			2
National Parole Board	1			1
Office of the Registrar of Lobbyists	1			1
Commissioner of Official Languages	3			3
National Farm Products Council	3			3
Hazardous Materials Information Review Commission	2			2
Public Sector Integrity Canada	2			2
Courts Administration Service	8			8
Indian Residential Schools Truth and Reconciliation Commission	4			4
Public Service Staffing Tribunal	1			1
Office of the Secretary to the Governor General	23			23
TOTAL:	12035	92	919	13046
Associate Members:				17
GRAND TOTAL:				13063

*Based on the most recent information provided by Treasury Board

Organization Chart CAPE National Office October 2012



Canadian Association of Professional Employees

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CAPE

Canadian Association
of Professional Employees

CAPE Annual Report 2011 - 2012

ACEP
Association canadienne
des employés professionnels



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