

**CAPE Executive Committee
Minutes of February 23, 2011
CAPE National Office
Boardroom
5:45 p.m.**

Present: C. Poirier (Chair), J-L. Bourdages, R. Brockington, S. Chatterton, I. Dawson, R. Duranceau, S. Maguire, S. Mullen, A. Picotte, A. Wong, M. Zinck, R. Zwicker, C. Danik, J. Ouellette, D. Martin.

Apologies: C. Creran, J. Pentick, G. Phillips, S. Pichie, G. Thibault-Gosselin, L. Whitmore.

1. Items for Approval

1 a) Approval of Agenda

The following items were added under substantive issues for discussion

- 4 b) Filling NEC vacancies
- 4 c) Full-time Vice-President's

R. Zwicker mentioned that the Communications Committee should be a standing item under Committees.

Motion: It was moved by S. Chatterton, seconded by M. Zinck, that the agenda be approved, as amended. **Carried unanimously.**

1 b) In Camera Minutes of January 26, 2010 [\(In Camera\)](#)

1 c) Minutes of January 26, 2011

Motion: It was moved by M. Zinck, seconded by R. Zwicker, that the minutes be approved. **Carried unanimously.**

In favour = 9, Opposed = 0, Abstention = 2. **Motion carried.**

1 d) Operational Review

Motion: It was moved by R. Zwicker, seconded by R. Duranceau, that a one day strategic planning session be held on April 28, 2011, and that a planning group be established to note issues to be discussed and that a facilitator be hired.

Motion carried unanimously.

Motion: It was moved by R. Duranceau, seconded by R. Zwicker, that R. Brockington, R. Duranceau, A. Wong and R. Zwicker be approved as members of the planning group. **Motion carried unanimously.**

Motion: It was moved by C. Poirier, seconded by R. Zwicker, that the Operational Review Report and organizational chart be approved in principle. **Motion carried unanimously.**

2) Reports

a) President's Report

The month of February, even if it is the shortest of the year, was quite busy. The pace of meetings increased, as if everyone were starting to realize that we haven't much time before March 31.

I must inform you that our colleague Kimberley Piché has handed me her resignation from NEC as well as from the EC bargaining committee for personal reasons. She thanks you for the welcome you have given her and says that she has very much enjoyed her short stay with us.

I met the new Deputy Minister of Natural Resources and we discussed, first and foremost, the importance of the ECs in this department. A former EC member himself, and thus a former member of CAPE, he is proud of their EC training program. I went twice to CIDA, once with Claude Danik to meet the members, and then to consult at the national level with the other unions. This proved to be good preparation for an interview on *The Current*, an English language program of Radio Canada. I was invited there to speak about the incident with Ms. Bev Oda and the effect on our members at CIDA.

CAPE's Office Accommodations Committee met for the first time to discuss the committee's mandate. We are in a better position today than we were several years ago to discuss our premises with the owners.

After CIDA, it was the turn of the local Section of Indian Affairs to invite us to its annual meeting. We hope to find some volunteers to relieve Sean, who at the moment is acting as a one-man band.

The EC and TR bargaining committees had preparatory meetings and the Library of Parliament is meeting tomorrow. Speaking of the Library of Parliament, we have organized a selection process and interviews to fill a temporary position as negotiator at that table. I am happy to announce to you that our research officer, Hélène Paris, will be the negotiator for CAPE. Thank you to Jean-Luc for having kindly agreed to be a part of the selection committee.

The two vice presidents and I had lunch together last week. I rarely have the opportunity to thank them for always being available. It's not infrequent for them to be asked to stop by at CAPE to sign documents or checks.

The mobilization committee met last night to discuss how to provide new momentum to the work that was begun more than a year ago. We expect to meet again once the federal budget is presented. Furthermore, since CAPE is organizing a joint event with the Institute and the union of financial officers on April 19, I have suggested setting up a meeting of the presidents of the local unions to discuss budget and strategy.

b) Professional Services Report

Collective Bargaining

- The EC bargaining committee met on January 27 and February 8, and has one more meeting, on February 8, to finalize the two questionnaires that will be made available to our EC members by means of the CAPE web site.
- There are two separate but related questionnaires: the first questionnaire contains extensive information regarding the 2 impasse resolution mechanisms that are available to the bargaining unit and a question asking EC members to choose one of the two processes (arbitration; conciliation/strike). It also includes questions about a collective bargaining fund. You may remember that some members from the HRSDC local argued at the Special General Membership meeting in January that it is unfair to ask members to choose between arbitration and conciliation/strike when the Association has no strike fund. It was also argued by these members that it is time to ask members if they want a strike fund. We committed at the meeting to ask the question. The second questionnaire is an input questionnaire, again heavy on explanations and context in order to allow members to make informed decisions.
- The questionnaires will need one final review after the third meeting, then translation; then it will need to be set up on the service provides site; then the "members only" section of the CAPE web site needs to be set up. Then we need to test the questionnaires. We were targeting March 15 to complete the process. However, as the budget is coming out on March 22, I will be asking the committee whether the questionnaires can go up after the budget so that members will have a better idea of the political environment before they start providing input.
- The TR bargaining committee met on January 31 and February 17. The next meeting scheduled is for March 2. As for the EC committee, two questionnaires have been prepared, one for input and one for choosing the impasse resolution process. In all, we have eight questionnaires to set up... four in English and four in French.

- Tomorrow, the bargaining committee for the Library of Parliament will be meeting to set a schedule of preparation for its table. The LoP collective agreement expires on June 15. Officially, I am the negotiator; but, H  l  ne Paris is the *de facto* negotiator at the LoP table; Ms. Paris will be organizing and directing the committee as well as carrying most of the negotiator work load.

Charter Challenge

- I met again with legal counsel to review the status of our preparations for the charter challenge. There are some delays due to the situation with a couple of expert witnesses. There is also the matter of PIPSC finding a new affiant: Bob MacIntosh. Bob is one of the most knowledgeable persons who has worked on the union side in the past 30 years. His contribution will be invaluable. I look forward to working with Bob though I will miss Walter Belyea.

Locals / Meetings

- I attended the INAC annual local membership meeting on February 16. I was asked to speak to the matter of coming negotiations. I also explained what happened in the previous round with the final offer and the failure to address the conversion at the bargaining table. The group was small but very interested in the bargaining process in the current political environment.
- I attended a meeting of our members at the Library of Parliament. It was very well attended as always at the Library. I reviewed with the members various matters but mostly the process by which management at the Library had provided members with work descriptions and classification decisions.

Internal Matters

- I met with an actuary, who has done work for the Association in the past on other matters, for the purpose of discussing the possibility of providing members with an analysis of the relative value of severance accumulation.
- We also explored the possibility of devising an electronic instrument that would allow members to enter information specific to their individual situation in order to calculate the value to them of their severance accumulation. We hope to have the analysis and possibly the electronic instrument up on the web site before the input questionnaires for collective bargaining.

Bargaining

TR – Financial incentives plan

We reached an agreement in principle on February 22 on the renewal of the draft agreement between the Treasury Board and CAPE regarding the Financial Incentives Plan at the Translation Office. The agreement must be approved by the Treasury Board.

Boshra and CAPE (Federal Court of Appeal)

Mr. Boshra's application for judicial review of the Public Service Labour Relations Board decision dismissing his duty of fair representation complaint against CAPE will be heard on March 8, 2011.

PSLRB Cases

C. Therrien vs. CAPE

A pre-hearing conference was held on February 11, 2011. Mr. Therrien is to provide written particulars regarding his complaints within 30 days. The PSLRB Member hearing the matter will then decide if he will ask for written submissions and whether he will proceed with a hearing or not.

Hearings

There is no CAPE case scheduled for a hearing before the PSLRB for the period March to July 2011.

The PSLRB schedule can be consulted at:

http://www.crtfp-pslrb.gc.ca/hearingschedules/intro_e.asp

http://www.crtfp-pslrb.gc.ca/hearingschedules/intro_f.asp

Internal Matters

Two labour relations officers have been hired for a fixed term. One is to begin work on March 18 and the other on March 21.

An internal selection process has been opened for the job of assistant communications officer. The selection process closes on March 1st. If there is no internal candidate who is qualified, we will post the job externally.

We are continuing to work with our sub-contractors to create on-line secure access for our members only, in order to allow email communication as well as votes and polls via email. This should all be in place no later than the beginning of next week.

Miscellaneous

ACFO, PIPSC and CAPE are organizing a panel discussion on the issue of pensions for professionals. This event will take place on the evening of April 18, 2011 at the Ottawa Convention Centre.

3) Matters Arising

There were no matters arising.

4) Substantive Issues for Discussion

4 a) Employer's mismanagement of President's benefits

C. Danik advised the NEC that the Employer is mismanaging benefits of the President and because of this mismanagement his benefits have been cancelled on several occasions.

Motion: It was moved by R. Zwicker, seconded by R. Duranceau, to have legal counsel look at the President's benefits and the continued provisions of benefits by the Employer.

In favour = 10, Opposed = 0, Abstention = 2. **Motion carried.**

4 b) Filling of NEC Vacancies

S. Mullen asked the NEC if there should be a more detailed process to fill vacant positions.

- It was mentioned that the NEC has the authority in the Constitution to fill vacant positions.
- Is there a need for by-elections, as terms of office are for three (3) years
- Defer this item to the Constitution and By-Laws Committee
- Should NEC members have certain qualifications – for example past union experience or have been a Local Leader for a specific period

It was **agreed** that this should be discussed at the Strategic Planning Session on April 28, 2011.

4 c) Full-time Vice-President's

It was **agreed** that this should be discussed at the Strategic Planning Session on April 28, 2011.

5) Committees

5 a) Finance Committee

Due to the Finance Officer being on leave of absence this item is **tabled**.

5 b) ESU Negotiations (In Camera)

5 c) Constitution and By-Laws Committee

M. Zinck advised that the Committee will be forwarding items for approval at the March meeting.

5 d) Communications Committee

R. Zwicker advised that the website update plan was proceeding. We are in the process of setting up the members secure login section.

6) Adjournment

Motion: It was moved by R. Zwicker, seconded by S. Maguire, that the meeting be adjourned at 8:35 p.m. **Motion carried unanimously.**