

**CAPE Executive Committee
Minutes of January 26, 2011
CAPE National Office
Boardroom
5:45 p.m.**

Present: C. Poirier (Chair), J-L. Bourdages, R. Brockington, S. Chatterton, C. Creran, R. Duranceau, S. Maguire, S. Mullen, G. Phillips, S. Pichie, A. Picotte, L. Whitmore, M. Zinck, R. Zwicker, C. Danik, J. Ouellette, D. Martin.

Apologies: I. Dawson, K. Piché, J. Pentick, G. Thibault-Gosselin.

1. Items for Approval

1 a) Approval of Agenda

The following items were added under items for approval

1 i) Local 503 rebate for 2010

1 h) R. Zwicker motion on minutes

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

1 b) In Camera Minutes of November 24, 2010 (In Camera)

1 c) Minutes of November 24, 2010

Motion: It was moved by S. Mullen, seconded by M. Zinck, that the minutes be approved.

In favour = 12, Opposed = 0, Abstention = 2. **Motion carried.**

1 d) Minutes of December 15, 2011 (In Camera)

1 e) NEC vacant position

It was asked if the NEC had to fill the vacant position immediately as we are coming up to our next elections. It was mentioned that we have been recently filling vacant positions immediately.

Motion: It was moved by _____, seconded by _____, that A. Wong be appointed to the vacant position.

In favour = 9, Opposed = 4, Abstention = 1. **Motion carried.**

1f) Volunteers to sub-committees

Motion # 1: It was moved by M. Zinck, seconded by L. Whitmore, that the list of volunteers be approved to the various sub-committees. **Carried unanimously.**

Motion # 2: It was moved by M. Zinck, seconded by R. Duranceau, that P Rosen be approved on the Constitution and By-Laws Committee. **Carried unanimously.**

Motion # 3: It was moved by R. Zwicker, seconded by R. Duranceau, that N. Pothier be approved on the LoP Bargaining Committee. **Carried unanimously.**

1 g) Policies and Constitutional amendment -Constitution and By-Laws Committee

Locals Discretionary Spending Policy

- it was agreed the word “discretionary” should remain throughout the policy, as there is spending that is non-discretionary for Locals (ie: AGMs)
- amend the first paragraph under 4.0 to read as follows: “Allocated amount” means the dollar amount equivalent to the rebate paid to Locals as per the table provided at b” 4.s of the By-Laws.
- Amend 7.0 by deleting the words “as outlined in Policy (name)” from the end of the first sentence.

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

Policy for NEC and NEC sub-committees to Conduct Email Voting

It was requested to include as item 3.0 – Exceptions - Agenda items which are deemed “In Camera” are excluded from this policy. “In Camera” issue cannot be voted on via an email vote.

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

Constitutional amendment – Duties and responsibilities of members of the NEC.

Amend 11.8 - All members of the NEC are elected at large and as such represent **the Association at large and not a segregated constituency.**
~~serve the Association as a whole.~~

Motion: It was moved by R. Brockington, seconded by S. Chatterton, that the following be added as 11.9 - All members of the NEC shall uphold all decisions of the NEC.

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

1 h) Local 503 – 2010 Rebate

The Local submitted a request to receive the Local's rebate for 2010.

Motion: It was moved by R. Duranceau, seconded by C. Creran, that because the Local had been suspended for less than a one (1) year than the Local is eligible to receive the rebate. **Carried unanimously.**

It was agreed to defer this issue to the Constitution and By-Laws Committee to review this matter and make recommendations for future situations.

1 i) Minutes of Sub-Committees

Motion: It was moved by R. Zwicker, seconded by A. Picotte, that minutes be sent to the Chairperson for input no later than 5 working days after a meeting, the Chairperson sends minutes back to the National Office for processing and distribution to the remaining members. **Carried unanimously.**

2) Reports

a) President's Report

Special General Meeting

This item will be under item 4 on the agenda.

The rest of my report is In Camera.

b) Professional Services Report

Charter Challenge

- Hélène Paris, CAPE's Research Officer, and I will be meeting with legal counsel on February 2 to get an update on the preparation of expert affidavits. Some of the areas of expertise are more difficult to cover than others. We are having problems getting a completed and focused affidavit on one of the issues. However, my understanding is that legal counsel has found a person who will be able to do the trick.

- There will be some adjustments to the principal affidavits (Claude Danik's affidavit for CAPE; Walter Belyea's affidavit for PIPSC) where, for the sake of clarity, some issues may be highlighted in one rather than the other affidavit. Legal counsel hopes to provide me shortly with an update supplementary affidavit for review and for my signature.
- It is important to stress the significance of our court action on the matter of the charter challenge.
- When successful, it will expand the scope of issues that we can address at the bargaining table twofold. Considering the narrowing of issues that the employer has imposed on public service unions over the past rounds of bargaining, in some ways we can say that we are reasserting the importance of bargaining to public service employees. This is a fight that we must continue, until the courts acknowledge that we are right.

Collective Bargaining

- We have had a first working meeting with the TR collective bargaining committee and the EC bargaining committee for the normally scheduled rounds of 2011.
- The TR committee members met on January 17, while the EC members met earlier on January 8.
- Our first objective is to prepare a questionnaire for each bargaining unit membership. We met to discuss first steps and to share documents.
- Hélène Paris, CAPE's Research Officer, has done an environmental scan of bargaining in the public service, and identified documents from which the committee can work in order to get a feel of what is happening at other tables.
- Each committee is planning on three more half-day meetings before March to complete the input questionnaire. Then it will be up to the membership to give us direction.

Internal Matters

- You have received a copy of the Fee report which examines the operations of the national office and makes recommendations, including recommendations for changes to the structure of the organization. You will be discussing the content of the report at our February 23 meeting. We have begun to move towards the structure that is being proposed for practical reasons. As a result, Jean Ouellette has been appointed Acting/Executive Director of Operations. Of course the structure will need to be approved by you before it can become permanent.
- I am the secretary of the Pay Equity Committee which is moving the national office through a pay equity exercise. The responsibilities of secretary of this committee have taken up a fair amount of my time in

January. And yet, there is significant work yet to be done. I am now hoping to provide the committee with a completed report some time in March.

I am also secretary of the CAPE Collective Bargaining Committee which is bargaining with the staff union, ESU. It has also been a drain on my time.

Internal Matters

Luc Gervais has been appointed to the new indeterminate Labour Relations Officer position.

The candidate who had accepted the position and who was to commence on December 13th rescinded his acceptance of the position.

We are still in the process of staffing two term Labour Relations Officer positions.

Cases

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 will be held on February 11, 2011.

V. LaBranche vs. Treasury Board (Passport Canada)

The outstanding matter re remedies was resolved to Ms. LaBranche and CAPE's satisfaction – please consult our website.

Hearings

There are no CAPE cases are scheduled for a hearing before the PSLRB for the period January to May 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

3) Matters Arising

- a) Investigation Committee (In Camera)

4) Substantive Issues for Discussion

- a) Requirements to call an SGM

This item was deferred to the Constitution and By-Laws Committee for review and recommendations.

- b) Review mechanism to establish an investigation when a complaint is received at CAPE

This item was deferred to the Constitution and By-Laws Committee for review and recommendations.

5) Committees

- a) Finance Committee

No report this month.

- b) ESU Negotiations (In Camera)

6) Adjournment