

**CAPE Executive Committee
Minutes of January 8, 2014
CAPE National Office
Boardroom
1:00 p.m.**

Present: C. Poirier (Chair), B. Black, J-L. Bourdages, R. Brockington, A. Butler, N. Giannakoulis, L. Haméon, S. Jaroudi, A. Kurikshuk-Nemec, S. Mullen, G. Phillips, L. Whitmore, C. Danik, J. Ouellette and D. Martin.

Apologies: C. Creran, S. Gagnon, A. Picotte.

1) Items for Approval

1 a) Agenda

Motion: It was moved by S. Jaroudi, seconded by L. Haméon, that the agenda be approved.
Motion carried unanimously.

1 b) In Camera Minutes of November 27, 2013

This item was In Camera.

1 c) Minutes of November 27, 2013

Motion: It was moved by R. Brockington, seconded by L. Haméon, that the minutes be approved.

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

2) Matters Arising

2 a) Motion on HR Committee from A. Kurikshuk-Nemec

It was moved by A. Kurikshuk-Nemec, seconded by G. Phillips, that the *ad hoc* Committee to Review the status of Human Resources at CAPE National Office be given the authority to review the current contracts of senior management at CAPE National Office, namely the President, Executive Director of Operations, Executive Director of Policy and Manager of Administrative Services. Access to all employment contracts for staff at CAPE National Headquarters is necessary to conduct a thorough review and report back to the NEC.

Discussion points:

- This motion would require a constitutional amendment to clause 9.10
- There are confidentiality clauses in each of the contracts which hinders access to them
- NEC should have some kind of input into human resources at CAPE
- The Committee should at least have access to the President's contract otherwise how are we to have a contract in place prior to the next election
- We could use the template from the past president's contract or prepare a new contract

- We need to consider what process we want for the future but for now let's focus on the President's contract
- C. Poirier said that he would waive the confidentiality clause for the Committee in order for them to do their review
- R. Brockington stated that he would send an e-mail to the President in order to have an official written agreement that the parties agree to the waiver.

Motion: It was moved by A. Kurikshuk-Nemec, seconded by G. Phillips, that the main motion be amended to read: that the *ad hoc* Committee to Review the status of Human Resources at CAPE National Office be given the authority to review the contract of the President.

C. Poirier = Abstain, R. Brockington = In Favour, S. Mullen = In Favour,
L. Haméon = Opposed, A. Kurikshuk-Nemec = In Favour, B. Black = In Favour,
G. Phillips = In Favour, A. Butler = Abstain, S. Jaroudi = In Favour,
N. Giannakoulis = In Favour, J-L. Bourdages = Abstain.

* *L. Whitmore was absent for the vote*

In Favour = 7, Opposed = 1, Abstention = 3. **Motion carried.**

2 b) CAPE's Award Policy

Motion: It was moved by A. Butler, seconded by S. Mullen, that the policy be approved.

C. Poirier = In Favour, R. Brockington = In Favour, S. Mullen = In Favour,
L. Haméon = In Favour, A. Kurikshuk-Nemec = In Favour, B. Black = In Favour,
G. Phillips = In Favour, A. Butler = In Favour, S. Jaroudi = In Favour,
N. Giannakoulis = In Favour, J-L. Bourdages = In Favour, L. Whitmore = In Favour.

In Favour = 12, Opposed = 0, Abstention = 0. **Motion carried unanimously.**

3) Substantive Issues for Discussion

3 a) Action Plan C- 4

- C. Archambault is in charge of mobilizing the membership and Locals. He has commenced work in these areas.
- Teleconferencing information session for the members have been taking place
- Recruitment of new stewards is increasing
- They will be a special training session in May

It was requested that the costs associated with C-4 be tracked.

3 b) Joint Collective Bargaining (In Camera)

4) Reports

4 a) President's Report

This will be a pivotal year in CAPE's history and in the history of the labour movement in this country. We have weathered a number of attacks in the past, but now the onslaught has reached unprecedented levels.

I hope that each and every one of you will find the strength and serenity necessary to face the turmoil that awaits us.

A number of events have occurred since the last meeting of the National Executive. Bill C-4 received royal assent. The Conservative government used every trick in the parliamentary book to impose its majority, quash any dissenting voices and accelerate the process of passing this omnibus budget bill, the contents of which touch upon such non-budget-related matters as the appointment of Supreme Court justices, occupational health and safety, and the legislative framework surrounding collective bargaining in the public service.

Immediately thereafter, public service bargaining agents issued a joint press release and publicly announced their intention to combine their resources and work together to defend your rights and to defend union rights, including the right to equitable bargaining. This therefore marks the beginning of a new era in our relations with the employer, as well as in our relations with other labour organizations. Public service unions are pooling their physical and human resources, and actions and strategies will be developed jointly from now on.

This week will be a very busy one. Teleconferences to explain to our members outside the National Capital Region the consequences of the government's changes to the legislative framework started yesterday and will continue until Friday. The presidents of the federal public service unions will be meeting tomorrow to discuss next steps and to firm up their collective response to the government. However, the three main unions, CAPE among them, will be meeting this afternoon to plan tomorrow's session for all bargaining agents. As you can see, we have changed our attitude; we have become more assertive in our positions; other unions now view us in a very different and, it goes without saying, far more positive light. From this point forward, federal bargaining agents will be looking to CAPE for guidance.

My message at the end of last year closed with a call for union solidarity, and I can only echo that sentiment in my wishes for the New Year. I trust that I can rely on your collaboration to ensure that this message is relayed to all of our members and becomes the trademark of our organization. Only through solidarity will we be able to emerge stronger than ever from the trials and tribulations that await us in 2014.

Please note that I will be on leave from January 15 to February 4. I will be teleconferencing for the Finance Committee meeting on February 4.

During my absence I delegate my powers on political matter to R. Brockington and A. Picotte. R. Brockington will attend the all President's meeting tomorrow on my behalf.

For the day to day operations of the national office I have delegated my powers to management staff.

4 b) Executive Director of Policy's Report

EC Collective Bargaining

- The EC Collective Bargaining Committee (EC CBC) and the EC Collective Bargaining Consultation Committee (EC CBCC) have not met since November 14.
- The National Office is preparing the first draft of the input questionnaire further to instructions from the EC CBC.
- It will be presented to the EC CBC at its January meeting.
- The members of the two committees were presented with a summary of C-4's effect on the bargaining process in the next round. They were also provided with information regarding efforts made by bargaining agents to share information and work together during the coming round of bargaining.
- For reasons of time constraints, the input questionnaire will be provided to the NEC shortly for information purposes and possibly comments.
- Once the EC CBC finalizes the questionnaire, EC members will be asked to participate in the process of communicating to the committee what they wish to see CAPE bring to the bargaining table on their behalf.

TR Collective Bargaining

- The TR Committee met once since the last NEC meeting, on December 19. The committee members reviewed the questionnaire that was set up on our service provider's web site.
- Corrections and adjustments were made.
- The national office is currently working to finalize this version of the questionnaire.
- It will be provided shortly to the NEC for information purposes and possibly comments.

LoP- CAPE Joint Committee on Departures

- No report.

LoP- CAPE Consultations: WFA Policy

- Management representatives of the LoP and CAPE representatives met to discuss the content of the employer's policy regarding workforce adjustment.
- CAPE representatives are led by Yves Rochon from the national office and include three members from the local.
- There appears to be consensus on several matters and only a few outstanding issues.
- It was explained by CAPE to the employer that the association is participating in the consultations but reserves the right to raise WFA issues at the bargaining table. It was also explained that the association continues to believe that the appropriate place for such provisions is the collective agreement.

Information Sessions: C-4

- CAPE has been providing members an opportunity to become familiar with the effects of C-4 on their rights, in various ways.

- For example, at Public Security Canada, members held their AGM and I spoke to the members present about C-4. Members decided to set up a local eight members volunteered to be on the local executive.
- Furthermore, locals have either participated as guest at C-4 information sessions organized by other unions, or they have organized sessions where other unions were invited to participate.
- For example, at STC the local organized two meetings. Over 350 members of CAPE, the Alliance and the Institute and possible other unions attended to hear me present a summary of C-4.

Internal Working Groups

Performance Management

No report

Workplace 2.0

No report

4 c) Legislative Reviews

The updated report was provided to the NEC and there were no issues arising.

4 d) Executive Director of Operation’s Report

Internal Matters

Mr. Claude Archambault was appointed to the term LRO /Mobilization position. Ms. Anita Bangiricenge is acting in Mr. Archambault’s substantive LRO position. Accordingly, Ms. Julie Courty has been appointed in an acting capacity in the Services Coordinator’s position.

E-surveys

Further InSite survey training was provided to the A/Service Coordinator and other employees.

Negotiations

A second meeting of the Collective Bargaining Committee for CAPE members at the Library of Parliament was held on December 17th during which the member questionnaire was discussed. The next meeting of the committee is scheduled for January 21.

Representation Files

Here is a breakdown of the major subjects with all of the representation files opened since the beginning of 2013:

Absenteeism	4	NJC (benefits)	
Access to information	1	NJC (Dental)	
Accommodation	39	NJC (FSD)	1

Acting Appointment	4	NJC (health care plan)	1
ATIP		NJC (Relocation)	2
Authorship		NJC (Transportation All.)	
Bargaining Unit Work		NJC (Travel)	
Benefits	6	NJC (WFAD)	59
Bilingualism Bonus		Pay	17
Career & Registration Fees	2	Pension	2
Classification	11	Performance Evaluation	44
Code of Conduct	4	Personal File	
Consultation	3	Policy	1
Deployment	2	Political Activity	
DFR		Privacy	2
Disability Insurance	5	Probation	1
Discipline	33	RAND	
Discrimination	13	Recruitment Program	
Employment Status	1	Representation	1
Ergonomic Assessment		Resignation	1
Fitness to Work Evaluation	4	Retirement	2
Harassment	52	Return to work	10
Health and Safety	11	FIP	1
Health and Safety (Claim)	3	Security Status	2
Hours of Work	6	Service	2
Hours of Work (Overtime)	4	Staffing	19
Hours of Work (Travel)		Staffing (WFAD)	6
Human Rights	1	Statement of Duties	8
ICMS	1	Telework	6
Johnson Insurance		Term Employee	1
Language Profile	1	Termination	4
Language Training	2	Terms and Conditions of Work	1
Leave	14	Training Program	3
Leave (Annual)		Travelling Time	1
Leave (Bereavement)	1	Unfair Labour Practice Complaint	2
Leave (Other)	8	Union Dues	3
Leave (Parliamentary)		Union Representation	6
Leave (Sick)	10	Work Assignment	5
Leave (Without Pay)	7	Work Location	
Letter of Expectation	1	Workload	4
Maternity Allowance	1	Wrongdoing (Whistle Blowing)	2

Medical Evaluation	1		
		Total	476

Court cases

An application for judicial review of the decision in the Lebeau case (discrimination – human rights issue – Statistics Canada) was filed on November 22 with the Federal Court of Appeal.

Public Service Labour Relations and Employment Board (PSLRB)

Scheduled hearings

These are the cases involving CAPE scheduled for a hearing before the PSLRB in the period from October to March 2014.

Ottawa	Jan. 27 to 31	Kalonji (Termination)	IRB
Winnipeg	Mar. 13 and 14	Dorn (Discrim. – Human Rights)	HRSDC
Ottawa	May 23	Dupuis (Relocation – NJC dir.)	DFATD

Please note that hearings may be postponed or cancelled up to the day of the hearing. The PSLRB schedule may be consulted at:

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

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

4 e) Finance Committee Report

R. Brockington provided an update on the work of the Committee

Highlights:

- The staff was requested to look at the first three recommendations from the Audit Committee.
- The staff provided scenarios of possible costs for a strike fund were provided to the Committee and will be sent to the NEC.
- Collective Bargaining Committee has been deferred.
- Charter Challenge has been deferred.
- Budget process – members consultation begin no later than the end of this week.
- We are going to be over budget for steward’s training
- 12,486 members as of the fiscal year end
- Projected deficit of \$300,000

4 f) Constitution and By-Laws Committee

Policy on Input to the NEC

Policy on input to the NEC

Preamble

CAPE seeks to maximize the input into the NEC from other bodies. There are therefore a number of ways in which motions can be submitted to the NEC (reference Article 16 and 36). One is by means of a petition signed by at least one hundred CAPE members in good standing. A second is through any member of the NEC. A third is through the various advisory bodies within CAPE.

Policy

1. Presidents' Council – the PC can vote to send motions to the NEC. Attendance is taken. Each president has a vote. The CAPE President will report the NEC's response to the motion at the next Presidents' Council meeting after the NEC considers the motion.
2. Local Leadership Council – the LLC can vote to send motions to the NEC. Attendance is taken. Each local has one vote. The CAPE President will report the NEC's response to the motion at the next Local Leadership Council meeting after the NEC considers the motion.
3. General meetings – a motion can be presented at a general meeting and, if supported by the majority of members present at the meeting, the motion will be recorded and submitted to the NEC. The NEC's response to the motion will be posted, in a separate area, on the CAPE website following the meeting at which the NEC considers the motion.

The NEC will endeavour to consider all motions submitted within (60 days). Under normal circumstances the motion will be placed on the next agenda.

Discussion points:

- Concerns were raised on timing issues if motion(s) were not on the agenda for discussion at the AGM
- This could make for very long meetings of the AGM
- We could be in a position to deal with a large number of motions from the floor
- Maybe a call needs to be sent – perhaps 60 days in advance

Motion: It was moved by A. Kurikshuk-Nemec, that the NEC adopt the policy with items 1 and 2 and that item 3 have further discussion by the NEC. **Motion was withdrawn.**

How to deal with resolutions with monetary implications

A table of options was provided to the NEC.

Discussion points:

- What role does the Elections & Resolutions Committee (ERC) have?
- What would the steps be – does Finance Committee review first and then send to the ERC?
- Can we suspend By-Law 3.35
- Who has jurisdiction

- All amendments to the By-Laws made by the NEC come into effect immediately and are voted by the membership in the fall

This item has been deferred to the February meeting.

A. Butler requested that we focus our meetings on strategic matters and that this should be a priority of the NEC's work.

5) Adjournment

The meeting adjourned at 4:25 p.m.