

CAPE Executive Committee
Minutes of Special September 11, 2013 meeting
CAPE National Office
Boardroom
5:00 p.m.

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

Apologies: None

The meeting was convened in order to approve proposed constitutional amendments submitted by R. Brockington.

S. Mullen, Chairperson, Constitution and By-Laws Committee took over as Chair of the meeting in order to report back to the NEC on the proposed amendments. We will commence with the amendments that the Constitution and By-Laws Committee recommends approval by the NEC. We will then continue with the amendments that require decisions by the NEC.

A two thirds majority of the votes cast is required for constitutional amendments to be put to a vote by the membership.

Constitutional amendments:

(1) 15.2 - add a new sentence at the end. "Committee members retain their right to vote".

Motion: It was moved by A. Picotte, seconded by L. Haméon, that the proposed amendment be approved. **Motion carried unanimously.**

(2) Delete 18.5 and renumber accordingly.

Motion: It was moved by S. Mullen, seconded by L. Haméon, that the proposed amendment be approved. **Motion carried unanimously.**

(3) Amend 22.1 - The Local Leadership Council shall consist of the President, Vice-Presidents and members of the Executive Committees of Locals and all Stewards.

C & B Committee recommends adding the word "National" in front of President and Vice-Presidents.

Motion: It was moved by S. Mullen, seconded by L. Haméon, that the proposed amendment be approved, as amended. **Motion carried unanimously.**

(4) Amend 22.5 - The Finance Committee shall consult with the Local Leadership Council in preparing the annual budget.

Motion: It was moved by S. Mullen, seconded by L. Haméon, that the proposed amendment be approved. **Motion carried unanimously.**

(5) Amend 22.6 - The NEC shall consult with the Local Leadership Council in developing and amending By-Laws or Constitutional amendments.

Motion: It was moved by S. Mullen, seconded by L. Haméon, that the proposed amendment be approved. **Motion carried unanimously.**

(6) Amend 25.6 - Vote by electronic ballot or by other means as specified in the By-Laws.

Motion: It was moved by S. Mullen, seconded by L. Haméon, that the proposed amendment be approved. **Motion carried unanimously.**

(7) Amend 25.10 - Receive an electronic link to the Annual Report on the affairs of the Association by other means as specified in the By-Laws.

Motion: It was moved by S. Mullen, seconded by L. Haméon, that the proposed amendment be approved. **Motion carried unanimously.**

(8) Amend 28.2 - All voting shall be by electronic ballot or by other means, as specified in the By-Laws.

Motion: It was moved by S. Mullen, seconded by L. Haméon, that the proposed amendment be approved. **Motion carried unanimously.**

(9) Amend 34.8 - The fiscal year of the Association shall commence on May 1 and end on April 30 of the following year.

Motion: It was moved by S. Mullen, seconded by L. Haméon, that the proposed amendment be approved. **Motion carried unanimously.**

(10) Add New 6.11 - Approve all expenditures above \$10,000

Motion: It was moved by S. Mullen, seconded by A. Picotte, to add “extraordinary non-budgeted” after the word “all” and delete the words “above \$10,000”.

In favour = 14, Opposed = 1, Abstention = 0. **Motion carried.**

(11) Add New 6.12 - Provide feedback, advice and if needed, direction to the Collective Bargaining Committee.

The C & B committee had concerns with the amendment as it was not clear if the autonomy of each bargaining unit would still be respected with this proposed amendment.

Motion: It was moved by L. Haméon, seconded by S. Mullen, to delete the word “direction”.

In favour = 6, Opposed = 9, Abstention = 0. **Motion defeated.**

Motion: It was moved by R. Brockington, seconded by G. Phillips, to maintain the proposed original amendment. R. Brockington requested a recorded.

Recorded vote on main motion:

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

In favour = 8, Opposed = 7, Abstention = 0. **Motion defeated.**

Action: C. Poirier will seek advice from legal counsel.

(12) Amend 8.1 - The NEC includes voting members and non-voting members.

Proposed: The NEC includes voting members (elected by the membership) and non-voting members (CAPE senior staff).

Delete 8.6 - The Association’s management, exclusive of the President, are non-voting members of the NEC.

Motion: It was moved by S. Mullen, seconded by L. Haméon, to maintain 8.1 as is and move 8.6 as 8.3 and renumber subsequent clauses as required. **Motion carried unanimously.**

(13) Delete 11.7 - When attending a meeting where a Head Table or other seating arrangements for NEC members is provided, NEC members will sit at the Head Table or in the designated seating area.

In favour = 10, Opposed = 5, Abstention = 0. **Motion carried.**

** B. Black had to leave the meeting at 7:20 p.m.

(14) Amend 11.8 - All members of the NEC are elected at large and **as** represent the Association at large and not a segregated constituency.

It was mentioned that only the President is elected at large and that the Vice-Presidents and directors are elected by their represented bargaining unit.

Motion: It was moved by R. Brockington, seconded by S. Gagnon, delete the following words “are elected at large and as”. **Motion carried unanimously.**

(15) Add New 12.3.2 - Members of the Elections and Resolutions Committee and Audit Committee shall be elected by the membership for a three year term. Vacancies during the term shall be filled during an election process at the following AGM.

Delete 15.1 - The NEC shall appoint an Elections and Resolutions Committee, with at least one Regular or Pending member from each bargaining unit.

This should be added under Article 15 not 12 and have a new Article for the Audit Committee. The Constitution and By-Laws Committee has concerns that there will be issues if positions are to be elected and the length of the term.

This item has been **deferred** back to the Constitution and By-Laws Committee to continue working on the process to fill the positions and to add the Audit Committee to the Constitution.

Motion: A. Kurikshuk-Nemec moved that a Human Resources Committee be established.

- The National Executive Committee (NEC) needs to decide if they want to create this Committee.
- Does this need to be written in the Constitution?
- The NEC has the authority to create sub-committees as required.
- Terms of reference would be needed
- Check with other unions if they have HR committees

Motion: It was moved by L. Haméon, seconded by S. Mullen, that this item be put on the October agenda of the NEC. **Motion carried by consensus.**

(16) Add new 13.3.6 - Review the budget process every three years, or sooner, if warranted.

It was noted that this should be all aspects of business for example, review mandates, sub-committees and terms of references, etc....

Motion: It was moved by R. Brockington, seconded by S. Mullen, that the proposed amendment be approved.

In favour = 10, Opposed = 3, Abstention = 0. **Motion carried.**

(17) Amend 29.4 - The AGM shall:

- 29.4.1 discuss issues of concern and the strategic vision of the Association for the coming year(s) interest;
- 29.4.2 discuss the proposed resolutions;
- 29.4.3 hear from candidates for positions on the NEC in an election year;
- 29.4.4 hear reports from the National Office.

Motion: It was moved by S. Mullen, seconded by L. Haméon, that the above amendment be approved. **Motion carried unanimously.**

(18) Add New 29.4.6

Be minuted and made available for all members

The minutes shall contain, but not limited to, number of members in attendance, names of NEC members in attendance, main issues as reviewed by the President, a summary of questions and comments from members received and answers provided.

- Meetings are recorded
- Perhaps the recordings can be transcribed
- What does the NEC want the minutes to contain
- Agree that better record keeping is needed
- Further consideration is required on this
- Should this be added to the agenda of the NEC?

Motion: It was moved by C. Poirier, seconded by L. Haméon, that the AGM be recorded and a written report be made available to members.

In favour = 13, Opposed = 0, Abstention = 1. **Motion carried.**

(19) Amend 35.1 - The Association accepts for its President a salary in the EX-2 range of the Executive Category in the federal Public Service, and a benefit package ~~of 20% of salary~~ **commensurate with the benefit package provided to staff of the Association.** Any change to the salary and benefit conditions shall be made as prescribed by clause 34.9.

Motion: It was moved by A. Butler, seconded by L. Haméon, that the amendment be approved.

In favour = 7, Opposed = 3, Abstention = 3. **Motion carried.**

Adjournment

The meeting adjourned at 9:32 p.m.