

**CAPE Executive Committee
Minutes of September 22, 2010
CAPE National Office
Boardroom
5:45 p.m.**

Present: C. Poirier (Chair), J-L. Bourdages, I. Dawson, R. Duranceau, S. Maguire, S. Mullen, J. Pentick, G. Phillips, A. Picotte, L. Whitmore, C. Danik, J. Ouellette, D. Martin.

Apologies: S. Chatterton, C. Lakaski, D. Londynski, G. Thibault-Gosselin, M. Zinck, R. Zwicker.

1. Items for Approval

1 a) Approval of Agenda

Audit Committee was added as item 5 a) and the remaining items were renumbered accordingly.

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

1 b) In Camera Minutes of June 23, 2010

This item was discussed In Camera.

1 c) Minutes of June 23, 2010

It was requested to add the word “forecasted” before the word “deficits” in the third paragraph under the item CAPE Dues.

Two typographical errors were noted under Collective Bargaining and Criticizing Staff.

Motion: It was moved by L. Whitmore, seconded by S. Mullen, that the minutes be approved, as amended.

In favour = 9, Opposed = 0, Abstention = 1. **Motion Carried.**

1 d) Vacant positions on NEC

The following members were appointed to the vacant positions by a secret ballot vote. Cindy Creran, Kim Piché and Sharon Pichie.

1 e) Collective Bargaining Committees

EC Collective Bargaining Committee

The following members volunteered to participate on the Committee.

Todd Johnson, Normand Faulkner, Kim Piché, Lawrence Mangano, Patrick Warner, Laura Munro, Gord Brennan, Ambrose Wong and Gabriel Breton.

Motion: It was moved by A. Picotte, seconded by R. Duranceau, that the all of the above members be approved as the EC Collective Bargaining Committee.

Motion carried unanimously.

TR Collective Bargaining Committee

The following members volunteered to participate on the Committee.

André Picotte, Isabelle Girouard, Lionel Perrin, Marc Vallée, Matthew Ball and Pascal Machado.

Motion: It was moved by L. Whitmore, seconded by S. Mullen, that the all of the above members be approved as the TR Collective Bargaining Committee.

Motion carried unanimously.

2) Reports

2 a) President's Report

Since our meeting on June 23, the union has been quite busy. Some topics, such as the census, have been monopolizing our attention – especially during the month of July. I was even contacted by the media during my vacation. The number of postings on our website reflects the relatively high level of activity over the summer.

The Advisory Committee on the Public Service Pension met in our office and we intend to extend the invitation to the Committee again. Speaking of the pension, our communications team worked on the issue of the newsletter *Professional Dialogue* that dealt with the pension plan. That issue, again, was very well received both among our members and the media – and even the Treasury Board. The daily *Le Droit* reported on our study this morning.

We started planning the next bargaining round at the three tables. Indeed, the collective agreements of our members expire in 2011 and the process must start now. On the other hand, the Treasury Board has caused a stir among unions by proposing a "fast tracked bargaining process" to the Public Service Alliance. The

offer was subsequently made to the Institute. I am in communication with our colleagues in other unions and we are monitoring the situation closely.

Due to the high workload of the Executive Director, I asked Jean to take over some issues and some committees. Among other things, communications and mobilization are now Jean's purview.

Speaking of mobilization, I met yesterday with our colleagues at the Institute and the Association of Financial Officers to discuss a joint proposal submitted by the Education and Mobilization Committee. Our partners are enthusiastic. Moreover, the Ottawa Life magazine is going to devote a lengthy article to CAPE, the Institute and the ACFO – all unions representing professionals. We went to the photographer's studio yesterday to take pictures for the cover of the magazine.

2 b) Professional Services Report

Internal Matters

Allan Stead retired from his term position as a Labour Relations Officer from CAPE. Luc Gervais' term employment was extended to December 31, 2011 (to be confirmed no later than May 31, 2011). Bertrand Myre was called back from the Interchange Canada program and returned to CAPE this week.

Constitutional Charter Challenge

Legal counsel for the Association has been busy preparing affidavits with a group of expert witnesses. The next step will be to finalize the supplementary affidavits of the principal witnesses for CAPE and PIPSC, Walter Belyea and Claude Danik. All affidavits should be completed by early November.

Collective Bargaining

Further to your approval of the membership of the TR and EC collective bargaining committees CAPE will be inviting the newly appointed members to a first meeting. The EC bargaining committee will meet on October 26; the TR committee will meet on November 8.

No volunteers came forth to be members of the Library of Parliament bargaining committee. Therefore, we will need to take the additional step of asking the local to solicit volunteers. Constitutionally, CAPE cannot go to the bargaining table without a committee constituted according to bylaw 7.

Trusteeship – Local 503

Please see my report that is being presented under another item of the agenda.

Union Address File System (PIPSC v. Canada Revenue Agency)

Further to my last report, this is to inform you that a pre-hearing conference was held on June 15. The Federal Court of Appeal (FCA) has set aside the Public Service Labour Relations Board PIPSC/CRA consent order decision. CAPE was granted full intervener status by the panel of the Public Service Labour Relations Board. The matter is scheduled to be heard the weeks of November 1st and 15th, 2010. The parties will present their evidence the first week and their submissions the second week. The Office of the Privacy Commissioner and Ms. E. Bernard, the CRA employer who successfully challenged the consent order decision in the FCA, were also granted intervener status, along with the PSAC and a number of separate employers (Parks Canada, CFIA, etc.).

Policy Grievance (27.07 – CAPE v. Treasury Board)

The matter was heard on September 9 Ms. Michele A. Pineau, Vice-Chairperson of the Public Service Labour Relations Board. We are now waiting for the decision.

PSLRB Decision

Valéry LaBranche

The LaBranche decision was rendered on May 18, 2010. Ms. LaBranche is a CAPE member and was represented by a CAPE Labour Relations Officer. We were not successful in resolving the matter of the remedies. A pre-hearing conference was held on September 17. Mediation is scheduled for December 13 and 14 and, if unsuccessful, the matter will be heard starting February 28, 2011. Ms. LaBranche is being represented by Peter Engelmann (SGM) and Lionel Saurette (CAPE).

Hearings

CAPE cases that are scheduled for a hearing before the PSLRB:

Ottawa	October 12 – 14	Renaud vs CAPE (ULP)	
Ottawa	October 21 – 22	Chaudhary (discrimination)	Health Canada
Ottawa	November 12	Dyskstra et al. (pay)	PWGSC (BtB)
Ottawa	February 28 – March 4	LaBranche (discrimination)	Passport Canada
Ottawa	February 23 - 25	Perkovic	Elections Canada

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

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

Case Report

A member's employment was terminated for cause (fraudulent use of sick leave). The member's grievance was referred to adjudication. The parties reached an agreement at mediation and a memorandum of understanding was signed. The terms of the MOU are confidential.

A member's dental claim had been rejected and referred to the NJC Dental Board which declined jurisdiction since the claim had been filed when our member was not enrolled in the plan. The member provided evidence establishing that an error had been made by the employer as it concerned her enrolment date in the plan. Representations were then made by CAPE to departmental officials who agreed to reimburse our member for the full amount claimed.

A member approached the Association for assistance on a salary related matter. The member was concerned with the salary adjustment made to the position that she had occupied on an interim basis as a CR from 2002 to 2006. After her acting appointment ended, her substantive position was reclassified from SI-01 to SI-02 retroactively to 2002. According to the employer's calculations, the member owed the employer money. The file was complicated as several staffing actions were involved. Further to CAPE's intervention, the employer recognized that in fact it owed the member money, and reimbursed the member \$2,200.

3) Matters Arising

3 a) Trusteeship of Local 503 (In Camera)

This item was discussed In Camera.

3 b) Harassment Complaint (In Camera)

This item was discussed In Camera.

3 c) Investigation Committee (In Camera)

This item was discussed In Camera.

4) Substantive Issues for Discussion

No items for discussion.

5) Committees

5 a) Audit Committee

The Draft Audited Financial Statements were reviewed.

Motion: It was moved by A. Picotte, seconded by R. Duranceau, that the Audited Statements be recommended to the membership. **Motion carried unanimously.**

5 b) Finance Committee

The statement of Operations for the periods ending May 3, 2010 and June 30, 2010 were reviewed.

5 c) Mobilization and Education Committee

R. Duranceau provided an update on meetings and sessions that have been held since the establishment of the Committee. He mentioned that there was an upcoming education session with PIPSC and ACFO on Oct. 28, 2010.

5 d) Communications Committee

No report this month.

5 e) ESU Negotiations (In Camera)

This item was discussed In Camera.

6) Adjournment

Motion: It was moved by L. Whitmore, seconded by R. Duranceau, that the meeting adjourn at 8:30 p.m. **Motion carried unanimously.**