

**CAPE Executive Committee  
Minutes of June 23, 2010  
CAPE National Office  
Boardroom  
5:45 p.m.**

**Present:** C. Poirier (Chair), S. Chatterton, I. Dawson, R. Duranceau, S. Maguire, S. Mullen, J. Pentick, G. Phillips, A. Picotte, S. Spak, L. Whitmore, M. Zinck, R. Zwicker, C. Danik, D. Martin.

**Apologies:** J-L. Bourdages, C. Lakaski, D. Londynski, G. Thibault-Gosselin, J. Ouellette.

**1. Items for Approval**

**1 a) Agenda**

It was **agreed** to move item 1 j) to 1 b) and item 4 a) was incorporated into item 2 b).

**1 b) Approval of budget**

A. Picotte provided the highlights of the budget. He advised that a budget item could be amended by submitting a motion.

**Motion:** It was moved by A. Picotte, seconded by R. Duranceau, that the NEC recommend the budget to the membership for approval. **Motion carried unanimously.**

**CAPE Dues**

C. Poirier provided the following information to the NEC.

Our current dues structure goes back to 2006 (voted in 2005). Since then, the CPI has gained about 9 points but the dues remained the same. We have been doing well despite that fact. It is now time to readjust all this.

First, we have to take care of the yearly forecasted deficits.

**Basic dues**

Raise the basic dues by \$5, plus a fixed % based on wage increases received by members in the following years. If there is a salary freeze, the dues remain at the same level until the freeze is over.

13,367 members X \$5 X 12= \$802,020 (forecasted deficit for next year is around \$450,000 and this is based on the assumption that we don't increase services and that we won't be under attack from the current government).

## **Reserve fund**

The above is only to keep afloat and maintain services. However, the Auditor has been requesting for years that we create a reserve fund to protect CAPE in the event something bad happens. We have neglected that.

So, we also have to raise a temporary dues or levy that would allow us to create the necessary reserve fund. Several options can be considered but it has to be quite clear that this is only temporary. The Finance Committee would have to create access rules, a clear accounting system for our reserve. We already have the investment policy that the Auditor was asking for.

One option would be to have a set amount with a sunset clause. For instance, \$5 per month for an initial 3 year period would give us an additional reserve of just over \$2.4 millions, just enough to cover our obligations and to protect us for the future. After 3 years, the NEC would have to decide if the levy is still needed. The maximum would be 5 years.

Another way of convincing our members of the temporary nature of the levy is to start at a certain amount and have it fade to nothing over a 5 year horizon.

For instance, we could start year 1 at \$5, and reduce by \$1 every year, until the levy reaches \$0. ( $5+4+3+2+1 = \$2,406,060$ ) The result is the same. However, there is no renewal option.

We could also decide to go the simple route and ask to raise the total dues by \$10 but that would probably be the least acceptable solution for the membership.

Claude Poirier advised the NEC that a special meeting in August would be required in order to vote on this matter as resolutions to the membership must be submitted prior to September 1. There was a **consensus** that this vote be done by an electronic vote.

1 c) In Camera Minutes of April 28, 2010 (In Camera)

1 d) In Camera items from May 26, 2010 Minutes (In Camera)

1 e) Minutes of April 28, 2010

It was noted that S. Spak was not listed as being present at the meeting.

**Motion:** It was moved by L. Whitmore, seconded by M. Zinck, that the minutes be approved, as amended.

In favour = 12, Opposed = 0, Abstention = 1. **Motion carried.**

1 f) Minutes of May 26, 2010

**Motion:** It was moved by S. Mullen, seconded by J. Pentick, that the minutes be approved.

In favour = 12, Opposed = 0, Abstention = 1. **Motion carried.**

1 g) President's Salary & Benefits Policy

The policy was reviewed and editorial changes were made for clarity purposes.

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

1 h) President's Secondary Residence & Travel Policy

The policy was reviewed and amendments were made after discussion.

Motion: It was moved by M. Zinck, seconded by S. Chatterton, that the policy be approved, as amended.

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

1 i) Supplementary Report of the Investigation Committee (In Camera)

1 j) Amendments to By-Law # 3

M. Zinck advised the NEC that the amendments submitted arose from the report submitted by the Elections and Resolutions Committee over the past several years.

**Motion:** It was moved by M. Zinck, seconded by J. Pentick, that the amendments proposed to By-Law # 3 be approved. **Motion carried unanimously.**

## 1 k) Approval of By-Law 10

The Education and Mobilization Committee (EMC) recommends to the National Executive Committee (NEC) approval of the following new bylaw.

### *Bylaw 10.*

*Further to application by a former member of SSEA, CUPTE or CAPE who has retired from the Public Service or the Library of Parliament the National Executive Committee may appoint the former member as a non voting advisor to any sub committee of the Association. Only former members who were members in good standing when they left the Association and who are retired at the time of application may apply.*

The EMC recognizes that the new bylaw would become effective immediately if approved by the NEC, but in order to remain in effect the new bylaw would need to be approved in the fall by a simple majority of members voting on the changes presented as a resolution to the general membership.

M. Zinck proposed a friendly amendment as below, which was accepted.

~~Further to application by~~ A former member of ~~SSEA, CUPTE or~~ CAPE ~~or its predecessor's~~ who has retired from the Public Service ~~or the Library of Parliament~~ the National Executive Committee may appoint the former member as a non voting advisor to any sub committee of the Association. Only former members who were members in good standing when they left the Association and who are retired at the time of application may apply.

**Motion:** It was moved by R. Duranceau, seconded by R. Zwicker, that By-Law # 10 be approved, as amended. **Motion carried unanimously.**

## 2. Reports

### 2. a) President's Report

The last local meetings only took place in June, with a few exceptions. We are very happy that the local union of *Statistics Canada* was re-established. The members elected their new executive body, which immediately went to work. Claude Danik presided over the meeting, and responded to the questions of members, who seemed very satisfied with his responses.

The bargaining agent side of the Joint National Council met on our premises once again at the beginning of the month. The dissatisfaction of the bargaining agents towards the employer is growing, but no one seemed to want to take a

stand with the employer in the plenary session the following day. I therefore had to launch the debate and call to a return to dialog. We will see if the representatives of the Treasury Board will accept the hand that is being extended to them.

The week of June 7 was very productive as far as media coverage for CAPE. Paul Gaboury devoted three articles to our association in *Le Droit*, on three very different topics: the victory of one of our members in a discrimination case at *Passport Canada*; the increase in the cost of dental care for our retirees; and the five-year examination of the Public Service Modernization Act

I sent a letter to the Public Service Pensioners Association, to extend to them our offer of collaboration on matters of common interest. We should have a meeting in July concerning the issue of dental care.

I have also written to the three leaders of the federal opposition parties. In it, I was asking for their support of the law aiming to allow retirees who remarry or enter into a new union to designate their new spouse as beneficiary of their retirement benefits. For now, after sixty years, retirees cannot require their retirement to be paid to a new spouse.

Yesterday, the Treasury Board announced my appointment to the Public Service Pension Advisory Committee. The next meeting of the Committee will take place at CAPE next July 5. By offering our premises to assist the Committee, I have also tried to establish good relations with our ministerial and union partners.

We are still working on establishing a meeting with the Treasury Board and with Public Works, to settle problems related to our member lists.

## 2 b) Professional Services Report

### Internal Matters

- Jean had previously informed you that Luc Gervais had been hired for a one-year (renewable) term LRO position. He started working on May 17.
- Allan Stead has informed us that he will be vacating his term position as a Labour Relations Officer from CAPE effective Friday September 3, 2010.
- Our internal operational review continues; Ms Colleen Fee, the consultant hired to carry out the review, has collected all the documents that she requested and will begin her analysis. Once she has identified information that she will need in addition to the documentation, Ms. Fee will begin meeting with the appropriate managers and staff. The meetings should begin in the next few weeks.

### Constitutional Charter Challenge

- There is nothing new to report. Legal counsel is working on the supplementary affidavit that I will be presenting on behalf of the members in September.

### Trusteeship – Local 503

- Please see Jean's report that is being presented under item 3 a) of the agenda.

### Union Address File System

- Further to Jean's April report, this is to inform you that a pre-hearing conference was held on June 15. The Federal Court of Appeal (FCA) decision set aside the PIPSC/CRA consent order. CAPE was granted full intervener status by the panel of the Public Service Relations Board. The matter is scheduled to be heard the weeks of November 1<sup>st</sup> and 15<sup>th</sup>, 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 employee who successfully challenged the consent order in the FCA, were also granted intervener status, along with the PSAC and a number of separate employers (Parks Canada, CFIA, etc.).

### 5-year PSMA Review

- CAPE's submission was finalized, submitted to the employer and posted on CAPE's website.

### 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. For a summary of the decision, please consult:

[http://www.crtfp-pslrb.gc.ca/decisions/summaries/2010-65\\_e.asp](http://www.crtfp-pslrb.gc.ca/decisions/summaries/2010-65_e.asp)

[http://www.crtfp-pslrb.gc.ca/decisions/summaries/2010-65\\_f.asp](http://www.crtfp-pslrb.gc.ca/decisions/summaries/2010-65_f.asp)

The full text of the decision will be posted on the PSLRB's website once it is translated. This landmark decision has been mentioned in the media. We are now in the process of attempting to resolve the matter of the remedies. If we are unable to reach an agreement, we will request that the

adjudicator exercise her discretion to fashion a remedial order that is appropriate in the circumstances.

### René Plante

- Mr. Plante's grievances were to be heard by an adjudicator on May 6<sup>th</sup> in Ottawa. The matter was resolved prior to the hearing and the grievances withdrawn.

### Hearings

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

Ottawa	August 17 – 20	Angelis (discipline)	PHAC
Ottawa	August 23 – 27	Nasrallah (discipline)	HRSDC
Ottawa	September 9 – 10	Policy Grievance (27.07)	TBS
Ottawa	October 12 – 14	Renaud vs CAPE (ULP)	
Winnipeg	October 13 – 15	Spak (discipline)	A&A

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

[http://www.crtfp-pslrb.gc.ca/hearingschedules/intro\\_f.asp](http://www.crtfp-pslrb.gc.ca/hearingschedules/intro_f.asp)

### Collective Bargaining

- A call for volunteers for each of the three CAPE groups will go out within the next two weeks. In order to give everyone an opportunity to consider volunteering, the end date for submitting names will be September 10.
- The names of volunteers will be submitted to the NEC for approval at its September meeting. The President will decide on who from the national office will be on the committees, as well as their roles.
- On a related matter, the Compensation Analysis and Research Services of the PSLRB has requested from bargaining agents that they provide a list of positions and levels that would serve to establish comparators in a annual study that CARS would carry out for collective bargaining. CARS intend to include comparators from the federal public service, provincial public services and the private sector. CAPE will be meeting CARS representatives some time in the summer to share its recommendations and rationale.
- On another related matter ... the Treasury Board is working on the regulations that are required for the Public Service Equitable Compensation Act. You may remember that PSECA was part of the Bill C-

10, the Act to implement the budget. Regulations are required in order to make some of the provisions of the act operational. For example, the act refers to job groups; but it does not include a definition or principles to define job groups; another example is that the act does not explain how the parties, unions and employer, are to determine in practice the value of work. So, TBS is carrying out consultations with four unions: PSAC, PIPSC, CAPE and ACFO. There will be a two-year period after the regulations have been finalized before the Act will come into effect and will affect bargaining. It should be noted that the Liberal Party has tabled in the House of Commons a bill to repeal the PSECA.

#### Statistics Canada Local Annual General Meeting

- I attended the STC AGM in early June with Allan Stead and Claude Poirier.
- We had a frank discussion with members of the local who expressed their concerns and expectations.
- The feeling at the end of the meeting was that everyone wanted to improve relations and communications between the local and the national office.

#### Criticizing Staff

- When elected officials or members have concerns about the work of a member of CAPE's staff, including myself, the process to raise the matter in an appropriate fashion is to deal with the matter as if it were a matter in the member's own work place.
- It should be raised with the appropriate authority in a private way.
- At CAPE members with issues about representation go to the DLR.
- They can also file a formal complaint to the DLR. If they are not satisfied with the manner in which the DLR deals with the problem, then they can appeal to the President.
- If an elected or appointed officer of CAPE has a problem with a staff member, then she or he should go to the President of CAPE who is the manager of the national office.
- It should be done in a private way, just as in the member's work place.
- Elected officials of CAPE that publicly criticize staff are accountable for what they say.
- Furthermore, the NEC is ultimately responsible for what all politicians in the organization say. There are laws and there is a collective agreement that protect CAPE staff.
- To act responsibly and in order to avoid liabilities to the organization it is important to follow due process.



### **3. Matters arising**

3 a) Trusteeship of Local 503 **(In Camera)**

### **4. Substantive Issues for Discussion**

No items to be discussed.

### **5. Committees**

5 a) Finance Committee

No report this month.

5 b) Education and Mobilization Committee

Event was held on 17<sup>th</sup> – how to move forward.

The other item for the meeting was dealt with under item 1 k).

5 c) Constitution and By-Laws Committee

Matters have been dealt with under items 1 g), 1 h) and 1 j).

5 d) Communications Committee

5 e) ESU Negotiations **(In Camera)**

### **6) Adjournment**

**Motion:** It was moved by S. Spak, seconded by S. Maguire, that the meeting adjourn at 9:55 p.m.