

**CAPE Executive Committee  
Minutes of April 25, 2012  
CAPE National Office  
Boardroom  
5:00 p.m.**

**Present:** C. Poirier (Chair), D. Brackley, G. Brennan, R. Brockington, C. Creran, S. Gagnon, L. Haméon, A. Kurikshuk-Nemec, J. Marshall, S. Menard, S. Mullen, A. Picotte, G. Phillips, L. Whitmore, A. Wong, M. Zinck, R. Zwicker C. Danik, J. Ouellette, D. Martin.

**Apologies:** J-L. Bourdages.

**1. Items for Approval**

1 a) Approval of Agenda

The following items were added to the agenda

- 1 e) Elections and Resolutions Committee
- 1 f) NEC vacancies
- 2 g) Accommodations Committee Report
- 3 c) Motions from J. Marshall
- 3 d) WFAD – inconsistent applications

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

1 b) **In Camera** Minutes of March 21, 2012

1 c) Minutes of March 21, 2012

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

In favour = 14, Opposed = 0, Abstention = 3. **Motion Carried.**

1 d) Approval of new stewards

**Motion:** It was moved by R. Zwicker, seconded by D. Brackley, that D. Karp from Finance Canada and S. Morton from DFAIT be approved. **Carried unanimously.**

1 e) Elections and Resolutions Committee

**Motion:** It was moved by M. Zinck, seconded by C. Creran, that the past members and the new volunteers be approved. **Carried unanimously.**

## 1 f) NEC Vacancies

Highlights of discussion;

- have annual elections – no we already moved away from this process
- need to be able to appoint in cases where quorum is in jeopardy
- must have an interview process – if we maintain the status quo
- appoint on an interim basis until the next election
- have by-elections
- maintain status quo

**Motion:** It was moved by S. Mullen, seconded by D. Brackley that the Constitution and By-Laws Committee develop a procedure for By-Elections and to include the criteria.

R. Brockington requested a recorded vote:

G. Brennan = No, M. Zinck = Yes, S. Mullen = Yes, A. Picotte = No, D. Brackley = Yes, R. Brockington = Yes, A. Wong = No, C. Creran = No, S. Gagnon = Yes, R. Zwicker = No, S. Menard = Yes, J. Marshall = Yes, A. Kurikshuk-Nemec = Yes, G. Phillips = No, L. Whitmore = Yes, L. Haméon = No, C. Poirier = Yes.

In Favour = 10, No = 7, Abstention = 0. **Motion carried.**

## 2. Reports

### 2 a) President's Report

The Joint Work Force Adjustment Committee met on the day following the last NEC meeting. We discussed with Treasury Board and other management representatives the application of the Work Force Adjustment Directive and the appendices to the Alliance's collective agreements. Near the end of the meeting, Marc-Arthur Hyppolite strongly criticized the political actions of the unions. John Gordon and I were the only two elected union representatives present. It goes without saying that we were very surprised by this meddling in union affairs. The following day, I contacted Mr. Hyppolite's boss, Chief Human Resources Officer Daphne Meredith, to protest his actions and make it clear to her that we considered them uncalled-for and unacceptable.

Since I was on a scheduled trip abroad when the federal budget was finally tabled at the end of March, I was unable to attend the joint media activities of the Professionals Serving Canadians campaign, and I want to thank Ray Zwicker for doing such an excellent job on that front.

During my absence, however, I did keep close tabs on what was going on in the public service and at CAPE. The office could always reach me in the event of an emergency, and in fact did so on only one occasion.

The CAPE Accommodations Committee met and will be submitting a recommendation to the NEC. But first, the consulting firm will make a presentation on the main options considered by the Committee.

### **In Camera - Public Service Pension Advisory Committee.**

There will be a flurry of annual general meetings in the coming weeks. For the regions, these meetings are an opportunity for members to meet with and get to know their representatives and their labour relations officer. This year we will be adding a new feature: Pierre Lebel will be contacting the media in the regions in an effort to set up interviews and generate media coverage.

CAPE's budget process will be starting soon, and we can already foresee an increase in our needs. Dues will again be brought up for discussion, but this time without the surpluses that so far have led us to postpone any increase in dues.

### **7:00 p.m. – 8:00 p.m. – Presentation by Colliers International**

Summary of the real estate agents presentation.

The Colliers International Sales Representatives provided a presentation to the NEC on the narrowed down options for the office location.

Available purchase options were considered even if none fell within the boundaries outlined in CAPE's "Needs Assessment of Office Facilities" in the Membership's Interest Report of June 6, 2011. All available rental options in all classes of building in the downtown core that could accommodate 15,607 square feet on one floor were considered as per the needs assessment.

100 Queen proved to be the most attractive offer from a financial and non-financial perspective.

The Colliers International Sales Representatives recommended that ACEP-CAPE commit to renew the office lease at 100 Queen Street in advance of June, 2012.

An open forum of questions and answer took place.

### **2 b) Executive Director of Policy's Report**

#### **Collective Bargaining**

- EC:
  - CAPE and Treasury Board Secretariat made a joint request for mediation on March 26 to the PSLRB. A mediator was appointed, Tom Clairmont, and the parties will be meeting on May 9, 10 and 11 to attempt to resolve the impasse that occurred at the bargaining table.

- The EC Bargaining committee met on April 17 to review its position on matters that will be subject to mediation. The entire committee will be involved in the mediation process.
- I have communicated to the TBS negotiator that it will take something of value to get agreement to the employer's severance pay proposal.
- TR:
  - After much effort, our nominee on the arbitration board, Suzanne Dumas, has secured dates for the arbitration hearing. Arbitration of the impasse at the TR table will occur on July 18, 19 and 20. At that time, we will be represented by legal counsel. The national office will be working with legal counsel on the brief that will be presented to the board. The brief must be completed and forwarded to the PSLRB and the employer no later than 14 days prior to the first date of hearings, i.e. no later than July 4.
  - Currently, we have no plans to explore the possibility of mediation.
- LoP:
  - CAPE has referred the impasse at the LoP table to the PSLRB for arbitration. Under PESRA, it is the PSLRB that chooses the arbitrator, and if deemed necessary other members if it wishes to establish a three-person board.
  - We are waiting for word from the board regarding the choice of arbitrator and the dates for the hearing.

## **WFA**

- Meetings: since the last meeting of the NEC, I met at five different occasions in the NCR with members to explain the WFAD. The largest meeting was at STC where over 250 members attended; the smallest was at CIC where 12 members attended (only 2 members touched by wfa: 2 opting). Three times a tentative date at Health Canada was postponed. Dates at three other departments were postponed for reasons of timing with information from departments.
- Lionel Saurette has been attending meetings with me and will now take over the responsibility to present the WFAD to members at future meetings.
- I estimate that I have had the opportunity to meet face to face with approximately 1,500 members and by teleconference with another 120. As I explained at every meeting, information is a workforce adjustment priority for CAPE. We are thankful to members who attended the meetings. Without their presence, CAPE's overall information strategy would not have been as successful.
- WFA Tables: you have an updated version of CAPE's tracking system table for WFA. You should take note that information provided by departments is not standardized. As a result, the categories in the table need to be treated as mutually exclusive. The total of surplus notices is separate from the total of GRJO and Opting. This is because in some instances that are recorded as

surplus, we have not been provided with information regarding the nature (GRJO or Opting).

- As of the date of the file, April 13, CAPE had 850 members who received letters of all types. 731 letters were letters of affected status. So far the organizations that have been most affected in regards to our members are Health, PHAC and CIDA. Departments where we have been advised that there will be no WFA for the EC community include so far IRB, DVA and Finance.
- Departments where there are large numbers of affected status letters are departments where selection for retention and layoff will be applied to almost everyone, for example Health Canada.
- The process (selection for retention and layoff) allows for a return to work order from the employer where the type of unpaid leave is discretionary.
- However, where the type of leave is not discretionary (e.g.: maternity, parental, disability) it is CAPE's position that the employee cannot and should not be recalled to work: a return to work would jeopardize the employee's entitlement to E.I. benefits and to D.I. benefits.
- An employee is not required to participate in a selection for retention and layoff process.
- However, not participating is not in the interest of the employee: because the process will nevertheless include him or her, but without all of the information that could support the best evaluation possible.
- At the end of the process, the employee can challenge his or her evaluation on the basis of abuse of authority (arbitrary, discriminatory or in bad faith) before the staffing tribunal with a complaint.
- Interlocutors: a considerable amount of interest in the Association was generated by the three press releases that appeared prior to the budget.
- The press releases established the Association as a legitimate source of reliable information.
- We were quoted in the House of Commons by the official opposition; and we were the object of an insult from the Minister of Finance who thereafter presented numbers that were incorrect.
- Our post budget press release was covered by media across the country. It was the object of a Canadian Press article that made its way into local newspapers in Victoria, Calgary, Edmonton, Regina and other communities. It was quoted in Le Droit and in the Citizen. It was all over the electronic versions of various news organizations such as Global News and CTV.
- Then, the following week CAPE was asked by various reporters to provide information regarding cuts to positions encumbered by its members.
- Again we appeared all over the place including... on the web page of the Royal Canadian Legion, Kitchener Branch; on Huffington Post; on MSN News; and on the *Star 96* web site, your web site for your country music. It also appeared in Le Devoir in Montreal, the Gazette, etc. all this to illustrate that we have effectively made our presence felt and our position know.

- NWMCC: since the last meeting of the NEC, there have been 2 meetings plus a meeting of a working group focused on the matter of alternation.

### **The Economic Analysis Project**

- We added into the original model run results The 2012 budget numbers.
- We reduced the federal government sector contribution to the economy by 5.2 B \$, and reduced the number of jobs in the federal public service by 19,200.
- Our intent was not to challenge the veracity of the numbers by inputting other numbers. The Alliance for example sponsored a study that challenged the actual numbers. Our intent was to measure the effect on Canadian jobs of the cuts that the Conservative government itself announced.
- The analysis received considerable press coverage.

### **2 c) Executive Director of Operation's Report**

#### **Internal matters**

The period of employment of Labour Relations Officer Jake Baizana (term) was extended to June 15.

#### **Work Force Adjustment (WFA)**

In January 2012, we created a temporary WFA Labour Relations Officer position for a period of 12 months to deal with the anticipated workload increase stemming from WFA measures in the various departments and agencies. This position is held by Lionel Saurette. In light of the additional workload generated by the recent announcements following the March 29 federal budget, Isabelle Germain was temporarily assigned to WFA-related duties effective April 12. In addition, all labour relations officers saw their workloads increase because of their WFA-related responsibilities, including labour-management consultation.

From January 25 to April 19, 2012, we received 597 information requests by e-mail (including 307 since April 1) and 232 information requests by telephone (including 152 since April 1), and we opened 113 representation files with respect to WFA. In addition, Lionel and Isabelle are now participating in WFA information meetings for members.

We expect to receive official WFA notices from several more departments and agencies, including those for our members working at Statistics Canada and HRSDC. Since we anticipate that quite a few members will be contacting us in the coming months, I recommend that a second temporary WFA Labour Relations Officer position be created for a 12-month period effective June 1, 2012. This position would initially be filled for a period of six months, following which the need for the position would be re-evaluated.

**Motion:** It was moved by M. Zinck, seconded by S. Mullen, that a second temporary WFA LRO position be created and that it be re-evaluated at the 6 month period. **Carried unanimously.**

### Bill C-377

Bill C-377, An Act to amend the *Income Tax Act* (requirements for labour organizations), is a private member's bill that was tabled for first reading in the House of Commons on December 5, 2011. The Bill stipulates that the *Income Tax Act* must be amended to require all labour organizations to file annually detailed financial statements on salaries, income and expenditures. This information would be published on the Canada Revenue Agency (CRA) Web site and thus made available to the general public. If enacted, this bill will have a strong negative impact on the Canadian labour movement. Among other things, it would impose extra operating costs on labour organizations, and financial information of a confidential nature would be made available to employers and to political parties and governments that may be opposed to the labour movement.

The Canadian Labour Congress (CLC) launched a national campaign against the passage of Bill C-377 and requested CAPE's participation. As part of the campaign, a letter from the CAPE President was sent to 94 of the Association's suppliers of goods and services to provide them with information about the Bill and its potential impact on them.

### Court cases

#### Boshra and CAPE (Federal Court of Appeal)

A request for a contempt order against Mr. Boshra was filed on April 4, 2012.

#### Public Service Labour Relations Board (PSLRB)

### Cases

#### C. Basic v. ACEP

Nothing to report.

#### S. Boshra v. CAPE

The written submissions and replies process was not completed.

#### D.I. Tench v. Ouellette and CAPE

During the first hearing day for this case, the parties reached a settlement. The file will be closed shortly.

### Scheduled hearings

There are two cases involving CAPE scheduled for a hearing before the PSLRB in the period from May to July 2012.

Ottawa	May 2 and 3	Lebeau (Discrim. – Human Rights)	StatCan
Ottawa	June 11 to 15	Dupuis (Discrim. – Human Rights)	StatCan

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_e.asp)

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

### 2 d) Finance Committee

The financial statements were reviewed. It was noted that the February statements were missing. A. Picotte mentioned that he has resigned as Chairperson and that R. Brockington has taken over as the new Chairperson. The NEC thanked A. Picotte for all his work done as Chair. A. Picotte stated that he is still participating on the Committee.

### 2 e) Communications Committee

R. Zwicker noted that due to technical difficulties that the platform for members will be delayed until next month.

Some of the promotional items have come in and we are waiting for the additional items to arrive.

### 2 f) Constitution and By-Laws Committee

This item was dealt with under 1 f).

### 2 g) Accommodations Committee

C. Poirier provided a further update. He advised the NEC that there were several options that were looked at by the Committee for office space. Many offers were looked at and we considered having spaces on different floors.

A formal written report will be brought to the May meeting and the NEC will be asked to make a final decision on the location for the Association.



### **3) Matters Arising from strategic planning session**

#### **3 a) What constitutes “In Camera”**

**Tabled.**

#### **3 b) Statistics of Casework**

It was asked if reports could be provided on a semi-annual basis which would state the type of cases and the number of them.

**Tabled.**

#### **3 c) Motions from HRSDC Local**

It was requested that the motions be translated for the next meeting.

**Action:** C. Poirier to send an acknowledgement of receipt to the author(s).

**Tabled.**

#### **3 d) WFAD inconsistent application**

This item was dealt with under item 2 b).

### **4) Substantive Issues for Discussion**

#### **4 a) Federal Budget**

### **5) Adjournment**

**Motion:** It was moved by R. Zwicker that the meeting be adjourned at 8:40 p.m.