

**CAPE Executive Committee
Minutes of May 25, 2011
CAPE National Office
Boardroom
5:45 p.m.**

Present: C. Poirier (Chair), J-L. Bourdages, S. Chatterton, C. Creran, I. Dawson, R. Duranceau, S. Maguire, S. Mullen, S. Pichie, A. Picotte, G. Phillips, G. Thibault-Gosselin L. Whitmore, A. Wong, M. Zinck, R. Zwicker, C. Danik, J. Ouellette, D. Martin.

Apologies: R. Brockington.

1. Items for Approval

1 a) Approval of Agenda

The following items were added to the agenda;

- 1e) Elections and Resolutions Committee
- 3 b) Charter Challenge

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

1 b) In Camera items from April 27, 2011 Minutes [\(In Camera\)](#)

1 c) Minutes of April 27, 2011

R. Zwicker mentioned that he provided some minor corrections to the secretary via e-mail on the Communications Committee.

Motion: It was moved by M. Zinck, seconded by A. Picotte, that the minutes be approved, as amended.

In favour = 11, Opposed = 0, Abstention = 5. **Motion Carried.**

1 d) New steward(s)

Motion: It was moved by C. Creran, seconded by R. Duranceau, that Jacinthe Marleau from the Human Rights Commission be approved as a steward. **Carried unanimously.**

1e) Elections and Resolutions Committee

Motion: It was moved by J-L. Bourdages, seconded by L. Whitmore, that Nathalie Pothier from the Library of Parliament be approved as a member on the Committee. **Carried unanimously.**

2) Reports

2 a) President's Report

The "Local Meeting Season" continues. I met with nine different groups in May and I must say that we always received a warm welcome. Thanks to those of you who are also part of a local executive, by the way. The tour moves to the Prairies during the week of June 6th and on to Vancouver on the 14th.

At these meetings, members have asked us many questions about the bargaining, rumours related to the federal budget, and the pension. On a related matter, I suggested to the Moncton TR members that they should organize an informal meeting in September to take advantage of the fact that the National Joint Council's meeting takes place in their city this year. Planning is already underway.

On a completely unrelated matter, the presidents of CAPE, the Institute and the Association of Canadian Financial Officers, as well as their respective general managers, will meet next week to discuss our future joint activities. For the first time in many years, the meeting of the bargaining agents will be held next week outside of CAPE facilities, as a training session for stewards will be held in our meeting hall. I can tell you that the other unions are much looking forward to coming back here.

The CAPE Accommodations Committee met this week and we will finally choose the company that will help us in our efforts.

This June 21, I'll be meeting with the Investment Board that manages the pension funds of the federal public service, armed forces and the RCMP. We hope that our investments will prove to be as profitable as last year's.

2 b) Executive Director of Policy's Report

Collective Bargaining

The negotiators for Treasury Board at the two CAPE tables are both very competent and knowledgeable negotiators: Josée Lefebvre at the TR table and Cynthia Nash at the EC table. They are responsible respectively for 6 and 5 bargaining tables until Treasury Board hires new negotiators.

I met with Ms. Lefebvre on May 12 and I met with Ms. Nash on May 16.

I meet with employer negotiators before a round of bargaining to discuss logistics such as schedules, rooms, etc. We also talk about bargaining approaches and generally about what is happening in the collective bargaining environment.

Both Ms. Lefebvre and Nash expressed a wish to address problems openly with the intent to coming to solutions that are mutually acceptable. Of course, they are not at the table bearing gifts: this is collective bargaining.

The LoP bargaining committee met on May 5, then on May 16.

The committee worked on and completed the input questionnaire which is being set-up on the Insite web site. The electronic survey should be available within a week (testing as we have more time). Members will have two weeks to fill them out.

Both the TR and EC committees are in the final phases of preparing, reviewing contract language for their respective briefs. The EC committee is meeting twice next week, on Monday and Thursday, while the TR committee is meeting on Wednesday. The committees must make a final determination of the content of the proposals that will go to the respective bargaining tables.

Then we meet with the employer's bargaining teams on June 15 at the TR table, and on June 17 at the EC table to exchange proposals. Normally, we spend the summer reviewing the employer's proposals and reflecting on responses, and work further on the rationale for our own responses.

Charter Challenge

The Supreme Court issued the Fraser decision on April 29. The decision focuses on an action against Ontario legislation which limited the right of workers in the agricultural sector to organize and make representations on work related matters to their employers.

The decision of the court was of mixed effect. We will be dealing with the matter in another part of our meeting *in camera*.

Internal Matters

I met with the Bureau of Translation stewards and the members of their executive committee further to an invitation to present a document that we have prepared for Locals, entitled *CAPE, Professional Advocacy*.

The document was well received and even stewards who have been active for a long time in this or other organizations expressed the opinion that it contained a lot of useful information of which they were not aware.

Other activities are covered by committee reports, which will be presented by the chairpersons of various committees later.

2 c) Executive Director of Operation's Report

Internal Matters

Michel Charette commenced as a term (3 months) Labour Relations Officer this morning. An internal competition to staff a vacant Finance Officer Assistant position and the recruitment of a term administrative clerk (dues) are underway. Brigitte Richard has been appointed as acting Communication Officer Assistant for a seven week period.

Court Cases

Boshra and CAPE (Federal Court of Appeal)

Mr. Boshra has filed with the court a motion to reconsider its earlier decision dismissing his application for judicial review of the Public Service Labour Relations Board decision dismissing his duty of fair representation complaint against CAPE. Mr. Boshra also requested an extension of the deadline to file his motion to reconsider as it is untimely. Our submission responding to both matters was filed yesterday.

Mr. Boshra was served with a bill of costs earlier this month regarding the above-mentioned court decision. The court has set a schedule for submissions that extends to the fall.

Bernard v. PIPSC (Union Address File System Matter)

Further to Ms. Bernard's appeal filed with the Federal Court, the matter has now been referred to the Federal Court of Appeal. We have entered into discussion with our legal counsel and the PIPSC's legal counsel to determine if CAPE will file a submission.

Public Service Labour Relations Board (PSLRB) Cases

C. Therrien vs. CAPE

An in-person pre-hearing was held on May 4, 2011. The PSLRB Member has requested that the parties provide written submission on our preliminary objection to the effect that Mr. Therrien's two DFR complaints do not make out a prima facie case under section 190 of the Public Service Labour Relations Act.

CAPE's submission was filed last week and Mr. Therrien must file his reply by June 17. We will then have the opportunity to submit a rebuttal no later than June 24.

A decision on our preliminary objection is expected by September.

K. Kumar vs. CAPE

Mr. Krishan Kumar, a member, has filed a duty of fair representation complaint against CAPE. Our written response to the complaint has been filed and we are awaiting the complainant's rebuttal.

C. Basic vs. CAPE

Ms. C. Basic, an ex-member, has filed a duty of fair representation complaint against CAPE. Our written response to the complaint has been filed and we are awaiting the complainant's rebuttal.

Hearings

There are two CAPE cases scheduled for a hearing before the PSLRB for the period June to September 2011.

Ottawa HRSDC	August 8 to 12	Nasrallah (non-disciplinary termination)
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Ottawa Stats Can.	Sept. 26 to 20	Aston (release on probation)
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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_f.asp

Miscellaneous

E-communications

We have retained the services of InSite to integrate existing software and systems into a unified and supportable platform to facilitate e-communications, e-messaging, e-surveys, e-voting and ongoing member data management. The platform should be fully pre-tested and operational by mid-September.

A final request for members to sign up for e-communications will be sent out with the last paper version of the Professional Dialogue which should be out this summer.

As for a progress report on the online discussion platform, please see the Communications Committee report.

3) Matters Arising

a) Organizational Review (Org. Chart)

The organizational chart was reviewed and corrections were noted.

Motion: It was moved by R. Duranceau, seconded by R. Zwicker, that the organizational chart is approved, in principle and that all corrections be made and brought back for June meeting. **Carried unanimously.**

b) Charter Challenge (In Camera)

4) Substantive Issues for Discussion

4 a) Budget 2011

C. Poirier advised the NEC that the budget date is scheduled for June 6, 2011.

C. Poirier and C. Danik will prepare an analysis and it will be provided to the NEC. It will also be posted on the web site and provided to the Local Leadership Council as an instructional document asking them to advise their members of it.

5) Committees

5 a) Finance Committee

The NEC was advised that there was no regular meeting due to the full day budget meeting which was held in April.

5 b) ESU Negotiations (In Camera)

5 c) Constitution and By-Laws Committee

The NEC reviewed an amendment to Clause 15 of the Constitution.

Motion: It was moved by R. Zwicker, seconded by S. Maguire, that the amendment be approved. **Carried unanimously.**

5 d) Communications Committee

R. Zwicker advised the NEC that only one Local Leader has signed up on the forum to date. As it is fairly new it will take time to get them to sign up.

It was mentioned that some departments do not provided internet access at workstations but they have a public area only.

6) Adjournment

Motion: It was moved by S. Chatterton, seconded by L. Whitmore, that the meeting be adjourned at 8:45 p.m.