

**CAPE Executive Committee
Minutes of September 25, 2013
CAPE National Office
Boardroom
5:00 p.m.**

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

Apologies: B. Black, A. Butler, L. Whitmore.

1) Items for Approval

1 a) Agenda

Add as Item 2 f) – Constitutional amendments and as item 3 b) – Visioning Plan

Motion: It was moved by A. Picotte, seconded by S. Mullen, that the agenda be approved, as amended. **Motion carried unanimously.**

[Start In Camera at 5:01 p.m.]

1 b) In Camera Minutes of June 26, 2013

[End In Camera at 5:02 p.m.]

1 c) Minutes of June 26, 2013

It was noted that under item 1 e) Volunteers for EC Collective Bargaining Committee that the first sentence of the second paragraph should read that R. Godbout did not receive the e-mail to complete the application form instead of missed the e-mail.

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

In favour = 10, Opposed = 0, Abstention = 2. **Motion carried.**

1 d) Approval of LoP bargaining Committee volunteers

C. Poirier advised that he has delegated Jean Ouellette as the negotiator for the Library of Parliament.

There were two volunteers that applied for the collective bargaining committee and that the Association should continue to seek additional volunteers.

It was mentioned that the summer time is not a good time to seek volunteers and that the process be reviewed.

Motion: It was moved by C. Poirier, seconded by J-L. Bourdages, that N. Pothier and S. Norris be approved as members.

In favour = 11, Opposed = 0, Abstention = 1. **Motion carried.**

2) Matters Arising

2 a) CAPE's Award Policy

This item was **deferred**.

2 b) R. Brockington Motion – Procedural Matters

a) The President consults the Vice-Presidents regarding the formulation of the NEC agenda.

- There are no issues to implement

b) The agenda of NEC meetings to be posted on the CAPE website at least 48 hours in advance of the meeting.

- This will be implemented

c) The discussion platform to be used to post various issues to be discussed at NEC meetings, to encourage member discussion and to solicit feedback.

- **Action:** Report back to NEC.

d) The agenda of the NEC contain for information purposes, the minutes of the committees of CAPE since the last NEC meeting.

- There may be timing issues depending on when various committees meet. Minutes of the Committees are already posted on the website once they have been approved.

e) The agenda of the NEC contain an update(s) on matters being proposed in Parliament that would or could affect the CAPE membership or administration, including CAPE's plan to address those initiatives.

- Does the NEC have a role to play in this? Perhaps the VP's or legal counsel.
- Reporting will commence next month as no comments were received back on the formatting of the report to be used.

f) The agenda of the NEC contain a frequent update (not necessarily monthly) on caseload statistics of CAPE LRO's, volume of inquiries, types of inquiries, etc.

- This is now being provided in the Executive Director of Operations monthly report.

g) The agenda contain an information "scorecard" of previously approved motions from the NEC to acquire updates on where each motion is in its stage of implementation.

- **Action:** Provide a model for next meeting.

h) NEC meetings become public to members.

- Members already have the right to attend meetings as stated in the Constitution except for meetings or portions of meetings that are deemed In Camera.

i) Minutes of NEC meetings include recorded votes on all substantial items.

- All recorded votes are currently included in the minutes – if a NEC member feels an item is substantial then they can continue with the status quo and request for a recorded vote.

j) The minutes indicate when an in-camera portion commenced and when the public meeting reconvened.

- This has been implemented.

2 c) NEC Security Policy

Document should be ready for the next meeting. Communications Committee needs to meet a final time.

d) Short Term Disability at Canada Post

C. Danik has a document of comparisons and will forward it to the NEC once the translation is received.

e) Legislation Review

As no comments on the format of providing reports were received back C. Danik will proceed as is for future reports.

2 f) – Constitutional amendments

30.1 An Annual Membership Budget Meeting (MBM), to which all members shall be invited, shall take place in the National Capital Region. ~~normally in the month of March.~~

Move 30.3.3 from the MBM and move it under the AGM as new 29.4.5

34.3 The NEC shall:

New 34.3.1 submit a budget for the ensuing two years for discussion at the MBM, and it shall be considered for approval by a vote of the members;

New 34.3.2 submit audited financial statements for discussion at the AGM, and these shall be considered for approval by a vote of the members.

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

It was requested that an explanation be provided to the membership on the streamlining of the budget process.

3) Substantive Issues for Discussion

a) 2013 National Joint Council Seminar

C. Poirier provided a background report on the NJC and on this year's seminar. It is important that the NEC be educated on what the NJC does, how decisions are made at the NJC that have an impact on our members and what CAPE's role is.

3 b) Visioning Plan

J. Ouellette provided a timeframe plan to the NEC. The NEC still has to adopt the mandate, provide comments and consult the membership.

- Develop a framework
- Structure needs to be done
- Is a sub-committee required

4) Reports

a) President's Report

Summer is the time of year, once our vacations are behind us, when we can do those things we simply do not have time for during the rest of the year – or at least without too much pressure.

In July, New Media and Outreach Officer Pierre Lebel and I started planning for the coming fall. We therefore contacted the offices of several MPs with whom we had yet to meet and of others we hoped to meet with again. Among the quickest to accept our invitation were Liberal MPs Stéphane Dion and Ted Hsu, and MP Paul Dewar of the NDP. I am still trying to arrange a meeting with my own MP, Steven Blaney, but he does not seem very interested. And yet, a number of CAPE members in Prince Edward Island are on the verge of losing their jobs for no real reason. Tony Clement remains atop the list of ministers with whom we would like to meet, since we had only a few minutes with him at our last meeting.

Unlike government bills, private members' bills, such as C-377 and C-525, will return to exactly where they were before Parliament was prorogued. You will recall that Bill C-377 requires labour organizations to publish financial information on the Canada Revenue Agency website, and Bill C-525 makes the certification of bargaining agents more difficult while also facilitating their decertification. We will have to continue our information and awareness work on these issues.

Fewer evening meetings are held during the summer months. But there is one notable exception: the Audit Committee does most of its work during the summer. The work of the auditors seemed to go much more smoothly in this their second year, since they were a good deal more familiar with our activities.

On the subject of communications, I have pointed out in the past that there is very little media interest in the federal public service outside the national capital region. CAPE did manage a breakthrough in the Quebec City area by getting an interview published in the local daily newspaper, *Le Soleil*; this article was then picked up by other newspapers in the *La Presse*

group. We were able to score some media coverage points in the month of August with a half-page in the business section.

Also in August, the subcommittee tasked with planning our reflection exercise met in order to get the ball rolling. A rough agenda was prepared. The Audit Committee met again at the end of the month for an exchange of information that would allow the auditors to finish the financial statements.

The pace of meetings returned to normal in September. The Finance, Statutes and By-Laws, and Communications committees met, and there was even a special meeting of the National Executive Committee. We were in a bit of a rush because many of us were scheduled to attend the National Joint Council Seminar in Montreal last week. This trip to Montreal last week was an opportunity for me to engage in several interesting meetings. On Monday, before the NJC Seminar, I started the week by meeting with Liberal MP Marc Garneau. Our discussions focused primarily on the federal public service and the devastating effects of the government's current policies. As a former public servant and past member of the Professional Institute of the Public Service of Canada, Mr. Garneau understands quite clearly how our members might feel under attack from all sides.

I also met informally with the presidents of other public service unions, in particular Gary Corbett of PIPSC and Roby Benson of PSAC. By the way, Gary took the opportunity to tell me that PIPSC was launching a new dues increase campaign. Such informal meetings allow us to take stock of issues of common interest. We enjoy excellent relations with these organizations both at the policy level between presidents and on a more practical level between colleagues. CAPE has an excellent reputation within the NJC and among the bargaining agents.

This week, I spoke with New Democrat MP Paul Dewar. Among his other tasks, Mr. Dewar is the NDP's foreign affairs critic. Our discussions focused in particular on the merger of CIDA and Foreign Affairs and, more generally, on the many attacks being directed at the federal public service.

Yesterday evening, we held the Membership Budget Meeting here for the first time. The meeting was highly productive, and the only difficulties we had were of a technical nature. Our telephone conferencing system did not seem to want to cooperate, and some people were unable to gain access to this floor because they arrived after the start of the meeting. Jean has called a meeting for tomorrow to look at the problems that occurred and apply corrective measures.

b) Executive Director of Policy's Report

Collective Bargaining

- **General:** work is focused on the preparation of bargaining input questionnaires for each bargaining unit.
- **TR:** the bargaining committee met three times since the last NEC meeting (July 16, September 10 and 11); the first meeting was a brief meeting to discuss scheduling and work to be done; the first part of the second meeting was a training session for members who were new to bargaining in the federal public service; the rest of the meeting as well as the final day of meetings was focused on decisions regarding the number of questionnaires for input (two) as well as the structure of the questionnaire. There will be a general input questionnaire administered in early December or early

January. Then there will be a questionnaire devoted solely to the matter of sick leave and STDP which will be administered in late February or early March.

- **EC:** the communication structure for the EC collective bargaining committee and for the EC collective bargaining consultation committee has been set-up. The bargaining committee will meet next week on October 2nd and 3rd. The EC bargaining consultation committee is scheduled to meet on October 24. There will be training and then work will begin on the input questionnaires.
- A step has been added to the process as the draft questionnaires of each bargaining unit will be provided to the NEC in a timely manner and with time for feedback to the committees before they are finalized.
- **LoP bargaining:** There will be a need to have a second call for volunteers; there was also a reaction to the previous call.

WFA

- Our grievance before the PSLRB on the matter of the selection process at HRSDC where some of our members were involved was unsuccessful. After reviewing the decision it was decided that grounds for a judicial review were not sufficiently solid.
- The policy grievance on the alternation process is still outstanding.

Other Policy Grievances

- CAPE filed a policy grievance on July 31st, on the matter of the reconciliation of leave records at Justice Canada.
- The employer found a discrepancy between two reporting systems and is attempting to recoup leave already taken.
- The grievance was heard by Treasury Board's representative who provided a response Monday. The grievance is denied.
- We will be looking into the matter of going to the PSLRB.

Sick Leave and STDP

- Three working groups were put together of CAPE staff for the purpose of working on issues that are of concern to members.
- The first working group is collecting and analyzing information on the matter of Short Term Disability Plans and of their relation to sick leave provisions in collective agreements.
- The working group includes Lionel Saurette who was a member of the Disability management Technical Committee for the Public Service, and H el ene Paris (Research Officer) and me who will be at the different CAPE bargaining tables.
- Ms. Paris and Mr. Saurette are invitees to the joint working group developing program design elements for both long term and short term D.I. CAPE'S participation is of course without prejudice.
- I have a comparative analysis of STDP provisions found in the PSAC/UPCE and CUPW collective agreements at Canada Post. I am waiting for the translation. Once I get it, I will send you all the analysis.
- I sent a letter to Treasury Board on September 9 requesting detailed information regarding the use of sick leave by TR and EC employees.

Performance Management

- A message was sent out to members and an email address was set-up to gather input from members (pgr-pmp@acep-cape.ca) on the new performance management directive last June.
- Using the input and other sources, a working group of CAPE staff is preparing two documents. The first document will explain the performance management process, from the employee's perspective and will provide advice to members. The second will provide advice to members who are faced with an unsatisfactory performance review.
- We hope to release the first document sometime late November.

Workplace 2.0

- A third working group has been put together to examine the WP 2.0 initiative that came out of PWGSC and that is spreading to other departments.
- The intent is to prepare a policy paper for the NEC's approval.
- Because there are few studies are specifically about such work place set-ups and that are not by service providers who offer to set-up such work spaces (some bias), it is proving difficult to find appropriate background material.
- However, we did set-up a discussion platform for local leaders (email of September 16); the purpose is to get comments that we can use to prepare a questionnaire to consult the entire membership.
- Because we have introduced two new steps in the preparation process, it is more likely that the policy for NEC approval will be ready in January.

Legislative Review

- I provided draft legislative reviews to the NEC at the June meeting for the purpose of getting feedback on the form of the report.
- Since I have not received any comments, can I assume that the format is OK and that I should proceed accordingly with reports in the future?

Other

- CAPE is in mourning. The terrible bus accident that took the lives of five members of the Ottawa community took the lives of a CAPE member, Karen Krzyzewski, who was very much appreciated by her colleagues at LAC. The accident also took the life of Kyle Nash, the 21 year old son of Cynthia Nash, the Treasury Board negotiator at the EC table in the last round of bargaining.

2 c) Executive Director of Operations' Report

Work Force Adjustment (WFA)

We received the adjudicator's decision in the "Competitive Process at HRSDC" policy grievance matter. In his decision rendered September 4, 2013, adjudicator Michael Bendel dismissed the policy grievance. While the Association does not agree with the decision, and after having reviewed all the elements of the decision, CAPE has decided not to seek a judicial review, and the decision is therefore final. The Local Executive has been informed of the decision. An e-

message will be sent to all members once the full text of the decision is posted on the PSLRB's website.

As for the "Implementation of the Alternation Process" policy grievance, the written submissions process was completed in June and we are awaiting the adjudicator's decision.

Dues Increase Vote

Following the vote, the employer was advised of the new amount of the monthly membership dues as of September 1, 2013.

E-elections of Local Executives

The Translation Bureau Local has been running e-elections for a number of years and CIDA Local held e-elections this Spring. The Winnipeg Local and the PPSC Local have requested to have e-elections of their executives. We are in the process of drafting material to assist all Locals in running e-elections of their Executives if they so wish.

Representation Files

Here is a breakdown of the major subjects with all of the representation files opened since the beginning of 2013:

| | | | |
|----------------------------|----|---------------------------|----|
| Absenteeism | 3 | NJC (benefits) | |
| Access to information | | NJC (Dental) | |
| Accommodation | 29 | NJC (FSD) | 1 |
| Acting Appointment | 2 | NJC (health care plan) | 1 |
| ATIP | | NJC (Relocation) | 2 |
| Authorship | | NJC (Transportation All.) | |
| Bargaining Unit Work | | NJC (Travel) | |
| Benefits | 4 | NJC (WFAD) | 50 |
| Bilingualism Bonus | | Pay | 15 |
| Career & Registration Fees | 2 | Pension | |
| Classification | 10 | Performance Evaluation | 37 |
| Code of Conduct | 3 | Personal File | |
| Consultation | 4 | Policy | |
| Deployment | 1 | Political Activity | |
| DFR | | Privacy | |
| Disability Insurance | 5 | Probation | 1 |
| Discipline | 19 | RAND | |
| Discrimination | 14 | Recruitment Program | |
| Employment Status | 1 | Representation | |
| Ergonomic Assessment | | Resignation | 1 |

| | | | |
|----------------------------|----|----------------------------------|------------|
| Fitness to Work Evaluation | 2 | Retirement | 1 |
| Harassment | 39 | Return to work | 7 |
| Health and Safety | 7 | FIP | 1 |
| Health and Safety (Claim) | | Security Status | 2 |
| Hours of Work | 3 | Service | 1 |
| Hours of Work (Overtime) | 2 | Staffing | 11 |
| Hours of Work (Travel) | | Staffing (WFAD) | 2 |
| Human Rights | | Statement of Duties | 6 |
| ICMS | 1 | Telework | 4 |
| Johnson Insurance | | Term Employee | 1 |
| Language Profile | 1 | Termination | 2 |
| Language Training | 1 | Terms and Conditions of Work | |
| Leave | 13 | Training Program | 2 |
| Leave (Annual) | | Travelling Time | 1 |
| Leave (Bereavement) | | Unfair Labour Practice Complaint | 1 |
| Leave (Other) | 5 | Union Dues | 1 |
| Leave (Parliamentary) | | Union Representation | 3 |
| Leave (Sick) | 4 | Work Assignment | 3 |
| Leave (Without Pay) | 5 | Work Location | |
| Letter of Expectation | 1 | Workload | 2 |
| Maternity Allowance | 1 | Wrongdoing (Whistle Blowing) | 1 |
| Medical Evaluation | 1 | | |
| | | Total | 343 |

Court cases

Boshra and CAPE (Federal Court)

CAPE is still pursuing the matter of costs owed to it.

The decision in the CAPE v. LoP (statutory freeze) matter was rendered on February 26, 2013. In his decision, Board member Bertrand declared that the employer violated section 39 of the PESRA. The employer sought a judicial review of the decision and the matter was heard last week by the Federal Court of Appeal. We await the Court's decision.

Public Service Labour Relations Board (PSLRB)

Cases

We are still awaiting the decision from the adjudicator in the **Lebeau** case (discrimination – human rights issue – Statistics Canada) that was heard on May 14 and in the last **Boshra** matter (duty of fair representation complaint against CAPE).

The **Ferguson** matter (Discrim. – Human Rights) was to be heard commencing on September 10 by the PSLRB. As the matter dealt with the interpretation and application of the WFAD, the parties agreed to submit the grievance to the NJC.

Scheduled hearings

These are the cases involving CAPE scheduled for a hearing before the PSLRB in the period from October to March 2014.

| | | | |
|----------|----------------|---|-----------|
| Ottawa | Dec. 2 to 6 | Tulloch (Discrim. – Human Rights) | Stats Can |
| Ottawa | Dec. 16 to 19 | Desfossés (Discrim. – Human Rights) (continuation) | HRSDC |
| Ottawa | Jan. 27 to 31 | Kalonji (Termination) | IRB |
| Winnipeg | Mar. 13 and 14 | Dorn (Discrim. – Human Rights) | HRSDC |

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_f.asp

d) Finance Committee Report

The financial statements for May, June and July 2013 were reviewed.

5) Adjournment

It was moved by A. Picotte that the meeting be adjourned at 8:35 p.m.