

**CAPE Executive Committee
Minutes of June 26, 2013
CAPE National Office
Boardroom
5:00 p.m.**

Present: C. Poirier (Chair), B. Black, J-L. Bourdages, R. Brockington, S. Gagnon, N. Giannakoulis, S. Jaroudi, A. Kurikshuk-Nemec, S. Mullen, A. Picotte, G. Phillips, L. Whitmore, C. Danik.

Apologies: A. Butler, C. Creran, L. Haméon, J. Ouellette and D. Martin.

1) Items for Approval

1 a) Agenda

Move item 3 b) as first order of business.

The following items were added to the agenda;

1 f) Revised Budget

1 g) NJC Seminar

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

3 b) Investigation Sub-Committee

G. Phillips was requested to leave the meeting for this item.

[Start of In Camera session 5:40 p.m.]

[End of In Camera session 6:10 p.m.]

G. Phillips returned to meeting.

1 b) In Camera Minutes of May 29, 2013

[Start of In Camera session 6:11 p.m.]

[End of In Camera session 6:15 p.m.]

1 c) Minutes of May 29, 2013

Motion: It was moved by J-L. Bourdages, seconded by S. Mullen, that the minutes be approved. **Carried unanimously.**

1 d) NEC/CBC Communications – Statement of Intent

Motion: It was moved by A. Picotte, seconded by R. Brockington, that the Statement of Intent on communications between the NEC and the CBC be approved. **Carried unanimously.**

1 e) Volunteers for the EC Collective Bargaining Committee

C. Danik presented a document summarizing information requested by the NEC regarding volunteers.

G. Phillips mentioned that R. Godbout unfortunately did not receive the e-mail which requested volunteers to complete the application form and that he was still interested in participating and could the NEC consider his expression of interest to participate on the collective bargaining committee.

Motion: It was moved by R. Brockington, seconded by L. Whitmore, that we delegate the final decision on the appointment to C. Danik and that he try to have a balance between regions, gender, level and experience as required in the By-Laws.

C. Danik has reviewed the list and recommends the following;

G. Breton, M. Collins, M. Donahue, N. Faulkner, N. Giannakoulis, D. Hinton, D. Hoyi, K. Johnson, A. Kurikshuk-Nemec, L. Munroe, J. Williams and I. Zhou, R. Godbout and R. Russo. It was moved by R. Brockington, seconded by L. Whitmore that the list of volunteers be approved.

In favour = 7, Opposed = 3, Abstentions = 2. **Motion carried.**

1 f) Revised Budget

Based on the dues increase vote the staff has revised the budget accordingly with the new revenues for 2013/2014 and 2014/15. No other changes have been made.

Motion: It is moved by R. Brockington, seconded by A. Picotte, that the revised budget be approved by the NEC.

- Membership Budget meeting will take place on September 24, 2013.
- Find out what numbers staff used and what numbers have been used to project loss/gain of membership.
- Are these standard line items? We can add footnotes.

R. Brockington requested to withdraw his motion and the seconder agreed. **Motion withdrawn unanimously.**

Motion: It was moved by R. Brockington, seconded by A. Picotte, that the revised budget be deferred back to the Finance Committee for review and resubmit to the NEC and that an e-vote be held in August to approve the budget. **Motion carried unanimously.**

1 g) NJC Seminar

The seminar will be held the week of September 16, 2013 in Montréal. The seminar has been reduced in length to three (3) days. Are there any volunteers?

N. Giannakoulis, G. Philips, R. Brockington, C. Poirier.

CAPE staff: J. Ouellette, P. Lebel and one (1) Labour Relations Officer.

Alternates are: L. Whitmore, A. Kurikshuk-Nemec and S. Jaroudi.

2) Matters Arising

2 a) CAPE's Award Policy

L. Whitmore advised that comments have been received and that the policy will be done shortly.

G. Phillips requested that consideration be given in the form of a plaque for sitting NEC members who pass away.

2 b) R. Brockington Motion – Procedural Matters

- Reports were sent
- Consultation with Vice-Presidents on agenda - schedule meetings with V-P's using outlook calendar to discuss NEC agenda
- NEC does not need to be involved with the implementation
- What could not be implemented would be reported back to the NEC

2 c) NEC Security Policy

Action: C. Danik to come back with a policy.

2 d) Motion on Psychological Health and Safety Standards

The document is being re-worked. This item has been deferred until September.

3) Substantive Issues for Discussion

3 a) Dues increase

- Request to receive a report of the voting by Local
- Received several complaints for unsolicited and inappropriate e-mails in regards to the Union Project website
- Checked with legal counsel
- Need policy in place so that this does not occur again
- Was there false or misleading information on the website
- Define what the obligations of regular members are
- Send to Constitution and By-Laws Committee

Motion: It is moved by C. Poirier, seconded by A. Picotte, that a subcommittee be mandated to start the planning of a CAPE membership visioning exercise and report back to the NEC at its September 2013 meeting. **Carried unanimously.**

The subcommittee would be composed of the President, the 2 Vice-Presidents, plus CAPE staff.

Are there any other volunteers?

S. Jaroudi, N. Giannakoulis and A. Butler also volunteered.

President's Compensation

A. Kurkishuk-Nemec proposed that a subcommittee be established to review the compensation and benefits of the President.

- Subcommittee to review compensation of President
- Review current policy
- Review, due diligence in order to respond to members
- Discussion was that it needs to be reviewed upward
- Constitution 34.9 states the NEC needs to do this the year prior and it applies thereafter in the next mandate
- Committee would meet in early September (maybe setup on the discussion platform)
- The Vice-Presidents are looking into the benefit portion
- What we could visit is the policy
- A. Kurkishuk-Nemec will provide to P. Lebel documents for a NEC platform for discussion.

3 c) Pay in Arrears

- Invited to a last minute meeting by PWGSC
- Early January 2014
- Changing Terms and Conditions between rounds of bargaining
- NJC Bargaining Agents side has consulted legal counsel
- Probably not much we can do to stop it
- Worth 4% of payroll or \$9 to \$10 billion dollars
- CAPE and other unions will be dealing with TBS on this issue
- Communicate to members the reality
- The opposition parties should be informed and should use it to tell Canadians that the reduced deficit is only on paper

3 d) Composition of NEC - Clause 8.5

- Fiscal year has passed and the composition is based on the membership count at the end of the fiscal year
- We should have 12 EC directors
- We could staff 3 but if we continue to lose EC members then we may have to ask one to resign at the next fiscal year

3 e) Proposed amendments to Constitution

R. Brockington submitted amendments to the Constitution for discussion.

- These need to be dealt with prior to Sept 30th so could we have a special meeting of the NEC for Constitutional amendments
- When we send out to members information regarding new meetings we can also explain about resolutions that are submitted.

Special meeting will be held on September 11, 2013.

4) Reports

4 a) President's Report

The day after our last meeting, I appeared before the Standing Senate Committee on Banking, Trade and Commerce to discuss Bill C-377. Those of you who have read the transcript of the hearings and the Committee's report already know that there is very little support for the Bill. In fact, the Committee concluded that the Bill raised serious concerns that should be debated by the Senate as a whole. As of this writing, Senators had started proposing amendments to C-377.

In the meantime, another anti-union bill was tabled before the House of Commons adjourned for the summer: Bill C-525 is intended to make it more difficult to establish a union, while making it easier to disband a union.

In what has become the usual practice, the federal public service bargaining agents met in CAPE's offices in early June. One of the hot topics of discussion was the government's plan to adopt a "pay in arrears" payroll system. The other unions are just as outraged about this initiative as we are. There has been no consultation on the matter; in fact, when rumours about the changeover surfaced last year, the Treasury Board gave us its assurances that no such initiative was being contemplated. Was that a lie or an error committed in good faith? We will undoubtedly never know. The following day, I asked to have this subject added to the agenda of our meeting with the employer, and the Treasury Board's responses were truly pathetic. We informed the Treasury Board that we intended to make every possible effort to block this initiative.

My tour of CAPE's Locals continued in June with a visit to the Atlantic Provinces. I have to say that, as always, I received a truly warm welcome. There were numerous questions about the dues increase, and there seems to be strong support for the proposal. Last week, I visited two last groups: Elections Canada, and our new Public Safety Canada Local. In both cases, we got a few non-members to sign cards.

Lastly, I would like to inform the NEC that I will be on vacation for the next three weeks.

4 b) Executive Director of Policy's Report

Collective Bargaining

- **General:** general research work and analysis continues.
- **TR:** you have approved the members of the TR bargaining committee; members are asking when the first meeting will be called.
- **EC:** you will be approving the members of the bargaining committee this evening.

I proposed two months ago that the NEC approve members for the committee and also approve striking an advisory committee; a form was sent out to volunteers to gather more information in order to facilitate the selection process. Twenty-two members have confirmed their interest and have submitted forms.

- **LoP bargaining:** There will be a call for volunteers for the next round of bargaining later this week.

WFA

- CAPE members were not affected by DVA's decision to cut 300 positions.
- With the exception of AAFC, there is little WFA activity affecting our members at this time.
- CAPE has re-issued a call for volunteers for alternation in order to provide members at AAFC with opportunities to remain in the public service.

- We are pursuing the policy grievance on alternation. A written submission was made by CAPE. A written response was provided by the employer to the PSLRB arbitrator. Our response to the response is pending.

Rest Periods in the TR Collective Agreement

- A policy grievance was filed against the employer's interpretation and application of the new rest period article in the TR collective agreement. It was referred to arbitration. The PSLRB has requested and CAPE has agreed to meditation on the matter.
- The Bureau of Translation adjusted its calculation of monies owed to translators under the Financial Incentive Plan. Further to discussion between the Bureau and CAPE, the Bureau decided to reverse its decision and to pay incentives according to the calculation that has always been used. We have estimated that the aggregate value for our members is approximately \$400,000.
- The Bureau has also issued an explanation of how it arrived at the production targets that translators are expected to reach. The calculation does not take into consideration individual circumstances for leave and, as a result, becomes an obstacle to taking leave. A policy grievance was filed on May 24.

Sick Leave and STDP

- Three working groups have been 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  l  ne Paris (Research Officer) and me who will be at the different CAPE bargaining tables.
- Ms. Paris and Mr. Saurette have been proposed by CAPE as members of 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 will be providing the NEC with a comparative analysis of STDP provisions found in the PSAC/UPCE and CUPW collective agreements at Canada Post.

Performance Management

- CAPE has carried out and posted a preliminary analysis of the supposedly new Performance Management Directive that Treasury Board Secretariat intends to make effective on April 1st 2014.
- The conclusion was that there is little new except that the process will now be mandatory, systematic and carried out on a continuous basis.

- An email address was set-up to gather input from members (pgr-pmp@acep-cape.ca). A working group has been set up of CAPE staff to prepare 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 have these documents ready well before April 1st; we are targeting the late fall.

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.
- While the 2.0 workplace is being sold as the workplace of the future, it raises several health and human rights issues that may not be evident at first glance. Currently, CAPE has a list of issues to discuss with management that it provides to local leaders who are asked for comments on WP 2.0.
- The intent is to prepare a policy paper for the NEC's approval.
- The target date is the October meeting of the NEC.

Legislative Review

- We have been exploring how the national office can provide the NEC with information regarding legislation that is directly related to labour relations in the federal public service.
- While there is still concern about resources, we have a pilot project going where we are tracing C-377 through its legislative life, and monitoring the amount of work involved for the purpose of providing the NEC with a useful document.
- At this juncture of the project, I am providing the NEC with the current draft of the iterative document on C-377. It would be appreciated if NEC members could review the document and provide comment on the type of information provided and on the form of the document.

4 c) Executive Director of Operation's Report

Work Force Adjustment (WFA)

We are still awaiting the adjudicator's decision in the "Competitive Process at HRSDC" policy grievance matter that was completed on May 8th.

As for the "Implementation of the Alternation Process" policy grievance, the written submissions process is to be completed by June 28.

Dues Increase Vote

The e-vote and paper ballot vote on the proposed dues increase is proceeding smoothly. The Resolution and Elections committee and two scrutineers will be counting the paper ballots on June 21. Our service provider for the e-vote, InSite, will be providing the certified results of the e-vote to the members of the committee on that day. It is expected that the members of the NEC and the membership will be advised the afternoon of June 21 of the results of the vote.

Representation Files

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

Absenteeism	2	NJC (benefits)	
Access to information		NJC (Dental)	
Accommodation	24	NJC (FSD)	1
Acting Appointment	1	NJC (health care plan)	1
ATIP		NJC (Relocation)	2
Authorship		NJC (Transportation All.)	
Bargaining Unit Work		NJC (Travel)	
Benefits	4	NJC (WFAD)	33
Bilingualism Bonus		Pay	13
Career & Registration Fees	2	Pension	
Classification	8	Performance Evaluation	24
Code of Conduct	2	Personal File	
Consultation		Policy	
Deployment		Political Activity	
DFR		Privacy	
Disability Insurance	3	Probation	1
Discipline	9	RAND	
Discrimination	8	Recruitment Program	
Employment Status	1	Representation	
Ergonomic Assessment		Resignation	1
Fitness to Work Evaluation	2	Retirement	1
Harassment	33	Return to work	7
Health and Safety	7	FIP	1
Health and Safety (Claim)		Security Status	1
Hours of Work	3	Service	1
Hours of Work (Overtime)	2	Staffing	6
Hours of Work (Travel)		Staffing (WFAD)	1
Human Rights		Statement of Duties	2
ICMS	1	Telework	3

Johnson Insurance		Term Employee	1
Language Training	1	Termination	2
Leave	11	Terms and Conditions of Work	
Leave (Annual)		Training Program	1
Leave (Bereavement)		Travelling Time	1
Leave (Other)	5	Unfair Labour Practice Complaint	
Leave (Parliamentary)		Union Dues	
Leave (Sick)	2	Union Representation	1
Leave (Without Pay)	4	Work Assignment	1
Letter of Expectation		Work Location	
Maternity Allowance	1	Workload	2
Medical Evaluation	1	Wrongdoing (Whistle Blowing)	1
		Total	246

Court cases

Boshra and CAPE (Federal Court)

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

Public Service Labour Relations Board (PSLRB)

Cases

The Lebeau case (discrimination – human rights issue – Statistics Canada) was heard on May 14. We are awaiting the decision from the adjudicator.

Scheduled hearings

These are the cases involving CAPE scheduled for a hearing before the PSLRB in the period from May 30 to November 30 2013.

Ottawa	June 18 to 21 (continuation)	Desfossés (Discrim. – Human Rights)	HRDSC
Vancouver	June 25 and 26	Anderson (Statement of Duties)	Service Can.
Ottawa	July 2 and 3	CAPE v. LoP (statutory freeze)	Lib. Of Parl.
Ottawa	Sept. 9 and 10	Ferguson (Discrim. – Human Rights)	Env Can

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-pslr.gc.ca/hearingschedules/intro_e.asp

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

4 d) Finance Committee

The financial statements were reviewed.

5) Adjournment

The meeting adjourned at 9:50 p.m.