

**CAPE Executive Committee  
Minutes of September 26, 2012  
CAPE National Office  
Boardroom  
5:00 p.m.**

**Present:** C. Poirier (Chair), D. Brackley, G. Brennan, J-L. Bourdages, R. Brockington, L. Haméon, A. Kurikshuk-Nemec, S. Mullen, A. Picotte, G. Phillips, L. Whitmore, R. Zwicker, C. Danik, D. Martin.

**Apologies:** C. Creran, S. Gagnon, J. Marshall, S. Menard, A. Wong, J. Ouellette.

**1. Items for Approval**

1 a) Approval of Agenda

The following items were added to the agenda

- 1 h) EC Vice-President
- 1 i) Signing Authority
- 4 d) Resolutions

**Motion:** It was moved by L. Haméon, seconded by D. Brackley, that the agenda be approved, as amended.

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

1 b) In Camera Minutes of May 30, 2012

1 c) Minutes of May 30, 2012

**Motion:** It was moved by L. Whitmore, seconded by G. Brennan, that the minutes be approved. **Carried unanimously.**

1 d) Minutes of June 27, 2012

It was noted that L. Haméon was not present.

**Motion:** It was moved by R. Zwicker, seconded by L. Haméon, that the minutes be approved, as amended.

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

### 1 e) Audited Financial Statements

**Motion:** It was moved by R. Brockington, seconded by R. Zwicker, that the draft audited financial statements be approved and that the final audited statements be provided to the membership for approval. **Carried unanimously.**

### 1 f) New steward(s)

**Action:** It was requested to ask the Constitution and By-Laws Committee to draft a procedure for becoming a steward of the Association.

**Motion:** It was moved by R. Zwicker, seconded by G. Brennan, that L. Holyoak from the Status of Women and L. Groulx from the Human Rights Commission be approved as stewards. **Carried unanimously.**

There was a consensus that new stewards take the next stewards training course as soon as possible, if they have not already taken the course.

There was a consensus that the Constitution and By-Laws Committee draft a procedure for becoming a steward.

### 1 g) New members on Young Members Advisory Committee

**Motion:** It was moved by G. Brennan, seconded by L. Whitmore, that S. Travers (B.C. region), R. Kossick (AB region) and L. Munn-Rivard for the LoP be approved as members on the Young Members Advisory Committee. **Carried unanimously.**

It was requested to review the mandate of the Committee and to request the Chairperson to provide a presentation on what their upcoming plans/events are.

## **2) Reports**

### 2 a) President's Report

A great deal of water has flowed under the bridge since our last meeting at the end of June, when there was a false start on the campaign leading up to the dues increase vote. The technical issues have since been resolved; the information requested by members was compiled into a single document that was distributed by email and elicited quite a few positive comments. A post-mortem analysis of this exercise will have to be conducted to identify the lessons learned. The result of the vote will be communicated first to the NEC, then to the Finance Committee and subsequently to CAPE members.

Our meetings with the Employer on work force adjustment are continuing. It is becoming increasingly clear that the Treasury Board Secretariat either has its hands tied or lacks the will to act. Something is not right if the number of grievances filed by CAPE continues to increase.

Conversely, there is no lack of will among our politicians – but unfortunately not in a good way. I am sure you will recall that the government announced in the budget that it intended to amend the Public Service Pension Plan by changing the funding split from 60/40 to 50/50 and setting the retirement age at 65, with a possibility of early retirement at age 60. The Public Service Pension Advisory Committee was consulted; it recommended the longest possible transition period for contributions and asked for more time to review the consequences of an age change. The government then went on to ask for our recommendation, but we were unable to come to an agreement. As to the matter of the 50/50 split, I asked several times when the pension plan would be amended to provide us with joint management, but that does not appear to be in the cards as far as the Employer is concerned.

Representatives of the Bargaining Agents and the Employer got together last week in Saskatoon for the Annual Seminar of the National Joint Council (NJC), and I have to say that this year's event was particularly successful. The workshops were diverse and interesting. We were able to express some of our dissatisfaction with the work force adjustment process and the Employer's treatment of our members. There was less representation than in previous years, however, and I hope this does not signal a trend that might lead to the disappearance of this event. More than ever we need to create positive links with representatives of departments and agencies (to offset any lack of positive relations with Treasury Board representatives).

The Budget Meeting was held yesterday, and we heard a number of very interesting suggestions. Approximately forty members were in attendance – a considerable increase in participation over last year. Most participants seemed to understand that we are working extremely hard to manage the organization with a limited budget. The others likely never will understand.

This summer's two arbitral awards kept us quite busy: they had to be published and explained, and questions had to be answered. We even attracted the interest of the other unions, no doubt because of the additional increment obtained for the EC group. I learned yesterday that the Employer has started issuing retroactive pay to our EC members. The TR group should begin receiving retroactive pay in the next few weeks. The new break period that was obtained for our TR members, however, seems to be creating quite a few headaches for the Translation Bureau, even though all of the Bureau's non-TR employees are already entitled to breaks. Nothing is ever easy at the Translation Bureau.

Karen Brooke and I met with our members who work at the Correctional Service of Canada's Addictions Research Centre (ARC) in Montague, Prince Edward Island. The Conservatives have decided to close the ARC and transfer part of the work to Ottawa. The Centre was established by the previous Liberal government, which explains why it was so vulnerable to closure. We will make every effort to bring this issue to the attention of Senators, MPs and the general public.

Professionals Serving Canadians, the coalition of six public service unions, met in Saskatoon in conjunction with the NJC Annual Seminar. We started discussing future projects and directions. The coalition's six member unions are: the Professional Institute of the Public Service of Canada, CAPE, the Professional Association of Foreign Service Officers, the Association of Canadian Financial Officers, the Association of Justice Counsel and the Canadian Federal Pilots Association.

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

### **Collective Bargaining**

#### **EC:**

The arbitration board heard CAPE's presentation and Treasury Board Secretariat's presentation on June 18 and 19. The decision was issued on July 12.

CAPE argued at the bargaining table that the appropriate adjustment in pay would be to add a value of 3.5% across the board.

CAPE's position on severance was that the employer had seriously underestimated the value of the concession that it was seeking by offering 0.25% and 0.5% increased to the rates of pay. CAPE's position before the board was that, while it is impossible to come to a single valuation of the severance concession that would be applicable to all possible scenarios, through different methods of evaluation a fair exchange for the concession would be in the most conservative actuarial analysis worth on average 1.6%.

In the end, we were able to secure a decision that provides the EC bargaining unit with a 3.45% increment at the top of each pay line, as well as the elimination of the lowest increment for each pay line. In essence, we moved the entire set of EC pay lines up by 3.45% as of June 22 2013, because the average value of each increment is 3.45%.

However, we were not successful in our attempt to protect the accumulation of time for the purposes of calculating severance for voluntary departures. The input questionnaire provided the committee with a mandate to negotiate severance only if we could secure something better than what other bargaining agents had received in exchange for severance. With the employer refusing to consider at the bargaining table anything that was not the trend, we were compelled to go to arbitration.

In the current round of bargaining, the EC group has fared far better than any other group with the notable exception of the LA group. Within the broader world of organized labour in Canada, it is recognized by third parties that CAPE has done exceedingly well for its EC members.

Since the decision came out, CAPE has been busy preparing for and providing information to members. We have also been coordinating the administrative matters with Treasury Board Secretariat. As soon as we have a date for the signing of the collective agreement we will inform members (during the meeting, CD received an email from TBS confirming that the EC agreement would be signed in the week of October 15).

I would like to thank the members of the EC bargaining committee for committing so much time to the process, and for keeping a clear mind throughout. There were many pressures, from all sides, to be less persevering and to deviate from our strategy. The members demonstrated a great deal of determination which eventually paid off for their colleagues.

#### **TR:**

The arbitration board heard CAPE's presentation and Treasury Board Secretariat's presentation on July 18 and 19. The decision was issued on August 10.

Treasury Board's position at the TR table was the same as described above for the EC table. In fact, it was the same position at all tables in the current round of bargaining. CAPE was not as successful with the TR arbitration as with the EC arbitration. Severance on involuntary departure no longer accumulates for our TR members. The pay adjustments are the same as the adjustments for the trend.

We were able to secure for the group a 5.8% reduction in work: our TR members can now take rest periods of a total daily duration of 30 minutes. The TR agreement is only the 13<sup>th</sup> agreement in the public service to have rest periods. The other 15 agreements do not include rest periods.

In addition, the arbitrator decide to grant the TR group 3 new pay supplements: a supplement for a new hours of work regime, a supplement for live broadcasts of interpretation, and a supplement for TR-02 translators who work for parliamentary services, regardless of the section.

We have confirmation from TBS that the TR agreement will be signed on October 25.

I would now like to thank the members of the TR bargaining committee for committing so much time to the process, for their patience and for their decisions. It is always a challenging experience to negotiate with Treasury Board and the Bureau of Translation at the same table. The members' resolve eventually paid off for their colleagues.

#### **LoP:**

Arbitration dates have been set for November 15 and 16 for our members at the Library of Parliament. The Board members will be Renaud Paquet from the PSLRB, Bill Krause

for CAPE and Jacques Sabourin for the employer. H el ene Paris is working closely with Peter Engelmann on the brief.

### **Bargaining and Communications**

For the EC group... the decision was sent to CAPE on July 12, CAPE posted a copy of the decision on July 12, and then issued a press release on July 13. A document with the new collective agreement language was posted on July 18. On July 31<sup>st</sup>, CAPE posted a few brief words regarding severance pay.

For the TR group... the decision was sent to CAPE late in the day on Friday August 10. A copy of the decision was posted on Monday August 13 and a press release was also issued on that day. The new contract language was up on the web site on August 23. On September 18, CAPE provided again on the web site information regarding the deadline for the employer to adjust pay and to issue paycheques.

Yesterday we posted a document with everything that needs to be known about the new severance pay language, entitlements and time lines.

I have met with members at STC (Greg Phillips invited me; the meeting was attended by approximately 250 ECs) and at AAFC (Salma Jaroudi invited me; the meeting was attended by approximately 50 ECs) to explain pay and severance pay as per the new EC agreement.

### **WFA**

Here is the current list of outstanding matters:

Alternation / policy grievance: we have been building our file since the spring of 2011. Because we knew that alternation was key to an effective work force adjustment where the number of involuntary departures would be kept low, we sent a letter out to departments (expand on evidence). We filed a grievance on June 22. The employer's response was to reject the grievance. It has been referred to arbitration. The employer has offered and CAPE has accepted mediation on the matter. Dates are to be determined.

Definition of years of service for the purposes of calculating the TSM / policy grievance: the employer is using a definition that restricts the entitlement to "continuous year of service". CAPE disagrees with the notion of "continuous". The Kreway decision is in an agreement with CAPE. Dates for the arbitration hearing are to be determined.

HRDCC's decision to have EC-08 employees compete with EC-07 employees / policy grievance: the employer isn't following its own procedures for SERLOs. Date to be determined.

Splitting the payment of the TSM into more than one payment: for strategic reasons, it has been decided not to file a policy grievance; CAPE will represent a member who would wish to file an individual grievance on the matter; we are also continuing our talks with the PIPSC and the PSAC on the matter.

Record of employment and EI benefits: CAPE, PSAC and PIPSC presented its position on the matter to TBS; the three organizations decided to work together.

Three matters will be raised with TBS at the October 16 meeting of the NWMCC:

- The definition of "equivalent level" to be used for RJOs
- The employer encouraging employees to ask for voluntary demotions in order to maintain employment
- The employer's refusal to grant option C(ii) to alternates.

The NWMCC meetings: CAPE, the PIPSC and the PSAC as well as Ron Cochrane representing WFAD B.A.s meet every second week with representatives of TBS and other key employer representatives to discuss matters relating to WFA. A meeting was skipped as a result of the NJC seminar. The next meeting is scheduled for October 16. Claude Poirier and Claude Danik attend these meetings.

A document explaining the WFAD to departments was produced jointly by TBS, CAPE, PSAC and PIPSC (a subcommittee of the NWMCC). Its distribution was held up. It was sent out by Treasury Board on September 18.

## **Other**

Schedules of Work at the LoP and Article 23: CAPE filed grievances on the matter of the scheduled hours of work (short weeks and long weeks) for our members; the matter was put in abeyance with the hope that we could address the matter at the bargaining table; the parties did not reach an agreement at the bargaining table on the matter; the employer provided the arbitration board with language; CAPE has revived the grievance which is at the stage of adjudication; the employer offered and CAPE accepted mediation on the matter; the mediation is scheduled for October 24 and October 25.

Stress in the work place: CAPE released on June 1<sup>st</sup> an issue of Professional Dialogue devoted entirely to stress in the work place. The issue was prepared in conjunction with other WFA actions. Considering recent attention given to the matter in the press, CAPE will send out a reminder to members of the availability of the document through CAPE's web notice service.

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

No report this month.

### 2 d) Finance Committee

R. Brockington provided an update from the Membership Budget Meeting (MBM).

The financial statements for May, June and July 2012 were reviewed.

R. Brockington mentioned that he has some members who expressed an interest in joining the Committee.

There was a consensus that this be deferred.

### 2 e) Audit Committee

Deferred.

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

No updates for this month.

### 2 g) Update from Investigation Sub-Committee (In camera)

## **3) Matters Arising**

### 3 a) What constitutes "In Camera"

Deferred.

### 3 b) Statistics on Casework

The NEC has requested a written report for the next meeting.

### 3 c) Timing of NEC meetings

There was a consensus to continue the meetings at 5:00 p.m.

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

### 4 a) Dues Increase vote

C. Poirier advised that the NEC and Finance Committee members will be sent an e-mail of the results as soon as they are available. The results will then be posted on the website as soon as possible.

### 4 b) Award Policy

Deferred.

### 4 c) NEC vacancies

Deferred.

### 4 d) Resolutions

A special call for resolutions will be done in the new year and if resolutions are received a vote will be held.

## **5) Adjournment**

The meeting adjourned at 9:05 p.m.