

**CAPE Executive Committee
Minutes of October 26, 2011
CAPE National Office
Boardroom
4:30 p.m.**

Present: C. Poirier (Chair), J-L. Bourdages, R. Brockington, S. Chatterton, C. Creran, S. Maguire, S. Mullen, A. Picotte, G. Phillips, L. Whitmore, A. Wong, M. Zinck, R. Zwicker, C. Danik, J. Ouellette, V. Guy.

Apologies: G. Thibault-Gosselin, D. Martin.

1. Items for Approval

1 a) Approval of Agenda

Add petition on collective bargaining as item 4 b).

Add 5 c) Strategic Planning Committee

Add 5 d) Young Members Advisory Committee

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

1 b) In Camera items from September 28, 2011 Minutes [\(In Camera\)](#)

1 c) Minutes of September 28, 2011

It was requested to add that a brief report was provided under Communications Committee.

Motion: It was moved by R. Zwicker, seconded by C. Creran, that the minutes be approved.

In favour = 12, Opposed = 0, Abstention = 1. **Motion Carried.**

A debate took place on the content of the minutes. Some members would like more context included on substantive issues.

Some suggestions/concerns raised were;

- This is an issue for the NEC to review its procedures
- The Strategic Planning Committee could discuss this issue
- Make a specific request for an important issue to be recorded in the minutes
- Have the meetings taped
- Concerns of posting minutes on the website

- What about confidential matters

1 d) Constitution and By-Laws Committee

The NEC reviewed an amendment to Clause 33.6 – Financial Controls.

Amend 33.6 as follows:

33.6 The NEC shall designate, ~~of the Constitution~~, voting (as per **defined in Clause 8.02**) members of the NEC: the President, the Vice-Presidents, one of the voting Directors, and the Finance Officer and one of the non-voting **(as defined in Clause 8.6)** Executive Directors of the association's management as signing officers of the Association. The signatures of two of these signing officers, one of whom shall be a voting member, is sufficient to execute the financial affairs of the Association.

Motion: It was moved by M. Zinck, seconded by A. Picotte, that the above amendment be approved. **Carried unanimously.**

2) Reports

2 a) President's Report

CAPE is a dynamic organization; the proof is there in the month that has passed since our last meeting. The issues we have been working on for several months have begun to bear fruit. For the first time, our members can vote on amendments to the constitution and by-laws as well as on financial matters. Thanks to the efforts of the team led by Jean, the usual problems of a first-time initiative have been handled as they arose.

Further on the topic of communications, we have achieved our goal of hiring an officer for new media and external relations. We made an offer to a candidate who will be joining us as of November 7th. Ray, Jean and I met with the candidate yesterday to discuss the initial tasks entrusted to him. I believe I can say that we are very enthusiastic and keen to move on to the action phase.

Speaking of action, in the last few months CAPE has stepped up its efforts to establish a stronger local presence. Our meeting with members of Citizenship and Immigration will soon result in a new local section. One of our local sections, IRB, which hasn't had an annual meeting for two years, will be revitalized thanks to this infusion of new blood.

Meetings have multiplied in the last few months. It has become difficult to reconcile the work of committees with the negotiations at the three tables. It is surprising to see how slow the progress has been at the EC and TR tables. I must admit I am concerned about the contradictory messages we have been

receiving from Treasury Board for nearly a year now. In the autumn of 2010 they were asking us to adopt an “accelerated” approach to preliminary negotiations and to take roughly five days to reach an agreement in principle. Having noted the reaction of our members, we refused to hurry the negotiations, given that six months remained before the expiration of our collective agreements.

We’ve been at the table for several weeks now and it is the Treasury Board—so keen to negotiate quickly last year—who apparently wants to draw out the process of concluding collective agreements. Claude Danik will shortly provide further details about the negotiations.

The Board of Directors of local sections met last night. Some of you were there. The meeting was very fruitful. We talked about negotiation, about marshalling our strengths, about the petition regarding cuts to the Public Service, and about the campaign to change the image of public servants. Participants requested another meeting at the end of the month. Claude Danik offered to visit the local sections with the relevant information.

Finally, I want to remind you that the annual general meeting will be held on Nov. 14th.

2 b) Executive Director of Policy’s Report

Collective Bargaining

- EC:
 - The EC bargaining team met with the employer at the bargaining table on October 11, 12 and 13.
 - The Association has endeavoured to move negotiations along in every way possible. However the Employer has taken the position that it is not prepared to agree to CAPE proposals until it has a clearer view of what the settlement would include.
 - As a result, there has been no progress on substantive matters.
 - CAPE’s bargaining team has expressed concern regarding the pace of bargaining.
 - Meetings at the table are scheduled for November 22, 23 and 24; and December 13, 14 and 15.
- TR:
 - Since the last meeting of the NEC, CAPE has not bargained at the TR table. A day of bargaining needed to be cancelled on September 29 for reasons of illness.
 - Six more meeting days are scheduled for the remainder of 2011: November 1st, 2nd and 3rd; December 19, 20 and 21.

- LoP:
 - Hélène Paris is the *de facto* negotiator for CAPE at the bargaining table with management of the Library of Parliament.
 - Bargaining is moving along at a significantly better pace than at the Treasury Board tables.
 - The parties have agreed to several proposals, and are moving closer to what we hope will be a settlement in the very near future.
 - The parties have exchanged preliminary views on the matter of severance pay for voluntary departures.
 - Discussion of pay will commence shortly.
 - In an attempt to come to an agreement, the parties have exceptionally agreed to dates over week-ends in order to hammer out outstanding issues.
 - There is an important meeting scheduled on October 31st. thereafter, parties may need to meet on the agreed dates of November 5 (Saturday), November 7 (Monday) and November 26 (Saturday).

WFA

- You will find included in the NEC documents of this month and in the documents that will be presented each month for the next three years a report on the status of WFA across all departments.
- CAPE has set up an internal procedure to allow the collation of information pertaining to WFA actions and related actions by departments.
- The report will also be distributed to Local presidents.
- The purpose is to give political decision makers at CAPE a comprehensive view of what is happening in the Public Service.
- CAPE continues to champion the alternation process which the employer is obligated to set up.
- Departments have provided disappointing responses to a letter from the President of CAPE Claude Poirier reminding them of their obligations.
- It appears that they continue to misread the WFAD and believe that they are only obligated to set up an alternation system if they themselves are declaring employees “opting employees”.
- This is a violation of the WFAD and consequently of the collective agreement and CAPE is considering its options.
- Members are asking for information. And I have volunteered to meet with members at meetings organized by Locals to review the Work Force Adjustment Directive.

Meetings with CAPE Members

- I am always available to meet with local members; I enjoy the contact; and I think that members appreciate the information that I can provide. So, don't hesitate to invite me; if I am free, I will come.
- I have meetings scheduled for CIC members on November 17, Statistics Canada members on November 28 and IRB members on November 29.

2 c) Executive Director of Operation's Report

Internal Matters

A term Administrative Clerk, Ms. Martine Corbeil-Huot, was hired for the period October 13 to December 3, 2011 to back-fill Anita Bangiricenge's position. Interviews of candidates for the New Media and Outreach Officer position were held on October 18. Mr. Pierre Lebel, the successful candidate, will be commencing on November 7.

Court Cases

Boshra and CAPE (Federal Court of Appeal)

We are pursuing the matter of the bill of costs as per the Court's schedule.

Public Service Labour Relations Board (PSLRB)

Cases

C. Therrien vs. CAPE

Mr. Therrien's two Duty or Fair Representation (DFR) complaints against CAPE were dismissed by the PSLRB. In his October 21, 2011 decision, Board Member Stephan Bernard indicated, in his reasons, the following: "Based on the documents I reviewed, it is not even conceivable that the respondent acted arbitrarily, in bad faith or in a discriminatory manner and that any of sections 185 to 190 of the *Act* were violated."

C. Basic vs. CAPE

We are still awaiting a decision from the PSLRB.

S. Boshra vs CAPE

Mr. Boshra's DFR complaint against CAPE is tentatively scheduled to be heard in March 2012. Mr. Boshra's DFR complaint is based on CAPE's refusal to

provide representation on his rejection on probation grievance at adjudication. Mr. Boshra's grievance on his rejection on probation was denied by the PSLRB in July.

Hearings

There are five CAPE cases scheduled for a hearing before the PSLRB for the period October 2011 to April 2012.

Ottawa	Nov. 9 & 10 Hewat and others (no discrimination)	PWGSC
Ottawa	Jan. 10 to 13 Desfossés (no discrimination (Human Rights))	HRSDC
Ottawa	Jan. 19 & 20 Hujaleh (no discrimination)	HRSDC
Ottawa	April 16 to 20 th Chaudhary and others (no discrimination (Human Rights))	HC
Halifax	April 11 to 13 Tench vs Ouellette and CAPE (DFR)	DND

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

The new integrated e-communications system was used to send out the AGM and the voting materials. Where we were previously sending e-mail messages to approximately 2,500 members, we are now reaching close to 8,000 members due in large part to the work of the Communications Committee, the staff of the National Office and our service provider, InSite. We have been busy responding to questions from members but I am pleased to say that, while the launch has created and continues to be an important but temporary workload for the staff of the National Office, the entire e-voting and e-communication process is unfolding without any technical glitches. The preliminary report that we have is that, after less than a week, almost twice as many members have voted as during the entire voting period in 2010. We will be following-up with reminders to those

members who have not voted, on a regular basis until the end of the voting period on November 28.

3) Matters Arising

3 a) Professional Employees Network

There was consensus that no action be taken on this matter.

4) Substantive Issues for Discussion

4 a) Federal Budget/ Workforce Adjustment

C. Danik provided an updated report on Workforce Adjustment.

4 b) Petition on Collective Bargaining

A debate took place on the resolution that was submitted to change the collective bargaining process. C. Poirier advised that it was rejected as the number of required signatures was not obtained.

- Do not agree with current process
- Change the term of office – 1 – 1 ½ year
- Thorough discussion is needed for change
- Need all the facts
- Hard to find volunteers – issue of availability
- Locals should have input

It was agreed that this should wait until after the current process is completed.

This item is **tabled**.

5) Committees

5 a) Finance Committee

The financial statements for the month of August were reviewed.

Finance Recommendation

It was moved by C. Poirier and seconded by R. Zwicker that the Finance Committee recommends that the NEC approve the creation of a Bilingual LRO (WFA) term position for up to 12 months.

Motion: It was moved by A. Picotte, seconded by R. Zwicker, that the above recommendation be approved. **Carried unanimously.**

Membership Budget meeting

There was a discussion on how to improve participation from the membership. Perhaps we should combine the MBM to be held on the same day as the AGM. This could be looked at by the Constitution and By-Laws Committee.

5 b) Communications Committee

New Media Outreach officer has been hired. The employee's name is Pierre Lebel. He has extensive media experience and is familiar with new media.

- Moderation techniques and launch in February
- Discussion at NEC and P. Lebel to moderate
- Increase email list of members

Communication plan

- Parliamentary outreach program is being developed. S. Chamberlain will look at plan and work with P. Lebel, R. Zwicker and C. Poirier for media outreach.
- M.O.U. up to speed,
- 400 – 500 plus members
- A lot of moderating
- The M. O. U. will monitor in a cyclical mode – R. Zwicker will provide backup
- Promotional items for members, NEC and Local Presidents
- 2012 we will be creating new communication products that members can subscribe

Discussion Platform

- Launch in January
- Security – sandbox – too labour intensive
- Trust members – check every 1 – 2 hours
- Must register with real name – not nicknames

5 c) Strategic Planning Committee

A. Wong provided a verbal update.

- Met last week – as it was the first meeting there was no set agenda
- Reviewed the report prepared by consultant

- Identified priorities and recommendations
- Some matters from the report have already been implemented (e.g. – platform and joint union work)

5 d) Young Members Advisory Committee

M. Zinck encouraged the NEC members and Locals to promote the Upcoming Learning Event with guest speaker Dr. Karyn Gordon. It is a good investment and inexpensive.

6) Adjournment

Motion: It was moved by R. Zwicker, seconded by L. Whitmore, that the meeting be adjourned at 6:10 p.m.