

**CAPE Executive Committee
Minutes of March 27, 2013
CAPE National Office
Boardroom
5:00 p.m.**

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

Apologies: G. Brennan, A. Butler.

1) Items for Approval

1 a) Agenda

Motion: It was moved by L. Whitmore, seconded by A. Picotte, that the agenda be approved.
Motion carried unanimously.

1 b) In Camera Minutes of February 27, 2013

This item was reviewed In Camera.

1 c) Minutes of February 27, 2013

Motion: It was moved by S. Gagnon, seconded by C. Creran, that the minutes be approved.
Motion carried unanimously.

1 d) Volunteers for the TR Collective Bargaining Committee

Highlights of discussion:

- What is the mandate of the collective bargaining committees?
- What is the role of National Executive Committee (NEC) members?
- Each bargaining unit is independent of each other
- How many members are there on the committees?
- Past practice is that the NEC approves membership on the bargaining committees
- Further discussion on these questions should be done prior to June.

Motion: It was moved by C. Poirier, seconded by S. Mullen, that I. Girouard, J. Leblanc, L-M. Leblanc, P. Machado, M. Meunier, L. Perrin, A. Picotte and M. Vallée be approved with the exception of C. Kelly who will be leaving the government in the near future. **Motion carried unanimously.**

Action: C. Poirier to contact the volunteer who will be leaving the government.

2 a) President's Report

Last month I mentioned forthcoming meetings with several senators to discuss Bill C-377. In early March, I met with Senator Hervieux-Payette and learned that the unions are not alone in

their concern about this discriminatory anti-union legislation. Senator Hervieux-Payette assured us of her support and of the support of her Liberal colleagues in the Senate. The following week, Riley and I, accompanied by New Media and Outreach Officer Pierre Lebel, met with Liberal Senator Cowan, who is the Leader of the Opposition in the Senate. He was cautiously realistic and pointed out that our expectations should be limited because the Conservatives hold a majority in both the House and the Senate. However, the opposition parties will be calling for a thorough review of the legislation, the cost of its implementation and its constitutionality.

Still on the subject of Bill C-377, federal public service union leaders and their advisors were again called to a meeting at CAPE's offices at the start of the month to discuss strategy. A select team, on which CAPE is represented, reported on the progress of work: list of senators to be contacted and by whom; arguments to be raised during meetings; letters to be sent to elected officials, etc. Although we had agreed to meet about once every two weeks, we decided to wait until early April because a summit meeting organized by the Canadian Labour Congress would be taking place in the meantime. So CAPE will again be welcoming the federal public service unions next week, on April 3 to be precise, to discuss Bill C-377.

On the subject of the summit organized by the Canadian Labour Congress, CLC President Ken Georgetti wrote to us in February to invite us to attend this summit in Toronto last Friday. At the summit, I was able to experience first-hand the vitality of the labour movement in Canada and I took note of the concern unions had about attacks against union members and their fundamental right of association. While we are not members of the CLC, we agree with Mr. Georgetti's sentiments to the effect that we all have to cooperate, exchange information and participate in a strategic plan to somehow defeat legislative measures intended to destroy the essence of the labour movement.

The CLC is making available to its members, as well as to unions outside the CLC, a broad array of communication tools as well as access to professional advice. At some point, we will have to consider the merits of joining a larger labour organization and participating more actively in the national labour movement.

Back to Ottawa. In early March, I gave a long interview to H  l  ne Buzzetti of the French-language newspaper *Le Devoir* on the subject of official languages and the Translation Bureau. The article she was writing was not scheduled to appear until after Parliament resumed sitting, and it appeared on the front page of the March 19 issue. That same day, I met with NDP MP Yvon Godin, who is the Official Opposition Critic for Official Languages, and the members of his team. The article had an immediate impact on the Francophone community at large, and it generated interest in CAPE among French-language media across Canada. I consequently gave more interviews to Francophone newspaper, radio and television reporters. The result was an elevated media profile for CAPE and good preparation for the federal budget.

Speaking of the federal budget, as soon as we learned that the budget would be tabled in the House of Commons on March 21, CAPE's shock troops went into action. We first had to secure an invitation to the budget "lock-up" as well as the necessary accreditations for the media room. Pierre Lebel took charge of this task for us (I would remind those who take an interest in such things that, for the second year in a row, PIPSC failed to obtain such accreditations). Throughout the week, Communications Officer Deborah Fiander, Pierre, Jean, Claude Danik and I worked to prepare various messages and speaking points. On the day of the budget, the entire team pitched in to communicate with our membership and with media representatives interested in our views. After the media briefing, we were more than ready to post the message you saw on our website.

As to the meat of the budget, it contained few direct announcements affecting our members, apart from the merger of CIDA and Foreign Affairs. In this connection, we will be meeting with the Local Executives of both departments and with the authorities concerned to determine what the consequences will be for ECs working at CIDA and DFAIT. The only other change worth noting is the fact that the Department of Fisheries and Oceans has been targeted for more cuts; however, it is not known at this point whether our members will be affected.

Some elements of the budget are not presented as clearly as they might be. The first of these is the government's intention to review overall public service compensation and benefits. What interpretation should we give to this statement? We have just completed a round of collective bargaining and will soon be embarking on a new one. Does the government intend to intervene between the two rounds? Only those with inside knowledge can say. Another statement that concerns me is the fact that the government wants to revisit the labour relations regime in the public service. Many things could be changed, of course, but any such changes would have repercussions on our ability to represent our members and their right of association. We will get a clearer picture of what to expect when the government tables its budget implementation legislation.

On an entirely different subject, I had previously informed you that I would be meeting with Parliamentary Librarian Sonia L'Heureux at the Library of Parliament. Claude Danik and I met with her on the eve of the budget, in the hope that we could open the door to renewed dialogue between CAPE and the employer following a difficult round of bargaining and a decision that went our way concerning the Library's work force adjustment policy. Our wishes came true, and Claude again met with the Library of Parliament's representatives today. It will be interesting to see how this goes in the future.

The post of Secretary General of the National Joint Council will soon be assumed by the candidate chosen by the bargaining agents: Debbie Cooper, who a little more than a year ago served on the NJC Executive Committee as Secretary of the Bargaining Agent Side. All that remains is for the agreements formalizing her five-year tenure to be signed. CAPE is providing leadership in this file.

As you may already be aware, under the CAPE Constitution the President has the authority to negotiate collective agreements for members of the Association; however, this authority is delegated most of the time. During the negotiations that ended in late 2012 and early 2013, we had initiated a pilot project to create a negotiator position – a role which had been assumed on an interim basis by CAPE's Research Officer, Hélène Paris. In light of our financial situation, however, this project has been shelved, so we will have to return to the usual formula and try to divide the three bargaining tables among the members of the management team. No decision has been made yet, and we will keep you informed of what the structure will be for the next round of bargaining.

Now a few words about our meetings with our membership. Riley, Claude Danik and I met with our members at Agriculture Canada. We took advantage of the opportunity to explain our dues proposals, and we listened to members' comments and suggestions. We were very warmly received. Today, I went to the Library of Parliament for that Local's annual general meeting. Here too, I discussed the matter of dues and received some interesting comments.

Lastly, one department that is working hard to rise above the others and set an example in the area of labour relations, PWGSC, took advantage of the arrival of a new deputy minister in early

March to renew its letter recognizing union work. I participated in the signing ceremony, together with Deputy Minister Michèle d'Auray, Associate Deputy Minister Renée Jolicoeur and representatives of PSAC and PIPSC.

2 b) Executive Director of Policy's Report

Collective Bargaining

- **LoP bargaining:** we received the arbitral award on February 1st; we signed the new agreement on March 19; there are two related issues that are the subject of grievances (hours of work and the WFA policy); Claude Poirier and I met with Library management including the Parliamentary Librarian, Sonya l'Heureux to discuss these matters as well as the retention problem at the Library. I had a subsequent meeting today with Lynn Potter (DG of Corporate services), Ms. Squires (Director of SR) and Mr. Robertson (Counsel).
- There will be a call for volunteers for the next round of bargaining in the first week of June.
- **TR:** you have approved today the members of the TR bargaining committee; the committee should have its first meeting in late April or early May. The first order of business will be a general review of the bargaining process, the calendar and the preparation of a bargaining input questionnaire.
- **EC :** there will be a call for volunteers next week for the EC bargaining committee; the list of volunteers will come to you for approval at the end of the month of April; we should have a first meeting sometime in late May or early June.

WFA

- We were successful as reported by Jean last month on the matter of the Record of Employment.
- So far we have been successful on all matters of interpretation of the WFA that we have raised through redress procedures.
- Competitive Process at HRSDC Policy Grievance: The hearing before the PSLRB on this matter began on December 17 through to December 19, 2012. The hearing was on March 5, 2013. Jean will be reporting...

FIP and rest periods

- The Financial Incentive Plan was discontinued by the employer.
- It is the end of fiscal year 2012-13, so translators who are eligible for FIP monies are receiving the employer's calculations; the employer is using a strange accounting that is penalizing our members because they now have rest periods.
- We are discussing matters with the employer and looking into the possibility of filing grievances.

2 c) Executive Director of Operations' Report

Work Force Adjustment (WFA)

The Treasury Board is to issue a bulletin to Heads of Human Resources and HR practitioners following the signature of the March 6, 2013 signing of a Memorandum of Agreement of the "years of service" matter. We will post the bulletin on our website as soon as it is available. The hearing in the "Competitive Process at HRSDC" policy grievance matter has been postponed from March 5th to April 11th. As for the "Implementation of the Alternation Process" policy

grievance, we are still waiting for the PSLRB's decision in the PSAC and PIPSC matters. We continue, for the three policy grievances, to send out e-communications to the membership and update our website information on these as it becomes available.

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	15	NJC (health care plan)	1
Acting Appointment	1	NJC (Relocation)	1
ATIP		NJC (Transportation All.)	
Authorship		NJC (Travel)	
Bargaining Unit Work		NJC (WFAD)	18
Benefits	1	Pay	8
Bilingualism Bonus		Pension	
Career	2	Performance Evaluation	7
Classification	5	Personal File	
Code of Conduct	1	Policy	
Consultation		Political Activity	
Deployment		Privacy	
DFR		Probation	
Disability Insurance	3	RAND	
Discipline	7	Recruitment Program	
Discrimination	4	Representation	
Employment Status	1	Resignation	
Ergonomic Assessment		Retirement	1
Fitness to Work	1	Return to work	4
Evaluation			
Harassment	18	FIP	1
Health and Safety	6	Security Status	
Health and Safety (Claim)		Service	1
Hours of Work	2	Staffing	5
Hours of Work (Overtime)	1	Staffing (WFAD)	
Hours of Work (Travel)		Statement of Duties	1
Human Rights		Telework	1
ICMS	1	Term Employee	1
Johnson Insurance		Termination	1
Language Training	1	Terms and Conditions of Work	
Leave	7	Training Program	1
Leave (Annual)		Travelling Time	1
Leave (Bereavement)		Unfair Labour Practice Complaint	

Leave (Other)	3	Union Dues	
Leave (Parliamentary)		Union Representation	1
Leave (Sick)	1	Work Assignment	
Leave (Without Pay)	2	Work Location	
Letter of Expectation		Workload	1
Maternity Allowance	1	Wrongdoing (Whistle Blowing)	1
Medical Evaluation			
Total			142

Professionals Serving Canadians (PSC)

The amended TOR have been sent to the heads of the six bargaining agents. It is expected that these will be signed sometime in April. to their respective organization. PIPSC and CAPE communications officers continue to work on updating the PSC's website and social media tools.

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

Scheduled hearings

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

Ottawa	May 8 and 9	CAPE v. LoP (hours of work)	Lib. Of Parl.
Ottawa	May 13 and 14	Lebeau (Discrim. – Human Rights)	StatCan
Ottawa	May 30 and 31	Chaudhary (Discrim. – Human Rights)	Health Can.
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)

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

2 d) Finance Committee Report

The financial statements for the period ending January 31, 2012 were reviewed.

2 e) Constitution and By-Laws Committee Report

An application form to become a steward and amendments to clause 18.4 and Article 20 of the constitution were reviewed.

Motion: It was moved by L. Whitmore, seconded by A. Picotte, that the form to become a steward and the amendments to the constitution be approved. **Motion carried unanimously.**

Motion: It was moved by G. Phillips, seconded by A. Picotte, that the form to become a steward be posted on the web site and that Locals may also use the form for their purposes. **Motion carried unanimously.**

3 a) CAPE's Award Policy

The policy will be ready to be approved at the April meeting.

3 b) R. Brockington motion – Procedural Matters

This item has been deferred to the April meeting.

4 a) Dues Increase

There are four decisions that require to be finalized.

1. What is the amount of the dues increase
2. Should it be staggered
3. Do we want to peg to inflation
4. Do we want to rebuild the reserve fund

Motion: It was moved by A. Picotte, seconded by S. Mullen, that the NEC recommend to the members a dues increase of

1st year = \$ 5.00

2nd year = \$ 4.00

3rd year = \$ 4.00

Add \$2.00 to rebuild the reserve each year, except at the end of the 3rd year peg this to the rate of inflation.

R. Brockington moved a friendly amendment

September 1, 2013 = 1st year = \$8.00

September 1, 2014 = 2nd year = \$5.00

September 1, 2015 = 3rd year = rate of inflation tied to pay increase to rebuild reserve

A. Picotte and S. Mullen accepted the amendment.

L. Haméon moved that the motion be separated into the 1st and 2nd year and vote on the 3rd year separately.

A. Picotte and S. Mullen accepted the amendment.

Motion as amended:

That the NEC recommend to the members the following dues increase

\$8.00 dues increase effective September 1, 2013.

\$5.00 dues increase effective September 1, 2014.

Motion carried unanimously.

G. Phillips moved to withdraw the question on inflation and the reserve fund and requested that the voting period be a least 4 weeks.

R. Brockington requested that the vote be held after May 20th but no later than mid-June.

4 b) Consultation of NEC members on the budget

R. Brockington requested that members review the budget and that they send any comments on the budget to him.

5. Adjournment

G. Phillips moved that the meeting adjourn at 8:50 p.m.