

**CAPE Executive Committee  
Minutes of June 27, 2012  
CAPE National Office  
Boardroom  
5:00 p.m.**

**Present:** C. Poirier (Chair), D. Brackley, G. Brennan, J-L. Bourdages, R. Brockington, C. Creran, S. Gagnon, L. Haméon, A. Kurikshuk-Nemec, J. Marshall, S. Mullen, A. Picotte, G. Phillips, L. Whitmore, A. Wong, M. Zinck, R. Zwicker, J. Ouellette, D. Martin.

**Apologies:** C. Danik, S. Menard.

**1. Items for Approval**

1 a) Approval of Agenda

- Move Approval of budget as second item on the agenda.
- Add new item 1 g) Approval of new steward.

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

1 b) Approval of Budget

R. Brockington presented the budget to the NEC. It was requested to add the years of the budget to the document.

**Motion:** It was moved by D. Brackley, seconded by G. Phillips to recommend the budget to the membership for approval. Carried unanimously.

1 c) In Camera Minutes of May 30, 2012

**Tabled.**

1 d) Minutes of May 30, 2012

**Tabled.**

1 e) Audit Committee

There was a consensus to approve Sean Maguire, Felix Meunier and Patrick Warner (non-voting) to the Audit Committee.

C. Creran mentioned that she may have a member who is also interested and that she would ask the member to send in a biography to the President. It was agreed that the member be approved by an electronic vote.

#### 1 f) NJC Seminar

R. Brockington and C. Creran were selected to attend the NJC seminar. The first alternate is A. Kurikshuk-Nemec and D. Brackley is the second alternate.

#### 1 g) Approval of New Steward

**Motion:** It was moved by L. Whitmore, seconded by M. Zinck, that T. Jeans be approved as a steward at Transport Canada.

### **2) Reports**

#### 2 a) President's Report

The Finance Committee held a second meeting concerning the CAPE budget on May 31. With a projected deficit of slightly more than \$2 million as its starting point, the Committee identified approximately \$500,000 in savings to be applied against that figure. Members were therefore asked to vote on a proposed \$15 dues increase. CAPE would never emulate the current government and start cutting back on services to members. It is essential that we continue to meet our obligations as we strive to improve the balance between our revenue and expenditures.

Whenever we get together with members in local meetings, they seem to have a very clear understanding of what our priorities must be. Only a minority of members want us to act like Mr. Harper.

We met with members at several annual general meetings (AGMs), in particular at Natural Resources Canada, Montreal and Quebec City. For the most part, members' questions concerned work force adjustment. Greg also organized a meeting during which Greg, Riley and I explained the proposed dues increase to members at Statistics Canada. The discussion was very interesting.

A special general meeting (SGM) was held to discuss the proposed dues increase. All sorts of views were aired at that meeting. Arguments against the increase essentially seemed to revolve around the manner in which the proposed increase was presented and the lack of information. The postponement of the vote gives us an opportunity to better inform our members, and the Locals have pledged to support the adoption of the increase.

On a different note, last week PSAC President Robyn Benson, PIPSC President Gary Corbett, NJC Co-Chair Ron Cochrane and I appeared as guest speakers at a Leaders' Forum for deputy ministers and human resources officials in the federal public service.

We took the opportunity to voice our concerns about the ongoing work force adjustment process.

Of course, many of our comments focused on the alternation or job-swapping process. We talked about best practices and recalcitrant departments and agencies. Since then, CAPE, PSAC and PIPSC have each filed policy grievances concerning the improper implementation of the alternation process. CAPE has also filed a policy grievance concerning the EC-8 and EC-7 competition at Human Resources and Skills Development Canada (HRSDC).

We are continuing to meet with Senators and MPs, but since both Houses are adjourned for the summer, we expect to resume our efforts with renewed vigour in September.

At lunch today I attended a BBQ organized by the three major unions at Library and Archives Canada. Proportionately, this organization has been hit harder by the recent round of job cuts not only because of budget reductions, but also because technological advances have eliminated the need for a number of functions.

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

C. Poirier advised that C. Danik was busy preparing the arbitration brief for the TR bargaining unit and that he did not have time to prepare a report. The NEC requested that they be sent the report for the month even if it could not be delivered until mid-July.

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

The departmental/regional work assignments of the LROs were changed on June 15. Jake Baizana's term appointment as a LRO has been extended to January 2013 and Anita Bangiricenge's acting appointment as a LRO has been extended to September 2012.

#### Work Force Adjustment (WFA)

We continue to be busy in responding to members requests for information even though the number of requests has diminished. The increase in the workload of all of the LROs because of their WFA-related responsibilities, including labour-management consultation, persists. It is expected that there will an increase in the number of requests in the coming weeks as we anticipate that there will be a second wave of WFA notices in late June, early July.

From May 23 to June 20, we received 198 additional information requests by e-mail and by telephone. We have opened 358 representation files with respect to WFA so far this year.

#### Vote to Increase the Dues

As per the motion adopted by the NEC in May, the National Office launched the vote on June 7. *An important number of members contacted us regarding problems they were experiencing with the voting and which led some to question the integrity of the voting process. We investigated these problems and were able to identify the source of these with the supplier that provides the voting service. I can without hesitation state the integrity of the voting process was never in jeopardy.*

However, in light of our service provider's programming errors and of the concerns expressed by some members regarding the integrity of the vote and the perception of same, we consulted our legal counsel who recommended that CAPE cancel the current voting process, and re-run a new voting process. *We decided and advised the membership on June 19 that we would re-run the voting process between June 22 and July 13. Following the Special General Meeting held June 19, the NEC adopted a motion that postponed the vote to September and directed that additional financial information be provided to the membership before the vote.*

As indicated in one of our messages to the membership, following the completion of the voting process, InSite will be providing CAPE a written sworn statement confirming the integrity of the entire voting process, and certifying that only registered CAPE members were permitted to cast only one ballot.

### Professionals Serving Canadians

A half day meeting of the heads of the six bargaining agent participating in the PSC coalition to provide them with a near-final report on the campaign, to proceed with a post-mortem of the campaign and to discuss together what future, if any, they and their organization see for the Professionals Serving Canadians coalition in the future will be held on July 3.

### Court cases

#### Boshra and CAPE (Federal Court of Appeal)

Mr. Boshra's motion asking the Court to stay the proceedings as they concern our application that he be found in contempt of court was dismissed with cost (\$500) on June 15, 2012.

In a decision rendered on June 18, 2012 on CAPE's application that Mr. Boshra be found in contempt of court, Justice Beaudry ordered that Mr. Boshra respond to the written examination in aid of execution. The court also ordered that *"in the event that Sameh Boshra fails to comply with the Order of Justice Shore dated February 20, 2012 and responds to the written examination in aid of execution within 15 days of the personal service of this Order, he be taken and delivered to the nearest corrections or detention facility, admitted and detained there for 30 days, or until he is in full compliance with the Order made by Justice Shore unless compliance can be*

*demonstrated to the satisfaction of this Court before the expiration of such period of 30 days.”* The Court ordered Mr. Boshra to pay costs to CAPE in this matter in the amount of \$2000 within “ten (30) days” (sic).

### Public Service Labour Relations Board (PSLRB) Cases

#### C. Basic v. ACEP

We are waiting to receive the PSLRB’s decision

#### S. Boshra v. CAPE

On the matter of the recording of the PSLRB’s proceedings, we are still waiting for a decision from the PSLRB.

#### Scheduled hearings

There are three cases involving CAPE scheduled for a hearing before the PSLRB in the period from September 2012 to January 2013.

Ottawa	Sept. 20 and 21	Lebeau (Discrim. – Human Rights)	StatCan
Vancouver	Nov. 27 to 30	Anderson (Statement of duties)	Service Can.
Ottawa	Jan. 8 to 11	Desfossés (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_e.asp)

[http://www.crtfp-pslrb.gc.ca/hearingschedules/intro\\_f.asp](http://www.crtfp-pslrb.gc.ca/hearingschedules/intro_f.asp)

#### 2 d) Finance Committee

The financial statements for the period ending April 30 were reviewed.

#### 2 e) Communications Committee

The last of the promotional items came in and the discussion platform is functional.

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

Article 19 was reviewed on the removal from office process.

Issues/questions that arose:

What is the criteria/reason to request the removal from office? Does the petition require this information?

Do all members vote on the removal of office?

200 members required on the petition or a % - what the LoP members?

Does this also apply to Locals?

Has legal counsel reviewed this?

Request a legal opinion on whether or not it should be the bargaining unit only that votes on the removal.

If an investigation proves to be frivolous – does an SGM still take place?

What are the legal perimeters – harassment, stealing, fraud etc....

Should an SGM be held – this would be a humiliating experience – do we need to put members through that?

Would the accused be allowed to speak at the SGM?

### **3) Matters Arising**

#### **3 a) What constitutes “In Camera”**

Tabled.

#### **3 b) Statistics on Casework**

Tabled.

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

#### **a) Dues Increase vote**

This is a summary of the comments / information requests heard at the June 19 Special General Meeting

A- provide all budget related documentation

B- provide as much office rent-lease information as possible

C- create a Local-NEC working committee to examine dues increase options, alternatives and process to follow

D- provide members with a comparative analysis of other unions

E- provide members with PRO and CON arguments

F-provide details of all options considered and the pro/cons of those options

G- host another SGM before the e-vote

H-provide advance notice to the vote

#### **b) Federal Budget**

No issues arising from this item.

#### **c) Complaint against Local #514**

The NEC received a complaint under By-Law #5 against Local #514.

C. Poirier requested volunteers to form the 3 person sub-committee to investigate the complaint, in accordance with By-Law 5.3.

D. Brackley, S. Gagnon and M. Zinck volunteered to form the sub-committee to investigate the complaint. S. Mullen volunteered to be an alternate.

## **5) Adjournment**

It was moved by R. Zwicker that the meeting adjourn at 9:25 p.m.