

**CAPE Executive Committee
Minutes of November 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, G. Phillips, A. Picotte, C. Danik, J. Ouellette and D. Martin.

Apologies: A. Butler, L. Whitmore.

P. Lebel provided a presentation to the NEC on the CAPE discussion platform and responded to questions on how it functions and how it can become more utilized.

1) Items for Approval

1a) Agenda

The following items were added to the agenda;

- 1 d) Bargaining Agents (In camera)
- 3 b) Strike Fund
- 3 c) Motion on HR Committee from A. Kurikshuk-Nemec

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

1 b) In Camera Minutes of October 30, 2013

This item was In Camera.

1 c) Minutes of October 30, 2013

Motion: It was moved by L. Haméon, seconded by S. Mullen, that the minutes be approved.

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

1 d) Bargaining Agents (In camera)

[start at 6:15 p.m.]

[End at 6:50 p.m.]

2) Matters Arising

2 a) CAPE's Award Policy

The final version of the policy is being translated. It will be provided at the January meeting.

2 b) NEC Security Policy for observers at CAPE Committee meetings

The following amendments below were made;

Policy

7. The only **official** record of a meeting is the Minutes. ~~Other recordings are prohibited unless permission is granted by the presiding officer. Therefore, observers should not bring electronic devices such as computers, phones, and pads to a meeting. If they bring such electronic devices, observers will hand them in to the Secretary of the meeting for safe keeping until the end of the meeting.~~

8. Observers will leave the room **with their electronic devices** when a confidential matter is discussed by a committee, as required by CAPE's *In Camera Policy*.

Information sheet for observers

- ~~• Electronic devices that can record the proceedings of a meeting are to be provided to the Secretary of the committee before the meeting begins: the operation of such devices by observers is prohibited at committee meetings. These devices include but are not limited to computers, pads or phones. The devices will be returned once the meeting has been adjourned.~~

Constitutional amendments

For CAPE's president:

9.13 Take **necessary** measures in order to ensure that a disruptive member leaves a meeting of the NEC or a membership meeting. The business of the meeting is suspended until the member has left.

For sub-committee chairpersons:

12.9 The chairperson of a sub-committee has the authority to take ~~whatever~~ necessary measures ~~are~~ in order to ensure that a disruptive member leaves the meeting. The business of the meeting is suspended until the member has left.

Motion: It was moved by G. Phillips, seconded by L. Haméon, that the above amendments be approved. **Motion carried unanimously.**

2 c) Recorded votes on substantial items in NEC minutes (R. Brockington)

Motion: It was moved by R. Brockington, seconded by S. Mullen, that automatic recorded votes by taken for substantial items.

In favour = 11, Opposed = 1, Abstention =1. Motion carried.

2 d) Implementation of Investigation Report Recommendations

No matters to report on this month.

3) Substantive Issues for Discussion

3 a) Action Plan C- 4

It was requested to send the draft action plan to the Local Leadership Council and the NEC in order to get their input or additional suggestions.

It was **agreed** that an electronic vote on the financial costs would be held in the second or third week of December by the NEC.

3 b) Strike Fund

It was moved by A. Picotte that NEC mandate the Finance Committee to explore the idea of a strike fund, including a special levy and this be submitted to the EC and TR bargaining units.

[Start at 8:12 p.m.]

[End at 8:13 p.m.]

3 c) Motion on HR Committee from A. Kurikshuk-Nemec

A. Kurikshuk-Nemec tabled a motion which will be placed on the agenda at the next regular meeting.

4) Reports

4 a) President's Report (In Camera)

[Start at 8:21 p.m.]

[End at 8:45 p.m.]

4 b) Executive Director of Policy's Report

EC Collective Bargaining

- The EC Collective Bargaining Committee (EC-CBC) and the EC Collective Bargaining Consultation Committee (EC-CBCC) met together on November 14.
- The committees were provided with a review of the provisions of Bill C-4 that will affect collective bargaining.
- The EC-CBC decided, further to deliberations with members of the CBCC, on the form and the content of an information document pertaining to sick leave and STD plans for EC members. A draft of the document will be prepared for the EC-CBC for its next meeting.
- The EC-CBC also decided on the content of the input questionnaire's question on priorities.
- Confidential notes to the November 14 meeting are appended to our report.

TR Collective Bargaining

- The TR Committee has not met since the last meeting of the NEC. It is meeting tomorrow.

LoP- CAPE Joint Committee on Departures

- It became apparent to CAPE and it is well understood by the employer that CAPE members are leaving the Library at an unusually high rate of departures.
- CAPE and the employer have committed to exploring the reasons for departures in the past, and possible departures in the future.
- The records of exit interviews were shared with CAPE, on a confidential basis. The information in the records did not provide the joint committee with the information that it needed.
- The joint committee had its second meeting last week to discuss methodological issues, including the pros and cons of surveying members who have already left and members who are working at the LoP.

LoP- CAPE Consultations: WFA Policy

- The LoP and CAPE are reviewing the Library policy that applies to CAPE members.
- CAPE will be providing input for the purposes of having a new policy.
- CAPE representation is provided by Yves Rochon (LRO) and three members of the local (Dominique Valiquet, Alex Smith and Holly Porteous).

Information Sessions

- CAPE as well as the other B.A.s who have attended the two first sessions has withdrawn from information sessions, set-up by TBS for the purposes of informing B.A.s of their unilateral decisions regarding disability management and disability plans.

Internal Working Groups

- Performance Management
 - A first document was completed and posted on CAPE's website. It is an information document on how to participate proactively in the performance management process.
 - The draft of a second document, on the matter of recourse where performance is judged to be unsatisfactory has been completed and is being reviewed.
 - We will be posting the document in January, as scheduled.
 - The new performance management system will be effective, April 1st 2014.
- Workplace 2.0
 - Research continues.
 - Because it has been bumped by unexpected priorities, the document for our local representatives will be prepared for some time in January,

- Local representatives will be able to use the document in order to identify issues that need to be raised in work places that are being transformed into one of the WP 2.0 work site.

Other

- I was invited to prepare and deliver a presentation on the state of labour relations in the federal public service to a group of students taking a course in HR at the University of Ottawa.
- While this type of extracurricular work may not always be of interest to NEC members, I believe that the content of this presentation is topical, and I am prepared to provide copies if so requested.

4 c) Legislative Reviews

The updated report was provided to the NEC and there were no issues arising.

4 d) Executive Director of Operation’s Report

Internal Matters

Mr. Lionel Dionne was the successful candidate for the Research Officer / Negotiations position and he will be starting on November 27th. Anita Bangiricenge has been appointed in an acting capacity in the Services Coordinator’s position until January 31, 2014.

E-surveys

Further InSite survey training will need to be provided to the A/Service Coordinator. The Communication Officer will also attend the training and it will also be offered to some Administrative Clerks who have shown an interest.

Negotiations

A first meeting of the Collective Bargaining Committee for CAPE members at the Library of Parliament was held on November 21st. Further information will be provided in my next report.

Representation Files

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

Absenteeism	4	NJC (benefits)	
Access to information		NJC (Dental)	
Accommodation	34	NJC (FSD)	1
Acting Appointment	3	NJC (health care plan)	1
ATIP		NJC (Relocation)	2

Authorship		NJC (Transportation All.)	
Bargaining Unit Work		NJC (Travel)	
Benefits	5	NJC (WFAD)	53
Bilingualism Bonus		Pay	16
Career & Registration Fees	2	Pension	1
Classification	11	Performance Evaluation	42
Code of Conduct	4	Personal File	
Consultation	3	Policy	1
Deployment	1	Political Activity	
DFR		Privacy	2
Disability Insurance	5	Probation	1
Discipline	32	RAND	
Discrimination	15	Recruitment Program	
Employment Status	1	Representation	
Ergonomic Assessment		Resignation	1
Fitness to Work Evaluation	3	Retirement	2
Harassment	45	Return to work	10
Health and Safety	10	FIP	1
Health and Safety (Claim)	1	Security Status	2
Hours of Work	5	Service	2
Hours of Work (Overtime)	3	Staffing	16
Hours of Work (Travel)		Staffing (WFAD)	6
Human Rights	1	Statement of Duties	8
ICMS	1	Telework	6
Johnson Insurance		Term Employee	1
Language Profile	1	Termination	4
Language Training	2	Terms and Conditions of Work	
Leave	14	Training Program	3
Leave (Annual)		Travelling Time	1
Leave (Bereavement)		Unfair Labour Practice Complaint	2
Leave (Other)	6	Union Dues	2
Leave (Parliamentary)		Union Representation	4
Leave (Sick)	8	Work Assignment	4
Leave (Without Pay)	7	Work Location	
Letter of Expectation	1	Workload	4
Maternity Allowance	1	Wrongdoing (Whistle Blowing)	1
Medical Evaluation	1		
		Total	430

Court cases

Boshra and CAPE (Federal Court)

CAPE has decided that it will no longer pursue the matter of costs owed to it.

Public Service Labour Relations Board (PSLRB)

Cases

We received the adjudicator's decision in the **Lebeau** case (discrimination – human rights issue – Statistics Canada). The adjudicator dismissed the grievance. The decision was reviewed by legal counsel and we will be filing an application for judicial review of the decision with the Federal Court of Appeal.

In the last **Boshra** matter (duty of fair representation complaint against CAPE), and for which a decision was rendered on October 15, we have not been served with any notice of an application for judicial review having been filed by Mr. Boshra. Accordingly, there are not outstanding matters concerning Mr. Boshra.

Scheduled hearings

These are the cases involving CAPE scheduled for a hearing before the PSLRB in the period from October to March 2014.

Ottawa	Dec. 2 to 6	Tulloch (Discrim. – Human Rights)	Stats Can
Ottawa	Dec. 16 to 19	Desfossés (Discrim. – Human Rights) (continuation)	HRSDC
Ottawa	Jan. 27 to 31	Kalonji (Termination)	IRB
Winnipeg	Mar. 13 and 14	Dorn (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_f.asp

e) Finance Committee Report

The financial statements were reviewed. There were no issues arising.

f) Constitution and By-Laws Committee

Amendment to By-Law 5.3

NEW 5.3.5 When circumstances warrant, the CRC shall recommend that the NEC engage the services of an outside investigator to assist with or conduct the review under the supervision of the CRC.

NEW 5.3.6 The NEC shall vote on any such recommendation from the CRC at its next regular scheduled meeting.

Renumber remaining clauses in Article.

Motion: It was moved by S. Mullen, seconded by L. Haméon, that the amendment be approved.

In favour = 12, Opposed = 0, Abstention = 0. **Motion carried unanimously.**

Amendment to clause 14.2 - Collective Bargaining Committee

Proposed wording

14.2 The members of the Collective Bargaining Committee shall be chosen in accordance with the procedure set out in ~~B 7.1 of the By-Laws (or more specifically, in B 7.1.1 and 7.1.2).~~

Motion: It was moved by S. Mullen, seconded by L. Haméon, that the amendment be approved.

In favour = 12, Opposed = 0, Abstention = 0. **Motion carried unanimously.**

By-Law 3.35 - Resolutions with monetary implications

This item was deferred.

Policy on Input to NEC

This item was deferred.

5) Adjournment

The meeting adjourned at 9:15 p.m.