

**CAPE Executive Committee  
Minutes of September 28, 2011  
CAPE National Office  
Boardroom  
4:30 p.m.**

**Present:** C. Poirier (Chair), J-L. Bourdages, R. Brockington, C. Creran, S. Maguire, S. Mullen, A. Picotte, G. Phillips, G. Thibault-Gosselin L. Whitmore, A. Wong, M. Zinck, R. Zwicker, C. Danik, J. Ouellette, D. Martin.

**Apologies:** S. Chatterton.

**1. Items for Approval**

1 a) Approval of Agenda

**Motion:** It was moved by R. Zwicker, seconded by M. Zinck, that the agenda be approved. **Carried unanimously.**

1 b) In Camera items from June 29, 2011 Minutes [\(In Camera\)](#)

1 c) Minutes of June 29, 2011

It was noted that the name of the real estate agent was missing in the President's report.

There was a consensus to add an action line to the minutes of who has been tasked to report back to the NEC on items that require following up.

**Motion:** It was moved by S. Maguire, seconded by M. Zinck, that the minutes be approved.

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

1 d) Constitution and By-Laws Committee

M. Zinck requested a clarification on the removal process that the NEC requested the Committee to prepare.

The NEC advised that it wanted a removal process for sub-committee members and also a process of removal of a NEC member due to absenteeism.

M. Zinck thanked the NEC for the clarification.

## 2) Reports

### 2 a) President's Report

Traditionally, summer was a quieter season for CAPE. In recent years though this no longer seems to be the case and summer 2011 has followed this trend. In fact, it is not because a lot of people are on vacation that the number of complaints has decreased or that departments have waited to announce the abolition of positions. As you will see shortly, departments seem to be making a concerted effort to place affected employees. This is still the most economical solution.

At the beginning of July we met with our members affected at PWGSC. The meeting was a success. Thanks to Claude Danik, Jean Ouellette and Yves Rochon as well as those of you that came for the occasion. Still at PWGSC, but on the Translation Bureau side, a national consultation was held on July 8. We have found out that the new CEO of the Bureau does not know the organization she is leading and she is very close to the sitting government.

Speaking of the Translation Bureau, in early August, Jean redistributed the workload and Walter Belyea is now the Labour Relations Officer assigned to that group.

Also in August, Jean and I were called upon to meet with former President Bill Krause who is investigating the actions of a steward of the Professional Institute because he is providing representation services to one of our members. The Institute and CAPE are on the same wavelength: that it is not acceptable behaviour.

The local section of Statistics Canada invited us, Claude Danik and me, to a general meeting. Despite the fact that the meeting took place in the summer, the turnout was very good. People had the chance to hear Claude explain the structure of CAPE and the negotiation process. I think the presentation was very much appreciated.

Throughout the summer, the preparation sessions continued with three rounds of negotiations. The exchange and the explanation of the proposals were then concluded and the actual negotiations began at the TR bargaining table. It only remains to do the same at the EC bargaining table. At the Library of Parliament bargaining table, the work will begin next week.

### **(In Camera)**

In September we met our members at Citizenship and Immigration Canada. Thanks to the determination of Yves Rochon, the Labour Relations Officer responsible for this department, we were able to inform participants of the work

carried out on their behalf at CAPE and the workings of a Local. A meeting will take place in November to form a Local and an executive.

Last week, the National Joint Council met for its annual conference in Moncton. Eighteen bargaining agents took the opportunity to hold a summit and discuss the abolition of positions and services in the federal public service. We announced an initiative called "Public Services: a partnership with Canadians " [Federal Public Services - A Partnership with Canadians] which will be discussed later this evening. The coalition of professional unions has also met to plan its future activities. We still consolidate CAPE, the Institute and the ACFO - the three founding groups, but the Professional Association of Foreign Service Officers, the Association of Justice Counsel Canada and the Federal Pilots Association have joined us. We will talk to you shortly about the joint project.

The National Joint Council Annual Seminar is an opportunity to discuss topics of interest but also to build relationships with all our partners. It is also a good opportunity to take the pulse of the situation in the public service. I must say that the atmosphere is rather sluggish. Departments are also bothered by all the announcements of cuts and the conclusion to be drawn is that the unions must take matters in hand, to defend not only their members but also Canadians.

We have had the chance to meet the H el ene Laurendeau's replacement at Treasury Board. Let's hope appearances are deceiving.

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

### **Collective Bargaining**

- EC:
  - The EC bargaining committee met on August 24 in order to review rationale prepared by the national office for each proposal and in order to confirm priorities identified by the membership survey.
  - The EC bargaining team met with the employer's team at the bargaining table on September 1<sup>st</sup> in order to provide rationale for proposals that were tabled on June 17.
  - Some items were tabled by the parties as matters to be discussed. Severance pay was one such matter. Therefore, we have not yet seen the actual language that Treasury Board will propose nor have we been provided with rationale for this matter.
  - There are no surprises in the package tabled by the employer: it includes mostly proposals that had been tabled in the previous round.

- Rationale from Treasury Board in some cases will need to be revisited; insufficient information was provided on some matters and the EC team will have questions for the next meeting.
  - Rationale from CAPE included arguments, data where necessary and supporting documents.
  - Following the meeting at the bargaining table, the bargaining team met in order to establish the tentative bottom line responses to Treasury Board's proposals as well as responses for the next meeting. (bottom line... because you need to know where you are going and give signals to the employer without being explicit at the table; tentative... because it is bargaining in good faith and the team gives itself room to adapt to events at the table).
  - The Committee approved the matter of posting on the CAPE web site the priorities that were identified in the membership survey.
  - We will be providing updates to bargaining in the week following each block of meetings at the table.
  - Meetings at the table are scheduled for October 11, 12 and 13; November 22, 23 and 24; and December 13, 14 and 15.
  - Updates are therefore scheduled for the week of October 17, the week of November 29 and the week of December 19.
- TR:
    - The TR committee met on July 6 in order to review rationale for CAPE's proposals and in order to confirm the membership's priorities.
    - The TR bargaining team met with the employer at the bargaining table on August 31<sup>st</sup> to explain proposals.
    - In the second part of the day, the TR team reviewed the employer's proposals and rationale, and establishes the tentative bottom line responses to Treasury Board's proposals as well as responses for the next meeting.
    - The TR bargaining team, similarly to the EC bargaining team, approved posting of the priorities of the TR bargaining unit on the CAPE web site.
    - The team met again on September 20 in order to review and confirm the record of its decisions prepared by the Chief Negotiator, and in order to discuss matters that were left outstanding at the team's meeting on August 31<sup>st</sup>.
    - We will be providing updates of bargaining in the week following each block of meetings at the table, i.e. in the weeks of October 3, November 7, and on December 23<sup>rd</sup>.
    - Nine more meeting days are scheduled for the remainder of 2011: September 27, 28 and 29; November 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>;

December 19, 20 and 21... which is why the last TR report will be on the 23<sup>rd</sup>.

- LoP:
  - We are on a different time line for the LoP table though the expiry date falls between the EC and TR dates. We are following past practices with the LoP employer, working over the summer months and bargaining in October and November.
  - It doesn't take as long as with Treasury Board.
  - There is less hesitation from the employer to come to decisions at the bargaining table.
  - So, the committee met on July 5, 7, 12,14 and August 18.
  - Information and data provided by the national office was reviewed by the committee; the results of the membership survey of LoP members were reviewed, proposals were prepared and reviewed, etc.
  - Then the LoP team met with the employer on August 30<sup>th</sup> to exchange proposals.
  - Meetings are scheduled at the bargaining table for October 4, 5 and 6; and October 18, 19 and 20.

### **Charter Challenge**

- ...
- You approved in May that CAPE write a letter to Treasury Board in order to invite the employer to talk about the case and about the possibility of coming to and out of court agreement.
- The letter was written; I reported back to you in June and the letter was sent to Treasury Board on July 6.
- There was no response until our counsel gave the Board a call on August 30<sup>th</sup>.
- Treasury Board counsels has forwarded the letter to her bosses for instructions.
- We are still waiting.

### **WFA**

- CAPE has been very busy over the past 12 weeks with its response to various budget related announcements from departments and agencies.
- The first announcement that affected a significant number of CAPE members, you will remember, came from PWGSC where 103 EC members of CAPE were declared affected by work force adjustment.

- The situation at PWGSC set into motion a number of organizational initiatives within CAPE directed at addressing now and in the future the matter of work force adjustment.
- CAPE has set-up a section on its web site devoted to information on WFA, including an updated Qs&As, a flow chart, etc.
- Internal reporting structure where LROs provide information to the EDP who tabulates the information and reports to the NEC, then to the Mobilization and through the Mobilization Committee to locals on a monthly basis (also via the president's office).
- The Mobilization Committee will be used as a coordinating committee through which information from the locals can flow.
- In order to protect the most vulnerable affected members, those that may not get a guarantee of a reasonable job offer at the end of their affected period, we have
  - Set up an alternation service for CAPE members that allows opting employees to get contact information that would allow them to communicate with members who wish to take advantage of the options under the WFAD (i.e. leave the PS while the opting employees takes their place and continues working in the PS)
  - Pressuring the employer on the WFAD committee to set up an interdepartmental coordinating system for alternations
  - Pressuring TB on the WFAD committee to direct departments to set up their own alternation mechanism
  - Directly pressuring departments (letter from the President)
- CAPE called on members to volunteer as alternate.
- CAPE has not opposed departments that have decided to ask for exclusion from the 3-year transition order (from determinate to indeterminate status)
- CAPE has not opposed premature termination of term contracts as long as the employer provides the appropriate notice or money in lieu (this is in fact an obligation of the employer under section 1.1.27 of the WFAD).
- LROs, usually accompanied by local leaders, are attending meetings were these issues are being raised.
- CAPE has also organized meeting where members have been informed of their rights under the WFAD.
- And officers from the national office have used the opportunity of meetings on other matters to speak to the issue of WFA.
- And of course, we have been responding to individual inquiries from affected members and providing one-on-one information.

### **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 met with a large group of members at Statistics Canada on August 17... yes I said *August 17*, during annual leave season.
- The local executive invited me to explain the decision making processes within CAPE, and to explain the collective bargaining process.
- On September 13, I met with a group of 53 members at Citizenship and Immigration; at first we were expecting about 15 members; then the numbers grew to over 30 members confirming; then 53 showed up... it was great.
- The meeting was organized by Yves Rochon, one of our LROs, who is trying to get the members interested in setting up a local.
- Claude Poirier was invited to speak to the matter of Operational reviews; and I was asked to speak to the matter of collective bargaining.
- Members appeared to appreciate the meeting; four members volunteered to help set up a local;
- These four members plus a fifth member agreed to meet with Yves on September 20 to organize a meeting to create a local.
- Apparently our meeting generated considerable interest among those who attended and word as well as the interest is spreading.
- It appears that we can count on having a new local in the very near future.

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

### Internal Matters

Bruno Loranger was hired as a term Labour Relations Officer as of August 22nd and has been extended to January 6<sup>th</sup>, 2012. Sandra Patry was the successful candidate for the Finance Officer Assistant position. A term administrative clerk (dues) was hired on June 7th and she has completed her work as of this week. Brigitte Richard has been appointed as Communication Officer Assistant and Chantal Lebel has returned to her substantive position of Administrative Clerk. Anita Bangiricenge has been appointed acting Labour Relations Officer for a three month period. Finally, we are in the process of staffing the New Media and Outreach Officer position.

### 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) CasesC. Therrien vs. CAPE

As Mr. Therrien had verbally informed the PSLRB that he was withdrawing his complaints and as he has not withdrawn his complaints in writing as requested by the PSLRB, the assigned PSLRB member will make a determination of the complaints based on the written submissions filed by the parties.

K. Kumar vs. CAPE

Mr. Kumar has withdrawn his complaint against CAPE.

C. Basic vs. CAPE

The assigned PSLRB member will make a determination of the complaint based on the written submissions filed by the parties.

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 September 2011 to January 2012.

Ottawa	Sept. 26 to 30 Nasrallah (non-disciplinary termination)	HRSDC
Ottawa	Oct. 11 & 12 Moschopoulos (no discrimination (Human Rights))	HRSDC
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

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://pslrb-crtfp.gc.ca/hearingschedules/intro\\_e.asp](http://pslrb-crtfp.gc.ca/hearingschedules/intro_e.asp)

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

### Miscellaneous

#### E-communications

We have almost completed our work with InSite to integrate our existing software and systems into a unified and supportable platform to facilitate e-communications, e-messaging, e-surveys, e-voting and ongoing member data management.

### **3) Matters Arising**

#### a) Professional Employees Network

This item was tabled to the October meeting.

#### b) Grievance Sub-Committee (In Camera)

#### c) Organizational Review Chart

The final version of the chart was provided.

#### d) Strategic Planning Report

**Motion:** It was moved by R. Brockington, seconded by R. Zwicker, that an ad-hoc Committee be created to review the report of May 26, 2011 and the PowerPoint presentation to provide recommendations to the NEC for November 20, 2011 and that they have the authority to defer necessary items to sub-committees. **Carried unanimously.**

The ad-hoc committee is comprised of R. Zwicker, R. Brockington, A. Picotte, S. Chatterton, C. Creran, A. Wong and G. Phillips. It was agreed that meetings would commence at 1:30 p.m.

#### 4) Substantive Issues for Discussion

##### a) Federal Budget/Workforce Adjustment

There was no report on the federal budget and the updated table on the workforce adjustment by department was provided by C. Danik.

##### b) Federal Public Services Partnership with Canadians

**Motion:** It was moved by C. Poirier, seconded by R. Zwicker, that we authorize \$7.00 per member for the campaign with other unions and that monthly reports be provided to the NEC on the progress or as required. **Carried unanimously.**

**Motion:**

#### 5) Committees

##### a) Finance Committee

The financial statements for the months of May, June and July were reviewed. The NEC was provided with the investment breakdown as requested.

Motion: It was moved by A. Picotte, seconded by M. Zinck, that A. Wong be approved as a member on the Committee. **Carried unanimously.**

##### b) Communications Committee

No report this month. The next meeting is scheduled in October.

##### 5 c) Office Accommodations Committee

C. Poirier advised that the Office Accommodations Committee met the real estate brokers to ask questions on the process/steps. The CAPE employees will be asked to participate in a survey on the accommodations which the real estate brokers provide as part of their service.

##### d) Audit Committee

The NEC reviewed the report.

##### e) Elections and Resolutions Committee

The NEC was provided with the resolution that was accepted for their review.

**6) Adjournment**

**Motion:** It was moved by R. Zwicker, seconded by L. Whitmore, that the meeting be adjourned at 8:10 p.m.