

**CAPE Executive Committee  
Minutes of November 28, 2012  
CAPE National Office  
Boardroom  
5:00 p.m.**

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

**Apologies:** C. Danik.

## **1) Items for Approval**

### 1a) Agenda

The following items were added to the agenda under Matters Arising:

- 3 d) Discuss absence/status of S. Menard
- 3 e) Vote results sub-committee
- 3 f) Additional complaint (In Camera)

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

### b) In Camera Minutes of October 30, 2012

### c) In Camera Minutes of November 14, 2012

### d) Minutes of October 30, 2012

It was moved by R. Brockington, seconded by L. Haméon, that the minutes be approved.

In favour = 13, Opposed = 0 Abstention = 6. **Motion carried.**

### e) New steward

It was moved by L. Haméon, seconded by A. Picotte, that M. Morris of Public Safety Canada be approved as a new steward. **Motion carried unanimously.**

## **2) Reports**

### a) President's Report

We began the month of November by meeting with our Professional Institute of the Public Service of Canada (PIPSC) colleagues to discuss our mutual activities and the cooperation between our two unions, which has been very productive. The subject of the defeated dues increase proposal came up, of course. PIPSC asked us if we had any alternative plans and whether they could be of any assistance to us. We made it clear to them that the situation, albeit very serious, was not desperate. More recently, for different reasons, PIPSC members rejected a proposed increase of their own.

At the start of November, I received a request for cooperation from David Gutnick, a journalist with CBC Radio in Montreal who was preparing an in-depth report on the federal government budget cuts. He wanted to approach the subject from the point of view of the people victimized directly and indirectly by the cuts. He was interested in the impact on the workplace as well as the effects on the psychological health of the affected individuals and the “survivors.” The program was scheduled to air on a Sunday sometime before Christmas.

Our meetings with Treasury Board concerning work force adjustment are continuing. However, there is a sense that the parties are losing momentum, given the limited results achieved so far. Treasury Board proposed that our experts meet separately in an effort to get things moving more.

This past week, we resumed our face-to-face meetings with MPs from all parties, with a particular focus on the changes to the public service pension plan. We met with two Bloc Québécois representatives yesterday and with Liberal MP John McCallum today; tomorrow we will be meeting with NDP Treasury Board Critic Mathieu Ravignat. We are always very warmly received, and the discussions are always lively. Next week, Riley and I will be meeting with Treasury Board President Tony Clement. Hopefully, we will get the same kind of positive reception...

I have already spoken to you about Bill C-377, a private member's bill that would force unions to declare all expenditures over \$500 to the Canada Revenue Agency, for publication on the Agency's site. This bill would generate extraordinary costs for unions because they would have to detail all of the transactions involved. There seems to be a major problem, however, in that a private member's bill cannot give rise to government expenditures—a government bill would be required for that purpose. We will see how this plays out in the days to come. Meanwhile, MP Pierre Poilievre seems to be pursuing his anti-union campaign by calling for the Rand Formula to be eliminated, which would make union dues optional. Clearly, we have enemies as well as friends.

As we reported on our website, the arbitration hearings for the Library of Parliament were held last Thursday and Friday. The parties will have the opportunity to submit additional arguments in December and January; the decision will then be announced at the end of January. The Annual General Meeting is being held tomorrow. About one hundred people have registered. I hope to see you all there.

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

This item was deferred.

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

The departmental/regional work assignments of the LROs and the work of the EO will be changed as of December 3<sup>rd</sup> following the elimination of the term LRO / WFA position. The term employment of Jake Baizana will end in January 2013.

#### Work Force Adjustment (WFA)

With the elimination of the term LRO / WFA position, as of December 3<sup>rd</sup>, the formal WFAD representation files will be transferred to the LRO's as per their departments and regions. The

LROs were already providing representation on the Public Service Staffing Tribunal of their departments and regions. Also as of that date, the members' general questions on the WFAD will be forwarded to the Education Officer.

From October 26 to November 23, we received 273 additional information requests by e-mail and by telephone. The Labour Relations Officers / WFA have opened 509 representation files with respect to WFA so far this year. Other LROs have opened an additional 85 representation files with respect to WFA for a total of 594 so far this year.

As for three policy grievances related to the application of the WFAD, we are sending out and updating the information on these as it becomes available.

### Representation Files

Here is a breakdown of the major subjects with all of the representation files opened to date in 2012:

Absenteeism	3	Maternity Allowance	4
Accommodation	38	Medical Evaluation	4
Acting Appointment	3	NJC (Relocation)	2
Benefits	6	NJC (Transportation)	1
Career	1	NJC (WFAD)	594
Classification	9	Pay	12
Code of Conduct	3	Performance Evaluation	33
Conflict of Interest	1	Personal File	1
Consultation	2	Policy	2
Deployment	4	Privacy	2
DFR	4	Probation	5
Disability	3	Recruitment	1
Disability Insurance	5	Representation	2
Discipline	23	Resignation	1
Discrimination	11	Retirement	3
Employment Status	4	Return to work	8
Fitness to Work Evaluation	6	Security Status	2
Harassment	69	Sick Leave	3
Health and Safety	3	Staffing	42
Hours of work	7	Staffing (WFAD)	26
Human Rights	2	Statement of Duties	4
Job Content	6	Telework	2
Leave	10	Term Employee	1
Leave (annual)	3	Termination	6
Leave (Other)	14	Terms and Conditions of Work	6
Leave (sick)	4	Unfair Labour Practice Comp.	2
Leave (without Pay)	8	Wrongdoing (Whistle Blowing)	2

Leave of Absence	2	Other	6
Letter of Expectation	1	Total	1035

### Vote to Increase the Dues

The staff of the National Office conducted a post-mortem to identify the technical and administrative problems that occurred and will be submitting recommendations shortly.

### Professionals Serving Canadians

A lunch meeting of the heads of the six bargaining agent participating in the PSC coalition to discuss what future, if any, they and their organization see for the Professionals Serving Canadians coalition will be held in January. The Management Team of the PSC has drafted Terms of Reference for the PSC and will be submitting these to the heads of the six bargaining agent.

### Court cases

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

No further development in this case to report on.

#### Boshra and CAPE (Federal Court)

The Federal Court granted CAPE's motion for an order dismissing Mr. Boshra's application for judicial review on the basis that the Federal Court is without jurisdiction and awarded cost to CAPE in the amount of \$ 750 to be paid within ten days.

### Public Service Labour Relations Board (PSLRB)

#### Cases

#### C. Basic v. ACEP

We received the PSLRB's decision and Ms. Basic's duty of fair representation complaint against CAPE was dismissed. Here is a quote from the PSLRB's summary posted on the internet: "*the complainant never accepted the union's assessment of her grievance, and she responded to its advice with suspicion and mistrust – there was no evidence of hostility toward her by the union – her allegation that the union did not keep her informed of the negotiation process was not borne out by the evidence – the union's actions were motivated by a desire to keep settlement discussions alive and not by any improper purpose – there was no evidence that the union approached the settlement negotiations in anything other than a professional and diligent manner.*"

### Scheduled hearings

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

Vancouver		Anderson (Statement of duties) (postponed)	Service Can.
Ottawa Jan. 8 to 11		Desfossés (Discrim. – Human Rights)	HRSDC
Ottawa Feb. 11 to 15		Alibay et al. (Statement of duties)	Service Can.
Ottawa May 13 and 14		Lebeau (Discrim. – Human Rights)	StatCan
Ottawa May 30 and 31		Chaudhary (Discrim. – Human Rights)	Health Can.
Vancouver	June 25 and 26 (tentative dates)	Anderson (Statement of Duties)	Service Can.

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)

#### d) Finance Committee

R. Brockington provided an update on the investments and travel expenses. He advised the NEC that the Association is not placing funds in high risk investments and the Finance Committee will have to seek further clarification with the Chair of the Audit Committee in regards to the review of the travel expenses issue.

R. Brockington advised the NEC that the Association will proceed to have the security doors installed in the office in accordance with Bill C-168.

R. Brockington mentioned that at the next meeting of the Committee they will be electing a Vice-Chairperson.

**Motion:** It was moved by R. Brockington, seconded by D. Brackley, that D. Petriu be approved as a member of the Finance Committee.

In favour = 18, Opposed = 0, Abstention = 1. **Motion carried.**

#### e) (In Camera) Update from Investigation Sub-Committee

### **3) Matters Arising**

#### a) What constitutes “In Camera”

This item was deferred.

b) CAPE's Award Policy

L. Whitmore advised that he would like to review the policy with the Communications Committee prior to it being approved by the NEC.

This item has been deferred.

c) YMAC mandate

There was a consensus to review the mandate as it has been over 5 years. We should focus on what other sub-committees may also be doing as there may be some overlapping of work being done by sub-committees.

B. Black will have a revised mandate for the June 2013 meeting. This item has been deferred.

d) Discuss absence/status of S. Menard

It was requested to send By-Law 14 to the NEC for the January 12, 2013 meeting. This matter is deferred to the January meeting.

e) Vote results sub-committee

The information requested should be received this week and it will be sent to the sub-committee members.

f) (In Camera) Additional complaint

**4) Substantive Issues for Discussion**

**5) Adjournment**

**Motion:** It was moved by A. Kurikshuk-Nemec to adjourn at 8:10 p.m.