

**CAPE Executive Committee  
Minutes of January 30, 2013  
CAPE National Office  
Boardroom  
5:00 p.m.**

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

**Apologies:** G. Brennan, C. Creran, S. Gagnon, S. Menard and D. Martin.

**1) Items for Approval**

1 a) Agenda

The following items were added to the agenda under Items for Approval and Reports:

- 1 g) Investigation Committee Members
- 2 f) Constitution and By-Laws Committee
- 2 g) Strategy Meeting

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

1 b) In Camera Minutes of November 28, 2012

1 c) Minutes of November 28, 2012

It was moved by J-L. Bourdages, seconded by S. Mullen, that the minutes be approved. **Carried unanimously.**

1 d) Minutes of Special meeting of January 12, 2013

It was requested that more specifics be provided regarding InSite. There was a consensus to defer to the next meeting.

1 e) R. Brockington Motion

It was requested that point H be amended to read: NEC meetings become public to CAPE members.

**Motion:** It was moved by L. Haméon, seconded by A. Picotte, that the CAPE staff examine the different points of R. Brockington's motion and put into effect immediately those that can and come back to the NEC at the next meeting with an explanation of those that have not been put into effect and the resources necessary to implement them. **Carried unanimously.**

#### f) Signing Authority

**Motion:** It was moved by C. Poirier, seconded by A. Picotte, that in accordance with Clause 34.6 of the Constitution, Stephen Mullen be designated as a signing officer and that J. Ouellette be designated as a non-voting signing officer. **Carried unanimously.**

#### g) Investigation Committee Members

It was moved by C. Poirier, seconded by L. Haméon, that whereas D. Brackley will be retiring from the public service as of February 15, 2013, that he be appointed, as of February 16, 2013, as a non-voting members of the current investigation sub-committee.

In favour = 12, Opposed = 0 Abstention = 2. **Motion carried.**

## **2) Reports**

#### a) President's Report

Since our last regular meeting dates back to the end of November, this report will cover both December and January.

Shortly after our meeting of November 28, therefore, the bargaining agents met at CAPE in preparation for the National Joint Council session. Hot topics included Bill C-377, which has since been passed by the House of Commons, and the position of NJC General Secretary. This position is held by a representative of the employer or the unions on an alternating basis; it is now the unions' turn to nominate someone for the position, which is why there is a bit more interest this time around.

In December, Riley Brockington and I met with Minister Tony Clement. It is safe to say that this was more of a public relations exercise than a working meeting. The minister now knows who we are and who our members are. When we asked him whether the government was planning any more measures affecting unions, however, he replied vaguely that this was not part of his portfolio.

[In Camera] 7:08 p.m.

[End of In Camera] 7:10 p.m.

More bad news: the Supreme Court rejected our appeal concerning the pension surpluses. The Court held that the government was legally entitled to avail itself of the surplus funds. Does this mean that the government will also be held responsible for future pension fund deficits? We shall see.

The decision of the Supreme Court nevertheless did provide CAPE with a certain amount of visibility, since we were prepared for this eventuality, issued a press release and made ourselves available to the media for comment. We had a burst of contacts with both the French- and English-language media.

The six unions forming the Professionals Serving Canadian coalition met at CAPE yesterday to take stock of the coalition's mission and further formalize its work. The first project under preparation by the coalition: a post-mortem meeting of the coalition's bargaining specialists to

look at the last round of bargaining and pool ideas and best practices in preparation for future negotiations.

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

#### **Collective Bargaining**

**LoP bargaining:** we are waiting for the arbitral decision for our members at the LoP; the hearings were held in mid-November; the employer requested and the board authorized a right to call upon a classification expert to respond to the classification analysis that we used to demonstrate that there was a compression problem within the AN pay structure; CAPE requested and the board authorized a right to respond; our responses was provided to the board mid-January. We are now waiting for the board's decision which is expect some time in the next two weeks.

**TR and EC bargaining:** the round is barely finished but we need to turn our minds to the next round; we anticipate some of the issues that will be raised by the employer; we will be calling on volunteers for the bargaining committees some time before the summer. The TR collective agreement expires on April 18, 2014 which means that notice to bargain can be given at any time after December 14, 2013. The EC agreement expires June 21, 2014. So the earliest that CAPE could give notice to bargain is February 21, 2014. Because the history between the parties shows that they have met in the past after the expiry of the agreements, and because bargaining can only begin on a date to which the two parties agree, if the bargaining committees decide that they wish to go to the bargaining table before the expiry of the agreements, CAPE would need to have preliminary discussions with the Employer to seek agreement to meet early in the notice period.

Both the TR and EC agreements are posted on the TBS web site.

EC and TR members are entitled to copies of the agreement. But, starting with the current version of the agreements members need to ask for a copy. There are no conditions, so the departments are obligated to provide a copy if the members ask for one. It is no longer automatic.

The December 2011 to December 2012 CPI was 0.8%. If you compare the CPI index of June 2012 to December 2012, it actually went down from 121.6 to 121.2. The index went up in three of the six months and down in the other three months. The wage adjustment for our TR and EC members was 1.5% as of June 2012, plus the value of an increment for anyone who was not at the maximum of a pay line and for whom the anniversary date of their appointment fell during the six months. The wage adjustment in June 2011 was 1.75%. The June 2011 to June 2012 CPI was 1.5%. Again take into consideration that many members will have also benefited from a move to a higher increment during this period.

#### **WFA**

The number of notices has come down significantly. Most notices are decision and result updates rather than notices of new reductions. There is however one department, HRSDC, which has declared affected 501 CAPE members. So, we can expect that a number of positions will be eliminated, though I have no information on the exact number.

There is another budget coming soon. We have no hard evidence that it will require more WFA.

As reported on our web site, the hearing dates for the policy grievance on alternation have been changed. The Alliance and Institute hearings were held mid-January. CAPE will analyze the Board's decision on the PSAC and PIPSC grievances, when it is published, and will only proceed on any outstanding issues not covered by the decision.

CAPE was fully successful with the "years of service" grievance.

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 will continue on March 5, 2013.

WFA at LoP: LoP management decided to modify their WFA policy during bargaining. CAPE filed a complaint pursuant to PESRA. Conditions of work cannot be changed during bargaining.

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

As mentioned in my previous report, the term employment of J. Baizana has ended. As an Labour Relations Officer has gone on compassionate leave, A. Bangicirenge has been appointed acting LRO and her position has been backfilled with a term Administrative Clerk.

### Work Force Adjustment (WFA)

The formal WFAD representation files have been transferred to the Labour Relations Officers (LROs) as per their departments and regions and members' general questions on the WFAD are now forwarded to the Education Officer (EO).

The Labour Relations Officers / WFA and the other LROs have opened 596 representation files with respect to the WFAD in 2012.

### Representation Files

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

Absenteeism	3	Maternity Allowance	4
Accommodation	41	Medical Evaluation	4
Acting Appointment	3	NJC (Relocation)	4
Benefits	6	NJC (Transportation)	1
Career	1	NJC (WFAD)	596
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	6
Disability Insurance	8	Recruitment	1
Discipline	25	Representation	2
Discrimination	11	Resignation	1
Employment Status	4	Retirement	3

Fitness to Work Evaluation	7	Return to work	8
Harrassment	74	Security Status	2
Health and Safety	3	Sick Leave	3
Hours of work	6	Staffing	40
Human Rights	2	Staffing (WFA)	27
Job Content	6	Statement of Duties	4
Leave	11	Telework	2
Leave (annual)	3	Term Employee	1
Leave (Bereavement)	1	Termination	6
Leave (Other)	16	Terms and Conditions of Work	6
Leave (sick)	5	Unfair Labour Practice Comp.	2
Leave (without Pay)	9	Wrongdoing (Whistle Blowing)	2
Letter of Expectation	1	Other	9
		Total	1054

### Professionals Serving Canadians

C. Poirier has reported on this subject. We continue to provide support to the PSC.

### Court cases

#### Boshra and CAPE (Federal Court)

Mr. Boshra has not paid CAPE cost in the amount of \$ 750 ordered by the Court. CAPE are pursuing this matter.

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

Mr. Boshra has filed an application in which he appeals the Federal Court decision that denied his application for lack of jurisdiction on his appeal of the PSLRB's decision denying his request to record the proceedings in the matter of his complaint against CAPE. We have filed a motion to have his application denied on the basis of timeliness. We will pursue the matter of a request for security of cost if Mr. Boshra's application proceeds before the Federal Court of Appeal.

### 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 February to May 2013.

Ottawa Feb. 11 to 15      Alibay (Discrim. – Human Rights)      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	Anderson (Statement of Duties)	Service Can.
Ottawa July 2 and 3	CAPE v. LoP (statutory freeze)	Lib. Of Parl.

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

R. Brockington provided an update on the security doors and first aid room upgrade work to be carried out and on the telephone system.

The financial statements for the period ending November 30, 2102 were reviewed.

## 2 e) and 3 e) Investigation Sub-Committee (In Camera)

[In Camera] 8:35 p.m.

[End of In Camera] 8:45 p.m.

## 2 f) Constitution and By-Laws Committee

The committee sought direction from the NEC on three questions: on the best method of voting at Local Leaders Council meetings, on the procedure for sending recommendations to the NEC and on the procedure to appoint stewards where there is no local.

## g) Strategy Meeting

R. Brockington reported that he had met with four members of the NEC and that recommendations would be made to the NEC on how to assist the organization in defining a vision, setting goals and establishing a strategic plan. The report will be submitted prior to the next meeting to allow for a preliminary discussion to take place then.

## **3) Matters Arising**

### 3 a) What constitutes “In Camera”

This item was deferred.

### 3 b) CAPE's Award Policy

This item has been deferred.

3 c) YMAC mandate

This item has been deferred.

3 d) By-Law # 14

After a lengthy discussion, there was a consensus that the President, write with a confirmation of delivery, a letter to S. Menard advising him that he has a final chance to attend the NEC meetings, failing which the NEC will consider suspending him as per the provisions of By-Law # 14. He should also be informed that he can opt to resign.

**4) Substantive Issues for Discussion**

a) Financial Incentive Plan

This item was deferred.

**5) Adjournment**

**Motion:** It was moved by Riley Brockington to adjourn at 9:35 p.m.