

**CAPE Executive Committee
Minutes of March 30, 2011
CAPE National Office
Boardroom
5:45 p.m.**

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

Apologies: J. Pentick, S. Pichie.

1. Items for Approval

1 a) Approval of Agenda

It was requested that Item 5 c) Constitution and By-Laws Committee be moved as Item 2 c).

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

1 b) In Camera Minutes of February 23, 2011 ([In Camera](#))

1 c) Minutes of February 23, 2011

There was a consensus to delete the last paragraph from the President's report.

Motion: It was moved by A. Picotte, seconded by S. Chatterton, that the minutes be approved, as amended.

In favour = 12, Opposed = 0, Abstention = 4. **Motion carried.**

2) Reports

a) President's Report

March began with a meeting of the bargaining agents of Public Service and a meeting of the National Joint Council. The bargaining agents took the opportunity to take stock of the negotiations being conducted within their different groups. So far, only the Public Service Alliance of Canada and the Union of University Teachers have accepted agreements providing for the elimination of severance pay for persons who quit voluntarily or for those who retire. The other bargaining agents met with the Treasury Board but would not accept the agreement that was offered.

We were also quite busy in March preparing for our three groups' bargaining. The teams worked on the development of electronic survey questionnaires. I want to thank all for the excellent work done by the negotiators, CAPE employees and committee volunteers. I had an interesting conversation with Carl Trottier of the Treasury Board about the letter sent by Hélène Laurendeau before she left the Board. I explained to him that we are not refusing to bargain, but rather that we didn't care to participate in a process where the outcome was known before bargaining began. I took the opportunity to tell him that we would like to sit down with him to discuss the bargaining process. I also mentioned that CAPE greatly regretted not being able to continue to count on a healthy relationship with the Treasury Board. Indeed, good bargaining should be based on mutual trust between the parties.

We were also quite busy on the political front. On 22 March, the federal government tabled its budget. This has led to some media coverage since Radio-Canada asked to interview me regarding whether we were hopeful or fearful with respect to the new budget. The same day the budget was tabled, I went to the Hill to answer reporters' questions. The fact that the election was called for contempt of Parliament gives us some breathing room before the budget becomes effective, if it ever does.

We have connections with some broadcasters, but there is still some work to be done for us to get noticed by CPAC and CTV. When we talk about the budget in Section 4, we should take a moment to discuss how CAPE intends to address the election campaign.

Finally, again this year, I participated in the selection committee for the Awards of Excellence in Public Service. We considered 156 nominations for awards in 33 categories – a daunting task indeed.

b) Executive Director of Policy's Report

Collective Bargaining

- Since the last meeting, the LoP bargaining committee met on February 24, the EC committee met on February 28 and the TR committee met on March 2 and March 9.
- For the TR and EC committees the main focus was preparation of the survey questionnaires.
- The surveys are now up and we are set on the road of electronic surveying.
- The last time that we met, I mentioned that I would ask each bargaining committee to delay the launch of its survey until after the budget was presented on March 22.

- The committees agreed; and as a result, members were able to respond to questions with the knowledge of what was in the budget.
- If you have had the opportunity to participate in the survey, you have probably noticed the great deal of work that went into the questionnaires which include extensive explanatory notes that can be skipped or accessed when responding to related questions. This was important to the bargaining committees which were concerned about the knowledge base required to answer the questions.
- The bargaining committee's worked hard to construct the questionnaires. And staff worked hard to get all the information that was requested to support the questions and to make the survey an informed exercise for our members. Then staff worked hard to assist our service providers in giving the survey an electronic form.
- Many members of staff worked diligently to make it all happen. But I would like to single out Deborah Fiander for special recognition.
- Deborah continues to manage the various processes whereby CAPE is responding to members who are encountering problems with the survey.
- The surveys were designed to serve two purposes: to get input for bargaining and to serve as a learning opportunity.
- We have received positive feedback from members who appreciated the new format.
- For your information, the TR and EC questionnaires are different. This is because the committees decide on the content
- If you have not provided your input, including your choice of impasse resolution process, please do so at your earliest convenience. And please encourage your colleagues to participate.
- To date, just over 560 EC members have provided input, while a little over 130 TR members have done so.
- The deadline is ten days away. We are hoping that over 2,000 EC members and over 400 TR members will participate.
- The next scheduled meeting of the EC bargaining committee is for April 7, while the next scheduled meetings of the TR committee are for April 6 and 12.
- We will probably be going to the bargaining table for the TR group in the second or third week of May, and for the EC group in late June.
- We have a third bargaining unit going to the table this spring the bargaining unit of our members at the Library of Parliament. The next meeting of LoP committee is scheduled for April 13.
- I remind you that Hélène Paris is the *de facto* negotiator for our LoP members in this round. I will be the official negotiator.

Charter Challenge

- Affidavits covering mostly the matter of classification are being finalized.
- I will be meeting shortly with legal counsel to review the latest iteration of the supplementary affidavit that I will be filing on behalf of CAPE.
- I will be participating in a telephone conference next week on next steps.

Internal Matters

I mentioned at our last meeting that I would be meeting with an actuary, for the purpose of discussing the possibility of providing members with an analysis of the relative value of severance accumulation. We have some discussion which we will be continuing tomorrow morning.

We also explored the possibility of devising an electronic instrument that would allow members to enter information specific to their individual situation in order to calculate the value to them of their severance accumulation. But, after some attempts to develop a tool, the actuary explained to me that he would not be able to produce such a tool: there are too many variables and assumptions to cover all possible scenarios.

c) Executive Director of Operations' Report

Internal Matters

Chantale Lebel was the successful candidate in the internal competition to staff the Communications Officer Assistant position. She commenced in her new duties on March 21st.

Yves Rochon and Walter Belyea commenced work at CAPE on March 18th and March 21st respectively as term Labour Relations Officers.

Patrick O'Reilly, Véronik Guy and Brigitte Richard commenced work at CAPE on March 7th, 15th and 21st respectively as Administrative Clerks.

Negotiations

TR – FIP

The tentative agreement arrived at on February 22 between CAPE and the Treasury Board for the renewal of the Financial Incentive Plan at the Translation Bureau will be signed tomorrow (March 31).

Cases

Boshra and CAPE (Federal Court of Appeal)

The Federal Court of Appeal dismissed Mr. Boshra's application for judicial review of the Public Service Labour Relations Board decision dismissing his duty of fair representation complaint against CAPE. Legal counsel if preparing a bill of costs as costs were awarded to us.

Public Service Labour Relations Board (PSLRB) Cases

Bernard v. PIPSC (Union Address File System Matter)

The PSLRB issued its decision on March 21, 2011. The Board slightly amended its earlier decision as it concerns the employer's and the bargaining agent's obligation concerning the protection of the data. These changes will not impact on the availability of the data.

C. Therrien vs. CAPE

Mr. Therrien provided written particulars regarding his complaints to the PSLRB and to CAPE. We are awaiting instructions from the PSLRB.

Hearings

There is no CAPE case scheduled for a hearing before the PSLRB for the period April to July 2011.

The PSLRB schedule can be consulted at:

http://www.crtfp-pslrb.gc.ca/hearingschedules/intro_e.asp

http://www.crtfp-pslrb.gc.ca/hearingschedules/intro_f.asp

Miscellaneous

The panel discussion on the issue of pensions for professionals organized by ACFO, PIPSC and CAPE will be held on April 19, 2011 in the evening at the Ottawa Convention Centre. An invitation to participate will be sent next week.

d) Constitution and By-Laws Committee

Motion: It was moved by M. Zinck, seconded by R. Zwicker, to approve all of the proposed constitutional amendments.

It was requested to vote on each proposal separately.

A discussion on Article 13 took place and the following amendments were made.

Proposed amendments to Article 13

13.1.9 The NEC will then vote on ~~whether to refer~~ the proposed amendment(s) **constitutional validity**. A majority vote of those present is required for approval. **If the proposed amendment is found to be constitutionally valid the NEC will refer the proposed amendment** to the membership for a vote.

13.2.1 **Upon receiving a proposal from the NEC**, the National Office will place the proposal to amend the Constitution on the agenda of the next monthly meeting of the National Executive Committee (NEC).

13.2.2 The NEC will discuss the proposed amendment to the Constitution and vote on sending **referring** the proposed amendment to the Constitution and By-Laws Committee (CBC) for review and recommendation.

Motion: It was moved by S. Maguire, seconded by R. Duranceau, that the above amendments be approved. **Motion carried unanimously.**

Proposed amendments to Article 30 and 35

30.1 Except in the case of collective bargaining, an SGM shall be called by the NEC, or upon presentation of a petition. Such petition shall contain **150** signatures of Regular or Pending members. Such a petition must state: the reason(s) for the meeting, and the name and contact information of the sponsor(s).

35.1 As specified in the By-Laws, any Regular or Pending member, or Local, may petition for an amendment to the Constitution. Such petition shall contain **200** signatures of Regular or Pending members.

NEW

35.4 A member of the NEC is precluded from submitting or sponsoring a petition to amend the Constitution.

Motion: It was moved by M. Zinck, seconded by G. Phillips, that the above amendments be approved.

R. Brockington requested a recorded vote on clauses 30 and 35.

C. Poirier = Opposed, S. Mullen = In favour, L. Whitmore = Opposed,
G. Phillips = In favour, S. Chatterton = Opposed, M. Zinck = In favour,
J-L. Bourdages =In favour, R. Zwicker = IN favour, C. Creran = In favour,
R. Brockington = Opposed, A. Picotte = IN favour, R. Duranceau = Opposed,

A. Wong = Abstention, S. Maguire = Opposed, G. Thibault-Gosselin = Abstention, I Dawson = Opposed.

In favour = 7, Opposed = 7, Abstention = 2. **Motion defeated as a 2/3 majority was not obtained.**

3) Matters Arising

3 a) Local By-Laws for Review

There was a consensus that further to the constitutional amendments in December requesting that all Locals submit their By-Laws for review would be deferred to the Constitution and By-Laws Committee.

4) Substantive Issues for Discussion

Federal Budget 2011

It was **agreed** this item be a standing issue on the NEC agenda.

This item was discussed In Camera.

5) Committees

5 a) Finance Committee

A. Picotte stated that the Finance Committee has a upcoming meeting next week and that all missing financial statements will be provided for the next meeting in April.

It was asked why there is only one person available to provide statements and are any actions being taken to correct this.

C. Poirier advised that we are working on correcting this issue.

5 b) ESU Negotiations (In Camera)

5 c) Constitution and By-Laws Committee

Moved to item 2 d).

5 d) Communications Committee

R. Zwicker advised that we will be setting up electronic voting for the upcoming elections in the fall.

The committee is also working on the discussion platform project and it should be available to the NEC and NEC Sub-Committees by the end of April. It will then be open to the Local Leadership Council and the open forum to the membership should be available for May 1st.

6) Adjournment

Motion: It was moved by L. Whitmore, that the meeting adjourn at 8:40 p.m.
Motion carried unanimously.