

**CAPE Executive Committee  
Minutes of May 30, 2012  
CAPE National Office  
Boardroom  
5:00 p.m.**

**Present:** C. Poirier (Chair), D. Brackley, G. Brennan, J-L. Bourdages, R. Brockington, C. Creran, S. Gagnon, L. Haméon, A. Kurikshuk-Nemec, S. Mullen, A. Picotte, G. Phillips, L. Whitmore, A. Wong, M. Zinck, R. Zwicker C. Danik, J. Ouellette, D. Martin.

**Apologies:** J. Marshall, S. Menard.

**1. Items for Approval**

1 a) Approval of Agenda

The following items were added to the agenda

- 1 e) LoP Collective Bargaining Committee and Collective Bargaining Team
- 1 f) Motion on Office Accommodations

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

1 b) [In Camera](#) Minutes of April 25, 2012

1 c) Minutes of April 25, 2012

It was requested to add the summary of the presentation by Colliers International.

**Motion:** It was moved by R. Brockington, seconded by M. Zinck, that the minutes be approved, as amended.

In favour = 15, Opposed = 0, Abstention = 1. **Motion Carried.**

1 d) HRSDC motions

The Local requested that a Special General meeting be held to in order to provide members with an analysis of how the implementation of the Federal Budget is impacting CAPE members, and to consult with and allow members an opportunity to shape the strategy to be taken by CAPE in the coming months to fight back against the employer.

Be it further resolved that the HRSDC local of CAPE calls upon CAPE's National Executive Committee to

- \* pass a similar motion supporting the PSAC Mayday protest,
- \* make a financial donation of \$1,000 to the organizers of the event, and

\* urge all CAPE members in the NCR to participate in the event via e-mail and the CAPE website.

There was a **consensus** that the President deal with the Local informally as the Association has already worked on the requests being asked by the Local and it is not feasible to hold an SGM at this time.

#### 1 e) LoP Collective Bargaining Committee and Collective Bargaining Team

It was requested that Alex Smith, become a member of the Collective Bargaining Committee and that he replace Allison Goody on the Negotiating Team; and that Allison Goody remain a member of the Collective Bargaining Committee.

**Motion:** It was move by M. Zinck, seconded by J-L. Bourdages, that the changes to the LoP collective bargaining committee and team be approved. **Carried unanimously.**

#### 1 f) Motion on Office Accommodations

**Motion:** The Office Accommodations Committee recommends that the National Executive Committee renew the lease at 100 Queen Street for 10 years as negotiated by Colliers International.

**Motion:** It was moved by R. Zwicker, seconded by A. Picotte, that the above recommendation by the Office Accommodations Committee be approved. **Carried unanimously.**

## **2. Reports**

### 2 a) President's Report

On the day after our last meeting, the Finance Committee met all day to prepare CAPE's budget. A month ago, I made reference to our revenue and expenditures. It is now clear that we can no longer expect to achieve a balanced budget or, as was the case in recent years, a projected deficit that ultimately turned into a surplus. Our budget work has led us to two realizations: our expenses are going up and our revenue stream could be reduced as a result of the federal budget cuts. The Committee is meeting again tomorrow and will be looking for ways to curb the organization's spending.

One thing is very clear: we are entering a period when our members will need us more than ever; a period during which relations with the employer will be difficult. The question is no longer whether we will be asking our members to approve an increase in dues, but rather how much that increase will be. We need an increase of at least \$10 per month. But will that be enough? Should we provide for an indexing mechanism? Are there any other alternatives open to us? The need for action is becoming urgent.

Meanwhile, CAPE is assuming an extraordinary leadership role among the federal public service unions on several files of national importance, the first being Work Force Adjustment. We are participating in the national joint committee meetings with Treasury Board and the Public Service Commission. CAPE is playing a key role with respect to a number of major work force adjustment issues, including the recall of workers on long-term leave, the alternation system, and the application of the Work Force Adjustment Directive. One file of particular concern to us involves CAPE directly: Human Resources and Skills Development Canada (HRSDC) will be holding a competition pitting the current EC-7s against the EC-8s whose positions are being abolished. We are trying to find a way to avoid this for our members.

Two weeks ago, we wrote to Treasury Board's Chief Human Resources Officer to ask her to instruct the government's departments to collaborate with the Office of the Parliamentary Budget Officer (PBO). Departments have been refusing to provide the PBO with information on the public service positions that are being eliminated. As a result, parliamentarians are being left in the dark about the effects of the budget. We also asked our colleagues in the other public service unions to write similar letters, and many of them have since followed CAPE's lead in this initiative.

In another example of leadership, we proposed to our colleagues in the Professionals Serving Canadians (PSC) coalition that the PSC should testify before the House of Commons Standing Committee on Finance concerning Bill C-38, *An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures*. The other members of the coalition agreed, and an invitation to appear before the Committee was issued to the coalition thanks to some excellent work by CAPE. Pierre and Jean worked with the Professional Institute of the Public Service of Canada (PIPSC) and the Association of Canadian Financial Officers (ACFO) to prepare the coalition's brief. I served as spokesperson for the coalition and appeared before the Committee at lunchtime yesterday.

Lastly, CAPE will again be taking the lead when it launches the "grey square" campaign during National Public Service Week, urging public servants to wear a square of grey fabric as a show of solidarity to indicate that they don't feel much like celebrating while other workers around them are losing their jobs in the wake of the federal budget. The victims of these cuts deserve recognition for their past contributions and the sacrifice they are making during this difficult time. Other unions will be asked to participate in this campaign.

Springtime is the season for annual general meetings among our locals. I participated in most of the AGMs in the National Capital Region, but I had to cancel my visit to Atlantic Canada because it coincided with the massive delivery of affected employee letters to our EC members at Statistics Canada and HRSDC.

I was able to travel to Western Canada, however, where I found the situation to be the same as in the NCR, with the notable exception of Alberta. When I visited Edmonton, I discovered a very different employment situation. Affected federal public servants are being invited to a job fair where they will be courted by prospective employers. There seem to be more jobs available in this region than there are workers to fill them.

Pension Advisory Committee – this item was discussed In Camera

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

### **Collective Bargaining**

EC:

CAPE and Treasury Board Secretariat met with Tom Clairmont, mediator from the PSLRB on May 9 and 10. Several matters were resolved, but mostly by pulling proposals off the table. None of the important matters were discussed in detail. CAPE explored the possibility of making progress on the matter of severance pay; but Treasury Board quickly responded that it was the Alliance deal or nothing on that matter. Treasury Board's position on CAPE's pay proposal is that the employer has no money. The next step is preparation for arbitration. Since the mediation sessions legal counsel and CAPE staff have completed most of the research and have begun drafting the brief. The focus has been and will continue to be severance pay and wage adjustments. The arbitration briefs are exchanged on June 4<sup>th</sup>, next Monday.

TR:

We have begun research additional to the research done for the bargaining table. There has been no interest expressed by the employer for mediation. The negotiator for the employer has been on sick leave for several weeks and our counterparts appear to be gearing up for arbitration. The arbitration hearings are scheduled for July 18, 19 and 20. At that time, we will be represented by legal counsel. The national office will be working with legal counsel on the brief that will be presented to the board. The brief must be completed and forwarded to the PSLRB and the employer no later than 14 days prior to the first date of hearings, i.e. no later than July 4.

LoP:

The only development has been the choice by the PSLRB of the arbitrator. The arbitrator is Renaud Paquet. Mr. Paquet's career includes an academic career and

several years' experience as an arbitrator under the Canada Labour Code. Parallel to the bargaining table, the employer at the LoP has announced its intention to change the policy that it uses for WFA situations. The current LoP policy offers an unlimited guarantee of employment continuity. We suspect that this guarantee will be a casualty of the review. What is unclear is how the LoP believes that it can implement such a change when we are in the middle of bargaining.

## **WFA**

- Lionel Saurette has taken over the responsibility to present and explain the WFAD to members. He is also our lead on matters to be reviewed to counter decisions of the employer, to react to departments, and to respond to the needs of members.
- After the first few weeks when notices were coming into the office on some days almost on an hourly basis, the flow of bad news has let up. Members are calling for information mostly because the information that they are getting from the employer is confused.
- CAPE is raising matters with Treasury Board mostly through the NWMCC. Problems within departments with the application of the WFAD are numerous. It appears as if there is no coordination. The employer has created quite a mess. It is as if it did not anticipate work force adjustment. We are trying to get the committee to meet more often as problems are numerous.
- WFA Tables: you have an updated version of CAPE's tracking system table for WFA. I will repeat what I said last month: information provided by departments is not standardized. As a result, the categories in the table need to be treated as mutually exclusive. Departments are having trouble counting. And we have had several corrections sent to CAPE that we are endeavoring to make to the tables.
- SERLOs have begun. Some departments appear more organized (STC) than others (HRSDC).
- We continue to provide interested parties with information.

## **2 c) Executive Director of Operations' Report**

### **Internal Matters**

Bruno Loranger, a CAPE term Labour Relations Officer, will be leaving CAPE this week. The departmental/regional work assignments of the LROs will be changed.

### **Work Force Adjustment (WFA)**

We continue to be extremely busy in responding to members requests for information, mostly emails and telephone calls. The two Labour Relations Officers (LRO) / WFA, with the assistance of the other LROs who have worked overtime, have been able to respond to all requests for information and have cleared up the backlog. The increase in the workload of all of the LROs because of their WFA-related responsibilities, including labour-management consultation, persists.

From April 20 to May 22, we received 204 additional information requests by e-mail and 54 additional information requests by telephone. We have opened 339 representation files with respect to WFA so far this year.

Due to the workload created by the WFA situation, the creation of the second temporary WFA Labour Relations Officer position (12-months) was advanced to May 4 and will continue until August 31 following which the need for the position will be re-evaluated.

### Professionals Serving Canadians

This was discussed In Camera.

### Court cases

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

As it concerns our request to have Mr. Boshra found in contempt of court, he had been ordered appear in court on May 29. Because of a new procedural issue that Mr. Boshra raised with the court on May 23, the matter was postponed to June 5.

#### Public Service Labour Relations Board (PSLRB)

##### Cases

##### C. Basic v. ACEP

We are waiting to receive Ms. Basic's rebuttal arguments to our May 14, 2012 written submissions.

##### S. Boshra v. CAPE

On the matter of the recording of the PSLRB's proceedings, Mr. Boshra replied to CAPE's written submissions on May 14, 2012. We are now waiting for a decision from the PSLRB.

##### Scheduled hearings

There are two cases involving CAPE scheduled for a hearing before the PSLRB in the period from May to July 2012.

Ottawa	June 11 to 15	Dupuis (Discrim. – Human Rights)	StatCan
Vancouver	Nov. 27 to 30	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)

## 2 d) Finance Committee

R. Brockington provided a background report to the NEC on the budget process and how the Finance Committee came to the decision of recommending a dues increase to the membership.

### **Finance Committee recommendation:**

The Finance Committee recommends to the NEC that it recommends to the members a dues increase using the formula previously chosen by the NEC.

### **Highlights of discussion:**

- Propose a dues increase of \$17
- We are overdue by two years to propose a dues increase

**Motion:** It was moved by R. Zwicker, seconded by A. Picotte that the NEC recommend a dues increase to the membership and that the NEC mandate the Finance Committee to prepare a solid proposal for a dues increase. **Withdrawn.**

- There is not sufficient time to allow the Finance Committee to prepare a proposal
- The NEC had previously voted on a dues increase formula but we did not put it to the membership as it was not required at that time. This was back in 2010.
- First of all – let's vote on whether we want to propose a dues increase or not. We can then discuss the amount of it or if we want to go with a formula based increase.

**Motion:** It was moved by R. Zwicker, seconded by A. Picotte that the NEC recommend a dues increase to the membership. **Carried unanimously.**

- One time increase – not sure on what the amount should be
- One time increase of \$25 and then a \$10 increase
- An increase for one year and then a reduction of \$5
- Perhaps a dues holiday can be done at a later point if the dues are increased
- Do not propose 5 different options to members – submit a proposal for a dues increase and that is it – we need to come up with the amount
- Reserve fund has been low for several years according to the Auditor
- Bad timing to propose an increase in dues when members are trying to save their jobs

- Can we not reduce the reserve fund
- Reducing the investments is against the advice we have been given by the Auditor
- CAPE may have to fight for its non-profit status – we would be considered a risk company
- The budget is proposing to expand the office and redesign to have more space
- We already do not have enough space
- More staff will be required to provide services to the members
- The Association has legal obligations in regards to installing security doors
- Have a formula to have an automatic increase for the future only if a deficit is foreseen in the near future
- Maybe we only need to increase the dues for a 3 year period – then you can see if we will be in a surplus or a deficit situation
- Split out vote
- Reserve fund is actually a half a year of operating costs

## 2 e) Communications Committee

Promotional items arrived. Platform for members has been delayed. R. Zwicker mentioned that he is seeking a member of the Committee to become the Chairperson.

## 2 f) Constitution and By-Laws Committee

The Committee is currently consulting with the Local Leadership Council on R. Brockington's motion in regards to calling for a process to allow the Local Leadership Council (LLC) to submit recommendations to the NEC.

The Local Leadership Council has until June 15<sup>th</sup> 2012 to provide their input.

## **3) Matters Arising from strategic planning session**

### 3 a) What constitutes "In Camera"

**Tabled.**

### 3 b) Statistics of Casework

**Tabled.**

## **4) Substantive Issues for Discussion**

### 4 a) Federal Budget

## **5) Adjournment**

**Motion:** It was moved by L. Whitmore, seconded by L. Haméon that the meeting be adjourned at 8:30 p.m.