

**CAPE Executive Committee  
Minutes of October 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. Menard, S. Mullen, A. Picotte, G. Phillips, C. Danik, J. Ouellette, D. Martin.

**Guest:** S. Maguire, Chairperson, CAPE Audit Committee

**Apologies:** L. Whitmore, A. Wong.

**1) Items for Approval**

1a) Agenda

**Motion:** It was moved by A. Picotte, seconded by C. Creran, that the agenda be approved. **Carried unanimously.**

1b) Audit Committee

S. Maguire presented the committee's report to the NEC.

**Motion:** It was moved by D. Brackley, seconded by G. Phillips, that the NEC receive the report and that the Finance Committee review the investment policy and travel expenses as recommended in the report. The Audit Committee shall review the final Auditor's report prior to it being sent to the membership and shall be part of the hiring process of a new Auditor.

In favour = 12, Opposed = 0, Abstention = 1. **Motion carried.**

1c) **In Camera** Minutes of September 26, 2012

1d) Minutes of September 26, 2012

It was noted that there was a request to review the mandate of the Young Members Advisory Committee and that the Chairperson send/present a plan of scheduled events to the NEC.

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

In favour = 10, Opposed = 0, Abstention = 3. **Motion carried.**

### 1 e) Vacant EC/LoP Vice-President position

R. Brockington has been acclaimed to fill the vacant position until the next election.

### 1 f) R. Brockington Motion

Whereas, the location of CAPE'S headquarters, the lease and rent paid has been an on-going issue of interest for many members,

Whereas, recent developments have led CAPE to renew its relationship with the current landlord for a ten year period,

Whereas, providing members with a detailed summary of this new deal, which yields significant savings, as well as other benefits is both factual and informative

**Motion:** It was moved by R. Brockington, seconded by J-L. Bourdages, that CAPE create a permanent link on its website that details the efforts invested by the ad hoc accommodations committee, the options considered by the real estate company in their assessment of the local market, the main results of that review, the benefits of staying at the current location (both financial and accessible to members) and any other relevant information.

In favour = 12, Opposed = 1, Abstention = 0. **Motion carried.**

### 1 g) FIP Negotiations Committee

**Motion:** It was moved by S. Mullen, seconded by L. Haméon, that M. Vallée and A. Picotte be approved as members. **Carried unanimously.**

## **2) Reports**

### 2 a) President's Report

So the membership voted against the proposed dues increase. How can we reconcile the desire to be the best federal public service union with the fact that some of our members agree with Stephen Harper's assertion that we have to do more with less? The facts indicate that CAPE's members and staff are the ones who will suffer if we decide to cut down on spending instead of increasing dues, which have remained unchanged for six years.

Yet we just succeeded in obtaining some very long-awaited improvements to the TR collective agreement. As to the EC group, the collective agreement signed on October 15 of this year is the most generous in the federal public service, with the exception of the one obtained by the LA group lawyers in their first-ever round of collective bargaining.

What factors led us to achieve such positive results? The mass of work done by our bargaining teams in preparing for the bargaining process and the subsequent arbitration process; the excellent work of our negotiator; the considerable expertise of the law firm representing us; and the fact that we did not hesitate to invest the required funds. Given the results, it is clear that every dollar we spent was well worth it. In the EC arbitration, for example, we spent less than \$50,000 to obtain for our members approximately \$35 million more in wages than the employer was willing to offer. This is the value of the extra salary increment now contained in the collective agreement.

It all comes down to funding. It is said that money is the lifeblood of any organization. I will forever take pride in repeating that CAPE is the only federal public service union that has managed to perform effectively with membership dues of only \$35 per month; but we can't do so anymore, and it is essential that we do a better job of explaining this situation to our members. Local Leaders and Presidents will now have to pitch in and help us to continue the fine work we have always done for our members.

I will therefore spare you the details of my meetings and activities this past month. Everyone's priority should be the continued financial health of the Association. In any event, it certainly is my priority.

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

### **Collective Bargaining**

#### **EC:**

On October 4, CAPE posted a message on its website announcing the forthcoming signing of the EC collective agreement. It was signed on October 15, with most members of the bargaining team present. All new entitlements are in effect. EC members should have received their pay adjustments and their paychecks for the retroactive period. Over the next three months, they should receive information regarding the employer's calculation of years of employment, for the purposes of deciding on their severance pay cash-out options.

The new agreement will be posted shortly on the TBS website. CAPE will set up a link from its own site.

In 2013, every single EC will have a pay increase of 5.45%, as the average value of an EC increment is 3.45% and EC members at the maximum will have a new increment to which they will move.

The Bank of Canada forecast for inflation for 2013 announced last Wednesday is below 2%; it is expected to gradually move up to the 2% mark during 2013. Forecasts for wage settlements for 2013, for all sectors in Canada, average out to 2.9%.

## TR:

The TR bargaining team signed the new TR agreement on October 25. We have a disagreement with Treasury Board in regards to the timeline for paychecks for the retroactive period. However, the matter is moot as the Translation Bureau has reassured CAPE that the paychecks will be distributed by mid-November. The new TR agreement will also be posted on the TBS website, with a link on the CAPE website.

For the most part, there have been few problems with the implementation of the agreement. However, we have outstanding issues with the implementation of the new provisions regarding rest periods by the PTID: the employer's interpretation of its obligations is currently at odds with CAPE's interpretation.

TR members at the maximum will only benefit from a 2% increase in 2013, or just above inflation. Other TR members benefit of course from movement through the pay scales. While we were unsuccessful in our attempt to add more value to the top increment of the TR pay lines, we did reduce the hours of work by close to 6%.

## LoP:

Today, the employer and CAPE filed their respective briefs with the PSLRB. We will have two weeks to study the employer's brief. The arbitration dates have been set for November 15 and 16. The Board members will be Renaud Paquet from the PSLRB, Bill Krause for CAPE and Jacques Sabourin for the employer. H  l  ne Paris is the *de facto* negotiator at the table and has worked closely with Peter Engelmann and Raija Pulkinen from SGM, preparing the brief. Last week, the parties actually met for two days to try to reduce the number of matters that would be brought before the Board. Unfortunately, the parties were unsuccessful.

## WFA

- CAPE's LRO (Lionel Saurette), responsible for WFA matters is still quite busy. His work load has changed from mostly questions to mostly redress actions. We are getting only a trickle of information from departments regarding the status of members.

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

The departmental/regional work assignments of the LROs were changed on September 4. Aleisha Stevens has resigned from her LRO position and a staffing process is underway.

### Work Force Adjustment (WFA)

Fewer of our members were affected by the second wave of June and July of WFA notices. We were nonetheless very busy responding to members requests for information and advice on the WFAD and also, to a greater extent than earlier, to requests for advice and representation on Public Service Staffing Tribunal complaints further to SERLO exercises.

From June 21 to October 25, we received 273 additional information requests by e-mail and by telephone. The Labour Relations Officers / WFA have opened 490 representation files with respect to WFA so far this year. Other LROs have opened an additional 78 representation files with respect to WFA.

As you are aware, we have filed three policy grievances related to the application of the WFAD. We will be sending to the members and posting this week an update on the status of the three policy grievances.

### Representation Files

In addition to the 490 representation files with respect to WFA mentioned previously, we have opened 489 other representation files as of October 29. Excluding the WFA representation files, we have already opened more representation files in 2012 than in all of 2011.

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

Absenteeism	3	Maternity Allowance	2
Accommodation	38	Medical Evaluation	4
Acting Appointment	3	NJC (Relocation)	2
Classification	9	NJC (WFAD)	568
Code of Conduct	3	Pay	9
Deployment	4	Performance Evaluation	27
DFR	4	Privacy	2
Disability	3	Probation	4
Disability Insurance	5	Representation	2
Discipline	21	Retirement	3
Discrimination	11	Return to work	5
Employment Status	3	Security Status	2
Fitness to Work Evaluation	4	Sick Leave	3
Harrassment	68	Staffing	40
Hours of work	6	Staffing (WFA)	25
Human Rights	2	Statement of Duties	4
Job Content	4	Telework	2
Leave	10	Termination	6
Leave (annual)	2	Terms and Conditions of	6
Leave (Other)	12	Work	2

Leave (sick)	4	Unfair Labour Practice	6
Leave (without Pay)	6	Complaint	6
Leave of Absence	2	Work Assignment	2
		Wrongdoing (Whistle Blowing)	26
		Other	979
		Total	

### Vote to Increase the Dues

Further to the vote, staff of the National Office will be conducting a post-mortem to identify the technical and administrative problems that occurred (e.g. voting from the workplace by Statistics Canada members, Rand members, mistakes in email addresses, etc.) and recommended solutions.

### Professionals Serving Canadians

A lunch meeting of the heads of the six bargaining agent participating in the PSC coalition was held in Saskatoon during the NJC's Annual Seminar to discuss what future, if any, they and their organization see for the Professionals Serving Canadians coalition. The Management Team of the PSC is drafting Terms of Reference for the PSC and will be submitting these to the heads of the six bargaining agent participating in the PSC coalition shortly. A meeting of the members of the PSC coalition will be held in November or December to discuss these.

### Court cases

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

On July 23, 2012, CAPE's counsel received correspondence from Mr. Boshra which included his answers to the examination in aid of execution. CAPE is of the view that Mr. Boshra has answered some of the questions in the examination in aid of execution, but has provided incomplete or misleading answers to others. As such, CAPE considers that Mr. Boshra remains in contempt of Court.

#### Boshra and CAPE (Federal Court)

On August 31, 2012, Mr. Boshra filed an application for judicial review of the PSLRB's decision (complaint # 2) rendered August 1, 2012 in which it denied his request to record the hearing of his complaint against CAPE. It is CAPE's position that his application should be dismissed as the Federal Court is without jurisdiction to hear the matter (the application should have been filed in the Federal Court of Appeal) and, in the alternative, that the Court issue an order requiring Mr. Boshra to provide security for the costs that CAPE is likely to incur as a result of his application as he has several orders against the him for costs in other proceedings that remain unpaid in whole before any further proceedings.

Public Service Labour Relations Board (PSLRB)

Cases

C. Basic v. ACEP

We are waiting to receive the PSLRB's decision  
S. Boshra v. CAPE

Mr. Boshra filed additional duty of fair representation complaints against CAPE (complaints # 3 and 4). Both of these complaints were dismissed by the Board in an October 4, 2012 decision.

Scheduled hearings

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

Vancouver	Nov. 27 to 30	Anderson (Statement of duties) (a request for a postponement has been filed by CAPE)	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.
Toronto	Feb. 19 and 20	Totman (Statement of duties) Service of Canada	Public Prosecution
Ottawa	May. 13 and 14	Lebeau (Discrim. – Human Rights)	StatCan

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

The financial statements were reviewed. The Finance Committee discussed the dues vote results and agreed to wait for the NEC to review what the next steps are and for further direction, if any.

In regards to the budget process the Finance Committee wish to consult with the Local Leadership on the budget and the Committee is working with the Finance Officer in regards to the timing of when the membership approves the budget and also it is looking at changing the fiscal year end.

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

### **3) Matters Arising**

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

**Deferred.**

#### 3 b) Statistics on Casework

This was provided in the Executive Director of Operations Report.

#### 3 c) CAPE's Award Policy

S. Gagnon will forward the draft policy to the secretary for distribution.

#### 3 d) NEC vacancies

There was a **consensus** that an In Camera Special NEC meeting be held on November 14, 2012 at 5:00 p.m. to deal with this matter.

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

#### 4 a) Special Committee Meeting regarding dues

It was **agreed** to deal with this matter at the In Camera Special NEC meeting on November 14, 2012.

### **5) Adjournment**

**Motion:** L. Haméon moved to adjourn the meeting at 8:50 p.m.