

**CAPE Executive Committee
Minutes of June 29, 2011
CAPE National Office
Boardroom
5:45 p.m.**

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

Apologies: S. Chatterton, S. Pichie, R. Zwicker.

Guest: S. Wensink, CAPE Finance Officer

1. Items for Approval

1 a) Approval of Agenda

The following item was added to the agenda;

5 d) Office Accommodations Committee

Move item 1 g) –Budget to be dealt with as the first item of business as the Finance Officer was in attendance to respond to any questions that the NEC may have.

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

1 g) Budget

A. Picotte presented the budget highlights to the NEC.

Motion: It was moved by A. Picotte, seconded by R. Duranceau, that \$12,500 for the annual media news clipping service be moved from line 13.11 (Mobilization Committee) to 9.3 (Reference Material) and that the amended budget be recommended to the membership for approval. **Carried unanimously.**

1 b) In Camera items from May 25, 2011 Minutes [\(In Camera\)](#)

1 c) Minutes of May 25, 2011

Motion: It was moved by L. Whitmore, seconded by A. Picotte, that the minutes be approved.

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

1 d) Professional Employees Network (PEN)

The NEC requested further background information on the benefits of joining the Network.

Action: Follow-up for the September meeting

1 e) NJC Seminar

C. Poirier requested two volunteers to attend the NJC seminar in September and alternate volunteers. The selection will be done by a draw of names in order of the draw.

Volunteers are: R. Duranceau, G. Philips, A. Wong, C. Creran, R. Brockington. M. Zinck volunteered as the very last resort in case of an unforeseen cancellation of all volunteers.

R. Brockington and C. Creran are selected to attend. Alternates in order are: A. Wong, G. Phillips, R. Duranceau and M. Zinck.

1 f) Grievance Sub-Committee (In Camera)

1 h) Audit Committee recommendations

The report was reviewed and there was a consensus that a letter be sent to the Chair to advise him of what issues/items have been dealt with already.

The Chair advised the President that he would be in attendance for the September meeting in order to present the report.

C. Creran stated that a Code of Ethics was drafted by the Audit Committee previously and that she would forward a copy to the National Office.

1 i) Constitution and By-Laws Committee

The NEC reviewed the following amendments and additions to the By-Laws.

By-Law 10 – Retired Members

B 10.1 The National Executive Committee may appoint a ~~former~~ **retired** member of CAPE or its predecessors ~~who has retired from the Public Service~~ as a non-voting advisor to any sub-committee of the Association. Only former

members who were members in good standing when they left the Association may be appointed

Motion: It was moved by R. Duranceau, seconded by L. Whitmore, that By-Law # 10 be approved, as amended. **Carried unanimously.**

By-Law 14 – Suspension due to Absenteeism.

Motion # 1: It was moved by M. Zinck, seconded by C. Creran, that By-Law 14 be approved. **Carried unanimously.**

Motion # 2: It was moved by S. Maguire, seconded by G. Thibault-Gosselin, that under 14.2 that the words “without justification” be deleted from the last paragraph. **Carried unanimously.**

Motion # 3: It was moved by M. Zinck, seconded by C. Creran, that the main motion, as amended, be approved. **Carried unanimously.**

Motion # 4: It was moved by R. Duranceau, seconded by G. Phillips, that the Constitution and By-Laws Committee develop a removal process in the Constitution. **Carried unanimously.**

1 j) Workforce Adjustment

The NEC received a motion from Local # 514 – HRSDC requesting that certain tasks be taken in regards to Workforce Adjustment.

It was agreed to hold discussion on this motion until the President’s and Executive Director’s reports were completed.

There was a consensus that C. Poirier should provide a written response to the Local and/or meet with the Local membership to advise them of the actions already undertaking by the National Office on Workforce Adjustment.

2) Reports

2 a) President’s Report

Following the National Executive Committee’s last meeting, Claude and I attended a dinner with our counterparts from the Institute and the Association of Canadian Financial Officers. We provided an update on recent joint activities and began discussing future activities. We would like our messages to be more unified and to have a bigger influence on public opinion, as it strikes a sensitive chord with the current government. It’s a matter worth keeping an eye on in the coming months.

My meetings with our Locals are finished for the time being. Since the Toronto Local's executive branch was unavailable, the AGM will be held at the end of the summer or in the fall. In Vancouver, I mentioned to one of our former members that he should, now that he's back, consider submitting his candidacy to the NEC to replace our colleague Ian Dawson, who has resigned. Although we have no requirement in regards to regional representation, I believe that having coast to coast representation is essential.

General meetings held in the Prairies and in Vancouver proved to be rather hectic. In fact, during my return East, on Thursday June 23, I was informed that PWGSC was going to proceed with the abolition of 103 EC positions within Consulting Services and that we had been summoned to a meeting with the employer and the other unions on Friday June 24. We then held a bilateral meeting to discuss CAPE's particular concerns in response to the Work Force Adjustment Directive.

By and large, the Department grants our members an eight-week transition period to improve the chances of making them a reasonable job offer. According to the Assistant Deputy Minister of Human Resources, the ECs stand a better chance of being made such an offer because of the different skills they possess. We have since maintained a dialogue with the employer and have introduced measures to deal with the situation. However, the employer has asked us to respect a news blackout until Monday June 27 at 2:00 p.m. We have therefore prepared an official statement reporting on the possible layoffs, to be sent to the media once the blackout is over. To increase our public exposure, I have contacted a few members of the media. Thanks to a news report posted on the Globe and Mail's website at 2:00 p.m., we were able to contact the other regional media outlets. I granted interviews to CBC Television and Radio as well as its French affiliate (Radio-Canada), RDI, the CTV program Power Play, the Ottawa Citizen, Global News, TVA, V Télé, CFRA Radio and CPAC.

If there is a lesson to be learned from this media frenzy, it's that we need someone to handle our media relations.

While I was busy giving these interviews, the CAPE team was busy preparing written materials and messages to members, implementing a system to help members with position exchanges, setting up a meeting of affected employees (to be held July 5), and making email distribution lists, etc. Everyone worked very hard and I would like to thank them for their dedication in these circumstances. Speaking of the information meeting on work force adjustment, members of the NEC are invited to attend. The meeting will take place July 5 at the Marriott Hotel located at the corner of Queen Street and Kent Street, from 5:00 p.m. to 7:30 p.m. A meal will be served. If you are unable to attend, a second meeting with Local union Presidents will be held later in August or September.

The Education and Mobilization Committee held a meeting and amended its mandate to coordinate CAPE's response, and in particular the Locals' response, to the application of the Work Force Adjustment Directive. A meeting with Local union Presidents, during which more information on the Directive will be provided, is expected to take place a little later.

In other news, CAPE's Office Accommodations Committee held a meeting last week and met four suppliers. The selected company is Colliers International. The groundwork can finally begin.

Lastly, with the summer holiday season just beginning, I would like to inform you that I will be away for three weeks, from July 1 to July 29. I will see to it that both Vice Presidents are made available to deal with any matter that cannot wait until I return.

2 b) Executive Director of Policy's Report

Collective Bargaining

EC:

- The committee met on May 30th and June 2nd. It completed preparation of the proposals that were submitted to the employer at our first meeting at the bargaining table on June 17.
- The committee meets again to work on various outstanding matters on August 23rd or 24th (date to be determined).
- The committee will be resuming negotiations on September 1st.
- Meetings at the table are scheduled for October 11, 12 and 13; November 22, 23 and 24; and December 13, 14 and 15.
- Ten days at the table should suffice considering the number of proposals that have been exchanged.

TR:

- The committee met on June 1st to complete preparation of its proposals for the bargaining table. Proposals were exchanged with the employer at a first meeting on June 15.
- The committee meets again for preparatory work next week, on July 6. Then we begin bargaining on August 31st. Nine more meeting days are scheduled for the remainder of 2011: September 27, 28 and 29; November 1st, 2nd and 3rd; December 19, 20 and 21.
- Again, ten days should suffice if all goes well.

LoP:

- We are on a different time line for the LoP table though the expiry date falls between the EC and TR dates. We are following past practices with the LoP employer.
- So, the committee met on June 14th to finalize the survey questionnaire. Hélène Paris who is the *de facto* negotiator at the table worked with our service provider in order to set up the questionnaire in both official languages and test the questionnaires. We have extend the deadline once and will do so a second time.
- The committee is meeting twice next week, on July 5 and 7 in order to work on proposals. Ms. Paris is doing the lion's share of work for this table as I have been pulled away to address one or two emergencies.
- A meeting to exchange proposals with the employer is scheduled for August 30th. This will mean that the committee will probably need to meet a couple of times between July 7 and August 30th to complete preparation of proposals.
- The parties have already agreed to two blocks of meetings to follow the August meeting at the table: the first block is October 4, 5 and 6; the second block is October 18, 19 and 20.

Charter Challenge

- Nothing new to report.
- You may remember that the Supreme Court issued the Fraser decision on April 29. The decision focuses on an action against Ontario legislation which limited the right of workers in the agricultural sector to organize and make representations on work related matters to their employers. And the decision of the court was of mixed effect.
- We are proceeding according to direction given by the NEC at the May meeting.

WFA

- CAPE has been very busy over the past week with the notice of affected status of 103 of its members at PWGSC.
- We received advanced notice on June 17, as stipulated in the WFAD.
- Members received their notice of affected employees on June 20.
- There was a meeting today, June 29 where the employer explained the WFAD to affected employees (which is an obligation under the directive).
- CAPE has organized a meeting of affected PWGSC members for July 5 where I will give a presentation of the highlights of the Directive and where members will have the opportunity to ask questions.
- We have been in constant contact with the president of our local at PWGSC, Alex Butler who is himself an affected employee. Alex has been great and communicating with us almost on an hourly basis. As a result,

we have been able to make our presence felt at PWGSC and set up systems to help member.

- We have an internal reporting process whereby LROs report on each consultation that deals with WFA. It is the responsibility of each LRO to push the matter of alternation by asking departments what they are doing in order to meet their obligations in the Directive.
- I collate individual reports and prepare a general report which will be provided to the NEC at each monthly meeting and that will be provided to the Mobilization (or Coordination Committee... with local presidents)
- We have set up a communication tool whereby surplus and even affected employees can write to CAPE and receive a list of volunteers who are prepared to trade places with them in order to receive the Transition Support Measure or the Education Allowance (which includes the TSM).
- We will be sending out a call for volunteers for alternation shortly.
- We have set up a site on the web site for all WFA related documents and communications, including two documents that we have prepared: a flow chart and a Qs&As
- We have been responding to individual inquiries from affected members and providing one-on-one information.
- We have sent our EDO to meetings with PWGSC officials responsible for managing the WFA situation.
- We have made it clear to the department that we will be monitoring closely its actions in order to ensure that it follows the Directive.
- And we have made strong statements regarding various matters including the poor timing of the affected status notices... all within four working days.

2 c) Executive Director of Operation's Report

Internal Matters

Luc Gervais has resigned as indeterminate Labour Relations Officer. An internal competition to staff this position is underway. Chantal T. Fortin has been hired as a term (3 months) Administrative Clerk (Dues) on June 7, 2011.

Court Cases

Boshra and CAPE (Federal Court of Appeal)

Mr. Boshra motion requesting an extension of the deadline to file his motion to have the Court reconsider its earlier decision dismissing his application for judicial review of the Public Service Labour Relations Board decision dismissing his duty of fair representation complaint against CAPE has been denied.

We will pursue the matter of the bill of costs as per the Court's schedule that extends to the fall.

Bernard v. PIPSC (Union Address File System Matter)

PIPSC and PSAC will be proceeding with this matter. CAPE will not intervene as we are satisfied that there is no need for us to do so.

Public Service Labour Relations Board (PSLRB) Cases

C. Therrien vs. CAPE

Mr. Therrien was to file his reply to our submission by June 17. He did not do so and the PSLRB contacted him. He advised the PSLRB verbally that he was withdrawing his complaints. The PSLRB has given him until July 8th to confirm the withdrawal in writing. Should he not do so by that date, the assigned PSLRB member will make a determination of the complaints based on submissions filed to date.

K. Kumar vs. CAPE

Mr. Krishan Kumar filed his rebuttal this week and we are awaiting instructions from the PSLRB.

C. Basic vs. CAPE

Ms. C. Basic filed her rebuttal this week and we have until July 29 to respond.

Hearings

There are two CAPE cases scheduled for a hearing before the PSLRB for the period July to September 2011.

Ottawa	rescheduled Nasrallah (non-disciplinary termination)	HRSDC
	September 26 to 30	

Ottawa	Sept. 26 to 20	Aston (release on probation)	Stats Can.
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Please note that the hearings may be postponed or cancelled up to the day of the hearing. The PSLRB schedule can be consulted at:

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

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

Miscellaneous

E-communications

We continue to work with InSite to integrate our existing software and systems into a unified and supportable platform to facilitate e-communications, e-messaging, e-surveys, e-voting and ongoing member data management. It should be fully pre-tested and operational by mid-September.

Case Reports

Several unionized TR were working in acting TR-04 positions (excluded position.) Members have informed us that they waited between six and nine months for the payroll office to pay them their acting pay. The problem has been repeatedly reported to managers, who took the matter to superiors, but to no avail. We contacted senior management and were informed of staff shortages. Finally the employees were paid. In addition we put the issue on the agenda of the UMCCNL to be told that PWGSC would increase the number of compensation officers. We will follow up at the next CCPSN meeting.

A member who suffers from diabetes was seeking an accommodation as, following reorganization by the department, the member's total commuting time was a minimum of five hours. The member was accommodated, and was relocated to a work place closer to the member's home.

A member had filed a classification grievance following the conversion. The classification of the position has not changed. Factor analysis and decision-making factors are a lot more interpretive with the EC standard than they were under the old SI standard.

A member filed a grievance regarding acting pay which had not been provided. At the first step of the grievance procedure, the employer recognized that the member did perform the duties and responsibilities of the higher level position. The grievance was allowed at the first step of the grievance process and the grievor was provided with acting pay, retroactive to November 2, 2009.

A member filed a grievance after the employer refused to grant a request for two days of compensatory leave. No explanation was provided by the employer as to why the request had been denied. After the grievance was filed, the employer granted the leave.

A member filed an appeal of a Commission de la santé et de la sécurité au travail decision. The issue related to an incident that occurred in the workplace and caused the employee to develop carpal tunnel symptoms. The member claimed that he was injured on duty and he was off work for a period of time. The parties

came to a resolution prior to the hearing. The leave taken will be reimbursed to the employee.

The member filed a grievance against a manager alleging harassing and discriminatory behavior related to sexual orientation. The matter was settled through mediation at the Public Service Labour Relations Board. The terms of the settlement are confidential.

3) Matters Arising

a) Organizational Review (Org. Chart)

Tabled to September.

b) Strategic Planning Report

Tabled to September.

4) Substantive Issues for Discussion

4 a) Budget 2011

It was requested to change the title of this item to Federal Budget/Work force Adjustment.

5) Committees

a) Finance Committee

The financial statements for the months of March and April were reviewed.

b) ESU Negotiations (In Camera)

c) Communications Committee

No report this month.

5 d) Office Accommodations Committee

C. Poirier advised that the Office Accommodations Committee met with four real estate brokers and that the decision was to use Colliers International.

6) Adjournment

Motion: It was moved by M. Zinck, seconded by S. Maguire, that the meeting be adjourned at 9:53 p.m.