

**CAPE Special Executive Committee
Minutes of July 7, 2009
CAPE National Office
Boardroom
5:45 p.m.**

Present: C. Poirier (Chair), D. Londynski, S. Maguire, A. Picotte, G. Thibault-Gosselin, S. Spak, L. Whitmore, C. Danik, D. Martin, J. Ouellette (Arrived at 6:30 p.m.)

Apologies: I. Dawson, B. Gauvin, C. Lakaski, M. Mascaro, M.-A. Pigeon.

The meeting was convened in order to complete the agenda items from the June 25, 2009 meeting.

C. Poirier apologized to the NEC members who did not receive his e-mail in regards to the meeting dates proposed for July and to express interest in attending the NJC Seminar.

1 a) Approval of agenda

C. Poirier noted that the NJC Seminar was missing on the agenda and it should be under Items for Approval as item 1 b).

D. Londynski requested to add Postponement of the NEC budget meeting to the agenda.

C. Poirier explained that as this is a Special meeting and that the Constitution does not allow for new items to be added to the agenda.

Motion: It was moved by A. Picotte, seconded by S. Maguire, that the agenda be approved. **Motion carried.**

In favour = 6, Opposed = 1, Abstention = 0. **Motion carried.**

D. Londynski asked that his name be recorded as the member opposed.

1 b) NJC Seminar

C. Poirier advised that C. Lakaski, S. Spak, G. Thibault-Gosselin and L. Whitmore expressed their interest to attend the NJC Seminar in Whitehorse.

It was agreed to draw names in random order.

C. Lakaski and L. Whitmore were selected to attend.

2 a) President's Report

C. Poirier advised that he took bereavement leave the week the last week of June.

The Auditor will be starting his work at the end of July. I will be in touch with those members who have expressed an interest to form the Audit Committee. Therefore, the Audit Committee is reestablished so that the work of the Committee can commence.

2 b) Professional Services Report

EC Classification Conversion

- The EC conversion occurred on Monday June 22nd.
- We are now living in the post conversion era, in the EC era.
- There are no positions classified ES or SI, though there remain ES and SI streams within the EC group (It is important to remember that the EC Qualification Standard is built on the streams).
- It appears that for the most part the OPN process went well.
- CAPE received very few calls from members during the OPN, approximately 50 calls; they were mostly for information.
- Calls continued to come in after the OPN week; but they have been coming from members who are either filing grievances or considering a grievance.
- It is of course too early to predict the number of grievances as members have 35 calendar days from their OPN to file a classification grievance.

Library of Parliament Bargaining Unit Certification

- CAPE and the Employer will submit a joint application to the Public Service Labour Relations Board in order to modify CAPE's certificate recognizing the association as the bargaining agent of the AN-RA bargaining unit.
- The purpose of the application is to address the matter of administrative changes at the Library of Parliament and to add to the bargaining unit some employees at the Office of the Parliamentary Budget Officer.

Union Address Files System

- All of the arrangements for the Union Address Files System have been completed and payments made.
- We will be receiving the first list on July 2. It must then be imported into our database.
- A memorandum to Local Leaders has been drafted and will be mailed out on June 29. The memorandum outlines the terms and conditions contained in the PSLRB decision on the Union Address Files System and a procedure and form to obtain membership lists.
- Local leaders will have to agree in writing to abide by the terms and conditions imposed by the PSLRB and will be informed of the possible

Charter Challenge

- Treasury Board has until September 30th 2009 to file its affidavit and supporting documents. It has agreed to provide to CAPE's legal counsel copies of documents over the summer as they are finalized for the court.

Decentralization of HR Services

- Treasury Board has informed bargaining agents of its intention to decentralize HR services as well as HR policy development.
- The employer's objective is to allow departments to adjust their HR responsibilities to department operations.
- Bargaining agents can be expected to react. The bargaining agent position has always been that the employer is Treasury Board, and that HR policies as well as labour relations are Treasury Board responsibilities.

Collective Bargaining

- While the new TR collective agreement has been on the Treasury Board web site and on the CAPE web site for several weeks now, Treasury Board appears to be having problems finalizing the EC collective agreement. .
- When I called Treasury Board a couple of weeks ago, I was told that the EC agreement would be up on the Treasury Board web site on June 15.
- When I called back on June 17, I was informed that there had been unexpected delays.
- The hope is that it will appear before July.
- However, the employer has until the second week of August to implement the new provisions of the collective agreement including the provision to make available the collective agreement.

The Budget Process

- I participate, as I do every year, in the preparation of the CAPE budget for 2009-2010 and 2010-2011 fiscal years that will be presented to the members for their approval in the fall.
- The Finance Committee met and reviewed twice the entire budget.
- Both the Director of Labour Relations and the Manager of Administration Services participated in the process this year.

Internal Matters

- The Pay Equity Commission of Ontario provided CAPE employees as well as NEC members who expressed an interest the opportunity of training on the pay equity system of the province of Ontario.
- The sessions were very informative and prepared the participants well for the pay equity exercise that we will need to carry out over the next few months within the national office.
- We received no expression of interest in response to our internal staffing process for the second position of classification officer for EC conversion (term appointment). We will proceed with the next step of staffing the position only once we have a clearer idea of the number of grievances and the time frame for hearings as determined by Treasury Board. Currently, hearings for classification grievances are being scheduled for January 2010.
- CAPE will be distributing in the second week of July, if all goes well, its newest issue of *Professional Dialogue*. The issue is dedicated to a review of the deterioration of labour relations in the federal public service. It goes back to the 1990s in order to explain the gradual displacement of important issues from the bargaining table and the work place to Parliament Hill and the courts.

Meetings with Members

- I met (with Maria Mascaro and Claude Archambault) members from Treasury Board, Finance and PCO to discuss the matter of the EC conversion.
- I think that we had about twenty members present.
- There was some interest in setting up a local, but not enough to start one at this time.
- It would be good to have another meeting in the fall, in order to establish an ongoing exchange of information and maybe at some juncture a local.
- I met (with Claude Poirier and Luc Gervais) members of the Translation Bureau local executive to discuss problems with employer/CAPE consultations.
- The matter of consultation on training policy is a problem that we can address through the TR collective agreement.
- Work leading up to possible action is being carried out by Luc.
- I attended the Agriculture and Agri-food local's AGM (with Claude Poirier and Karen Brook) to present information on the EC conversion and on collective bargaining.
- The meeting was well attended (almost 40 members) for a late June noontime get together.
- Most questions focused on the conversion.
- We organized four teleconferences on the EC conversion.
- The noontime conferences were better attended than the evening conferences. About sixty members attended the noontime conference in English; and twenty attended the noontime conference in French.
- We reschedule the evening conferences in order to improve participation. The number of participants for the evening conference in English went up from 1 to 5,

- For the EC conversion, we posted on the web site my speaking notes for the teleconferences as well as wording for a classification grievance.
- I will be meeting with about 60 to 80 Statistics Canada recruits on July 7, at the invitation of the Local executive. I have been asked to talk about the EC conversion and related matters.

Other Matters

- I was invited to speak to a class of students studying HR at the University of Ottawa.
- The purpose of the presentation was to expose students to a union perspective on labour relations in the federal public service.
- I had met a month earlier with students at the Université du Québec de l'Outaouais. Jointly Danielle Chainé, formerly a Treasury Board negotiator, and I did a presentation on interest based bargaining.

3 a) In-house legal counsel

C. Danik provided the President with additional information as requested by the NEC.

C. Danik mentioned that he feels this matter is premature at his time as the organization is undertaking a workplace review.

There were no questions or further issues arising from this matter.

3 b) Insurance coverage for NEC and Local Leadership

This item was tabled as M. Mascaro was not in attendance to speak to this matter.

3 c) Legal Opinion – Conflict of interest

The legal opinion on the matter of the conflict of interest regarding negotiating the President's employment contract was distributed.

Motion: It was moved by S. Spak, seconded by A. Picotte, that C. Lakaski and S. Maguire be mandated to sign on behalf of CAPE a contract with C. Poirier, CAPE's President, as per the terms and conditions of the past president's contract after having had the contract reviewed and approved by CAPE's legal counsel to ensure that it is in accordance with CAPE's Constitution no later than July 31st.

In favour = 5, Opposed =0, Abstention = 2. **Motion carried.**

4 a) Posting agendas and supporting documents on website

This item was withdrawn by D. Londynski.

5 a) 2008 Elections and Resolutions Committee Report

The National Executive Committee received and reviewed the report. C. Poirier said he would send a letter to each member of the 2008 Elections and Resolutions Committee on behalf of the National Executive Committee expressing thanks for all their work.

Motion: It was moved by A. Picotte, seconded by S. Maguire, that the NEC forward the report to the Constitution and By-Laws Committee to study and make recommendations for amendments to the Constitution and By-Laws before December 31, 2009. **Motion carried unanimously.**

6 a) In Camera Minutes of April 29, 2009

The minutes were reviewed and approved In Camera (Management staff was excluded).

7) Adjournment

The meeting adjourned at 8:30 p.m.