

**CAPE Executive Committee
Minutes of March 18, 2009
CAPE National Office
Boardroom
5:45 p.m.**

Present: C. Poirier (Chair), B. Gauvin (teleconference), J. Horvath, M. Mascaro, A. Picotte, S. Spak (teleconference), C. Danik, J. Ouellette, D. Martin.

Apologies: C. Lakaski, L. Perrin.

Approval of agenda

It was agreed to add NEC selection criteria and Process as item 2 f).

C. Danik advised that he had to depart at 8:00 p.m. and asked if the Professional Services Report could be provided prior to his departure.

Motion: It was moved by A. Picotte, seconded by J. Horvath, that the agenda be approved as amended.

In favour = 5, Opposed = 0, Abstention = 1. **Motion carried.**

1a) In Camera Minutes of January 28, 2009

This item was tabled to the March 25, 2009 meeting.

3 a) Agreement/Protocol between NEC and Administration

This item was tabled to the March 25, 2009 meeting.

3 b) Micromanaging vs assumed responsibilities

This item was tabled to the March 25, 2009 meeting.

3 c) All Bodies in the Federal Public Service that Have No Local

M. Mascaro requested a listing of all Departments, number of employees, geographic location and which departments/region has a Local established.

3 d) Full-time Vice President Positions

M. Mascaro reminded the NEC that the Constitution and By-Laws Committee was doing a complete review of the Constitution and By-Laws last year and asked the NEC for direction on this matter.

C. Poirier mentioned that perhaps this could be looked at for the next election but it is not possible right now. He mentioned that this issue should be reflected upon further.

3 e) Local Leadership Council – Summary of Discussions

J. Horvath mentioned that at the November 20, 2008 Local Leadership Council meeting there was a motion that passed as follows:

Motion - It was moved by J. Horvath, seconded by G. Dussault, that the NEC mandate a labour management consultant to undertake a management effectiveness review and provide recommendations, including a management action plan.

In favour = 14, Opposed = 0, Abstention = 1. **Motion carried.**

A discussion on the above motion took place.

Motion - It was moved by J. Horvath, seconded by M. Mascaro, that the NEC take the Local Leadership Council's recommendation and that the NEC adopt it and proceed to take action on the motion.

J. Horvath requested to be provided with a copy of the Terms of Reference/Mandate of the consultant for the next meeting. He also inquired if the NEC would be provided with the final report or would we receive a summary with recommendations outlined.

3 f) NEC selection criteria and Process

The strategy, process and criteria document was reviewed and agreed upon.

5 a) Professional Services Report

Today's report covers an entire period plus three quarters of the following period. Since there will be only one week between now and the regular meeting, it would be important to note in next week's report that part of the monthly reporting was done today.

1st Reporting Period: January 28 to February 25, 2009

Bill C-10

- Since my last report to you on January 28, the national office has been responding to a number of events the occurrence of which was very much beyond its control but that were of significant importance as they seriously affect the membership.
- As you now know, on Friday February 6 the conservative government tabled in the House of Commons an omnibus budget bill, Bill C-10.
- Parts 10 and 11 of C-10 are particularly offensive to the interests of CAPE members.
- Part 11 sets the parameters of a new system for pay equity which has nothing to do with equity.
- Part 10 sets significant limitations to collective bargaining.
- The bill is most injurious to the interests of CAPE's EC members because it prohibits bargaining restructured rates of pay for the EC conversion, a conversion with which the employer is proceeding unilaterally on June 22, 2009.
- The prohibition is particularly offensive because Treasury Board included in the bill 3 exceptions, but did not include the EC conversion among the exceptions.
- CAPE reviewed the bill during the week-end of February 7 and 8, submitted its analysis to SGM, prepared a Qs & As for the CAPE web site, had the Qs & As translated and had everything up on the web site for members on February 10.
- On February 23, CAPE's President and Research Officer appeared before the House of Commons Standing Committee on Finance.
- Supported by the MP for Outremont, Thomas Mulcair, CAPE's representatives proposed an amendment to the bill that would allow the Association to bargain EC rates of pay.
- February 24 the two Bloc Québécois members of the committee as well as the only NDP member, Thomas Mulcair, support the amendment while the 5 Conservative members present and the only Liberal member present vote down the amendment.

The ratification of the TR and EC Collective Agreements

- The ratification kits were sent to members on Friday January 23 and January 26. The return date was February 20th.
- A Qs & As explaining the ratification process and describing the bargaining process was posted on the CAPE web site on February 4.
- Six teleconferences were organized, two for the TR group and four for the EC group.

- Participation was good and participants expressed their appreciation for the initiative. It was also suggested that CAPE organize similar teleconferences on other matters of importance.
 - The one problem was the short notice. CAPE sent an e-mail message to locals the week of the 26th of January which didn't give locals much time to organize. The web site notice went up on January 29.
 - Sufficient notice will be given in the future.
 - In spite of this problem, the experiment was a great success.
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- I would like the minutes to reflect my appreciation of the work done by the staff in some challenging conditions; I would most particularly like to thank Donna, Deborah, H  l  ne and Liana.
 - As mentioned earlier a Qs and As on the legislation and its impact on the ratification vote was posted on February 10.
 - I met with a large number of EC members at DFAIT on February 13.
 - The vote for each of the two bargaining units bargaining with Treasury Board was counted on February 20th.
 - From November to March, CAPE received hundreds of calls and e-mail messages. The exercise of responding to each and every one of the inquiries was also part of the challenge over the course of the past few months. However, it was a most pleasant exercise as it certainly gave me and Isabelle Borr  , as well as others, the opportunity to communicate with members who expressed time and time again their appreciation of Association in general or of the work of their bargaining team in what have proven to be very difficult circumstances.

LoP Negotiations:

The parties resumed negotiations on January 20 and 21 and continued on January 28. A tentative agreement was reached. The ratification kits were mailed out in February and the deadline to vote was March 6, 2009. A majority of the members voted in favour of the ratification. The collective agreement was signed today (March 18).

Charter Challenge

- The affidavit for CAPE's charter challenge was reviewed one final time and signed by me, the affiant, on February 5th.
- It was filed with the Ontario Superior Court on Friday February 6th.
- The Treasury Board received notice of the affidavit and will be responding in the next few weeks if not months.
- It is not expected that we will be moving to the next step until some time in June.
- It should be noted that we are considering various options in reaction to how we were stopped from bargaining EC rates of pay.

- We could proceed with another charter challenge, or use a different tactic.

2nd Reporting Period: February 26 to March 18, 2009

Bill C-10

- March 4, Bill C-10 passes third reading in the House without amendment.
- The bill is presented immediately the same day to the Senate which moved quickly through first and second reading.
- The bill was then sent to committee, the Senate's Standing Committee on National Finance.
- CAPE asked to appear before the committee.
- But the committee chose not to invite CAPE nor any other witnesses except government officials.
- On March 11, the committee invited three representatives from Treasury Board, including Hélène Laurendeau and Carl Trottier.
- On March 12, the bill passes third reading in the Senate with no amendments. At 7:20pm on March 12, C-10 is presented to the governor general who gives the bill royal assent.

The ratification of the TR and EC Collective Agreements

- The signing date for the two collective agreements is March 11th.
- So the 150-day implementation period starts ticking on March 11th.

Internal Matters

Karen Brook has returned from her language training course as of mid-February. Jacques Dupont, who was hired as term Labour Relations Officer, had an accident in November and will be on sick leave until the end of his term employment. In January we hired Luc Gervais as a Labour Relations Officer for a 6 month term employment.

4 a) Finance Committee

The statements ending November 30, 2008 and December 31, 2008 were reviewed. There were no matters arising from this item.

5 b) President's Report

Here are the major points February and March

- Meetings with Members of Parliament (Chris Charlton / Thomas Mulcair – teleconference) on the EC conversion.
- Appearance before the Finance Committee of the House (EC conversion)

- Transition of my Local.
- Communications with Hélène Laurendeau of Treasury Board
- Work towards solving technical problems (out-of-office message not going out of CAPE / lists of members / etc.).
- Taken 8 days annual leave (for a trip already booked before the election).
- Participation to AGMs of Statistics Canada and RHDSC
- Represented CAPE at funerals of Sebastian Spano's son and at funerals of Michèle Demers, President of PIPSC.
- Communication with EC candidates at the NEC.
- Communication with representatives of TRs and LoP to find candidates for vacant positions at the NEC.
- TR complaint at the CHRC

Adjournment

Motion: It was moved by A. Picotte, seconded by M. Mascaro, that the meeting be adjourned at 8:15 p.m. **Motion carried unanimously.**