

**CAPE Executive Committee  
Minutes of March 25, 2009  
CAPE National Office  
Boardroom  
5:45 p.m.**

**Present:** C. Poirier (Chair), J. Horvath, C. Lakaski, M. Mascaro, A. Picotte, S. Spak, C. Danik, D. Martin.

**Apologies:** B. Gauvin, L. Perrin, J. Ouellette.

**1 a) Approval of agenda**

The following items were added to the agenda;

- 1 e) Petty Cash
- 2 g) Management Review

**Motion:** It was moved by A. Picotte, seconded by S. Spak, that the agenda be approved as amended. **Motion carried unanimously**

**1b) Minutes of February 25, 2009**

D. Martin mentioned that the two motions under item 1 f) – Signing Authority would be numbered as Motion # 1 and Motion #2 for clarity purposes.

M. Mascaro noted that on page 2 – item 2 f) seemed to be a duplicate of 2 g) on page 3 and should be deleted from page 2. It was noted that M. Mascaro and L. Perrin provided the update on item 2g) and that J. Ouellette had responded to questions posed on this item.

**Motion:** It was moved by A. Picotte, seconded by M. Mascaro, that the minutes be approved, as amended.

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

**1 c) In Camera minutes of February 25, 2009**

This was an In Camera item.

**1 d) Finance Committee recommendations**

The Finance Committee recommends to the Executive Committee that the following be transferred from the Executive Contingency Fund to cover the shortfalls:

- Legal/Arb. (Staff)                      \$ 2,392.43
- Supplies                                      3,035.22
- Nat'al Exec. – meetings                2,044.40

Total \$ 7,472.05

**Motion:** It was moved by A. Picotte, seconded by S. Spak, that the NEC approve the transfer of \$7,472.05 from the Executive Contingency Fund to cover the shortfalls. **Motion carried unanimously.**

### **1 e) Petty Cash**

**Motion # 1:** It was moved by A. Picotte, seconded by S. Spak, that the NEC rescind motion #2 under item 1 f) – Signing Authority in the February 25, 2009 National Executive Committee minutes. **Motion carried unanimously.**

**Motion # 2:** It was moved by A. Picotte, seconded by S. Spak, that for amounts of \$500 or less for petty cash, delegated financial authority shall be any of the above or the Assistant to the Finance Officer. **Motion carried unanimously.**

### **2 a) Update on C. Therrien complaint**

C. Poirier advised the NEC that he had sent a letter to the complainant to explain the status of his complaint.

The complainant sent an e-mail in response to the letter stating that he wished to withdraw his complaint no less than 99 days later than the time at which the Investigation Report of Charron HR was made known to the National Executive Committee, upon condition that no appeal process is lodged by the former President or any person on his behalf; and he also requested to be advised immediately if an appeal has been lodged, at which point his complaint should be received and accepted for review and potential referral to an investigative sub-committee by the NEC. If the latter course is necessary, he requested the right to revise and/or addend his initial complaint.

### **2 b) Terms of reference for workplace evaluation**

The contract was provided to the NEC, as requested by the NEC at the February 25, 2009 meeting.

M. Mascaro, L. Perrin met with C. Danik and J. Ouellette to discuss the contract. The consultants report should be completed for the April meeting.

J. Horvath stated that the NEC had long discussions on this matter and that there was urgency on some issues but that the non-urgent matters were not brought back to the NEC. The authority to proceed with compensation for the staff was not brought back to the NEC for approval and at that time there could have been significant amounts of compensation which the NEC should have been advised.

There was no authority given to management to finalize the settlements with the staff.

C. Danik responded that when he and Jean met with Maria and Lionel they discussed the confusion regarding the process, and they recognized that they may have misunderstood. They both apologized for any misunderstanding

A. Picotte stated that the office had a toxic environment and C. Danik and J. Ouellette did what they thought was best because of the environment.

C. Danik asked the NEC what the next steps are that they wanted taken.

M. Mascaro stated that we are past the point of no return. The consultant needs to complete the work that is in the signed contract. The issue becomes a non-issue as you have already settled with two of the three complainants.

C. Danik stated that he will take no further action on this matter unless he is given a mandate.

C. Poirier stated that any further discussion would be **In Camera** as we were getting into the details.

### **2 c) Outstanding Issues from Past President**

This was an In Camera discussion.

### **2 d) NEC - Process and Criteria**

It was agreed that C. Poirier would formulate the draft questions and circulate them to the NEC via e-mail no later than April 1. The questions would then be sent for translation.

C. Poirier mentioned that so far 7 members will be participating in the discussion on April 7<sup>th</sup> and that 1 member would be unable to attend as he will be out of the country. The remaining members have until March 31<sup>st</sup> to confirm their participation.

### **2 e) Volunteers for Sub-Committees**

The NEC requested all the Terms of References for each Committee and also the list of current membership and the volunteers. This will be sent via e-mail with the next two weeks.

### **2 f) ) Hiring an In House legal advisor**

This item was tabled.

## **2 g) Management Effectiveness Review**

Some general ideas for consideration in doing a review are as follows:

- How should the Association be structured
- How are other Associations structured
- Should there be other full-time NEC members
- Simplify NEC's structure
- Refer to the minutes of the November 20, 2008 Local Leadership Council meeting

J. Horvath and C. Poirier agreed to work together in order to find a consultant and to prepare the Terms of Reference for NEC approval.

There was a consensus that this project be completed for October 1, 2009.

## **3 a) Agreement/Protocol between NEC and Administration**

This item was tabled.

## **3 b) Micromanaging vs assumed responsibilities**

This item was tabled.

## **3 c) Relations between CAPE and Treasury Board**

C. Danik provided an update on this matter. After discussion some motions were made In Camera.

## **4 a) Finance Committee**

The financial statements for the period ending January 31, 2009 were reviewed. No matters were arising from this item.

## **5 a) President's Report**

The report was provided at the March 18, 2009 meeting.

## **5 b) Professional Services Report**

Today's report covers the week of March 19 to March 25 as events of the three previous weeks were reviewed on March 18.

## **Bill C-10**

On March 12, Bill C-10 passes third reading in the Senate with no amendments. Later that evening, C-10 is presented to the governor general who gives the bill royal assent.

CAPE has met with legal counsel to review further action.

It is CAPE's view that Parts 10 and 11 of the bill violate the charter rights of CAPE members.

Options will be provide to the NEC at its April regular meeting for a decision.

### **Collective Bargaining and Dues**

Dues revenues for several bargaining agents have gone up recently.

In some cases, dues have increased as a result of collective bargaining: i.e. where dues are a percentage of salary and where the members of a bargaining unit have had adjustments to their salaries the amount of money going to their unions has increased.

For example dues for EL employees vary between \$61.64 a month and \$121.63 a month as of January 1<sup>st</sup> (salary range of: \$42,550 to \$93,972)

Other bargaining agents have increased their dues, including ACFO. Dues for FI public service employees will go up to \$40 a month on July 1<sup>st</sup>.

Currently CAPE and ACFO are the only bargaining agent bargaining directly with Treasury Board that have average dues lower than \$50 a month.

One bargaining agent has reduced its dues... to \$50 a month, as of January 1<sup>st</sup> 2009 (Federal Government Dockyard Chargehands). Dues had been set temporarily at \$150 a month but have been reduced over the course of the past two years.

#### **6 a) In Camera Minutes of January 28, 2009**

This item was tabled.

#### **6 b) Update on Terms & Conditions of Office of the President**

This item was tabled.

#### **6 c) In Camera Minutes of February 18, 2009**

This item was tabled.

**6 d) In Camera Minutes of February 25, 2009**

This item was tabled.

**6 e) Update on L. Perrin Complaint**

This item was tabled.

**7. Next meeting**

There was a consensus to hold a meeting on April 8, 2009 in order to finish the tabled items.

**8. Adjournment**

**Motion:** It was moved A. Picotte, seconded by S. Spak, that the meeting be adjourned at 9:30 p.m. **Motion carried unanimously.**