

**CAPE Executive Committee  
Minutes of October 28, 2009  
CAPE National Office  
Boardroom  
5:45 p.m.**

**Present:** C. Poirier (Chair), C. Lakaski, S. Maguire, S. Mullen, A. Picotte, G. Phillips, G. Thibault-Gosselin, L. Whitmore, C. Danik, J. Ouellette, D. Martin.

**Apologies:** I. Dawson, B. Gauvin, D. Londynski, M. Mascaro, S. Spak.

**1 a) Approval of Agenda**

**Motion:** It is moved by A. Picotte, seconded by L. Whitmore, that the agenda be approved. **Motion carried unanimously.**

**1 b) Minutes of September 30, 2009**

**Motion:** It is moved by A. Picotte, seconded by L. Whitmore, that the minutes be approved. **Motion carried unanimously.**

In favour = 5, Opposed = 0, Abstention =3. **Motion carried.**

**In Camera item from September 30, 2009**

This item was tabled.

**1 c) Financial Statements**

C. Poirier explained that the Audit Committee was unclear on their role and responsibilities in regards to the Audited Financial Statements. They thought that they had to approve and sign the Audited Financial Statements prior to sending them to the membership.

C. Poirier advised the Audit Committee of Clause 33.3 of the Constitution which states that the NEC submits the Audited Financial Statements along with the budget to the membership and that it is the membership who approves both. So the statements do not require an approval by the Audit Committee or the NEC.

#### **1 d) NEC Vacancies**

C. Poirier presented the biographies of four EC members who have expressed interest in participating on the NEC.

It is moved by C. Lakaski, seconded by L. Whitmore, that pursuant to Section 19 of CAPE's Constitution, Sandra Chatterton be appointed as an EC Director on the National Executive Committee. **Motion carried unanimously.**

It is moved by A. Picotte, seconded by G. Phillips, that pursuant to Section 19 of CAPE's Constitution, Julie Pentick be appointed as an EC Director on the National Executive Committee. **Motion carried unanimously.**

It is moved by S. Maguire, seconded by S. Mullen, that pursuant to Section 19 of CAPE's Constitution, Ray Zwicker be appointed as an EC Director on the National Executive Committee. **Motion carried unanimously.**

It is moved by C. Lakaski, seconded by A. Picotte, that pursuant to Section 19 of CAPE's Constitution, Michael Zinck be appointed as an EC Director on the National Executive Committee. **Motion carried unanimously.**

#### **1 e) J. MacKinnon – History of ESSA/SSEA**

This item was discussed In Camera.

#### **1 f) Finance Committee**

C. Poirier advised the NEC that a Local President volunteered to join the Finance Committee.

**Motion:** It is moved by S. Maguire, seconded by G. Phillips, that pursuant to Section 11.5 of CAPE's Constitution, Richard Duranceau be appointed as member of the Finance Committee. **Motion carried unanimously.**

#### **1 g) Investigation Committee (In Camera)**

This item was discussed In Camera.

#### **1 h) Investment Policy**

The NEC reviewed the proposed policy.

**Motion:** It was moved by C. Lakaski, seconded by A. Picotte, that the investment policy be approved. **Motion carried unanimously.**

### **1 i) ESU/CAPE Collective Bargaining**

**Motion:** It is moved by A. Picotte, seconded by S. Maguire, that a Collective Bargaining Committee composed of three members of the NEC who have collective bargaining experience and the management team be set up to prepare proposals, select the members of the Collective Bargaining Team (CBT), review ESU's proposals, work to an agreement or reject a final offer from ESU.

Be it further resolved that the Collective Bargaining Team (CBT) will be chosen from among the members of the Collective Bargaining Committee; that the negotiator will be a NEC member; that the majority of members of the CBT will be members of the NEC; that at least one member of the management team will be on the CBT and that the roles of the CBT are exclusively:

- i. To review, discuss and approve bargaining strategies.
- ii. To negotiate in good faith.
- iii. To recommend a tentative agreement to the CBC or to recommend rejection of a final offer and referral of outstanding issues to conciliation.

Be it further resolved that the management team will be responsible for all technical and professional aspects of collective bargaining including recommendations requiring an expert knowledge of labour relations.

Be it further resolved that any tentative agreement or settlement must be approved by the NEC.

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

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

To be inserted.

### **2 b) Professional Services Report**

#### **Charter Challenge**

- We have received 5 affidavits from Treasury Board. We are still waiting for apparently two more. We have begun reviewing the affidavits. A meeting of legal counsel for both CAPE and PIPSC with the union side affiants Walter Belyea and me is being planned for some in November to review together the employer's position and prepare accordingly.

## **The Lahey Report**

- Because we have reason to believe that elements of the Lahey report, for example the section on classification and occupational groups, are part of the employer's plans for the near future, CAPE has begun an analysis of the document with the intention of inviting the employer to meet and discuss various matters.

## **Internal Matters**

- The work description review is taking a fair amount of time. I have prepared draft of four out of six for my staff. We are endeavoring to get all work descriptions in a single format and will be reviewing with the incumbents of each position.
- We are still waiting for volunteers from the staff union to work on a joint committee that will elaborate a work evaluation tool for the office. Under Ontario labour legislation and under the Pay Equity Act of Ontario the process to put together a classification standard is very different from what we know in the federal public service. A joint committee must be struck for pay equity purposes. The committee's responsibilities include agreeing to a work evaluation tool.
- The Annual Report has almost been completed and will be distributed shortly to the membership. We are putting together a list of e-mail addresses for the almost 2,000 members who have requested that the report be made available to them in an electronic format rather than a hard copy. For these members we are sending electronic notices of the posting of the publication on our web site.
- Virus type A H1N1: we have drafted a protocol for the management of HR in the event that the flue season affects an unusually large number of staff at the same time. The object of the protocol is to meet our responsibilities to the members while also addressing the matter of our responsibilities to staff as defined in the *Occupational Health and Safety Act* of Ontario. The staff union will be meeting with management next week to provide comments.

## **Policy grievance – EC conversion**

In a decision handed down on October 6, Ms Hélène Laurendeau, assistant deputy minister of the Treasury Board, dismissed the grievance. The employer claimed to have met its obligations in accordance with article 27.07. CAPE disagreed with the employer's decision; a notice of reference to adjudication of the policy grievance was forwarded to the Public Service Labour Relations Board on October 7, 2009.

When the notice of reference to adjudication of the policy was given, CAPE had informed the Public Service Labour Relations Board (PSLRB) that the association was ready to participate in a mediation process to attempt to settle the grievance. Unfortunately, the Treasury Board has informed PSLRB and CAPE that it considers mediation inappropriate in this case. The PSLRB will determine a hearing date for the arbitration of the grievance.

### **Internal Matters**

Claude Vézina, the Labour Relations Officer (Classification), will return to his position in November and Isabelle Germain will replace Claude Vézina in his functions as Labour Relations Officer (Classification).

### **2 c) Administration Report**

D. Martin reminded the NEC of the Local Leadership Council, Membership Budget and Annual General Meetings which are scheduled for November 26, 2009.

### **3 a) Update on Issues with Past President**

This item was discussed In Camera.

### **3 b) Volunteers and Terms of reference for sub-committee to review Terms and Conditions of Office for future President's position**

This item was tabled.

### **3 c) Volunteers for Office Accommodations Committee**

This item was tabled.

### **3 d) Volunteers for Constitution and By-Laws Committee**

This item was tabled.

### **3 e) Amend Constitution and By-Laws to allow for electronic voting**

This item was deferred to the Constitution and By-Laws Committee.

#### **4 a) Petition from C. Therrien**

This item was discussed In Camera.

#### **5) Adjournment**

**Motion:** It was moved by A. Picotte, seconded by L. Whitmore, that the meeting adjourn at 8:57 p.m. **Motion carried.**