

President's Message

Renewing the fight

Our organization has been facing new challenges in recent months, both in the political arena and at the bargaining table. It is abundantly clear that the rights of federal government workers as well as a number of their basic freedoms are now being threatened. To meet these new challenges, CAPE must constantly revitalize its practices and develop new strategies that will allow it to better defend the rights and employment conditions of its members.

In the present context, it was felt that our best option for ensuring a positive outcome to the current round of collective

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Union solidarity on a large scale



September 15 demonstration in Ottawa

Union members demonstrated in front of Treasury Board on September 15 against the government's proposed changes to sick leave benefits.

For the first time ever, the principal bargaining agents representing Canada's federal public servants have decided to join forces to combat the Conservative government's efforts to turn the clock back on federal workers' rights.

The federal government is currently demanding concessions at the bargaining table that flow directly from Bill C-4, which received royal assent in December 2013. This legislation attacks government employees' rights to collective bargaining and union representation; it also eliminates key health and

safety protections. One thing was made quite clear by Treasury Board President Tony Clement: the object of Bill C-4 is to change labour relations in the public service so that the government can impose its will on workers.

Given the magnitude of this

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bargaining was to combine the strengths and energies of the various bargaining units. By presenting a unified front, the federal bargaining agents would respond more effectively to the government's demands for concessions. Too often in the past, the employer has taken advantage of the bargaining agents' lack of strategic cohesion to impose its will at the bargaining table. As we approached this new round of bargaining, therefore, it became clear that inter-union cooperation was vital, and we are now working hand in hand with the other federal bargaining agents. It is important to note, however, that this cooperation has been achieved while maintaining the autonomy and distinct personality of our organization.

As part of their agreement to work together, the bargaining agents have made a commitment to use whatever human and financial resources are necessary to fight the concessions proposed by the employer at the bargaining table. We have also initiated legal steps to have some of the clauses of Bill C-4 overturned. In addition, we are working hard to make our members aware of the fact that their freedoms of association and expression are being threatened, and to obtain concrete support from unions in the private sector, community organizations and the general public.

It is also imperative to mobilize all of our members as never before.



Solidarity: The photo shows Larry Rousseau, PSAC Regional Executive Vice President for the National Capital Region (on the left) and Claude Poirier, CAPE President, during the September 15 demonstration in Ottawa.

This can only be done by keeping our members fully informed about all that is happening at the bargaining table and on the political front. We have already given mobilization courses, and several Locals have been reorganized to ensure that all of CAPE's components have strong leadership, thus making it easier to communicate with members and gather their opinions when it comes time for us to make important decisions.

CAPE uses a variety of means to transmit relevant information

as quickly as possible to its membership: the CAPE website, email and social media. Members who subscribe to [CAPE's RSS feed](#) will automatically receive news that is posted on the website. It is important for members to make sure that we have their personal email address on our address list, because some departments and agencies have set up barriers that filter out our emails. In addition, members who [follow us on Twitter](#) will receive not just information on the union, but also information con-

Our best option for ensuring a positive outcome to the current round of collective bargaining was to combine the strengths and energies of the various bargaining units

cerning the political situation and changes affecting the public service as a whole.

Lastly, we have made some significant changes to CAPE's political activities. We are now registered in the Federal Registry of Lobbyists, and we are meeting more and more often with MPs and senators

in order to present CAPE's views on the protection of workers' rights and the electoral consequences that could arise if the government persists in attacking those rights.

In closing, I would be remiss if I did not recognize the effective work being done by CAPE's members and staff to steadily improve

our mobilization, our communications and our political action. Their combined efforts have made it possible for us to continue to protect the rights of CAPE's members. ●

Claude Poirier

Mobilization is the new buzz word at CAPE

CAPE's mobilization activities are reaching a level of intensity never seen before in the history of the organization. CAPE's Mobilization Action Plan (MAP) was adopted on September 24rd 2014. The MAP contains joint-union mobilization activities and the development of tools to help members take workplace actions. The MAP also calls for the development of strategic processes and protocols for a strike vote if required, as determined by CAPE's Mobilization Job Action Committee.

This new level of mobilization has become necessary because of the federal government's Economic Action Plan Act, No 2. This new law has shifted the power of bargaining totally onto the employer's side. The austerity measures contained in the Economic Action Plan also threaten the core benefits CAPE members currently enjoy, such as the sick leave provisions, and remove the right of bargaining agents to opt for arbitration.

CAPE appointed Claude Archambault for a 6 month assignment as Mobilization Officer starting September 1st, 2014. to implement the Mobilization Action Plan and to coordinate the activities.

Some of the activities have already taken place. The new mobilization training session was offered to CAPE representatives on September 9th, 10th, 16th and 17th 2014. For the English session held on September 9th and 10th, 10 participants attended in person, and 9 participated on-line.

The French session was held on September 16th and 17th. Six participants attended in person and 9 participated on-line in remote locations by connecting to the Teamviewer software which allowed the participants to view the PowerPoint presentation in real time.

The purpose of the mobilization training was to provide CAPE representatives with an overview of the principles of mobilization, to inform them of the importance of mobilizing the membership, and to teach them how to organize and mobilize support of the membership at the Local level during the collective bargaining process.

The training session provided an excellent forum for discussion about collective bargaining and future mobilization activities. The comments CAPE received from the participants were overall positive and constructive. Among other things, participants recommended inviting CAPE Communication personnel and

members of the collective bargaining team for future training. Participants also appreciated the opportunity to present their own views regarding mobilization.

CAPE is also planning information sessions on the current state of negotiations for the Locals in the NCR, as well as information sessions by teleconference for the Locals in the Regions later in this fall.

The use of the Teamviewer software for the mobilization training sessions was a first for CAPE, and while on-line participants experienced no technical problems with the use of Teamviewer during the training sessions, they experienced audio problems with the headsets. On-line participants were able to listen to the training session by connecting with CAPE's audio system with their hands free telephone. CAPE will look into this technical situation with a view to resolving the audio technical problems for future Teamviewer training sessions. ●

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assault, which is without precedent in the modern history of labour relations in Canada, the bargaining agents listed below have signed a formal agreement to protect the rights of their members. This agreement represents a commitment on their part to devote whatever financial and human resources are necessary and to turn to the courts in cases where such action is appropriate. The constitutional validity of certain parts of Bill C-4 is already being challenged in the Ontario Superior Court.

For the moment, the battle is primarily being waged at the bargaining table. The bargaining agents have made a joint decision to categorically reject all attempts by the employer to impose concessions on collective agreements, including any that might affect sick leave.

As far as CAPE President Claude Poirier is concerned, unwavering solidarity during these contract negotiations will play a key role in the fight against the concessions which the government is trying to impose on union members. "We are facing off against an employer capable of bringing vast resources to bear as it seeks to impose its will in the current round of bargaining," Mr. Poirier stated. "That is why," he added, "we as bargaining agents must combine our resources to offset the government's strength and thus protect the rights of federal workers."

Major awareness campaigns directed at union members and the general public will soon be launched to explain the actual scope of the reform which the Conservative government is trying to impose on labour relations in Canada. Several of the basic rights enjoyed by federal workers, such as freedom of expression and freedom of association, will be targeted.

The bargaining agents have signed a formal agreement to protect the rights of their members.

The Professional Institute of the Public Service of Canada (PIPSC) believes the government's goal is not just to impose budget cuts, but also to take away from workers the autonomy and rights that public sector unions have been defending and upholding for more than 50 years.

According to PIPSC President Debi Daviau, "this inter-union agreement is extremely valuable if not essential if we are to continue working for the advancement of public servants' rights."

Private sector unions will also be approached. We will be asking them to express to their members and the general public their opposition to the changes being imposed by the Conservative government.

The following bargaining agents have signed the solidarity pact:

- ▶ Association of Canadian Financial Officers
- ▶ Association of Justice Counsel
- ▶ Canadian Air Traffic Control Association, Unifor Local 5454
- ▶ Canadian Association of Professional Employees
- ▶ Canadian Federal Pilots Association
- ▶ Canadian Merchant Service Guild
- ▶ Canadian Military Colleges Faculty Association
- ▶ Coast Guard Marine Communications Officers Unifor Local 2182
- ▶ Unifor Local 588-G
- ▶ Federal Government Dockyards Chargehands Association
- ▶ Federal Government Dockyards Trades and Labour Council (East)
- ▶ Federal Government Dockyards Trades and Labour Council (West)
- ▶ International Brotherhood of Electrical Workers, Local 2228
- ▶ Professional Association of Foreign Service Workers
- ▶ Professional Institute of the Public Service of Canada
- ▶ Public Service Alliance of Canada
- ▶ Research Council Employees' Association. ●

Sick leave and a lesson in humility for Tony Clement

Never have false statements by a Harper Cabinet Minister been exposed as quickly and publicly as those made by the President of the Treasury Board Tony Clement this summer in reference to sick leave in the federal public service.

Minister Clement asserted that federal public servants take too much sick leave. Indeed, he claimed that they take three times more sick leave than workers in the private sector. All of this leave, he trumpeted across every available media platform, represents a deficit of more than \$5 billion in the federal government's books.

In making these statements, Tony Clement was laying the groundwork for the upcoming round of collective bargaining between the government and the main unions representing federal employees. The Minister's intention was to eliminate the current sick leave system and replace it with a new one that would provide workers with 5 days of sick leave instead of 15 and impose a 7-day period without wages for employees who are sick for more than 5 five days in a year.

Shortly after Minister Clement fired this first salvo in the media, his questionable math was corrected by one of the federal government's own agencies. Statistics Canada published a report* indicating that public sector workers

take more or less the same number of days of sick leave as do workers in the private sector. In fact, the difference between the public and private sectors, the report noted, was only a few hours per year. Obviously, this was not something to get worked up about!

A few days later, the Office of the Parliamentary Budget Officer* released a report indicating that sick leave taken by federal public servants ultimately does not place much of a burden on the federal treasury. The report found that departments and agencies, as a matter of policy, generally do not replace workers who are on sick leave for short periods of time; consequently, these absences do not add to government expenditures.

Minister Clement did not back down, however, even though he got covered with egg when his trial balloon rather publicly burst in his face. Rather, he developed a list of demands for the current round of collective bargaining that included eliminating the existing sick leave system and replacing it with one that, to all intents and purposes, would force employees to go to

It is clear that Tony Clement's new sick leave plan is a solution to a non-existent problem.

work even when they are sick.

It is clear that Tony Clement's new sick leave plan is a solution to a non-existent problem. The Minister's actions seem guided solely by a desire to make life difficult for public servants. The principal bargaining agents representing federal employees - with CAPE taking the lead - will not roll over and give up on this issue. They are determined to defeat this proposal. Moreover, numerous documents, articles and press releases have already been published debunking Tony Clement's statements and exposing the mass of disinformation which the government has been spreading in preparation for the current round of bargaining. ●

*References:

- Understanding public-private sector differences in work absences. Statistics Canada (<http://www.statcan.gc.ca/pub/75-006-x/2013001/article/11862-eng.htm>)
- Fiscal Analysis of Sick Leave in the Federal Public Service. Office of the Parliamentary Budget Officer (<http://www.pbo-dpb.gc.ca/files/files/Sick%20Leave%20EN.pdf>)

EC and TR collective bargaining: CAPE's principal demands

During this round of bargaining, the employer will make every attempt to roll back workers' rights, particularly with respect to sick leave. In contrast, CAPE's teams of researchers and negotiators, following consultations with the membership, have developed a series of contract demands designed to improve the terms and conditions of employment of CAPE members while facilitating a more efficient delivery of government services to the Canadian public.

It would be unrealistic to think that the employer will welcome all of these demands. Nevertheless, it is important to present the essence of the principal demands because, to a certain degree, they reflect CAPE's long-term vision for the terms and conditions of employment of its members.

A- Harassment

At present, the collective agreement refers solely to sexual harassment. Recently published reports, however, indicate that about 30% of federal government employees claim to have been victims of various forms of harassment. For this reason, CAPE wants to broaden considerably the definition of the word harassment in the collective agreement to match the definition contained in the Canadian Human Rights Act.

B- Leave with or without pay

Numerous changes are needed to truly modernize the collective agreement in this area – too many to mention, in fact, but here is a list of the main focus points: Family Day, the third Monday of February, is already celebrated in five Canadian provinces (Alberta, Ontario, Manitoba, Prince Edward Island and Saskatchewan); bereavement leave;

leave for family-related responsibilities; personnel selection leave; leave for personal needs; and leave for medical appointments or dental care.

In addition, CAPE believes that the collective agreement should include a provision obliging the employer to provide, at the employee's request, written explanations of the operational requirements justifying the denial of a leave request.

C- Training and career development

CAPE is demanding improvements to education leave and the creation of an allowance of \$1,500 per year to be used for professional training purposes.

D- Overtime

CAPE members should be able to carry compensatory leave credits over into the following year.

E- Performance assessment

CAPE is asking for a performance assessment procedure to be written into the collective agreement. This would entitle employees who are not satisfied with their performance assessments to file grievances. We know already that the employer agrees in principle with the word-

ing of the procedure proposed by CAPE. This procedure reflects the principles recognized in performance management jurisprudence. One of its strongest benefits is that it establishes a clear distinction between performance issues and matters of discipline.

F- Workload

CAPE believes that staff reductions within a given department or agency should not result in excessive workloads for the remaining employees.

G- Telework

This is an issue that should have been discussed in the previous round of collective bargaining, but unfortunately was not. CAPE believes the time has come to establish specific rules governing telework so that employees who wish to do so can perform their work on premises other than those of the employer. Naturally, these rules will have to take into account the respective interests of both the employer and the employees. It is important that the same rules apply to all members of the bargaining unit in order to avoid the creation of a patchwork of measures in different departments and agencies.

H- Workplace accommodation

CAPE wants to establish an ongoing consultation process on all matters pertaining to office design. It would be necessary to create con-

sultation committees on this subject, while allowing the health and safety committees of the respective departments and agencies to play an advisory role.

This would better circumscribe

public service workers' right to be treated like employees in the workplace, and not like consultants or other types of workers with whom the employer does not have an employer-employee relationship. ●

Bargaining under C-4: Living with conciliation

With the passage of Bill C-4, the Harper government put an end to CAPE's long tradition of resorting to arbitration in collective bargaining. On many occasions in the past, the arbitration process made it possible for us to renew collective agreements without any work stoppages. However, Bill C-4 has brought about a sea change by imposing "conciliation/strike" as the process for dispute resolution. This approach pits both parties against each other and can result in strike action.

The Conservative government's choice in this matter could lead to serious consequences for CAPE's membership. Previously, whenever negotiations at the bargaining table reached an impasse, arbitration allowed the union to call upon a third party to impose a collective agreement. This approach eliminated the need for work stoppages. However, C-4 has changed all that.

From now on in bargaining for the renewal of collective agreements in the federal public sector, the government has the authority to decide which unions are entitled to use arbitration as a dispute settlement mechanism and which ones are required to use conciliation/strike. For CAPE, the government has chosen the latter. CAPE recently asked Treasury Board to opt for arbitration in its negotiations at the EC and TR bargaining tables "in order to respect Canadian taxpayers who wish that the

parties at the bargaining table work out their differences in a reasoned fashion that avoids the uncertainty of potential service interruptions."^{*1}

The government rejected this request out of hand, stating that "the Employer does not wish to switch the dispute mechanism currently in place to arbitration."^{*2} CAPE is therefore now being forced against its will to use conciliation/strike as a dispute settlement mechanism in collective bargaining.

What does this mean for CAPE members?

If CAPE bargaining team members determine that it is impossible to reach an agreement at the bargaining table, they can ask the government to establish a public interest commission (PIC), the members of which would be obliged to take into account the criteria set out

in the Act, such as "Canada's fiscal circumstances relative to its stated budgetary policies," which favour the employer. In addition, a PIC's recommendations are not binding. After a PIC is established, both parties present their respective demands to the PIC's members who then prepare a draft collective agreement.

If CAPE's bargaining team finds the agreement proposed by the PIC to be unacceptable, a decision must then be made as to whether further negotiation is possible or whether it is advisable to proceed to a strike vote. The President of CAPE can ask for a strike vote to be held seven days after the publication of the PIC's report.

Designations

Prior to Bill C-4, the employer and the employee representatives had to negotiate a list of essential services,

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that is, those services it would be necessary to maintain in the event of a work stoppage. With the passage of C-4, the Conservative government granted itself the right to make such designations unilaterally, putting an end to negotiations with employees on the issue of essential services.

Under the new changes, if the government were to inadvertently decree that more than 80% of the members of a bargaining unit occupied essential positions, that bargaining unit would automatically be entitled to resort to arbitration. Conversely, the government could easily designate 75% of the positions in a bargaining unit to be essential, thereby considerably reducing the impact of any work stoppage by that unit. The constitutionality of these new provisions is being challenged in the Ontario Superior Court by the Public Service Alliance of Canada on behalf of all federal public service bargaining agents.

Mobilization

CAPE's membership is facing an unprecedented assault from a Conservative government that would like to see labour relations rolled back to what they were in the nineteenth century, when bosses simply dictated the wages and conditions of employment of their workers, with employees having no say in the matter whatsoever.

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The collective rights and bargaining powers enjoyed by CAPE members are therefore being threatened. For this reason, CAPE has developed a series of information courses on union activism and mobilization, and it has reinforced the internal structure of several of

its Locals. This is also why CAPE's National Executive Council created a Mobilization / Job Action Committee (MJAC) to strengthen communications with members during the current round of collective bargaining. From now on, therefore, and until the next collective agreement is ratified, unflagging solidarity on the part of CAPE's membership is essential. Contact

your Local Leaders to obtain the latest information and to send messages of encouragement and support to the members of your bargaining team. Visiting CAPE's website is also an excellent way to keep up with the most recent news and information. ●

References:

*1 Letter of April 22, 2014, from CAPE to Treasury Board

*2 Letter of May 9, 2014, from Treasury Board to CAPE

Visitors will enjoy CAPE's new website

CAPE launched its new website in mid-June 2014. The decision to retire the old website after 13 years of reliable service was precipitated when our web services provider informed us in March that it would soon be closing up shop. Since a replacement had to be found, we decided the time was right for a full-scale retooling of the site. A real step forward, the resulting new website is user-friendly and easy to navigate.



Latest News

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Candidates Forum: numerous discussions and our first-ever webcast
October 23, 2014
 The four candidates for the position of CAPE President and one of the candidates for the position of Vice-President met with CAPE members on October 16 at the Candidates Forum. The candidates outlined their platforms and answered questions from the members in attendance, as well as questions submitted by email in advance.

Information meeting on negotiations to be held for Statistics Canada EG members
October 21, 2014
 Information sessions have been organized for local 503 at Statistics Canada. A meeting to provide an update on the current round of collective bargaining has been organized on November 26 and 27.

The new CAPE website is an attractive, modern-looking platform.

CAPE's former site had thousands of pages and could be mined by users for tonnes of information, but it was not particularly easy to browse through. The CAPE members and elected officials we consulted while the new website

was under development asked us to make certain to transfer to the new site all of the documentation from the old site; they also asked us to make the new site easier to navigate. Several of the people we consulted also felt it was important to

make the new site compatible with tablets and smart phones.

These recommendations were taken into account as we worked with the team at EnvisionOnline, a small Ottawa firm that was

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Visitors will enjoy..., cont'd from p.9

awarded the contract for the website following a call for tenders. The Envision team helped us choose an attractive, modern-looking platform suited to the type of information CAPE wishes to provide to its members.

A banner runs across the upper third of the home page; it contains a number of drop-down menu buttons that allow users to easily find information about CAPE, Locals and occupational groups, services, resources and the latest news. Beneath this banner is an attention-grabbing box with a rotating slide show of clickable photos linked to important documents and information on key issues or activities. Four buttons beneath these photographs provide direct access to pages on Locals, collective agreements, issues and campaigns, and pages

where members can register or update their profiles. The banner across the lower third of the page contains photo-buttons providing rapid access to specific parts of the site, such as committees, current collective bargaining information, and other hot issues.

The site has its own powerful search engine that allows users to quickly find documents that might not be easy to locate otherwise. Lastly, icons have been placed in the lower right-hand corner of the page to link users to the President's Blog, CAPE's Twitter feed and, in particular, CAPE's RSS (Rich Site Summary) feed which automatically updates all of the postings on the "News" section of the home page. This tool, which can be easily installed on a computer, tablet or cell phone, allows you to find out at a glance what is happening at CAPE.

We are constantly working to

improve the usefulness and usability of our website. If you are a cell phone or tablet user, you will notice that the site has been optimized for these devices. In order to make your life even easier, we are currently upgrading the accessibility of the site by converting numerous PDF files into "normal" web pages, making them easier to read.

In short, while it remains a work in progress and we continue to provide constant care to make it even more usable and accessible, CAPE's new website is already a user-friendly interface that represents a significant step forward in terms of layout and presentation. To see for yourself, visit: <http://www.acep-cape.ca/en/>.

Don't hesitate to write us to share your comments or suggestions to make this website better : general@acep-cape.ca. ●

Information session on collective bargaining for EC members at Library and Archives Canada November 7
October 21, 2014

An information session has been organized for EC members at Library and Archives Canada in Gatineau. This session will take place from noon to 1:00 pm on November 7 at the Gatineau Sports Centre, 850 de la Gappe Boulevard, in Room 254.

Information session on collective bargaining for TRs and ECs in Montréal on November 4
October 21, 2014

An information session has been organized for members of Local 402 and 900 in Montreal. This session will take place from noon to 1:00 pm on November 4 in the Hibiscus Room of the Holiday Inn, 99 Viger Street West, Montreal.



ELECTIONS 2014



COMMITTEES



COLLECTIVE BARGAINING



SICK LEAVE

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CAPE BLOG

Canadian Association of Professional Employees National Executive Committee

Minutes of all CAPE committee meetings can be found on the CAPE website at www.acep-cape.ca

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CAPE Locals: The names of the members of your Local Executive may be found on the [CAPE website](#) under the Groups/Locals tab. Every effort is made to always keep the information on these pages up to date.

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