

**Summary of Discussion
Constitution and By-Laws Committee**

September 9, 2008
CAPE National Office
Boardroom
5:45 PM

Present: C. Therrien (Chair), C. Lakaski, L. Perrin, A. Picotte, P. Rosen,
D. Martin (Secretary)

Apologies: J. Aggrey (Unjustified), S. Spano (Compassionate Justification)

Guests: M. Mascaro, C. Poirier.

1 a) Approval of Agenda

C. Therrien added "Conduct business via e-mail" as item 3 b) under Substantive Issues for Discussion

Motion: It was moved by A. Picotte, seconded by P. Rosen, that the agenda be approved, as amended. **Carried Unanimously**

1 b) Summary of August 20, 2008

It was requested to include the references of M. Mascaro to each clause for clarity purposes and a typo on page 3 of the French version was noted.

Motion: It was moved by P. Rosen, seconded by A. Picotte, that the summary be approved, as amended.

In Favour = 3, Opposed = 0, Abstention = 1. **Motion carried.**

2 a) Clause 6.11 tabled from August 20, 2008 meeting

In cases of ambiguity, interpret this Constitution by a simple majority of votes cast by the NEC, and/or refer the matter to legal counsel by a simple majority of votes.

Motion: It was moved by P. Rosen, seconded by A. Picotte, to accept clause 6.11

L. Perrin proposed a friendly amendment to add "and/or refer the matter to the Constitution and By-Laws Committee" at the end of the clause.

Friendly amendment was not accepted by the mover or seconder of the motion.

P. Rosen requested a recorded vote.

C. Lakaski = In favour, P. Rosen = Opposed, L. Perrin = Abstention,
A. Picotte = Abstention, C. Therrien = Opposed

In favour = 1, Oppose = 2, Abstention = 2. **Motion defeated.**

2 b) Harassment among National Executive Members or sub-national leadership or regular membership as an offence subject to discipline

Tabled.

2 d) Other topics for debate from the LLC

No further action required – remove from agenda

2 e) Time limits for investigative committees and compensation for investigative committee members.

Ideas from an open discussion are as follows:

- Hire an in house counsel/legal advisor
- Pool retired members to form complaints committee
- A mandate needs to be prepared
- Ethics committee – check with C.Danik of where the members would come from (ie local leadership council, local presidents)
- **Consensus** that an independent body is needed
- Who has final decision – the NEC would
- No accountability with an independent body – there must be
- Competence is a must
- Need an appeal process

There was a request to ask the appropriate National Office staff to inquire how other unions deal with complaints

2 f) Status of National or Local Executive members subject to reclassification &/or conversion and with respect to Leave &/or Retirement and with respect to Dues and Representation (while on leave) and Respect for Service

It was requested to ask J. Ouellette to follow up with legal counsel to provide the opinion that was requested.

2 g) Part-time employment of VP's

Ideas from an open discussion are as follows:

- Cost analysis is needed
- Define a mandate or prepare a work description for the VPs
- Resolve issues in Article 10
- What do other unions do
- Must have set weekly meetings with President
- This will require further discussions

2 h) Constitution vs. Employment Contract for Elected 'Staff'

There was a **consensus** to seek legal advice. **Action:** C. Therrien

3 a) Conflict of interest articles

Tabled.

3 b) Conduct business via e-mail

There was a **consensus** to conduct and approve any business of the Committee via e-mail from now on.

Adjournment

The meeting adjourned at 9: 55 p.m.