

**National Executive Committee meeting
Friday, April 27th, 2018
National Office (Boardroom 1967) 4th floor
100 Queen St., Ottawa, Ontario**

MINUTES

Present: G. Phillips (Chair), O. Alarie, N. Bois, A. Coles, H. Collins, H. Delnick, M. Dyck, N. Giannakoulis, G. Kopytko, F. Lord, A. Nemec, A. Picotte, M. Stiermann, A. Trau

Staff: D. Therien, J. Courty and C. Vézina

Via Teleconference: E. Venditti

Regrets: K. Mansfield, B. Marquis

1. Call to Order

The NEC meeting was officially called to order at 10:06 am and the Chair confirmed quorum was achieved.

1.1 Review of Agenda

The agenda was briefly reviewed. There were no additions requested.

Motion to accept the NEC agenda as presented

Moved by: A. Picotte

Seconded by: N. Giannakoulis

Abstentions (1)

By show of hands: Carried unanimously

1.2 Review of previous NEC public minutes

A spelling mistake was identified in the public minutes and will be amended accordingly.

Motion to accept the NEC public minutes dated March 23, 2018 as amended

Abstentions (4)

By show of hands: Carried unanimously

1.3 Review of previous NEC in-camera minutes

A change in terminology in the in-camera minutes was suggested and will be amended accordingly.

Motion to accept the NEC in-camera minutes dated March 23, 2018 as amended

Moved by: A. Nemec

Seconded by: H. Delnick

Abstentions (4)

By show of hands: Carried unanimously

Action Item: The Chair confirmed efforts will be made to post the minutes on the website as soon as possible.

2. Decision Items

2.1 Approval of volunteers on the CRC

Two potential candidates expressed interest in serving on the CRC and their bios were circulated to NEC members for review. It was noted that one of the volunteers indicated his limited availability to attend the meetings. Following discussion, it was determined this would not preclude him from being eligible.

Be it resolved that Sebastien Kindsvater be accepted as a volunteer to sit on the CRC Committee

Moved by: F. Lord

Seconded by: G. Kopytko

Abstentions (2)

By show of hands: Carried unanimously

Be it resolved that Laurie Desautels be accepted as a volunteer to sit on the CRC Committee

Moved by: A. Nemec

Seconded by: A. Trau

Abstentions (3)

By show of hands: Carried unanimously

Action Item: J. Courty will inform both candidates of their acceptance on the CRC

2.2 Volunteer Appreciation Activities

It was previously suggested acknowledging the invaluable contributions of volunteers including everyone at the NEC table, committee volunteers and those at the locals, for their devoted efforts. NEC members put forth suggestions as methods of immediate commendation, one of which was to draft a personalized thank you letter signed by the President and subsequently posting it on the website. Moving forward, it was also recommended striking an ad hoc Volunteer Appreciation Committee to explore and brainstorm on possible tokens of gratitude that could be awarded starting next year.

(E. Venditti departed the conference call at 10:28am)

Be it resolved that the President send out a letter to all current volunteers thanking them for their service; and be it further resolved that the NEC strike a volunteer steering committee to identify volunteer appreciation activities for the current mandate of this NEC

Moved by: N. Bois

Seconded by: A. Picotte

Abstentions (1)

By show of hands: Carried unanimously

N. Bois, M. Stiermann and A. Trau volunteered to sit on this committee (*referred to as the "Volunteer Appreciation Activities Committee"*), and the NEC was in full support.

Be it resolved that all 3 candidates be appointed to the interim Volunteer Appreciation Activities Committee, and send out an invitation to all local leaders to gauge their participation to sit on this committee

Moved by: A. Nemec

Seconded by: A. Picotte

Abstentions (1)

By show of hands: Carried unanimously

Action Item: The committee will delegate someone to work with the President to send out the letter to the local leaders

2.3 Budget recommendation

After the NEC tentatively approved the Budget it is necessary to consult local leaders to obtain their feedback prior to recommending it to the membership. N. Giannakoulis stated that during the meeting with local leaders the Budget was scrutinized in detail to reveal all facets, including citing the matter of the Defense Fund and the extraordinary legal expenditures. As a result, there were no concerns or contentious issues raised and no major opposition from local leaders arose, and therefore they were supportive in endorsing the Budget as presented.

Discussion Points:

- It was strongly urged exercising caution as to the political implications that may be attached considering next year's federal election. The purpose of the Defense Fund when initially launched (*under the Harper administration*) was reiterated, and it was stated that members voted in favour of it in an effort to protect themselves from similar situations to the one being currently faced by the Association, rather than using it for legal defense.. In response, it was noted that it will be replenished seeing that 75% of the Association's net income this year will be reverted back to the Defense Fund; essentially the membership is paying a relatively small amount of 25% of the surplus
- It was noted that this particular situation was an anomaly, which was as a result of the absence of an accountant or finance officer to ensure proper protocols were followed, as well as due to other extenuating circumstances
- It was explained that this should be simply perceived as an accounting adjustment and is therefore consistent with generally accepted accounting practices
- One of the members expressed strong opposition and questioned the legality of the matter, asserting that a one-time occurrence sets a possible precedent for the future
- It was stated that unallocated reserves untied to the Defense Funds are diminutive and insufficient to protect the Association. Required would be a minimum of 1 years' equivalent of operational expenditures in reserve and it is currently extremely underfunded.

- A reduction in legal fees would greatly assist in lowering overall expenditures, consequently liberating funds that can be allocated to the operating reserve, and CAPE is taking action to address this by hiring General Counsel.

Be it resolved that the NEC recommends the budget as presented by N. Giannakoulis for membership approval after the next Membership Budget meeting

Moved by: N. Giannakoulis

Seconded by: A. Trau

In Favour (10), Opposed (3)

Abstentions (1)

By show of hands: Carried

**NEC members were in agreement to add discussion on dues from new RCMP members as a new agenda item*

2.4 Dues from RCMP

CAPE has been informed by Treasury Board of becoming the official union representative for the RCMP. As they are now members, dues can begin being legally collected at any time. This represents an additional revenue stream for the Association and will impact the budget for 2018/19, resulting in a surplus in revenues. It was proposed the target date to begin collecting dues be September in order to allow new members time to assimilate. There will be 419 new ECs and 30 TRs (*employed by the RCMP, which is an exclusion*) receiving union representation for the first time. Currently they have the right to select their own representatives for grievances as they are under a different Agreement; however the objective will be to integrate towards CAPE's. A Town Hall session is in the planning stages.

HEALTH BREAK

**As a side note, it was stated that moving forward the start time for NEC meetings will now begin at 9:00am instead of 10:00am to allow for a scheduled health break in the morning*

Dues from RCMP (cont'd): As a preamble to discussions C. Vézina stated there will be a requirement for LROs to be trained in order to understand the RCMP conditions of employment and grievance process. The next step will be to set up a meeting in the next few weeks between the 3 LRO and the TBS representatives in order that the LROs become familiarized with the system. A presentation on their grievance will also be featured during the meeting. NEC members deliberated on timeframes for initiating the collection of dues.

Discussion Points:

- It was stated that in the event this would result in the creation of additional locals, approval by the NEC and the Collective Bargaining Agreement would be required
- Several NEC members were in support with the recommendation to begin collecting dues in the next 60 days

- A suggestion was made to first initiate with a welcome letter, followed by outreach and sessions to acquaint them with the services available and background work being performed. This would be an opportune time to announce the launch of dues collection to commence within 60 days, and also presents an opportunity to have union cards signed, all in the context of introduction
- Other NEC members felt otherwise and proposed dues be collected post haste to allow them to begin taking advantage of the services offered
- In response to a member's inquiry, it was confirmed there is sufficient capacity to support the additional expenditures this will generate and the Association has the proper structure in place to start representing them once everything is put in place
- It was reminded that the RCMP has just undergone a civilian review for considerable harassment issues, which will hopefully be mitigated through the resources now available to them but would require on this end being aware of the impact on settlements and complexities. This will reveal to them the value of being represented by a union
- On the subject of sick leave, a point was raised that if the RCMP will be subsumed within the EC group it is imperative that the terms and conditions match. Furthermore, it should be made clear to both current and future members that this should operate as one collective group, and therefore the focus and priorities need to be clearly identified and aligned, such as which model to follow, as compromises will be vital. It was recommended this be tabled for future discussion by a subcommittee
- In response to a member inquiring as to whether legal counsel was consulted regarding the befitting period to collect dues and where liability lies vis-à-vis accepting new members with no collection of dues, it was confirmed this is the case, and as per the Board's decision on the deeming date and as the Certified Bargaining Agent, it's therefore a matter for the Association to make that decision. It was also stated that a transitional MOU between the RCMP and CAPE (*which was negotiated by TBS and CAPE consultants*) has been signed, which also clearly stipulates the conditions that must be followed in order to integrate the RCMP group to this Bargaining Unit

Be it resolved that as soon as the orientation is completed (*approximately 2 months*) that the Association begins collecting dues from the RCMP group

Moved by: H. Delnick

Seconded by: F. Lord

A friendly amendment was requested to include a proviso that an exception will be made for any RCMP members requiring representation or service during this 2-month transitional period, in which case payment of dues are required immediately. Both the mover and seconder were in agreement with the amendment.

Recorded vote:

In Favour: (10) O. Alarie, N. Bois, A. Coles, H. Collins, H. Delnick, M. Dyck, G. Kopytko, F. Lord, A. Nemec, A. Picotte

Opposed: (1) A. Trau

Abstention: (3) N. Giannakoulis, G. Phillips, M. Stiermann

Carried

LUNCH BREAK

(Agenda Item # 3 was reviewed in-camera)

4. Action Items deriving from last NEC meeting

- I. Inform Committee volunteers that they have been selected:** *Completed*
- II. Contact Young Members Committee former volunteers to determine their willingness to continue:** *Completed.* As a point of information, the Chair contacted the volunteers on the Young Members and they have elected to resign due to resistance to the NEC being involved in their affairs
- III. Health and Wellness Committee – send email and schedule follow-up meeting:**
In progress

5. Discussion Items

- a) Security & Privacy Policy:** A draft amended copy of the Policy with highlighted changes was circulated for NEC members' review. The intent behind the development of this policy, which was developed in consultation with counsel, was to develop a decisive statement reemphasizing the importance of security and privacy and to set a process in place in response to issues arising from social media (*both internally and externally*). Minor amendments were suggested by NEC members and noted accordingly. It was requested that in future meetings these documents be translated to allow French speakers to make informed decisions. Additionally, one of the members requested the document be condensed and simplified for easier consumption as longer policies tend not to be read, whereas a brief paragraph or page may be sufficient and more palatable to the reader.

Action Item: C. Vézina will work with legal counsel on developing an Executive Summary

Consensus: NEC members were generally supportive with the essence/concept of the Security & Privacy Policy. Further discussion on this matter will be tabled for the next meeting.

(E. Venditti re-joined the meeting via conference call 4:09pm)

- b) Phoenix:** Due to a lack of progress this agenda item was bypassed

- c) **Bill C-62:** This is the Bill that will repeal Bill C-4 and Bill C-59, both of which were described to NEC members. The Chair addressed the House of Commons recently with the accompaniment of legal counsel Peter Engelmann who fielded questions from Members of Parliament. The Chair offered to circulate a copy of his speech upon request however in due course it will be posted to the CAPE website.
- d) **Collective Bargaining/Motion from the Local Leadership Council meeting:** At the last Local Leadership Council meeting, the following motion was passed: “*be it resolved that the Local Leadership Council recommends to the NEC Collective Bargaining Unit team that they organize a series of Town Hall to engage members around collective bargaining*”. During the meeting, the Chair outlined the process for collective bargaining and expressed that a Collective Bargaining Committee was created as a consultation body, and it is within the Collective Bargaining Committee Team’s purview to determine the strategy for collective bargaining undertakings and ways to engage the membership in consultation. In addition, the Local Leadership Council was informed that by and large, the consultation is carried through a survey process, which is being finalized and the decision lies with the ECs and TRs to agree with how they want to proceed on consulting avenues.

6. Committee Updates

(Agenda item # 6.1 was reviewed in-camera)

6.2 Finance Committee (Budget)

The Committee hasn’t met since late March. There is no update at this time.

6.3 HR Subcommittee

In light of K. Mansfield’s absence, the update will be deferred until the next meeting

6.4 Constitution & By-Laws Committee

The CBC Committee met yesterday to discuss the proposal for Bylaw 5. It was agreed that a novel approach is required to address this. An update will be provided in June rather than the original target of May.

6.5 NEC Investigation Committee

Although work has begun on the complaints, there is no concrete recommendation to put forward as of yet. With the deadline set for Friday May 4th and the unsuccessful efforts to contact B. Marquis despite several attempts, it was requested alternate volunteer H. Delnick joins the NEC Investigation Committee. Training will be scheduled this week in order to meet the deadline and discuss it at the next NEC meeting. Peter Engelmann has indicated availability; therefore arrangements will be made with H. Delnick via email.

7. Reports

7.1 President’s Report

There was no official President's Report in light of today's discussion encompassing anything that would have been subject of that report.

(Agenda item # 7.2 was reviewed in-camera)

7.3 Professional Services Report

Invitations will be extended to NEC members soon for an annual 1-day training for LROs and review of case law that's taken place during the previous year. There will also be a presentation on Bill C-65 (*Amendment to the Harassment Policy*), as well as a topic related to performance evaluation. The session is presented by legal counsel and will be held on May 3rd. Although not obligatory, the training is offered to all NEC members.

As per a NEC member's request to obtain the current salary range of all unionized CAPE staff, C. Vézina in his capacity as Privacy Officer had committed to providing the data. However this began to raise some concerns as he realized that releasing this information would constitute as a breach of the privacy without rationale or awareness of the exact use of the information, and consequently jeopardize the integrity of the Association; therefore the request was denied.

Discussion: Several members expressed great concern with this and viewed this information as being need to know. Conversely, the position was put forth that salary information does not fall under consideration of privacy. For the purpose of the discussion, the roles, responsibilities and powers of the NEC were reiterated. In order to obtain further clarity on the matter, the Chair reached out to Mr. Hofley who rendered the legal opinion that this is in fact considered an overreach for a NEC director to make such a request.

Consensus: The NEC decided to uphold the Privacy Policy Officer's decision.

7.4 Finance Report

D. Therien reported that the Pension AGM for employees of CAPE was held last month. Based on the guidelines set by the Ontario government of two health measurements of pension plans, solvency must be increased from 84% to 85% or the difference must be funded. Effective May 1st, 2019 expenditure increases can be expected for CAPE and for the employees. Increases may be substantial depending on mechanisms to be placed by the Ontario government. Accounting software has been updated and server platforms were replaced to match compatibility with IT infrastructure. Delays in issuing cheques and preparing financial statements can be attributed to these updates and changes.

(A section of the Finance report was reviewed in-camera)

8. Other Business (Approval of volunteers on committees)

Two additional candidates have submitted applications for the NEC's consideration and approval; one to volunteer on the Audit Committee, the other on the Finance Committee

Be it resolved that Ken Holmes be accepted as a volunteer to sit on the Audit Committee, and be it further resolved that Maggie Simpson be accepted as a volunteer to sit on the Finance Committee

Moved by: N. Giannakoulis

Seconded by: N. Bois

Abstentions (1)

By show of hands: Carried unanimously

9. Meeting Adjournment

There was no official motion to adjourn the meeting

The NEC meeting adjourned at 5:19 p.m. EDT

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The above minutes are accepted as a true representation of the National Executive Committee meeting held on April 27th, 2018

APPROVED by:

Chairperson

Date