



**National Executive Committee Meeting  
Friday, June 29<sup>th</sup>, 2018  
National Office (Boardroom 1967) 4<sup>th</sup> floor  
100 Queen St., Ottawa, Ontario**

**MINUTES**

**Present:** G. Phillips (*Chair*), O. Alarie, A. Coles, H. Delnick, G. Kopytko, F. Lord, A. Nemec, A. Picotte, M. Stiermann

**Staff:** J. Courty, C. Danik, K. Stoodley and C. Vézina

**Via Teleconference:** N. Bois, N. Giannakoulis, K. Mansfield and E. Venditti

**Regrets:** H. Collins, M. Dyck, A. Trau

**1. Call to Order**

The NEC meeting was officially called to order at 9:04 am and the Chair confirmed quorum was achieved.

**1.1 Review of Agenda**

The agenda was briefly reviewed. To accommodate select member schedules, it was requested the agenda be shifted to address the 'Review of policies' and 'Collective Bargaining' immediately following the review of action items. In addition, the 3-person subcommittee report will be moved as a new agenda item under 4d.

Motion to accept the NEC agenda as amended

**Moved by:** M. Stiermann

**Seconded by:** O. Alarie

**Abstentions (1)**

***By show of hands: Carried unanimously***

**1.2 Review of previous NEC public minutes**

There were no comments raised and/or amendments requested.

Motion to accept the NEC public minutes dated May 25, 2018 as presented

**Moved by:** M. Stiermann

**Seconded by:** A. Nemec

**Abstentions (2)**

***By show of hands: Carried unanimously***

*\*At this time, new Communications Manager Kurt Stoodley was introduced to the NEC. He momentarily stepped out of the room during the review and approval of the in-camera minutes.*

*K. Stoodley returned to the room at 9:24am*

## **2. Decision Items**

### **a) Change in By-Law 7 (PBO Bargaining Committee)**

C. Danik reported that CAPE will now be representing 4 groups: ECs, TRs, LoPs and PBO (*Parliamentary of Budget Office*). In order to continue representation at the bargaining table and enable CAPE to negotiate the PBO's collective agreement on behalf of new bargaining units, bylaw 7 will need to be amended accordingly. As currently written, there are very defined and explicit processes specific to each bargaining unit. It was therefore proposed inserting an addendum to the Bylaws to reflect specific terminology to address the establishment of a PBO's Bargaining Committee, as well as the Association's ability to set up new bargaining units moving forward.

PROPOSED ADDITION TO CAPE BYLAW 7, COLLECTIVE BARGAINING  
June 29, 2018

#### **B 7.5 SPECIAL CIRCUMSTANCES**

B 7.5.1 Notwithstanding the above paragraph of Bylaw 7, the National Executive Committee may under the special circumstances defined in paragraph B 7.5.2: (1) select members of a bargaining committee; and/or (2) determine the manner in which the bargaining committee will prepare for a round of bargaining.

B 7.5.2 The special circumstances to which B 7.5.1 applies are limited to the following: (1) when the Association becomes the representative of a new bargaining unit; (2) when the Association must react in a timely manner to statutory or regulatory changes to the bargaining process of a bargaining unit represented by CAPE.

B 7.5.3 The National Executive Committee will approve bylaw language for a new bargaining unit no later than three months prior to the next round of bargaining.

B 7.5.3 the language will be consistent with the principles of existing language in Bylaw 7.

Motion to accept the proposed amendments in principle

**Moved by:** M. Stiermann

**Seconded by:** A. Picotte

**Discussion:** Although a relatively small group, it was suggested further consideration be given to offering them a seat at the NEC table. It was recommended removing the terms “in principle” from the motion and clarifying what it entails. Both the mover and seconder were in agreement with the friendly amendment. The amended motion now reads:

Be it resolved that the NEC accepts the proposed amendments, notwithstanding the above paragraph under bylaw 7

**Abstentions (1)**

***By show of hands: Carried unanimously***

**Next Step:** This matter will be referred to the CBC for further consideration and to ascertain what other changes may be required to bylaw 7.

### **b) Approval of new ERC volunteers**

With the most recent call for volunteers for the ERC, many applications were received. As part of the criteria, at least one member from each bargaining unit must participate. It was stated that the Association is in technical violation of the Constitution seeing that the callout for the nomination for the coming by-elections has already passed and therefore cannot be accomplished without having an ERC in place.

*\*NEC members were given 5 min to review the list of candidates*

Upon further review, it was remarked that the names submitted are exclusively ECs and therefore it was suggested appealing to the TRs and LoP locals. N. Bois and F. Lord were asked to identify a volunteer within their respective local by Tuesday, July 3 and inform the Chair accordingly via email. As a means of proceeding with this matter expeditiously, it was suggested accepting all 12 volunteers on the list and inviting them to a first meeting in order to apprise them of what the job entails, thereby allowing the TR and LoP groups to identify someone. While ensuring they're members in good standing, it was alternatively suggested setting a meeting and inviting all individuals on the list who would then be screened based on their availability/attendance.

**Consensus:** With only one member abstaining, the NEC was in agreement with the second approach put forth.

## **3. Action Items deriving from the last NEC meeting**

- I. Posting of NEC minutes on the website:** *Completed*
- II. HR Committee TORs:** *Still in progress: A Doodle poll invitation was sent out with the aim of securing a meeting date and time within the next week*
- III. Training for new CRC Members:** *Completed*

- IV. Feedback on Security & Privacy Policy:** Comments received were incorporated accordingly. It was confirmed the Policy was vetted by legal counsel (*Norton Rose Fulbright*)

Motion to accept the new Security & Privacy Policy as presented

**Moved by:** A. Picotte

**Seconded by:** O. Alarie

**Abstentions:** (2)

***By show of hands: Carried unanimously***

- V. Feedback on Student Information Guide:** Positive feedback has been received thus far. The NEC was in agreement to forward the Student Guide to the Director of Policy for final review to ensure consistency with internal policies and submit it to legal counsel in September for review and final approval by the NEC.

- VI. Policy on Donations:** Two types of policies will emerge over the course of the next few months, one of which falls under the NEC's authority (*i.e.: general direction given to the Association*). Additionally the President requested the NEC be allowed to provide guidance/feedback on various operational policies which may not fall under their purview, but only based on the request of the President. NEC members were asked to provide feedback on the existing Donations Policy by July 31<sup>st</sup> where afterwards, C. Danik will report back to the NEC in September to present a draft of the new policy based on comments received and subsequent approval in October.

*(F. Lord joined the meeting at 10:02am)*

**3.1 Review of Policies:** Policy on Reimbursement of Salary Wages, Policy on Contributions and CAPE Travel Policy: A review of all these policies will be warranted given the impact this will have on volunteers once implemented. NEC members were requested to provide feedback on the three policies by July 31<sup>st</sup>, and based on comments received, the policies will be re-formulated accordingly and reviewed in September for a progress update rather than for approval.

**3.2 Collective Bargaining Update:** C. Danik reported on the meeting with the Collective Bargaining tables held yesterday with the EC and TR groups who have both submitted their notice to bargain. The TR Collective Bargaining Committee is in the process of preparing the claims, whereas the EC Collective Bargaining is awaiting the results of the survey, which will end on July 12. The EC Bargaining Committee will convene a meeting the following week.

Motion to go in-camera

**Moved by:** A. Picotte

**Seconded by:** A. Nemec

**Abstentions:** (1)

***By show of hands: Carried unanimously***

*(C. Danik departed the meeting at 10:23am)*

## **HEALTH BREAK**

### **4. In-Camera Issues**

*(Agenda item #4 was reviewed in-camera)*

## **LUNCH BREAK**

*(M. Stiermann departed the meeting around 12:04pm)*

*(N. Bois, N. Giannakoulis, K. Mansfield and E. Venditti re-joined the meeting after lunch at 1:03pm)*

### **5. Discussion Items:**

- a) **Phoenix Update:** It has come to light that PSAC was approached by a service provider to contract out the government pay system and are examining the option with an aim to further discussions regarding assessing the requirements. The PWGSC was also approached by one of the companies that was previously contacted as an alternate provider. It was noted that many of the difficulties stem from various groups experiencing far more complicated pay issues.

b) **MBM Review:**

Motion to go in-camera at 1:07pm

**Moved by:** A. Picotte

**Seconded by:** A. Nemec

**Abstentions (1)**

***By show of hands: Carried unanimously***

- c) **PSES – External contracting, question changes etc.:** The Public Service Employee Survey (PSES) has been traditionally administered by Statistics Canada on behalf of Treasury Board. On May 30<sup>th</sup>, Statistics Canada was informed that will no longer be the case as Treasury Board has instead decided to engage the services of a 3<sup>rd</sup> party Market Research Company by the name of Advanis to deliver the survey.

*(M. Stiermann re-joined the meeting via conference call at 1:50pm)*

This raises great concern as the standard process was bypassed and this decision was made without consulting Statistics Canada, nor seeking a new quote based on the amended specs. In addition, with the decision to deliver the survey on a yearly basis, this resulted in several questions being removed, including questions relating to official languages, diversity, discrimination etc. *(which represent approximately 40 questions out of the overall 90)* and with no follow through of trends, this renders the survey ineffective.

Motion to direct the President on behalf of the members of Statistics Canada to pursue this matter expressing strong discontent towards Treasury Board for having circumvented qualified individuals, which under the Statistics Act, are mandated to undertake this type of work for the federal government, and have done so with lack of consultation with Statistics Canada and with the unions representing the employees responsible for processing and delivering the survey

**Moved by:** A. Nemec

**Seconded by:** No seconder

**Discussion:** NEC members put forth several suggestions on ways to address this debacle including: refraining from partaking of the survey, elevating this to a national level and talking to other unions to gain support and buy-in, and lastly issuing a press release once all the information has been gathered as a media campaign should be launched condemning this government action. Additionally, there may be a basis for linking this issue to concerns affecting the entire organization (*i.e.: the collective bargaining*), thereby setting a precedent for other negotiation groups and making it a stronger case for CAPE in the process. It was also stated that with the recently established Analysis Working Group, during any upcoming meetings they can draft an analytical report outlining the ramifications of Treasury Board's decision.

**Action Item:** J. Courty to schedule a meeting with Chief Statistician to determine his contact at Treasury Board, as well as to discuss the PSES and rationale for outsourcing the delivery of the survey.

## **HEALTH BREAK**

### **6. Committee Updates**

#### **6.1 Finance Committee**

There are no updates at this time.

#### **6.2 HR Subcommittee**

An update will be available once a meeting has been scheduled.

#### **6.3 Constitution & By-Laws Committee**

F. Lord reported that following further discussions, the Constitution & By-Laws Committee put forth a new proposal for the Bylaw 5 process to present to the NEC. The CBC focused on three specific elements:

1. Circumstances in which deliberations at the NEC level should be in-camera
2. Pros and cons of NEC members' being excluded from the Bylaw 5 process
3. Risks and liabilities to a NEC member's involvement in the Bylaw 5 process

Although the CBC is not yet moving the proposal forward, a fundamental aspect was amended whereas the disciplinary process was changed to a dispute resolution process,

with the aim of fostering solidarity and reconciliation among members experiencing conflicts. F. Lord further explained the overall process and truncated timeline involved. There are 2 ways the Association can seek legal opinion depending on how promptly the NEC wishes to address this: either at the expense to the Association of seeking an external opinion or waiting until September once the in-house General Counsel (GC) is on strength, thereby minimizing costs despite it being a slower process. As a work still in progress, NEC members' input was welcomed.

### **Discussion Points:**

- Seeing that this directly relates to their mandate, it was strongly urged waiting until the GC is in place in order to seek their professional advice and buy-in
- A concern was raised that mediation sessions should not be forced upon individuals as in some cases there may be reluctance from both parties in conducting face-to-face mediation and therefore should not be mandatory. To that effect, it was stated that an exception clause could be added that stipulates that mediation may be waived if deemed necessary, but that it was reiterated that the intent is to resolve a dispute prior to going to a hearing
- It was recommended considering whether this new process could address the backlog of complaints dating back to 2016
- While this may present different complexities, especially with the absence of a standing Investigations Committee under this proposal, it was suggested inserting a clause which would allow for complaints to be processed in the order submitted in an effort to regulate cases being pushed over others
- In response to various concerns raised related to notice of complaint, delays, setting a date for processing complaints, form of mediation, disciplinary measures and the need for an investigator, it was confirmed that in all those instances provisions have been put into place accordingly

**Consensus:** The NEC was in agreement to defer until September once the GC officially joins the Association, which will be prior to the next NEC meeting, at which time she can provide a preliminary report beforehand to present to the NEC so it can be agreed upon and voted on in principle.

## **7. Reports**

### **7.1 President's Report:**

The NEC was informed that the President will be taking 2 weeks off beginning July 9<sup>th</sup>-20<sup>th</sup> inclusively. N. Giannakoulis will be acting President over that period as mandated per the Constitution. The President's report summarizes outreach programs and activities recently undertaken as follows:

- Touring the 4 Atlantic Provinces to visit and engage with the different locals proved to be a fruitful trip during which time local representatives were informed of CAPE's current activities and organizational direction
- As a way of increasing member involvement and obtaining feedback from locals, the President suggested establishing regional councils to be held on a yearly basis

where the president of each respective local in the 4 provinces would meet to provide them with an opportunity to collaborate, network among themselves, share best practices and discuss various issues being faced at a regional level. This initiative would also allow for the President and/or the LRO to hear their concerns. The idea was very well-received in the Atlantic region and a proposal will be presented to the NEC in September

- The first President's Council meeting will be comprised of a brief agenda focussing on shaping the anticipated outcomes of the President's Council, particularly in conjunction with the Locals Leaders Meeting, and determining their respective roles, and well as the impact the Association can make towards their needs
- Ever since the CBC news article, the President has addressed the matter of misappropriation of funds with the locals and the general sentiment appears to be one of confidence that the Association has performed its due diligence and acted to protect the best interests of the members

**7.2 VP's Report:** MOA update: At the beginning of June the final version of the MOA was received. The MOA covers any types of leave without pay for under 3 months per year, and a reimbursement to the Employer salary + 6% for any type of expenditures accrued by the Employer. Although CAPE is ready to sign the MOA, N. Giannakoulis has attempted several email follow ups but has yet to hear back from the other party.

**7.3 Professional Services Report:** The report was previously submitted in writing and there were no questions raised.

**Action Item:** The Chair/J. Courty to add a notice on the website to the effect that CAPE is now certified as the bargaining agent for all employees of the Office of the Parliamentary Budget Officer (OPBO)

**7.4 Finance Report:** This item was previously discussed in-camera during the MBM review.

**7.5 Director of Policy Report:** Nothing to report until the next meeting in September.

## **8. Other Business**

Motion to go in-camera at 3:51pm

**Moved by:** A. Picotte

**Seconded by:** A. Nemec

**Abstentions (1)**

***By show of hands: Carried unanimously***

*\*It was noted that E. Venditti was not on the call during the vote*

## **9. Meeting Adjournment**

Motion to adjourn the NEC meeting



**Moved by:** the Chair

***By show of hands: Carried unanimously***

**The NEC meeting adjourned at 4:37 p.m. EDT**

\* \* \* \* \*

*The above minutes are accepted as a true representation of the National Executive Committee meeting held on June 29<sup>th</sup>, 2018*

**APPROVED by:**

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date