



**National Executive Committee Meeting  
Friday, January 29<sup>th</sup>, 2021  
Via Zoom Videoconference**

**MINUTES**

**In Attendance:** G. Phillips (*Chair*), J. Akins, C. Awada, N. Bois, J. Brulotte, M. Collins, S. Crawford, H. Delnick, M. English, J. King, G. Kopytko, R. Kossick, J. Lafontaine, C. Lonmo, K. Mansfield, D. Monafu, A. Nemec, A. Okladov, A. Picotte, S. Rehman, A. Trau, E. Tremblay (*in parts*)

**Staff:** J. Courty, , O. Kahriz, K. Thériault, C. Vézina, J. George, A. Lizotte, A. Poliquin (present for the training portion only)

**Regrets:** P. Ives

**1. Call to Order / Roundtable introductions**

The NEC meeting was officially called to order at 9:01am and Chair G. Phillips confirmed quorum was achieved.

*\* At this time, CAPE's Statement on Harassment was read aloud. Audrey Lizotte was identified as the Anti-Harassment resource person for the meeting and concerns should be directed to her attention via email.*

**1.2 Approval of NEC Agenda (January 29, 2021)**

It was noted that the approval of the minutes will be addressed prior to the NEC training.

Motion to adopt the Agenda as amended.

**Moved by:** N. Bois

**Seconded by:** J. Akins

**Abstentions (1)**

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

**1.3 Review and approval of NEC public minutes (November 27, 2020)**

There were no questions or comments raised. Time permitting, Action Items arising from the last NEC meeting will be addressed in the reports under Agenda Item 5.

Motion to accept the NEC public minutes dated November 27, 2020 as presented.

**Moved by:** H. Delnick

**Seconded by:** J. Akins

**Abstentions (10)**

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

For the benefit of new NEC members, a round of self-introductions was performed.

## **2. NEC Training**

Audrey Lizotte and A. Poliquin led the training session on CAPE's current practices and delivered a 4-part bilingual presentation slide deck encompassing:

1. Fundamentals of Governance
2. Rules of Engagement
3. Decision-Making Process
4. Typical Cycles of Business

A 10-min period per section was allotted for a Q&A session. The following questions/comments pertaining to **Section 1** were raised:

- In response to an inquiry related to responsibilities of Committee members as well as those of the Chair, it was stated that once established, the President will assign a member of staff to provide support for each of the committees and will ensure minutes are taken at every meeting.
- It was confirmed that a seat at the NJC is solely reserved for the President.
- The org chart presented will be updated to reflect the current National office staff and reporting structure.

## ***HEALTH BREAK***

The NEC training reconvened with the review of **Section 2**. The following question was raised:

- In the event a NEC member violates the CAPE Harassment Prevention Policy during a meeting, it was asked about the potential recourses to address the situation. In response, it was stated that such instances are dealt with through the Bylaw 5 process.

**Section 3:** The following questions were raised:

- Is it possible during an AGM that a member introduces a matter to the NEC and calls for an immediate vote? A. Lizotte confirmed further analysis of the process was needed to provide a definite answer.
- In the event a speaker has exhausted the allotted 3mins, it was inquired as to whether another NEC member can yield their time slot to allow for additional remarks, particularly to support a noteworthy matter. Though not currently outlined in the rules of order, it was stated that the optimal course would be for multiple speakers supporting the same position to divide the topic and each present a portion. The NEC can further discuss the matter.

**Section 4:** The following question/comments were raised:

- With respect to the budget process, it was inquired as to the flexibility to adjust the timelines and aim for a date closer to June. In addition, a recommendation was put forth to consider accompanying the budget with an explanatory document delineating budget lines and directions based on objectives. It was clarified that this matter is specific to the Finance Committee's consideration and subsequent NEC approval. Additionally, last year featured extraordinary circumstances that resulted in atypical circumstances.
- Several NEC members commended the presentation for being concise and well crafted.

***LUNCH BREAK***

**3. Decision Items**

**Bylaw 15 (Conflict of Interest):** A. Lizotte introduced the matter. As per Bylaw 15, a decision is required by the NEC regarding the identification of a potential conflict of interest involving a NEC member (E. Tremblay). The purpose of by-law 15 is to have a process to review instances when a member is in a potential conflict of interest due to being engaged in litigation against CAPE and to determine whether they should be suspended for the duration of this conflict. The NEC needs to determine whether the conflict of interest is of such significance that it would be preferable that the member be removed from being able to participate in NEC meetings or otherwise perform their role as NEC member until such time as the conflict is resolved, or whether it would be possible to manage this situation using the options indicated in the Code of Ethics.

By-law 15 is meant to ensure procedural fairness. E. Tremblay was provided with advance notice that a decision would be made at the meeting and was provided with the opportunity to share written and or verbal representations. E. Tremblay provided written

representations, and these were shared with the other NEC members in advance of the meeting at E. Tremblay's request.

E. Tremblay was afforded 15 mins to address the NEC. She noted for the record being unaware of the presence of CAPE's legal counsel.

*\*At this time, E. Tremblay read her 15-min written statement in both official languages.*

Following her presentation, E. Tremblay was requested to leave the meeting in order for NEC members to deliberate in -camera and render a final decision.

***(The Debate debate was held in-camera)***

## HEALTH BREAK

With respect to the concern raised related to whether Stats Canada members who had attended an emergency meeting at Stats Can approximately 4 years before regarding the removal of E. Tremblay as President of CAPE placed them in a potential conflict; it was the Chair's ruling that no conflict of interest existed as a result of the distance in time and the topics being unrelated and therefore members are fit to cast a vote but retain the option to abstain should they feel conflicted on the issue..

The following motion was forwarded for a vote. Be it resolved that E. Tremblay be suspended as per Bylaw 15 while the litigation remains outstanding.

**Moved by:** H. Delnick

**Seconded by:** A. Nemec

### **Recorded vote:**

**In Favour (14):** H. Delnick, N. Bois, C. Lonmo, C. Awada, A. Nemec, J. Lafontaine, J. Akins, A. Picotte, K. Mansfield, A. Trau, D. Monafu, S. Crawford, M. English, A. Okladov

**Opposed (2):** M. Collins, J. Brulotte

**Abstentions (5):** G. Kopytko, G. Phillips, J. King, R. Kossick, S. Rehman ***Motion Carried***

**3.2 Call for Volunteers:** The Association will be issuing a callout for volunteers to sit on the ERC (*Election & Resolutions Committee*), DRS (*Dispute Resolution Subcommittee*), and the Collective Bargaining Committee for the OPBO (*Office of Parliamentary Budget Officer*). Names of candidates will be submitted for approval at the February NEC meeting.

**Action Item:** A. Lizotte to provide the list of candidates to NEC members.

Motion to approve the call for volunteers to sit on the ERC, DRS and the Collective Bargaining Committee for the OPBO

**Moved by:** H. Delnick

**Seconded by:** G. Kopytko

## Abstentions (1)

*By show of hands: Carried unanimously*

### 4. Discussion Items

- a) **NEC meeting procedures:** The process for adding items on the agenda was reiterated. The management team will endeavour to petition agenda items 2 weeks in advance of meetings, and ensure documentation is circulated one week prior. A new form for NEC members to request agenda additions has been developed. It is requested of members to verify their intention to attend to ensure quorum will be established.

*(Agenda Item 4b was reviewed in-camera)*

- c) **Management Team and NEC retreats:** Both retreats are scheduled to be held virtually in February. The 2-day Management Retreat will focus on operational questions whereas the NEC retreat is intended to be strategic in nature. NEC members were requested to confirm attendance with J. Courty.

Some NEC members expressed concerns that a 2-day retreat may be counter-productive and proposed deferring until it can be held in person, or possibly to limit it to one day and hold a SNEC to address committee and budgetary aspects and hold a retreat at a future date. The Management team may be amenable to amend and shorten the agenda; however, the NEC was reminded of the importance of the topics to be discussed. The suggestion will be taken under advisement.

- d) **Members-related issues:** This is a standing agenda item. The Chair sought two NEC members to volunteer to partake in the Committee tasked with preparing a membership survey. In light of several NEC members putting their names forward, it was proposed to conduct a poll, hold a vote and select two individuals.

***Action Item:** Interested NEC members were requested to forward their names to the attention of J. Courty who will conduct a straw poll and share the results of the votes.*

### 5. Reports

**5.1 President's Report:** The President was interviewed in both official languages by two media outlets discussing and defending the interpreters on the Hill as injuries spike to convey support and solidarity. The remainder of the report was discussed in-camera.

**5.2 Executive Director Report:** Work on some of the training modules for members in the coming months is underway.

The internal union (ESU) has recently joined the CSN on the Quebec side, a provincial body representing smaller unions and are now referred to as ESU/CSN. A policy

grievance pertaining to the interference of officers was filed. As an alternative to a formal process, it was settled to seek a consultation with the union in an effort towards resolution. As a result, guidelines will be developed to avoid a recurrence.

An upcoming arbitration hearing in the matter of a former employee dismissal will be taking place in the months of March and August.

The OHS subcommittee was established to address COVID-related situations and consultations are ongoing to safeguard the welfare of employees through regular meetings to address any staff concerns.

A significant decision pertaining to a specific case was rendered at the end of 2020. This represents a third victory regarding the government failing to adequately follow the performance evaluation process as some employees have been mistreated or suffered discrimination. The decision is available upon request.

**5.3 Director of Policy & Negotiations Report:** The 3<sup>rd</sup> Research Officer was recently hired, thus completing the team. This newest addition brings experience with Collective Bargaining and is highly qualified, which will benefit the membership.

Two policy grievances regarding the Government guidelines on approval of Code 699 leaves were filed in November. The Government was allocated 60 days to respond, however, no response was received. This has now been referred for adjudication and is therefore with the Board to schedule.

**5.4 Senior Advisor Report (Return to work protocols):** A detailed report will be submitted in writing following the meeting. With respect to the most recent statistics of reported cases of COVID-19 at work, there is a total of 543 active cases remaining, 2 active work refusal and 7410 cases where employees continue to be affected by office closure. Public Services and Procurement Canada are working on the return-to-work protocols and have indicated that in order to maximize flexibility and minimize the number of touch points, an assigned seating will be in effect and employees will be requested to select one seat for the entirety of the day to ensure safety measures are adequately applied.

The Public Service Occupational Health Program delivered a presentation relating to the vaccine rollout. It was indicated that Employer-provided vaccine will be limited to individuals at elevated occupational risk of exposure to SARS-CoV-2 (*i.e.: COVID-19*).

**5.5 Director of Communications Report:** In addition to the previously circulated report, an additional update was shared with the NEC. In reference to the Commissioner of Official Languages of Canada's report, upon verifying with the Translation Bureau, it was relayed that at this time Treasury Board are handling urgent requests for translation.

Additionally, concerns have been voiced regarding the lack of quality of French content on CAPE communications. This was acknowledged as an ongoing challenge due to a lack of resources given the volume of work.

**5.6 Director of Finance Report:** A \$1M surplus over the fiscal year is projected. The membership management system full functionality is forthcoming.

**5.7 Report on Accommodations:** J. Courty was identified as the liaison/focal point. Based on interviews conducted with senior management, CAPE's vice-president as well as with one NEC member, the realtors 'Real Strategy' will provide a recommendations next week.

**5.8 Report on CLC:** J. Courty was identified as the liaison/focal point. The President was officially sworn in to the CLC yesterday. The CLC next convention will be held over 3 days in June. A meeting has been set up to provide a more substantial on-boarding.

**The NEC meeting adjourned at around 5:14 p.m. EDT.**

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*The above minutes are accepted as a true representation of the National Executive Committee meeting held on January 29<sup>th</sup>, 2021.*

**APPROVED by:**

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Chairperson

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Date