



**National Executive Committee Meeting
Friday, March 26th, 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, P. Ives, J. King, G. Kopytko, R. Kossick, J. Lafontaine, C. Lonmo, K. Mansfield, D. Monafu, A. Nemeč, A. Okladov, A. Picotte, S. Rehman, A. Trau

Staff: J. Courty, O. Kahriz, J. George, A. Lizotte, K. Theriault

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. A. 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 (March 26, 2021)

There were no changes but it was noted that the order might change depending on the time guests come on.

Motion to adopt the Agenda as presented.

Moved by: H. Delnick

Seconded by: C. Awada

Abstentions (1)

By show of hands: Carried unanimously

1.3 Review and approval of NEC public minutes (February 26, 2021)

Under the OLC update, it was requested to reflect that the Association will not be joining any other federation of labour at this point. Under Item 2, Revera Inc.: a typo "PSCA" was identified and will be corrected accordingly. Under Bill C-56, the third sentence should read: "in the event an investigation is required, it would be performed by a 3rd party".

Motion to accept the NEC public minutes dated February 26, 2021 as amended.

Moved by: A. Nemec

Seconded by: G. Kopytko

Abstentions (3)

By show of hands: Carried unanimously

2. Discussion Items

- a) CAPE's legal counsel:** The impetus for raising this matter was for the NEC to consider switching certain service providers (*i.e.: legal counsels and auditors*) in the foreseeable future to establish best practices and avoid complacency. In certain matters, the work has persisted for 4 years, and has been at a high cost to members.

Comments: The NEC discussed the matter and overall comments indicated that transitioning legal counsel mid-stream would be ill-advised. In the absence of any longstanding contractual agreement with a specific law firm, the majority of the NEC was amenable to the recommendation put forth to consider conducting a periodic review of the services provided by vendors to ensure premium professional services to the Association are continually rendered.

- b) PSHCP negotiations:** In the wake of significant changes that have unfolded since the start of the pandemic, it was confirmed that discussions at the NJC level did not address any forward prospect on the expansion of interim provisions in the Public Service Health Care Plan (PSHCP) beyond COVID-19 and its variants and no end date has been set.

- c) Call for volunteers for TR Collective Bargaining Team:** Support from the NEC was sought to strike a TR Collective Bargaining Team. The Collective Agreement expires in April of next year and notice of bargain must be served 4 months in advance of the expiry date (*i.e.: December 18th, 2021*). The establishment of the TR Collective Bargaining Team must be no later than 6 months prior to this date.

Be it resolved that the NEC approves A. Lizotte to approach the TR group to seek volunteers to sit on the Collective Bargaining Team.

Moved by: N. Bois

Seconded by: A. Picotte

Abstentions (1)

By show of hands: Carried unanimously

- d) Update on ULP complaints:** In an effort to deal with emerging ULP complaints and in consultation with the VP, the President extended an offer to A. Lizotte to act as 'Chief Negotiator of Policy & General Counsel' for a period of 6 months that would enable administering legal advice to CAPE. The appointment was accepted and the Law Society of Ontario has been notified of the status change.

3. Action Items

Below is the status of the action items arising from the last NEC meeting:

- a) Send excerpts of the bylaws to NEC member's attention on absences: **Completed**
- b) Bill C-65: Draft a communiqué to apprise local leaders of the situation and encouraging them to address it at the Local level: **In progress**
- c) Accommodations Committee: Schedule the next meeting: **Completed**
- d) Notify Carleigh Malanik and Jason Stanton of their acceptance as Stewards for the OPBO: **Completed**
- e) Organize the inaugural CBC meeting to select a Chair and retrieve the Terms of Reference: **Completed**
- f) CAPE committees: develop an Excel spreadsheet with names on one side in order for NEC members to select which committee they wish to participate in: **Completed**
- g) Next Generation HR and Pay: Request the PowerPoint presentation: **Completed**
- h) 699 Leaves: Look into drafting a message addressed to the membership providing reassurance on the conservative use of the leaves: **Completed**
- i) Microsoft Dynamics demo: Report back to the NEC on next steps: **Deferred until next month.**
- j) Determine whether Microsoft Dynamics can support voting: **Completed**
- k) Seek from legal advice for steps should a NEC member receive a summons: **Completed**
- l) Share copies of the complaints filed at the FPSLRB: **Completed (2 of the 8 were provided. Remaining complaints are essentially identical)**

HEALTH BREAK

(Agenda Item 4 was discussed in-camera)

4b. Motion to accept the recommendation that the NEC delegate its authority to an impartial independent 3rd party arbitrator as to whether a suspension is warranted pursuant to Bylaw 15.7.

Moved by: C. Lonmo

Seconded by: H. Delnick

Recorded Vote

In Favour (12): A. Picotte, C. Awada, H. Delnick, N. Bois, S. Crawford, M. English, A. Trau, C. Lonmo, G. Kopytko, R. Kossick, A. Okladov, A. Nemec

Opposed: (4) J. Lafontaine, S. Rehman, M. Collins, J. Brulotte

Abstentions (4): P. Ives, K. Mansfield, J. King, G. Phillips

Motion Carried

Action Item: The National Office will make arrangements to have an arbitrator consider the issue and will invite N. Giannakoulis to participate.

5. Decision Items

5.1 Quorum for votes: To address the issue of low voter turnout, the NEC was requested to consider revisiting what constitutes a valid vote and fair representation particularly as the issues members are being asked to vote on are critical to CAPE's operations. A recommendation was proposed to establish a subcommittee comprised of NEC members and the Research Group which would be tasked with reviewing voting initiatives and incentives being utilized by other unions and draw from successful strategies in an efforts to boost member voting participation. The President, A. Nemec, C. Awada and J. Akins volunteered to sit on the subcommittee, which will be reporting to the CBL. The CBL will proposed amendments for the NEC's approval.

LUNCH BREAK

5.2 CBC Terms of Reference (TOR): Minor revisions to the Terms of Reference were applied to reflect the increased number of NEC members eligible to volunteer to sit on the Committee, along with shifting the meeting days.

Motion to approve the Terms of Reference of the Constitutions and Bylaw Committee (CBC) as amended.

Moved by: C. Lonmo

Seconded by: H. Delnick

Abstentions (1)

By show of hands: Carried unanimously

5.3 Revisions to Bylaw 3: The CBC met to discuss revisions to Bylaw 3 to address previous concerns raised. As a result, amendments were applied and principal areas where modifications were proposed were reviewed by the NEC.

Motion to approve the proposed amendments to Bylaw 3 as presented by the CBC.

Moved by: C. Lonmo

Seconded by: A. Nemec

Prior to discussions, it was noted that while this will come into effect immediately, it must first be put to a vote and ratified by the membership in November 2021. In order for this motion to take effect during this election cycle, it must be passed today by the NEC.

Comments: A friendly amendment to section B3-24 was put forth and accepted to reflect: As an accommodation measure, should member request a mail-in ballot, the vote shall be cast using the system of "double envelopes".

Abstentions (1)

By show of hands: Carried unanimously

5.4 Approval of volunteers for the ERC, DRS and Audit Committee: It was confirmed all candidates have been vetted and are in good standing. The methodology employed for the selection of candidates was described to the NEC. A total of 14 applications were received to sit on the ERC and 15 volunteers from various departments have put their names forward to sit on the DRS. There is a contingency list for the DRS of 10 individuals, most possessing a master's or legal degree. In view that members of the ERC mainly come from the EC group, and in an effort to enhance diversity similar to the DRS, other bargaining units will be contacted in an attempt to enlist other volunteers.

Motion to approve the list of volunteers to sit on the ERC (Election Resolutions Committee) and DRS (Dispute Resolution Subcommittee).

Moved by: H. Delnick

Seconded by: C. Awada

Abstentions (1)

By show of hands: Carried unanimously

Action Item: A. Lizotte will notify the candidates of their acceptance and begin training. A resource person for both committees will be identified.

Audit Committee: A total of 9 applications were received to volunteer to sit on the Audit Committee.

Action Item: With the assistance of the Communications department, an email will be sent to bargaining groups that may have been omitted. An additional call will be issued so they can be added at a later time.

Motion to approve the list of volunteers to sit on the Audit Committee as submitted.

Moved by: H. Delnick

Seconded by: N. Bois

Abstentions (1)

By show of hands: Carried unanimously

Action Item: O. Kahriz to organize the inaugural meeting of the Audit Committee.

5.5 Creation of a Digital Disruption and Transformation Committee: Following a presentation to the previous NEC on the ongoing digital transformation, implications internal to the Public Service of Canada and the need to start focusing on the impacts of disruption to the system to the employees on a short and long-term basis, a recommendation was put forth to consider the creation of an enhanced workforce by establishing a Digital Disruption and Transformation Committee. The Committee would function as a labour force substitution assigned to explore current and forward issues, identify the current environment and landscape of the Government of Canada digital strategy, pinpoint and seize future linkages opportunities with the collective bargaining committee. C. Awada, M. English, S. Crawford, G. Kopytko, J. Akins, D. Monafu and J. King volunteered to sit on the committee.

Motion to strike the Digital Disruption and Transformation Committee and task them to develop TORs for the NEC's approval

Moved by: S. Crawford

Seconded by: M. English

Abstentions (1)

By show of hands: Carried unanimously

Action Item: Organize the inaugural meeting and develop Terms of Reference.

6. Reports: To alleviate the workload presently carried by the management team, the NEC was informed that for the time being, only oral reports will be presented to save time and translation requirements. The Association is best served when the Executive team is focused on their task at hand. A recommendation was put forth to potentially render abbreviated versions of the reports. The suggestion was noted and will be considered in the future.

6.1 President's Report: The President reported on the prohibitively busy time dealing with the absence of the ED and the resulting inherited workload that has become near unmanageable, coupled with facing a series of complex issues. The NEC was informed that the management team is currently unable to assume any new work.

The President has initiated a project to assess the management's effectiveness and clarify the roles and responsibilities. The services of Executive Coach Tim Robinson at LHH Knightsbridge were retained to provide instruction towards enhancing efficiency as an Executive team and will be customized individually. The objective of undertaking this exercise is to assist in identifying the optimal structure in becoming a highly performing team to balance CAPE's rapid growth history.

Action Item: As requested, the President will ask Mr. Robinson to prepare a presentation describing the services offered and a summary of this particular project and provide a copy to the NEC by email.

6.2 Director of Policy & Negotiations Report: As a progress update, the NEC was informed that the company in Africa impersonating CAPE and using the domain to advance scammer activities has been brought to a halt. An international application to force closure was filed and as a result the clone domain, along with any reference to CAPE from their Facebook page, was successfully removed.

699 Leaves: The website has been updated accordingly with information for the members to refer to. Despite this outreach, very few denials have been reported.

Phoenix MOU: Documentation for the members on expected developments was created. During the last Treasury Board Phoenix Damage Implementation Committee meeting, insights on the delay of the implementation of the actual payments was shared,

citing various complexities and confirming that disbursement of funds should be anticipated in the fall. Treasury Board has begun the process to manage claims exceeding \$1500.

Training: The National Office will research different vendors tasked to train all departments on strategies to engage in challenging discussions, methods to identify internal biases etc. to ensure that the appropriate soft skills are utilized to address delicate of convoluted issues that may arise in the workplace.

CLC: The relationship forged with the CLC has enabled the Research Team to access high-quality research and capitalize on negotiation tactics and preparation.

6.3 Senior Advisor Report: In light of technical difficulties, the Senior Advisor report will be submitted to the NEC in writing once translated.

6.4 Director of Communications Report: In addition to the previously circulated report, the following activities by the Communication Department were highlighted:

- The Communications and Public Affairs team, accompanied with the President, secured a courtesy meeting on March 8th with Annamie Paul, Leader of the Green Party of Canada.
- A meeting with Chief Human Resources Officer Nancy Charron and RCMP Commissioner Brenda Lucki will soon be scheduled to revive the conversation related to the RCMP deeming process.
- Two recent updates were forwarded to the membership: one pertaining to the Phoenix MOU and the other on the Employee Wellness Support Program. The message and timing of its release was coordinated with ACFO and PIPSC who have been actively involved in the process for the past 5 years. As it stands, negotiations have come to a halt as a result of the Employer reversing the decision to add the program to the collective agreement.
- The health and safety of interpreters continues to receive publicity in Ottawa since January and has gained momentum, generating multiple media requests and prompting several discussions on Parliament Hill. The Communications Team is working with interpreters on developing an internal survey to gather factual data that will assist in substantiating the risks. The survey will be launched in 2 weeks.

6.5 Director of Finance Report: The first Finance Committee meeting was recently held and H. Delnick was appointed as Chair. As a next step, the Director of Finance will review the budget and actuals to conduct an analysis for discussion at the next Finance Committee meeting. Meanwhile, management is assessing the needs of their respective

departments. As fiscal year-end is approaching (April 30th), NEC members were reminded to submit outstanding expenses or reimbursement claims in a timely manner.

A few components of Microsoft Dynamics must be finalized prior to launching the system. The members' portal has been tested and once completed, pilot projects will be conducted with select members. With respect to voting capacities, Microsoft Dynamics offers an abundance of features, with vendors having far more access to the data. A project charter will be devised to identify the optimal path for the membership.

A total of \$2.7M is owed in retro pay due to Phoenix and is received on a monthly basis. The Public Service had set out an initiative to disburse a \$300K advance and pay the additional amounts through 3 rounds of negotiations. During round 1, CAPE was overlooked/bypassed. In the second round all required approvals were present and the case was made. Currently it is round 3, and it is anticipated that this advance will be assigned. There is a possibility that this advance may have to be returned once all matters are settled, but in the meantime that lumpsum will reside in CAPE's accounts.

6.6 Report on Accommodations: The national office staff survey is being finalized and is anticipated to launch April 6. The first Accommodations Working Group meeting will take place on April 15 and Real Strategy will be in attendance, which will be on a continuous basis.

Action Item: Once completed J. Courty is requested to forward a copy of the survey to the NEC.

6.7 Report on CLC: A meeting with Political Assistant to CLC President Joel Duff took place to discuss next steps on CAPE's participation and how the ROI from affiliation can be maximized. During the meeting, the various committees were described and a list was provided. The CLC convention will be held virtually in June 2021. The primary contacts from the CLC education and research section have been placed in contact with CAPE's counterparts, A. Poliquin and A. Lizotte. A meeting to discuss the benefit to those sections derived from the work undertaken at CAPE is to be scheduled soon.

The NEC meeting adjourned at 4:49 p.m. EDT.

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The above minutes are accepted as a true representation of the National Executive Committee meeting held on March 26th, 2021.

APPROVED by:

Chairperson

Date