



**National Executive Committee Meeting
Friday, May 28th, 2021
Via Zoom Videoconference**

MINUTES

In Attendance: G. Phillips (*Chair*), C. Awada, N. Bois, 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. Nemec, A. Picotte, S. Rehman, A. Trau

Staff: J. Courty, J. George, K. Thériault, J. Ouellette

Regrets: J. Akins, J. Brulotte

1. Call to Order

The NEC meeting was officially called to order at 9:03 am and Chair G. Phillips confirmed quorum was achieved.

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

1.2 Approval of NEC Agenda (May 28, 2021)

A request was made to add 'Public Service Health Care Plan' (PSHCP) update under Reports.

Motion to adopt the Agenda as amended.

Moved by: A. Picotte

Seconded by: H. Delnick

Abstentions (1)

By show of hands: Carried unanimously

1.3 Review and approval of NEC public minutes (April 30, 2021)

There were no amendments requested.

Motion to accept the NEC public minutes dated April 30, 2021 as presented.

Moved by: H. Delnick

Seconded by: C. Lonmo

Abstentions (3)

By show of hands: Carried unanimously

2. Discussion Items

- a) Procedure for managing petitions:** Similar to Elections Canada, an operational procedure for the management of petitions was developed to ensure a neutral staff-run process to verify the validity of the signatures, acknowledge receipt and report to the NEC on recommendations, who in turn will render a decision on the petition. The document outlines staff roles as they pertain to the petitions to the Board of Directors.

Overall comments from the NEC indicated strong support for the document. A recommendation was put forth to define more comprehensively what the petition should outline and ensure it remains an administrative function rather than a politically driven decision.

Action Item: With M. Collins' assistance, J. Ouellette will amend the sentence to reflect that the validity of the petition will not be determined by the NEC.

- b) Interpreters Survey Results:** All 73 federal interpreters represented by CAPE were surveyed and results were officially released on May 26, yielding a participation rate of 60%. A summary of the preliminary findings was developed, published Wednesday and posted on the website and other social media platforms. Prior to launching this initiative, discussions with Translation Bureau CEO Lucie Séguin were held to provide reassurance that the purpose was to perform due diligence, not assign blame, in an effort to gain a better understanding of the health of the members. A press release was forwarded to 14 journalists and various prominent media outlets. The findings will be shared with the Standing Committee of Official Languages and Procedure and House Affairs Committee (PROC). A NEC member raised the importance of auditory safety through prolonged use of headsets during virtual meetings and recommended emphasizing the associated occupational health and safety risks.

Action Item: The National Office was requested to develop a communiqué intended for locals to use during the OHS Committee meeting highlighting minimum standards to achieve, dangers of earbuds, best practices etc.

- c) Bourinot's Rules of Order Training:** A recommendation was put forth to contract an external service provider to provide training on Rules of Order for the NEC to obtain a peripheral perspective on the matter. It was clarified that while the NEC may request training, the National Office is responsible for it being operationalized. As it stands, Education Officer A. Poliquin is providing training on the rules to

ensure compliance, and work towards the development of a training plan is underway. In addition, unlike Robert's Rules of Order, Bourinot though uncommon features a bilingual aspect that largely contributed to its selection. The President suggested working with the internal training in tandem with seeking the services of an external expert.

A recommendation was put forth to consider striking a subcommittee to perform a review of the rules and order and consider amending the rules. The majority of the NEC felt it beneficial to receive high-level training to add clarity and structure to discussions as well as strengthen the base.

Action Item: The management team to search for an external expert willing to assess the training to ensure it is functionally sound.

- d) NEC Director bios on CAPE website:** In the context of continuous website improvement, it was suggested uploading bios of the NEC Directors with consistency throughout to project a professional image. As part of several ongoing comms initiatives, it was confirmed this will be further explored.
- e) Presidential compensation:** As directed by the NEC, the CBLC met to discuss the presidential compensation and in subsequent discussions determined that in light of the complexities surrounding this matter, it will be brought back to the NEC to present at the next meeting with specific materials for consideration and approval.
- f) Presidential elections:** The NEC debated on the threshold requirement relative to skillsets and experience to qualify to run for President. Unions such as PIPSC have instituted a prerequisite for participation in union-related activities, which is the equivalent of a 1-year term on the NEC. The options are to leave the matter as is whereby the President must be a member in good standing, consider applying strict criteria for the position, or to implement a skilled-based asset whereby candidates would be extended the opportunity to speak to their qualifications to meet those requirements as part of their campaign.

By and large, NEC members were against the addition of restrictions being that it is a political position and it would also pose constitutional issues.

Action Item: A Doodle poll will be sent to gauge the interest of the NEC for the CBLC to further pursue this matter.

- g) Wet signatures and Attendance:** The Constitution requires verifiable signatures for different types of petitions, and pursuant to Bylaw 13.1 must be an original hand-written signature. Alternatives to include e-signatures within the context of having a capability on the website (*e.g.: using an app*) were discussed at the last meeting and widely endorsed. The option as it relates to emails poses an issue of

confidentiality and the Employer restricts the use of work emails for union-related activities. In the face of the pandemic, a recommendation was put forth to consider an amendment to the Constitution to reflect alternatives to enforcing the collection of wet signatures as an exception. This will be added on the CBLC agenda for discussion and report back to the NEC. It was reminded that any provisions to the Constitution must be approved by the members.

With respect to attendance, for practical matters, virtual attendance has been accepted during this crisis, though the Bylaws do not specify that it be in-person and under the Collective Bargaining Committee, attendance is described as in-person or otherwise.

HEALTH BREAK

3. Action Items

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

- a) Bill C-65: Draft a communiqué to apprise Local leaders of the situation and encouraging them to address it at the Local level: **Completed**
- b) CLC convention: The Director of Communications to put out a call to the membership for expression of interest specifying that the number of attendees has yet to be determined: **Completed**
- c) The Executive Director to clarify that LROs will ensure Steward training is mandatory for all applications and that it be consistent throughout: **Completed: It was clarified that nowhere does it stipulate training is mandatory, just highly recommended**
- d) Digital Disruption and Transformation Committee: Organize the inaugural meeting and develop Terms of Reference: **Completed**
- e) Participation on sub-committees: J. Courty to forward the amended list to the NEC: **Completed**
- f) Microsoft Dynamics demo: Report back to the NEC on next steps: **The voting platform will not be available for the fall elections for the Director position as it has not been sufficiently tested. In addition, the budget needs for case management are being prepared, which encompasses the Dynamics platform**
- g) The National Office to arrange to have an arbitrator consider the complaints and invite N. Giannakoulis to participate: **Completed**

4. Decision Items

4.1 Contract and wages for future Cape President: As a preamble to the motion, it was clarified that the genesis for raising this issue does not pertain to the NEC requesting the CBLC to review the contract of the incumbent President, but rather to review the direction pertaining to the President's contract for a future President of the Association. Strictly acting on an advisory capacity, the HR subcommittee is ill-equipped to

address or direct any decisions relating to HR contractual issues of this magnitude and the subcommittee has yet to be established. This is deemed as a time-sensitive and critical matter for the NEC to tackle as a decision-making empowering body in a progressive and professional manner.

Motion to engage the services of an independent 3rd party organization having the mandatory prerequisite skills and expertise required to: 1) review the roles and responsibilities of a position of a future CAPE President, 2) make recommendations on an appropriate remuneration and benefits package and 3) develop a standard employment contract for set positions.

Moved by: H. Delnick

Seconded by: C. Awada

Abstentions (1)

By show of hands: Carried unanimously

Discussion Highlights: The NEC engaged in a fulsome discussion and the following points arose:

- Several NEC members questioned this initiative from a cost-efficiency standpoint on the grounds that two prior comprehensive reviews were conducted, one of which by Mercer.
- The proposed recommendation/motion would entail a review conducted by a 3rd party where they would report back on recommended constitutional amendments for the NEC to discuss, approve and then put forward to the membership for a final vote.
- The Mercer report originally drafted was specific to the incumbent President, rather than for future positions and failed to provide concrete recommendations.
- It was stated that the Mercer report is proprietary and therefore cannot be shared. However, through a contract extension, they can be contacted to perform additional work by updating the report, preparing the roles and responsibilities of the President and drafting a standard employment contract for a President of a union. It would then be presented to the Finance Committee and subsequent discussion with the NEC.
- Moving forward, it was suggested including costs associated with decisions related to contracting.

A friendly amendment was put forth to seek 3 quotes to start the work from scratch, as well as an additional quote from Mercer to resume the work, and to bring it back to the June NEC meeting to vote on which firm to select. This was rejected by the mover and seconder.

The above amendment was then put forth as an unfriendly amendment.

Seconded by: A. Nemec

In favour (2), Opposed (12), Abstentions (2)

Motion Defeated

An amended version of the original motion was put forth to read: *Motion to engage the services of Mercer to develop a standard employment contract based on the previous review*

of the President's contract. The President will inform the NEC of his final decision after lunch and as to whether this proposed amendment negates the original motion.

LUNCH BREAK

Upon returning from the break, the Chair ruled that the amended motion fundamentally altered the original and was therefore deemed out of order. The NEC was reminded not be involved in the minutia of contracting and the contractors themselves as it falls under operational activity and within the purview of the National Office.

In view of earlier comments, the mover and seconder agreed to add a new sentence at the end of the motion that reads: *'The work directly related to this matter was previously contracted to Mercer, our contractor for project completion will first be offered to them'*.

Recorded vote of original motion as amended:

In Favour (8): C. Awada, N. Bois, A. Picotte, Matthew, H. Delnick, C. Lonmo, Grenda, Jason,

Opposed (6): A. Nemec, K. Mansfield, S. Rehman, R. Kossick, S. Crawford, Peter,

Abstentions (3): G. Phillips, A. Trau, D. Monafu

Motion Carried

4.2 Approval of proposed Bylaw 5 Policy

The draft of the Bylaw 5 Policy was provided at the April NEC meeting. No additional feedback has been received.

Motion to approve the Bylaw 5 Policy

Moved by: H. Delnick

Seconded by: C. Awada

Discussion: It was noted that amendments need to be made so that the French and English versions are consistent. There was unanimous agreement to tabling the motion until edits are made and the corrected versions will be presented for a decision next month.

Abstentions (1)

Motion Tabled

4.3 Approval of the NEC to send out a call for the EC Bargaining Committee:

The larger EC Bargaining Committee act as a consultation body from which derives a subgroup making up the bargaining team. All those interested including NEC members were invited to submit an application.

Motion to approve a call out for the EC Bargaining Committee and inform the membership that no more than 20 volunteers will be accepted.

Moved by: S. Crawford

Seconded by: C. Lonmo

Abstentions (2)

By show of hands: Carried unanimously

4.4 HR situation and recommendations for additional positions: Following a review of the HR section on personnel status, it was discovered that a third of the employees are either contracted, acting, currently on leave etc. In addition, the work of the ERC indicated that 21 053 individual members are currently paying dues, (*i.e.: 20 093 ECs, 112 LOPs, 26 OPBOs and 822 TRs*), which commensurate with dues increase. Following discussions at the Finance Committee, a budget increase will be applied to reflect the growth. In an effort to alleviate the current workload at the National Office, ensure better staff management and work towards the completion of outstanding time-sensitive projects, a series of staffing recommendations endorsed by the Finance Committee were detailed in the previously circulated spreadsheet and highlighted as followed:

1. With the assistance of Coach Tim Robinson, undertake a scale down org review for the administrative team.
2. Create 2 indeterminate LRO positions.
3. The current Administrator, Membership Dues Account will become a Membership Dues Account Assistant
4. Hire an HR Clerk 30%/Membership Dues Account Administrator, 70% to handle untreated membership dues reconciliation cases.
5. Hire an Education Officer as an indeterminate position.
6. Hire a Senior Communications Specialist as an indeterminate position.
7. Hire a Translator/Proofreader position (*indeterminate part time position to work 20hours/week*)
8. Hire a Junior legal counsel (as a *6-month term position*)
9. Hire Data Entry Clerks as two 3-month contract positions.

The need for better automation strategies and moving towards cloud-based platforms as an alternative to hiring data entry clerks was echoed by all NEC members. A NEC member proposed contacting a software engineer to ascertain optimal options.

Action Item: J. Ouellette to confirm whether full access to InSite's database has been granted.

Motion to approve the additional positions and necessary funds to perform the essential work.

Moved by: H. Delnick

Seconded by: A. Picotte

Abstentions (2)

By show of hands: Carried unanimously

4.5 Annual federal pre-budget consultations: NEC volunteers were sought to establish CAPE's first ad hoc Federal pre-budget consultation Working Group to deliver written pre-budget recommendations as part of the annual public consultation run by the House of Commons Standing Finance Committee. Public consultations will launch June 12 and end by August. Acting in an advisory capacity, the working group would meet 2 or 3 times starting next week and put forth suggestions to the Public Affairs on desired content

within the Federal Budget. A. Trau, G. Kopytko and A. Picotte volunteered to sit on the Working Group. A concept note will be provided ahead of the first meeting to discuss next steps.

4.6 Approval of CLC delegates: The request was sent to the members and the list has been circulated. A Picotte requested the removal of his name.

Motion to approve the list of CLC delegates to attend the convention.

Moved by: H. Delnick

Seconded by: A. Picotte

Abstentions (1)

By show of hands: Carried unanimously

Motion to approve the NEC members to attend the convention. G. Kopytko, A. Nemec, R. Kossick, M. Collins and G. Phillips

Moved by: A. Picotte

Seconded by: H. Delnick

Abstentions (1)

By show of hands: Carried unanimously

(Agenda Item 5 was discussed in-camera)

6. Reports

6.1 President's Report: Spearheaded by the ED J. Ouellette, the Management Team is scheduled to meet June 10-11 to undertake an operational review of internal policies, strategies, priorities, identify deficiencies and next steps ahead. The purpose is to ensure team synergy and collaboration in line with the conclusion of phase 1 as instructed by Coach Tim Robinson.

A NEC Retreat is planned for the fall (September) and will be preceded by a survey in June to gauge topics to cover.

The Association took a proactive effort in initiating work on systemic racism. The goal will be to conduct a CAPE-wide review of the policies and procedures pertaining to representation services to identify any barriers prohibiting participation as currently set up. First step will consist of an operational activity, followed by the political aspect. This process will require the establishment of a committee, engaging qualified external resources, as well as holding consultations with key stakeholders including the NEC and members at large.

Notwithstanding the pandemic, the objective will be to reschedule various local AGMs which are usually held in June. A survey was launched to determine the preferences of Locals and as it stands, the topic is still being examined.

Action Item: J Courty to extend the invitation to the NEC to attend local AGMs and maintain a list note attendance, locations and dates.

The diminished number of translators (*between 850-900*) has resulted in a difficult situation from a health and safety standpoint and similar to the interpreters, a survey for the TR group will be developed. Following the launch of the interpreters' survey, the President was interviewed by media outlet 'Le Devoir', which garnered a great deal of interest and awareness on the issue.

Though currently at a stand still, work around the RCMP Deeming is proceeding under steady urging. Letters were sent on May 27th to both RCMP Commissioner Brenda Lucki and Christine Donahue outlining CAPE's concerns over the delays in holding consultations, resulting in a negative impact on civilian members. The President also requested scheduling a meeting with each of them at the end of June.

6.2 ED Report: An in-house OHS COVID survey for staff was introduced with favourable participation rate. Results reflect the current climate in the Public Service around teleworking. The concerns arising from the survey will be raised with the Management Team. Sincere appreciation and heartfelt thanks were imparted to J. Ouellette in recognition of the work and effort involved.

6.3 Senior Advisor Report: As of May 26, active cases of reported COVID have significantly decreased. The NJC was informed of the appointment of Marie-Chantal Girard as Treasury Board's interim ADM, Employment Conditions and Labour Relations. She is replacing Sandra Hassan..

In collaboration with the Communications Team, work on updating the Phoenix and COVID FAQs is underway and will be posted on the website when the work is completed. In addition, a Performance Management Evaluation Brief is currently under development and will be uploaded to the website upon completion.

Public Health Care Negotiations: . A new round of negotiations with Treasury Board to update and strengthen the Public Service Health Care Plan (PSHCP) has begun. Negotiations were held in April and May with future sessions scheduled for June.

Action Item: J. George to request representative Debbie Cooper to provide a more fulsome report and extend an invitation to a future NEC meeting when new updates arise.

The Senior Advisor delivered the Director of Policy and Negotiation's Report and informed the NEC that a ULP complaint was filed by E. Tremblay challenging the application of Bylaw 15 to her. Any questions should be addressed to the attention of the President.

6.4 Director of Communications Report: Great media coverage through the first page of Le Devoir was received, this being an historic benchmark for the Association, which included an agreement to extend to the paper the exclusivity of the Interpreters

survey results. Radio Canada also took notice of the survey and broadcast an extensive capsule on one of their shows which depicted a positive report on the situation.

CAPE was also featured in a Radio Canada report on anti-Black racism in the Federal Government, which was published online on both the CBC and Radio Canada website. This was also discussed at length during the newscast Le Téléjournal with Céline Galipeau.

6.5 Director of Finance Report: None.

6.6 Report on CLC: Nothing further to report.

7. Committee Updates

7.1 Finance Committee: Owing to the coordination and efforts of J. Ouellette and M. Courty, the Finance Committee is swiftly moving on critical issues following the departure of the Director of Finance. Considering that no financial reports were generated in the months of April and May, it was decided to cancel the June Finance Committee meeting. A contract has been awarded to Deloitte to work on preliminary figures in preparation of the budget, as well as to generate working papers for audit purposes. Meetings have been scheduled for June 7, 14 and 17 to finalize the budget to present to the NEC on June 25, 2021. The Auditors McCay Duff LLP have been engaged to perform an audit review of undocumented expenditures brought into questions following the departure of various staff.

7.2 Constitution and Bylaws: Already discussed.

Action Item: Look into establishing the subcommittee on voting and schedule the inaugural meeting with a Research Officer in attendance to provide assistance.

7.3 Audit Committee: Training was requested by the Committee members but an answer from the Chair on the required training has yet to be received. Once determined, the first Audit Committee meeting will be scheduled.

7.4 Office Accommodations: A total of 5 Class A and B properties were toured last week in the Ottawa region: (*Holland Cross, Constitution Square, Place de Ville, O'Connor Tower, 350 Sparks*), each presenting pros and cons on layout and pricing. As for the current space, a proposal from the landlord is pending but retaining the space would necessitate a retrofit to meet the current requirements. Meetings with 3 design firms to design the project were recently held and as of yesterday, CAPE retained the services of the highly qualified firm 4té Inc. led by Chantal Boyer-Casey. The next Office Accommodations meeting is scheduled to take place June 15th, during which time Real Strategy will provide a debrief and answer any questions on any of the properties being considered.

The NEC meeting adjourned at 4:06 p.m. EDT.

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The above minutes are accepted as a true representation of the National Executive Committee meeting held on May 28th, 2021.

APPROVED by:

Chairperson

Date