

2021 RESOLUTIONS

November 10, 2021

Resolution #1 – New By-law regarding conflict of interest due to litigation

Overview:

This is the proposed introduction of a new By-Law # 15 (Suspension due to conflict of interest related to litigation) regarding the suspension of an elected or appointed member due to a conflict of interest related to litigation.

Date adopted by the NEC: November 27, 2020

Comparison or proposed amendments to existing text:

EXISTING TEXT	PROPOSED AMENDMENTS	REASON FOR THE CHANGE
New text.	BY-LAW # 15 - SUSPENSION DUE TO CONFLICT OF INTEREST RELATED TO LITIGATION	Proposed introduction of a new by-law to address instances of conflict of interest due to litigation.
	B 15.1 SCOPE B 15.1.1 The objective of this By-law is to describe the process by which the National Executive Committee (NEC) can suspend an elected or appointed member due to a conflict of interest related to litigation. B 15.1.2 For the purpose of this By-law, it is presumed that when an elected or	Each elected and appointed member of the NEC, of its sub-committees, of the Presidents' Council, and/or of the Local Leadership Council is required to take an oath of office. The oath of office includes a duty of loyalty. A decision by an elected or appointed member to commence legal proceedings against CAPE may impair the member's

	<p>appointed member is actively engaged in litigation against CAPE, the member is not able to hold the interests of CAPE ahead of their own personal interest and that this actual, potential and/or perceived conflict of interest between the elected or appointed member and the best interests of the organization is prejudicial to the good order and welfare of CAPE.</p> <p>B 15.1.3 Nothing in this By-Law precludes the NEC from taking any action under By-law 5 in addition to, or independently of, this By-law.</p> <p>B 15.2 DEFINITIONS</p> <p><i>Conflict of interest due to litigation</i> means a conflict of interest resulting from a member who has commenced a legal action and is actively involved in legal proceedings against CAPE. Litigation is considered active until such time as it has been withdrawn or otherwise resolved.</p> <p><i>Elected or appointed member</i> includes a member of the NEC or one of its sub-committees, a member of the Presidents' Council, and/or a member of the Local Leadership Council.</p>	<p>ability to faithfully perform his or her duties.</p> <p>It is proposed that it is in the best interest of CAPE that each such instance be assessed and that the concerned member be temporarily suspended from their duties if it is found that they are in a conflict of interest inconsistent with their duty of loyalty.</p> <p>CAPE also has a Code of Ethics that requires that members who find themselves in a conflict of interest declare such conflict and recuse themselves from any decisions taken on the matter about which they have identified a conflict (real, perceived or potential).</p>
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Potentially conflicted member refers to any elected or appointed member of CAPE who is presumed to be in a conflict of interest due to litigation under this By-law.

Suspension means to deprive an elected or appointed member of their right to fulfill their role as an elected or appointed member including attending meetings or receiving information for a specified period of time.

B 15.3 SUSPENSION PROCESS

B 15.3.1 The President, on their own motion or as identified by a NEC member, will place the matter of conflict of interest due to litigation on the agenda of the next monthly NEC meeting.

B 15.3.2 The President will forthwith advise the potentially conflicted member that the issue of his or her conflict of interest due to litigation has been identified and that it will be addressed at the next monthly NEC meeting.

B 15.3.3 The President will invite the potentially conflicted member to provide written and/or in person representations at the NEC monthly meeting to rebut the

presumption that he or she is in an actual, potential and/or perceived conflict of interest that is prejudicial to the good order and welfare of CAPE. The President will determine the allowed length for the written and/or in person representations.

B 15.3.4 At the NEC monthly meeting addressing the conflict of interest due to litigation, the President will:

a) Speak to the matter identifying the member.

b) If the potentially conflicted member is in attendance, invite the member to address the NEC to explain his or her conflict of interest due to litigation.

c) If written submissions have been provided by the potentially conflicted member pursuant to By-law 15.3.3, subject to any privacy concerns, provide copies of the submissions to NEC members in attendance.

d) Begin an in-camera discussion to be held without the presence of the potentially conflicted

	<p>member as the discussion relates to an active litigation matter.</p> <p>e) During the in-camera discussion, inform the NEC members in attendance of any legal opinion obtained and call a motion for the suspension to be voted on by the NEC.</p> <p>B 15.3.5 If approved by a majority of the NEC, the period of suspension begins immediately.</p> <p>B 15.3.6 The National Office will advise the NEC Member of the suspension in writing.</p> <p>B 15.3.7 If the motion for suspension identified in By-law 15.3.4 d) is not approved by the NEC, the matter of conflict of interest due to litigation of the potentially conflicted member cannot be placed back on the agenda until the 2nd NEC meeting after the meeting in which the vote was taken.</p> <p>B 15.3.8 If a vote of suspension against a potentially conflicted member fails twice, the matter cannot be placed back on the agenda of the NEC for the remainder of the member's term of office or</p>	
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appointment unless substantive new evidence comes to light which would warrant reconsideration by the NEC.

B 15.4 QUORUM

B 15.4.1 Following a suspension, a suspended member does not count in the calculation of the quorum required for the meeting of the NEC to continue.

B 15.5 SUSPENSION PERIOD

B 15.5.1. The suspension is for such time as the litigation against CAPE is active.

B 15.6 PRESIDENT AND VICE-PRESIDENT

15.6.1 In the event of a suspension of the President or Vice-President under By-Law 15, the suspension shall be considered as an incapacity under clauses 21.1 and 21.2 of the Constitution.

B 15.7 APPEAL

B 15.7.1 A suspended member may appeal the suspension by providing notice to the President under this section. The suspension shall remain in effect for the duration of the appeal process.

	<p>B 15.7.2 The appeal shall be heard by an independent third-party adjudicator mutually agreed to by the parties.</p> <p>B 15.7.3 The third party's mandate shall be limited to making a determination, based on the terms of this By-law, of whether the conflict of interest due to litigation is of such significance as to merit a suspension for the period of time that the litigation is active.</p> <p>B 15.7.4 The third party shall be provided with all of the information that was considered by the NEC in making its decision as well as any additional information that is relevant to the determination. The parties shall also be provided with the opportunity to make in person representations to the third party.</p> <p>B 15.7.5 The determination made by the third party shall be binding on the parties.</p>	
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Resolution #2 – Amendments to the elections and resolutions process

Overview:

This is a set of proposed amendments to By-Law # 3 (Elections and Resolutions) to address issues that have occurred during prior elections and avoid future re-occurrences.

Date adopted by the NEC: March 26, 2021

Comparison or proposed amendments to existing text:

EXISTING TEXT	PROPOSED AMENDMENTS	REASON FOR THE CHANGE
BY-LAW #3 - ELECTIONS AND RESOLUTIONS	BY-LAW #3 - ELECTIONS AND RESOLUTIONS	
<p>ELECTIONS AND RESOLUTIONS COMMITTEE B 3.3 In accordance with these By-Laws the Elections and Resolutions Committee shall create a nomination form and, no later than June 1 in an election year, shall issue a call by regular mail and/or other means of communications for candidates for positions to be filled in accordance with Article 17 of the Constitution. The nomination form shall accompany this notification.</p>	<p>ELECTIONS AND RESOLUTIONS COMMITTEE B 3.3 In accordance with these By-Laws the Elections and Resolutions Committee shall create a nomination form and, no later than June 1 in an election year, shall issue a call by regular mail and/or other means of communications for candidates for positions to be filled in accordance with Article 15 of the Constitution. The nomination form shall accompany this notification.</p>	<p>Amendment required to correct a cross-referencing error.</p>
<p>NOMINATIONS B 3.4 All nominations to a Director’s position shall be supported by one (1)</p>	<p>NOMINATIONS B 3.4 All nominations to the position of Director shall be supported by one (1)</p>	<p>Amendment required to clarify the process and avoid that certain candidates be excluded from the election process for</p>

<p>Regular or Pending member of the Association. All nominations to the positions of President and Vice-President shall be supported by ten (10) Regular or Pending members of the Association. In each case, nominations shall not be accompanied by more supporting names than the number required.</p>	<p>Regular or Pending member of the Association. All nominations to the positions of President and Vice-President shall be supported by ten (10) Regular or Pending members of the Association. In each case, nominations shall not be accompanied by more supporting names than the number required. Any supporting name(s) beyond the required number shall be discarded.</p>	<p>having obtained too many supporting signatures.</p>
<p>B 3.7 Completed nomination forms in any format with verifiable signatures shall be received at the National Office no later than September 1st. The Elections and Resolutions Committee shall verify all information provided and confirm the candidate's eligibility no later than September 15th. Candidates will be expected to observe recognized standards of conduct throughout an election campaign both in verbal and written communications.</p>	<p>B 3.7 Completed nomination forms in any format with verifiable signatures shall be received at the National Office no later than September 1st. The National Office shall forthwith verify the information provided and inform the candidate of any missing information within two business days of having received the form provided it was received in advance of the September 1st deadline. The Elections and Resolutions Committee shall verify that all of the information provided complies with the Constitution and By-laws and confirm the candidate's eligibility no later than September 15th. Candidates will be expected to observe recognized standards of conduct throughout an election campaign both in verbal and written communications.</p>	<p>Amendment required to include a process for informing potential candidates if information is missing to support their candidacy.</p>

<p>NEW - REGULAR MAIL VOTING PROCESS B 3.24 The mail-in vote shall be cast using the system of "double envelopes". Only envelopes with a ballot inserted in an internal envelope and accompanied in the external envelope with a completed voter registration card signed by the voting member certifying his or her membership status shall be accepted. Any other envelope shall be considered a rejected envelope.</p>	<p>REGULAR MAIL VOTING PROCESS B 3.24 <i>As an accommodation measure, should a member request a mail-in-ballot, the vote</i> shall be cast using the system of "double envelopes". The mail-in vote shall be cast using the system of "double envelopes". Only envelopes with a ballot inserted in an internal envelope and accompanied in the external envelope with a completed voter registration card signed by the voting member certifying his or her membership status shall be accepted. Any other envelope shall be considered a rejected envelope.</p>	<p>Amendment required to clarify when mail-in votes are to be used.</p>
<p>New text.</p>	<p>ELECTIONS AND RESOLUTIONS COMMITTEE REPORT B 3.41 <i>After the completion of each annual election cycle, the Elections and Resolutions Committee shall prepare a detailed written report. The report shall be presented by the Chair of the Elections and Resolutions Committee to the National Executive Committee at its regular meeting in January. The report shall include a summary of the activities lead by the Elections and Resolutions Committee over the election year as well as:</i></p>	<p>New language to require the production of a report by the ERC at the completion of an election cycle in order to provide insight into the process and the ability to address any shortcomings experienced.</p>

	<p>a) the number of nominations received, by position sought, per bargaining unit under By-law 3.4;</p> <p>b) the number of candidates per bargaining unit by position sought who were rejected for failure to comply with the requirements contained in the Constitution and By-laws;</p> <p>c) the reasons why each candidate was rejected;</p> <p>d) a summary of any challenges encountered during the election cycle; and</p> <p>e) recommendations to ensure these challenges are addressed in the subsequent election year cycle.</p>	
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Resolution #3 – Amendments to include a reference to the OPBO bargaining unit

Overview:

This is a set of proposed amendments to the Constitution and By-Law in order to include a reference to the Office of the Parliamentary Budget Officer (OPBO) bargaining unit.

Date adopted by the NEC: April 30, 2021

Comparison or proposed amendments to existing text:

EXISTING TEXT	PROPOSED AMENDMENTS	REASON FOR THE CHANGE
A - CHANGES TO THE CONSTITUTION		
DEFINITIONS		
New text.	“OBPO Group” – refers to the OPBO bargaining unit.	Add the definition of the OPBO bargaining unit.
“EC/LoP” refers to the founding community made up of members of the EC bargaining unit and of the Library of Parliament Bargaining Unit.	“EC/LoP/ OPBO ” refers to the group of bargaining units composed of the founding community made up of members of the EC bargaining unit and of the Library of Parliament Bargaining Unit, and since May 24, 2018 the members of the OBPO bargaining unit.	Amend definition to include a reference to the OPBO.
8. COMPOSITION OF THE NEC		
8.2 The voting members are: the President, the EC/LoP Vice-President, the TR Vice-President and a Vice-President	8.2 The voting members are: the President, the EC/LoP/ OPBO Vice-President, the TR Vice-President and a Vice-President for any other bargaining	Amend 8.2 to include a reference to the OPBO.

for any other bargaining unit of 1,000 individuals or more, and Directors.	unit of 1,000 individuals or more, and Directors.	
8.4 A bargaining unit shall have a Director for each 1,000 individuals or part thereof.	8.4 A bargaining unit shall have a Director position for each 1,000 individuals or part thereof.	Amend 8.4 to recognise that it is not always possible to fill the role of Directors for smaller bargaining units.
15. ELECTIONS AND RESOLUTIONS COMMITTEE		
15.1 The NEC shall appoint an Elections and Resolutions Committee, with at least one Regular or Pending member from each bargaining unit.	15.1 The NEC shall endeavour to appoint an Elections and Resolutions Committee, with at least one Regular or Pending member from each bargaining unit, based on the availability of candidates that have volunteered for these positions.	Amend 15.1 to recognise that it is not always possible to obtain volunteers from smaller bargaining units.
16. AUDIT COMMITTEE		
16.1 The NEC shall appoint an Audit Committee, with at least one Regular or Pending member from each bargaining unit.	16.1 The NEC shall endeavour to appoint an Audit Committee, with at least one Regular or Pending member from each bargaining unit, based on the availability of candidates that have volunteered for these positions.	Amend 16.1 to recognise that it is not always possible to obtain volunteers from smaller bargaining units.
19. ELECTIONS AND TERMS OF OFFICE		
19.3 The Vice-Presidents and Directors are elected by the members of their respective bargaining units or the founding community they represent (EC/LoP and TR).	19.3 The Vice-Presidents and Directors are elected by the members in their respective bargaining units, or group of bargaining units in the case of the EC/LoP/OPBO.	Amend 19.3 to include a reference to the OPBO.
21. VACANCIES		
21.2 In the event a Vice-President assumes the duties of the President, or in	21.2 In the event a Vice-President assumes the duties of the President, or in	Amend 21.2 to include a reference to the OPBO.

<p>the event of incapacity, resignation, removal from office or death of a Vice-President, NEC shall designate a Director from the corresponding bargaining unit or founding community (EC/LoP or TR) to assume the duties of the Vice-President for the balance of the term.</p>	<p>the event of incapacity, resignation, removal from office or death of a Vice-President, NEC shall designate a Director from the corresponding TR or EC/LoP/OPBO group of bargaining units to assume the duties of the Vice-President for the balance of the term.</p>	
<p>B - CHANGES TO THE BY-LAWS</p>		
<p>BY-LAW #4 – LOCALS</p>		
<p>B 4.3 The rebate is paid based on the number EC, TR, or LoP, dues-paying employees working in that Local according to the table below:</p> <ul style="list-style-type: none"> ● 1 - 25 members: \$500 ● 26 - 50 members: \$750 ● 51 - 75 members: \$1,000 ● 76 - 100 members: \$1,500 ● 101 - 500 members: \$2,750 ● 501 - 1000 members: \$4,500 ● 1001 - 1500 members: \$6,000 ● 1501 - 2000 members: \$8,000 ● 2000 plus members: \$9,000 	<p>B 4.3 The rebate is paid based on the number EC, TR, LoP, or OPBO dues-paying employees working in that Local according to the table below:</p> <ul style="list-style-type: none"> ● 1 - 25 members: \$500 ● 26 - 50 members: \$750 ● 51 - 75 members: \$1,000 ● 76 - 100 members: \$1,500 ● 101 - 500 members: \$2,750 ● 501 - 1000 members: \$4,500 ● 1001 - 1500 members: \$6,000 ● 1501 - 2000 members: \$8,000 ● 2000 plus members: \$9,000 	<p>Amend B 4.3 to include a reference to the OPBO.</p>
<p>BY-LAW #7 – COLLECTIVE BARGAINING TEAM</p>		
<p>B 7.1.1 The NEC will strike a Collective Bargaining Committee (CBC). i. The NEC will call for volunteers from the general membership of</p>	<p>B 7.1.1 The NEC will strike a Collective Bargaining Committee (CBC). i. The NEC will call for volunteers from the general membership of</p>	<p>Amend B 7.1 to include a reference to the OPBO.</p>

<p>the appropriate bargaining unit no later than three (3) months prior to the earliest date for notice to bargain. The call for volunteers to negotiate the TR Financial Incentive Program will be made no later than 6 months prior to the expiry of the agreement.</p> <p>ii. Members of the NEC may volunteer to be on the CBC.</p> <p>iii. Volunteers will submit their reasons for wanting to serve on the CBC.</p> <p>iv. The NEC will appoint no more than eighteen (18) members to the EC CBC, no more than ten (10) members to the TR CBC and no more than five (5) members to the Library of Parliament (LoP) CBC.</p> <p>v. The negotiator, as defined in paragraphs 9.2 and 9.12 of the Constitution and paragraph 7.3 of the By-Laws, is an ex officio member of the CBC.</p>	<p>the appropriate bargaining unit no later than three (3) months prior to the earliest date for notice to bargain. The call for volunteers to negotiate the TR Financial Incentive Program will be made no later than 6 months prior to the expiry of the agreement.</p> <p>ii. Members of the NEC may volunteer to be on the CBC.</p> <p>iii. Volunteers will submit their reasons for wanting to serve on the CBC.</p> <p>iv. The NEC will appoint no more than eighteen (18) members to the EC CBC, no more than ten (10) members to the TR CBC and no more than five (5) members to the Library of Parliament (LoP) CBC and Office of the Parliamentary Officer (OPBO) CBC.</p> <p>v. The negotiator, as defined in paragraphs 9.2 and 9.12 of the Constitution and paragraph 7.3 of the By-Laws, is an ex officio member of the CBC.</p>	
<p>B 7.2.3 A CBC will select no more than six members for the CBT of the EC bargaining unit or the CBT of the TR bargaining unit, in addition to the negotiator. It may choose up to 2 alternates.</p>	<p>B 7.2.3 A CBC will select no more than six members for the CBT of the EC bargaining unit or the CBT of the TR bargaining unit, in addition to the negotiator. It may choose up to 2 alternates.</p>	<p>Amend B 7.2 to include a reference to the OPBO.</p>

<p>B 7 .2.4 The CBC will select no more than four members for the CBT of the LoP bargaining unit, in addition to the negotiator. It may choose up to two (2) alternates.</p>	<p>B 7 .2.4 The CBC will select no more than four members for the CBT of the LoP bargaining unit or the CBT of the OPBO bargaining unit, in addition to the negotiator. It may choose up to two (2) alternates.</p>	
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Resolution #4 – New By-Law requiring mandatory training for all Stewards

Overview:

This is the proposed introduction of a new By-Law within by-law # 4 (Locals) regarding the introduction of mandatory training for all newly appointed stewards.

Date adopted by the NEC: June 25, 2021

Comparison or proposed amendments to existing text:

EXISTING TEXT	PROPOSED AMENDMENTS	REASON FOR THE CHANGE
BY-LAW # 4 - LOCALS		
New text.	STEWARD TRAINING B 4.8 All Stewards shall be required to obtain training on how to perform their role within a Local. The training shall be delivered by the National Office and may include online methods of delivery.	New bylaw to ensure that all stewards are properly trained to support the needs of the membership.

Resolution #5 – Amendments to the method of determining the President’s compensation

Overview:

This is a set of proposed amendments to provide the National Executive Committee to set the financial terms and conditions modify of the President’s compensation based on recommendations provided by an independent compensation consultant. The change will ensure transparency by making the President’s financial terms and conditions public by publishing the President’s employment contract at the commencement of each three year election cycle.

Date adopted by the NEC: June 25, 2021

Comparison or proposed amendments to existing text:

EXISTING TEXT	PROPOSED AMENDMENTS	REASON FOR THE CHANGE
CHANGES TO THE CONSTITUTION		
35 - FINANCIAL CONTROLS		
35.9 In the year prior to a Presidential election, the NEC at the annual call for resolutions may propose a change in the salary or benefits of the President. The proposed change shall be submitted to the membership for approval. Once approved, it shall commence with the term of office of the elected President.	Delete.	Amend the method of determining the President’s compensation by basing it on recommendations provided by an independent compensation consultant and as determined by the National Executive Committee. The change will ensure transparency by making the President’s financial terms and conditions public by publishing these terms at the commencement of each three year election cycle.

36 - PRESIDENT'S SALARY AND BENEFITS

36.1 The Association accepts for its President a salary in the EX-2 range of the Executive Category in the federal Public Service, and a benefit package commensurate with the benefit package provided to staff of the Association. Any change to the salary and benefit conditions shall be made as prescribed by clause 35.9.

36.1: The financial terms and conditions for the position of President shall be reviewed on a triennial basis in the year preceding a Presidential election. The review shall be conducted by an independent compensation consultant selected by the NEC.

36.2 The NEC shall establish the financial terms and conditions that will form the basis of the President's employment contract based on the recommendations received by the independent compensation consultant pursuant to clause 36.1.

36.3 The financial terms and conditions shall be approved by the NEC prior to the publication of the Notice of Election/Call for Nominations in the year of a Presidential election.

36.4: The financial terms and conditions for the position of President shall be published in the Notice of Election/Call for Nominations.

36.5 No changes to these terms and conditions shall take effect between triennial reviews with the exception of economic adjustments and personal allowances.

Amend the method of determining the President's compensation by basing it on recommendations provided by an independent compensation consultant and as determined by the National Executive Committee. The change will ensure transparency by making the President's financial terms and conditions public by publishing these terms at the commencement of each three year election cycle.

Resolution #6 – New by-law regarding the introduction of a CAPE Scholarship Program

Overview:

This is the proposed introduction of a new By-Law # 16 (CAPE Scholarship Program) for the introduction of a CAPE scholarship program for post-secondary education.

Date adopted by the NEC: September 24, 2021

Comparison or proposed amendments to existing text:

EXISTING TEXT	PROPOSED AMENDMENTS	REASON FOR THE CHANGE
New text.	BY-LAW #16 – CAPE SCHOLARSHIP PROGRAM	Proposed introduction of a new by-law to introduce a scholarship program.
	B. 16.1 CAPE may provide scholarships for post-secondary education through a Scholarship Program. B 16.2 The terms of the Scholarship Program are to be detailed in a CAPE Policy approved by the NEC and administered by the National Office. B 16.3 The total amount of scholarships to be awarded will be subject to an annual review as part of the budgetary approval process. At no time shall the total amount of scholarships awarded exceed half of one percent (0.5%) of the	

	<p>annual membership dues for the preceding year.</p> <p>B 16.4 Eligibility for a scholarship shall be limited to applicants who are:</p> <ul style="list-style-type: none">a) A child, grandchild, niece, or nephew of a regular or pending member in good standing; orb) a child living with a regular or pending member in good standing; orc) a regular or pending member in good standing, ord) a common-law partner or spouse of a regular or pending member in good standing; ande) enrolled in a full-time or part-time post-secondary program at a recognized educational institution in Canada or outside Canada.	
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