



**National Executive Committee Meeting
Friday, March 25th, 2022
Via Zoom Videoconference**

MINUTES

In Person: G. Phillips (*Chair*), C. Awada, S. Crawford, M. English, R. Kossick, C. Lonmo, A. Picotte, E. Tremblay

Via Zoom: A. Butler, J. Brulotte, M. Collins, H. Delnick, J. King, G. Kopytko, J. Lafontaine, P. Makrodimitris, K. Mansfield, A. Kurikshuk-Nemec, S. Rehman, A. Trau

Staff: J. Courty, A. Lizotte, S. Salter, K. Thériault, J. George and J. Ouellette

Regrets: D. Monafu, A. Okladov, P. Ives

1. Call to Order

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

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

1.1 Approval of NEC Agenda

There were no requests for additions or amendments.

Motion to adopt the agenda as presented.

Moved by: C. Awada

Seconded by: A. Trau

Abstentions (1)

By show of hands: Carried unanimously

1.2 Review and approval of NEC public minutes (January 28, 2022)

Motion to adopt the January 28, 2022, NEC minutes as amended.

Moved by: C. Awada

Seconded by: C. Lonmo

Discussion: Minor typos in the French version were observed and will be forwarded to J. Courty's attention for amendment.

Abstentions (3)

By show of hands: Carried unanimously

1.3 Review and approval of NEC public minutes (February 25, 2022)

Motion to adopt the February 25, 2022, NEC minutes as presented.

Moved by: A. Picotte

Seconded by: C. Lonmo

Abstentions (5)

By show of hands: Carried unanimously

1.4 Review and approval of SNEC public minutes (February 22, 2022)

Motion to adopt the February 22, 2022, SNEC minutes as amended.

Moved by: A. Picotte

Seconded by: M. English

Discussion: The minutes will be corrected to reflect J. Lafontaine's absence

Abstentions (5)

By show of hands: Carried unanimously

2. Reports

2.1 President's Report: The Atlantic Regional Council hybrid meeting held March 18 yielded productive discussions and generated significant engagement by Council Leaders. Topics covered included, but were not limited to, DDT, NextGen, EC bargaining, CAPE transformation, union dues, workforce adjustment work committee, consultation with Locals etc. Helpful feedback from Council members was received and will be taken into consideration.

Following a meeting with the BAs (Bargaining Agents), a recommendation was put forth by the President to consider the establishment of a subcommittee on collective bargaining to have a forum for the BAs to dialogue on common issues. The recommendation was accepted, and CAPE will be leading this initiative.

The interpreters' grievance related to Health & Safety concerns is moving forward. The President met with the International Association of Conference Interpreters (AIIC) President who's expressed interest in forging a partnering with CAPE. The President extended an invitation to address the NEC at the next meeting.

The President continues to attend Treasury Board's Next Generation HR and Pay meetings to stay informed of future developments being made. The testing and feasibility stages are progressing and the ADM will be invited to present to the NEC at a future date to provide an update on the project and work undertaken.

The introductory meeting with PIPSC's new President initiated fruitful discussions.

An ESU UMCC meeting was recently held to review the COVID Policy.

A staff Town Hall was held Wednesday as an opportunity to meet in-person. A number of operational-related topics were discussed, including office accommodation, CAPE's policy on remote working, etc.

Yesterday the President met with the Canadian COVID Care Alliance, a group of independent Canadian doctors, scientists and health care practitioners committed to providing balanced evidence-based information to the Canadian public about COVID-19. The President listened to what they had to say, and why they oppose the COVID-19 vaccine.

HEALTH BREAK

2.2 ED Report: Tabled until the next NEC meeting.

2.3 Senior Advisor Report: Leave under Code 699: As of March 1st, Treasury Board lifted the temporary measures of the guidance on 'Other Leave with Pay' (Code 699 Leave) that had been put in place in November to deal with the onset of the Omicron wave. As a result, 699 will now only be available under exceptional circumstances and for temporary usage. All individual requests for 699 will be examined and considered on a case-by-case basis.

The Public Service Occupational Health Program (PSOHP) updated its occupational health guidance on February 28, 2022, in light of the evolving COVID-19 situation. Considered an evergreen document, the guidance aims to ensure that as departments and agencies gradually resume increasing building occupancy, that they have appropriate guidance re the workplace preventive practices that need to be in place. Treasury Board will continue to support deputies in their transition to hybrid work models, where applicable and operationally feasible. The guidance also encourages inter-departmental collaboration with respective OHS committees and available OHS resources throughout the gradual return to workplace process. An overview of PSOHP updates on preventive practices related to masks, travel and screening was shared with the NEC, who will also be informed of upcoming PSOHP updates.

The 6-month review of TBS Mandatory Vaccination Policy is underway. Treasury Board is undergoing a review of the comments and feedback received from the BAs. A draft of the revised Policy is anticipated shortly.

As of February 2022, the Employment Equity Act Review Task Force resumed its work, having been previously halted as a result of the federal election. As per the TORs, the Task Force's mandate involves defining and expanding equity groups, providing greater support

to equity groups, improving accountability, compliance, and enforcement of the Act, as well as improving public reporting. A letter dated August 2021 was submitted to the Task Force expressing CAPE's interest in engaging in consultations. Consequently, an invitation to participate in the consultation process was extended. The consultation period will close on April 28th, 2022.

2.4 Director of Policy & Negotiations Report: With respect to the Mandatory Vaccination Policy, to date, 58 grievances have been filed by 51 members. An additional 103 complaints were brought forward and subsequently settled or withdrawn.

Return to work protocols: The National Office is gearing up in the anticipation of potential conflict in the workplace in view of the sharp contrast between the federal and many provincial governments approaches to sanitary measures. Instructions on available options to ensure feelings of safety in the workplace will be developed and provided to members shortly. In addition, an information bulletin will be prepared for the members to ensure awareness of the highlights of the Occupational Health and Safety Guidelines regarding the considerations for each department's respective return-to-work plans.

A new policy grievance for the TR group was filed regarding the system that determines the amount of time required for translation. Though no date has been set, the National Office is preparing for the grievance hearing.

Health & Safety Complaint for the Interpreters: As per Labour Canada's directive, parties must re-examine the matter at the Health and Safety Committee level towards a resolution. Failing this, the complaint will be further evaluated. Meanwhile, the National Office is actively preparing representations for the House Committee tasked to further assess the complaint.

The lease for the new premises of the National Office was successfully negotiated.

Committee of Bargaining Agents Negotiators: A new committee comprised of lead negotiators and chaired by the Director of Policy, Negotiations and General Counsel was established. 15 BAs have agreed to participate on the committee. In addition, a Pay Simplification Working Group consisting of TBS representatives and various BAs has been set up to review and discuss the potential simplification of pay rules to aid the success of the next generation HR system.. The Working Group will be co-chaired by the Director of Policy, Negotiations and General Counsel alongside one of the TBS negotiators.

2.5 Director of Communications Report: The 2021 Annual Report has been posted on the website and can be accessed under the "Resources" tab. Moving forward, annual reports will highlight NEC activities.

The NEC bio page is now live. NEC members who have yet to submit their bio and picture were encouraged to do so in order to facilitate the page to be promoted to the membership at the end of April.

The Association was able to secure media coverage (Hill Times and Policy Option magazine) in 4 different articles on the issue related to the interpreters. The links will be forwarded to the NEC for their information. The Board of Internal Economy, the governing body of the House of Commons, invited CAPE to submit a brief outlining the challenges faced by interpreters during virtual meetings to gain a better understanding of the issues and proposed recommendations put forth. The ultimate goal is to be able to testify in person on the matter at hand. Once finalized, the brief will be shared with the NEC.

In reference to Locals' consultation, the Communication Group is in the process of launching a survey next month targeted toward Local Leaders to better understanding the needs and challenges encountered with respect to communications to members, as well as engaging the membership as a whole. A report will be developed and discussions with Local Leaders will happen in the near future. The help of Locals Co-ordinators will be enlisted in this process to ensure its success.

2.6 Director of Finance Report: The January financial statements were approved by the Finance Committee last week. Year-to-date, revenues are higher than expenditures as originally budgeted. The investments' performance was underwhelming with losses in January and February due to drops in the market and the crisis in the Ukraine/Russia.

The audit is scheduled for June 2022 to review both CAPE's books, as well as the pension plan for employees. The Audit Committee meeting will take place next week, during which time a Chair will be selected.

Based on comments raised at the SNEC meeting, the final budget takes into account the consolidation of travel under Section 12, as well as inflationary considerations whereby numbers have already been increased by 50% under various budget line items. As it stands, a contingency of \$450K is available which has not been used this fiscal year and can be considered in the event of major inflation shifts.

Motion to approve the revised draft budget as presented

Moved by: H. Delnick

Seconded by: C. Awada

Abstentions (2)

By show of hands: Carried unanimously

Next Steps: The revised budget will be presented to the Local Leadership for consultation.

3. Committee Updates

3.1 Finance Committee: The Finance Committee met last week, during which time a sub-working group was established and tasked to undertake the review of the

Defense Fund. Various options will be explored, and ideas will be formulated then presented to the NEC at the April meeting. E. Tremblay reiterated an interest in sitting on the Finance Committee. In response, the Finance Committee Chair explained that no current vacancies exist and alluded to the Finance Committee's existing effective working level and the ability to achieve quorum. E. Tremblay requested that the Minutes reflect her displeasure with the response provided by the Chair of the Finance Committee. Another member noted that it is the NEC who votes on the composition of the Finance Committee.

3.2 Constitution and Bylaws Committee: The CBLC Chair reported on the meeting held March 8th to discuss the proposed bylaw amendment regarding the President's compensation, as well as recommendations put forth by the ERC on membership composition whereby the CBLC recommends to the Board to adopt a 5-member size. The ERC requested a review of all provisions within the Constitution and Bylaws related to elections be undertaken. In response, the CBLC called for the identification of specific target areas given the generic nature of the recommendation. The matter of electronic voting will be considered at a later date. With respect to amending the fiscal period of the organization, the CBLC will meet next week with select members of the Finance Committee and Finance department to discuss the timeline of activities under the current versus the proposed new fiscal year end prior to making a determination.

3.3 HR Subcommittee: With no meeting held last month, there was nothing to report.

3.4 DDT Subcommittee: The DDT Subcommittee met during the Atlantic Regional Council. Local leaders' engagement provided an opportunity to not only discuss the subcommittee's priorities but also broaden conversations and directly solicit participation from members of the regions. In addition, the Subcommittee is planning to visit each region in person to hear members' concerns. Work on the Subcommittee's priorities will begin following the approval of the MS Teams Policy. The National Office will explore training needs in order to assist members to prepare for the impact of digital transformation in anticipation of changes to positions.

3.5 Equity, Diversity & Inclusion Subcommittee: The EDI Subcommittee is scheduled to meet on April 12. Information from the Education Coordinator on available training materials through CCDI was provided. Yesterday's announcement of the winning design firm in Winnipeg for the LGBTQ2S+ National Monument marks a pivotal moment for the community. This initiative was a partnership between the federal government and the LGBT Purge Fund. The thunderhead sculpture is located on the Ottawa side of the Portage Bridge and NEC members were encouraged to visit the site.

3.6 Voting Subcommittee: The Voting Subcommittee Chair reported on the meeting held March 16 to address outstanding items and progress being made. Another meeting is scheduled to be held in mid-April.

3.7 WFA Subcommittee: The inaugural meeting was held last night to review the TORs. Regarding membership composition, the recommendation is to allow up to 5

NEC members sit as voting members, with 10 or more members-at-large from a diverse background across the country. The Communications Department is in the process of formulating a new designation/title for the Subcommittee as issues will extend beyond WFA. A recommendation was put forth to consider flexibility in the number of members allowed to sit on the Subcommittee.

4. Decision Items

4.1 Proposed new Policy regarding membership lists: As a follow up to discussions at the previous NEC meeting, several amendments to the Policy were applied to reflect the request for more prescriptive security measures for Locals to have in place to ensure the safeguard of personal information. As a result, a process for accessing the most up-to-date membership list was established along with added paragraphs to the Policy that were outlined for the NEC.

Motion to approve the proposed membership list Policy as amended

Moved by: C. Lonmo

Seconded by: E. Tremblay

Discussion: An amendment was put forth to add a statement indicating that an informal consultation process with the Locals to provide input will take place, and the Policy will undergo a review in one year time, which was accepted by both the mover and seconder. A recommendation was put forth to consider the establishment of CAPE email addresses for Local Leaders for ease of access to the most up-to-date membership list.

In Favour (14), Opposed (1) Abstentions (2)

Motion Carried

LUNCH BREAK

4.2 Proposed new Policy regarding NEC email addresses

As a result of the feedback received at the previous NEC meeting on the process by which email addresses are provided to NEC members and measures taken in the event information was accessed, amendments were made to provide clarification which now reflects that there are no issues with providing notice to the member ahead of time, with the caveat that certain exceptional circumstances may not be conducive to do so (*i.e.: defamation case, ongoing investigation, legal proceedings etc.*).

Be it resolved that the NEC approve the proposed NEC email address Policy as amended

Moved by: G. Phillips

Seconded by: C. Awada

Discussion: A concern was raised pertaining to the privacy aspect and access to data it fails to clearly address the lack of structure surrounding the exceptional circumstances that would warrant a breach as only examples were provided. A recommendation was put forth to consider an addendum to reflect that the exception would only apply if it would be

unadvisable to do so because it would be contrary to CAPE's best interest and that the NEC should be subsequently informed if this were to occur. A second proposed amendment was also put forth to remove the word endeavour from the last sentence "CAPE will endeavour to inform a member in the event their information is accessed unless the circumstances make it unadvisable to do so" and replace it with "make reasonable efforts".
In Favour (13), Opposed (1) Abstentions (3) ***Motion Carried***

4.3 Supporting the Parliamentary Internship Program

A request by a Parliamentary Internship Program member was put forth to seek support from CAPE in developing future leaders in Canada's public service and broader public life by sponsoring the Program as a Bronze or Silver level for an amount of \$2500. An overview of the Program was previously circulated to the NEC.

Be it resolved that CAPE contribute \$2500 to sponsor the Parliamentary Internship Program to raise its profile on the Hill and promote the exposure of young interns to the federal public service.

Moved by: E. Tremblay

Seconded by: A. Nemec

Discussion: It was confirmed this is a single occurrence event as no long-term commitment was made. NEC members discussed the advantages of a "Friends" level sponsorship as in-kind contributions vs. Silver. The majority of comments indicated much interest in proceeding with the silver sponsorship in light of the far more appealing benefits offered and greater exposure to be generated for the Association. Some concerns were raised pertaining to the overall benefits produced for the membership and how this relates to the overall mandate to support the members.

Recorded Vote

In Favour: A. Kurikshuk-Nemec, E. Tremblay, J. Lafontaine, S. Crawford, M. English, A. Picotte, C. Lonmo, R. Kossick, P. Makrodimitris, G. Kopytko, M. Collins, J. Brulotte, S. Rehman, J. King

Opposed: H. Delnick, A. Trau

Abstentions: C. Awada

Motion Carried

5. Discussion Items

- a) **Local Leadership Engagement Strategy:** CAPE's 2022 Leadership Engagement Strategy is underway. Two cross-country tours will take place in the Spring in an effort to re-invigorate Locals and increase participation. The engagement outreach will be carried in twofold: first, an information session will take place to discuss the collective bargaining, COVID restrictions and Code 699. A day prior, a longer meeting with Local Executives will be held to consult on and discuss governance-related topics, required training, required support, mobilization of members etc.

Afterwards, the local AGM will be held in the Fall. The President instituted a practice of bringing NEC members to attend local AGMs and will continue to do so.

A Local Co-ordinator position will be created at the National Office to assist with the facilitation of member-related activities and labour relation issues from an administrative standpoint. The job description is currently under development. A Working Group comprised of C. Awada, K. Mansfield, R. Kossick and S. Crawford was previously established and assigned to explore the matter of members' assignment to specific Locals and consider tele-working conditions. E. Tremblay volunteered to join the subcommittee.

Action Item: J. Ouellette will follow up on the timeframe in order to establish set targets. This will become a re-occurring agenda item.

b) Collective Bargaining Committee Update: EC Negotiations have commenced. A 2-day meeting with the Employer took place this month to exchange opening proposals, during which time an exhaustive review of the proposals categorized under 6 general themes was undertaken for greater clarity. Both parties are keen to reach an agreement prior to the expiry of the Collective Agreement, or shortly thereafter. Potential meeting dates throughout the months of April to June have been provided. Following the meeting with the Employer, communication was submitted to the members outlining a high-level report of topics discussed, which will continue. Discussions at the next meeting will be focussed on the new workplace realities. A detailed presentation regarding the proposals will be submitted to the Employer in advance of the meetings to provide adequate time to consider proposal points in advance and allow negotiations to commence upon arrival. Should this approach prove effective, this method will be used with the other sets of proposals.

TR negotiations have begun and the first meeting with the Employer to exchange proposals was held March 9, with subsequent meetings scheduled for March 29, 30 and 31. April 11 and 18 have been tentatively set aside with the aim of securing an agreement by a June timeframe.

LOP negotiations and preparation work are underway. Notice to bargain can be served as early as April 16.

c) Draft new Bylaw on the President's Compensation: NEC members reviewed the original amendment to the Association's Constitution approved by the membership in November 2021. The proposed new Bylaw 16 document related to the President's Salary and Benefits was shared with the NEC. The President's salary was previously classified at the EX2 level and a decision was made to adopt the PIPSC-inspired model whereby CAPE will engage the services of a compensation specialist to make recommendations to the NEC for the approval of setting the terms and

conditions of the employment contract, which will be shared with the membership in advance of a Presidential election for transparency-sake. Support from the NEC was sought to adopt the new Bylaw to support the constitutional change.

NEC members held a fulsome debate on the tri-annual review of the President's employment contract. A concern was raised (under Article 36.1) pertaining to the 4th step of the structure of the President's salary as this is a 3-year term. In response, it was stated that a review does not always result in a change. Another concern arose in regard to recognizing the increase in scale through the years of holding the position, thus giving the assumption of its value. A recommendation was put forth to add that the President's salary be identified as a budget line item which will be based on market analysis as an objective source of information on the compensation package. For the sake of transparency and clarity, a recommendation was put forth to consider adding a calendar alerting of the steps, to better understand the salary progression for new incumbents vs. re-elected Presidents, which was well-received. With respect to scaling the salary of an elected official, several concerns were raised as it may potentially create unequal levels of elected officials and that the salary and compensation should be based on the executive position, not the experience.

Next steps: The CBLC will review the feedback provided and come forward with its recommendations for a new Bylaw. In the event the amendment is rejected, the Constitution nonetheless set outs provisions for the salary of the President.

6. Action Items

Below is the status of the action items arising from the February 25, 2022, NEC meeting:

- a) Cumberland Presentation: Forward the PowerPoint to the NEC: **Completed**
- b) New NEC subcommittee (WFA): organise first meeting: **Completed**

The NEC meeting adjourned at 4:33 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 25th, 2022.

APPROVED by:

Chairperson

Date