



2022 RESOLUTIONS SUBMITTED BY THE NATIONAL EXECUTIVE COMMITTEE
FOR APPROVAL BY THE MEMBERSHIP
November 2022

Resolution #1 – Amendment to change the fiscal year of the Association

Overview:

This is a proposed amendment to article 35 of the Constitution (Financial Controls) to change the fiscal year of the Association to the calendar year (January 1 to December 31).

Date adopted by the NEC: September 30, 2022

Comparison or proposed amendments to existing text:

| EXISTING TEXT | PROPOSED AMENDMENTS | REASON FOR THE CHANGE |
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| CONSTITUTION ARTICLE 35 – FINANCIAL CONTROLS | CONSTITUTION ARTICLE 35 – FINANCIAL CONTROLS | |
| 35.8 The fiscal year of the Association shall commence on May 1 and end on April 30 of the following year. | 35.8 The fiscal year of the Association shall commence on January 1 and end on December 31. | The current fiscal year for CAPE runs from May 1 to April 30 the following year. |

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| | | <p>There are several reasons why a move to a calendar year-end would be beneficial to the organization:</p> <ol style="list-style-type: none"> 1) CAPE’s revenue stream is based on members’ payroll (i.e. CAPE receives \$48 per month from every member via payroll deduction). Payroll is always reconciled on a calendar-year basis, with T4’s being generated as of December 31st. 2) The current fiscal year-end date of April 30th does not align with the fiscal year-end of the Government of Canada (March 31st) nor any other internal or external stakeholder. 3) A calendar year-end for the organization would align with the year-end for CAPE’s employee pension plan and result in a cost-savings 4) A calendar year-end would be easier to administer for the Finance Department overall, as the reconciliation of payroll and pension would align with the reconciliation of the assets, expenditures and revenues of CAPE as a whole. |
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Resolution #2 – Amendments to correct errors in the existing text of By-Law 15

Overview:

This is a set of proposed amendments to By-Law #15 (Suspension due to conflict of interest related to litigation) to correct errors in the existing text of the By-Law.

Date adopted by the NEC: September 30, 2022

Comparison or proposed amendments to existing text:

| EXISTING TEXT | PROPOSED AMENDMENTS | REASON FOR THE CHANGE |
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| BY-LAW # 15 – SUSPENSION DUE TO CONFLICT OF INTEREST RELATED TO LITIGATION | BY-LAW # 15 – SUSPENSION DUE TO CONFLICT OF INTEREST RELATED TO LITIGATION | |
| SUSPENSION PROCESS B 15.3.5. If approved by a majority of the NEC, the period of suspension begins immediately. B 15.3.6 The National Office will advise the NEC Member of the suspension in writing. | SUSPENSION PROCESS B 15.3.5 If approved by a majority of the NEC, the period of suspension begins immediately. | Amendments required to correct a formatting error. |

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| | <p>B 15.3.6 The National Office will advise the NEC Member of the suspension in writing.</p> | |
| <p>B 15.3.6. 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 15.3.7 If the motion for suspension identified in By-law 15.3.4 e) 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>Amendment required to correct a numbering error and a cross-referencing error.</p> |
| <p>B 15.3.7. 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 appointment unless substantive new evidence comes to light which would warrant reconsideration by the NEC.</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 appointment unless substantive new evidence comes to light which would warrant reconsideration by the NEC.</p> | <p>Amendments required to correct a numbering error.</p> |



Resolution #3 – New By-Law regarding president’s salary and benefits

Overview:

This is the proposed introduction of a new By-Law #16 (President’s Salary and Benefits) that provides necessary detail to support the changes to article 36 of the Constitution that the CAPE membership approved at the 2021 AGM.

Date adopted by the NEC: April 29, 2022

Comparison or proposed amendments to existing text:

| EXISTING TEXT | PROPOSED AMENDMENTS | REASON FOR THE CHANGE |
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| New text. | BY-LAW # 16 – PRESIDENT’S SALARY AND BENEFITS | Proposed introduction of a new by-law 16 to provide the necessary details to support article 36 of the Constitution. |
| | B 16.1 In the year preceding a Presidential election, the National Office shall provide the NEC with recommendations regarding the selection of an independent compensation consultant tasked with reviewing the | The purpose of this new by-law is to provide the National Executive Committee the ability to set the financial terms and conditions of the President’s compensation based on recommendations provided by an independent compensation consultant. |

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| | <p>financial terms and conditions for the position of President.</p> <p>B 16.2 The independent compensation consultant must be a compensation specialist with the necessary experience, knowledge and resources to conduct this review.</p> <p>B 16.3 The independent compensation consultant shall provide recommendations to the NEC for the financial terms and conditions of the President based on the following criteria:</p> <p>The financial terms and conditions must:</p> <ul style="list-style-type: none"> a) provide a total compensation package that is competitive and comparable with other similar roles in the labour movement; b) include a salary range composed of a minimum and a maximum with four steps; b) work within the financial realities of the Association; | <p>It is proposed that 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.</p> <p>At the November 2021 AGM, the membership approved the following amendment to the Association’s Constitution:</p> <p>36. President’s Salary and Benefits</p> <p>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.</p> <p>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</p> |
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| | <p>c) attract, for election, experienced and qualified candidates who are focused on the well-being of the Association;</p> <p>d) be structured in a manner that recognizes that the President is not entitled to compensation for all overtime hours worked; and,</p> <p>e) comply with all legislative requirements.</p> <p>B 16.4 The financial terms and conditions shall be incorporated into a Standard Employment Contract for approval by the NEC.</p> <p>B 16.5 All candidates for President must agree to sign and execute the Standard Employment Contract referred to in by-law 16.4, if elected. Failure to sign the Standard Employment Contract, will disqualify any President-elect from the election.</p> <p>B 16.6 A newly elected President will have their salary set at the range minimum in the first year. Their salary will be increased to the next step in each</p> | <p>compensation consultant pursuant to clause 36.1.</p> <p>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.</p> <p>36.4: The financial terms and conditions for the position of President shall be published in the Notice of Election/Call for Nominations.</p> <p>36.5 No changes to these terms and conditions shall take effect between triennial reviews with the exception of economic adjustments and personal allowances.</p> |
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| | <p>of the successive years of their term of office. A re-elected President will continue to have their salary increased to the next step in the range until their salary is at the range maximum. In the event of an adjustment to the salary range based on a review conducted under this by-law, a re-elected President will be placed at the lowest step in the range that provides for an increase in salary over the President's previous term in office. Once at the maximum of the steps, the President will receive only economic adjustments based on the EC collective agreement for that year.</p> | |
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Resolution #4 – Amendments to the elections and resolutions process

Overview:

These are proposed amendments to By-Law #3.7 (Elections and Resolutions - Nominations) that support the introduction of a new By-Law #16 and that clarify the information required from potential candidates.

Date adopted by the NEC: April 29, 2022

Comparison or proposed amendments to existing text:

| EXISTING TEXT | PROPOSED AMENDMENTS | REASON FOR THE CHANGE |
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| BY-LAW #3 - ELECTIONS AND RESOLUTIONS | BY-LAW #3 - ELECTIONS AND RESOLUTIONS | BY-LAW #3 - ELECTIONS AND RESOLUTIONS |
| <p>NOMINATIONS 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</p> | <p>NOMINATIONS 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</p> | <p>Proposed amendments to By-Law # 3.7 (Nominations) that are required to reflect the actual process that is being followed and to clarify what information is required of potential candidates to support their candidacy.</p> <p>The amendments also provide greater clarity to the by-law as a result of the proposed introduction of by-law 16.</p> |

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| <p>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>Elections and Resolutions Committee shall:</p> <ul style="list-style-type: none"> a) verify that all of the information provided complies with the Constitution and By-laws b) confirm the candidate's eligibility no later than September 15th; c) ensure that candidates have signed an attestation that they will observe recognized standards of conduct throughout the election campaign both in verbal and written communications; and d) ensure that candidates for the position of President have signed an attestation pursuant to By-Law 16.5. | |
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