



**National Executive Committee Meeting
Friday, May 27th, 2022
Via Zoom Videoconference**

MINUTES

In Person: C. Awada (*Acting Chair*), R. Kossick, C. Lonmo, A. Picotte, E. Tremblay

Via Zoom: J. Brulotte, H. Delnick, M. Collins, S. Harquail, J. King, J. Lafontaine, P. Makrodimitris, K. Mansfield, A. Nemec, C. Pageau, M. English, G. Kopytko (*joined at 1:00pm*), S. Rehman, A. Trau

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

Regrets: A. Butler, S. Crawford, P. Ives, D. Monafu, A. Okladov, and G. Phillips

Observers: L. Gillis, A. Yeo, H. Hassan

1. Call to Order

The NEC meeting was officially called to order at 9:04 a.m. and Acting President C. Awada confirmed quorum was achieved. Representatives of Local 514 in attendance as observers were welcomed to the meeting.

**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

A request was put forth to add a motion for the approval of Audit Committee members under Item 5.2. In addition, it was agreed to postpone item 5c "Travel Claim Reimbursement" to the June NEC meeting upon the President's return.

Motion to adopt the Agenda as amended.

Moved by: C. Lonmo

Seconded by: A. Picotte

Abstentions (2)

By show of hands: Carried unanimously

1.2 Review and approval of NEC public minutes (April 29, 2022)

Motion to adopt the April 29, 2022, NEC minutes as presented.

Moved by: H. Delnick

Seconded by: R. Kossick

Discussion: Under section 3.5 the correct spelling of Rachel Ariey-Jouglard will be reflected accordingly. With the updated version of the minutes being forwarded a day prior, a request was put forth to defer the approval of the minutes until the next meeting.

Opposed: (1) Abstentions (2)

Motion Deferred

2. Committee Updates

2.1 Finance Committee: The financial statements for the months of March and April were reviewed by the Finance Committee and unanimously approved. The 2022 fiscal year budget was approved at the SNEC meeting held on May 13th. The Finance Committee will put forth a request to convene a Special Membership Meeting in the month of June for the ratification of the budget by the membership at large.

For information purposes, a request was put forth to distribute the financial statements on a monthly basis to the NEC. In response to an inquiry, it was confirmed discussions related to the Defense Fund will be held at the June NEC meeting.

2.2 Constitution and Bylaws Committee: Discussions at the most recent CBLC meeting focussed on the newly approved fiscal year change to identify consequential sections within the Constitution requiring an amendment. The constitutional amendment process for the fiscal year change was reiterated whereby following a comprehensive review by the CBLC, final approval will be sought from the NEC, followed by ratification by the membership following the National Annual General Meeting in November. In addition, the CBLC discussed Bylaw 5 as well as discussions on Bylaw 14 with respect to meeting attendance, the authority of Chairs of Committees, and the appropriate course of action for habitual absence. Additional inputs can be forwarded to the attention of J. Courty.

2.3 HR Subcommittee: The HR Subcommittee met on May 25th during which time fulsome updates of ongoing progress and next steps towards staffing initiatives, the Labour Representation Organizational Review, as well as the next President's contract were provided. The HR Subcommittee was advised that an organizational review of the Communications Section carried out by Mr. Tim Robinson is underway.

2.4 DDT Subcommittee: Nothing to report as no meeting was held this month.

2.5 Equity, Diversity & Inclusion Subcommittee: Co-Chair J. Lafontaine acknowledged operating on the traditional unceded Anishinaabeg Algonquin territory. The EDI Subcommittee met on May 5th to review the status of action items identified, during which time an update on CCDI's work on the first element of the plan was presented. After issuing a call for volunteers, 18 interested individuals have stepped forward and a list of selection criteria for meeting participation has been developed accordingly. The Communications Team provided an update to the EDI Subcommittee on the letters for equity seeking groups that have been distributed. The next EDI Subcommittee meeting is set for June 2nd.

2.6 Voting Subcommittee: Nothing to report as discussions on the electoral reform will be held later on in the agenda.

2.7 EBDS (Employment & Benefits Defense Subcommittee): The call for volunteers has been issued to the membership. A meeting will soon be scheduled to elect a Chair.

In response to the status of the Governance Committee, it was stated that meetings are conducted on an ad-hoc basis and as needed when issues arise.

3. Reports

3.1 President's Report: In the absence of the President, this item was deferred until the June NEC meeting.

3.2 ED Report: The final version of the report on the Labour Representation Operational Review is expected to be provided today or Monday. The recommendations will be reviewed with the Management Team prior to a two-day workshop scheduled to be held in September with the Labour Representation Section to discuss the implementation of the recommendations

With respect to the Vaccination Policy, a few additional individual grievances were filed. The second, third and most likely final individual grievance will be referred to adjudication at the Federal Public Sector Labour Relations and Employment Board the week of June 6.

The process to grant access to membership lists for Locals was released and at present, Local Leaders of 5 locals have requested and been provided with access to the membership list of their respective locals. Two additional requests were received this week and are being processed.

With respect to the provision of CAPE email addresses and a collaboration site for the NEC members, only 8 NEC members have not requested that an ACEP-CAPE domain address be created for them. The licences have been requested and assigned for the other members of the NEC and the collaboration site should be operational by early next week at the latest.

The Management Team met on May 9th to review and assess the priorities identified for 2021-2022, as well as to set its priorities for 2022-2023.

The Executive Director's Quarterly NEC Report is presently being drafted and will be submitted to the NEC ahead of the June monthly meeting.

3.3 Senior Advisor Report: Notice to Bargain was sent to the Library of Parliament (LoP) two weeks ago. The LoP is still in the tendering process for a Chief Negotiator (CN) so the parties agreed to suspend timelines temporarily to allow for that process to finalize. Tentative dates for bargaining have been set aside for early July in the hope that the CN role will be filled by that time. An LoP Bargaining Team meeting was held on May 11-12 to review the proposals stemming from the bargaining survey that was sent to LoP members in January. The Research Team is in the process of compiling the recommendations and amendments put forward. A member of the LoP Bargaining Team stepped down upon accepting an acting manager position which created a conflict of interest. Member G. Gosselin will assume the role.

Treasury Board has yet to update the Mandatory Vaccination Policy despite the 6-month review timeline of April 6th, which was not met.

The Public Service Occupational Health guidelines were revised on May 13th and have been published on the Treasury Board's website. The guidelines outline the departments and agencies' ability to resume full building occupancy with appropriate use of workplace preventative practices.

3.4 Director of Communications Report: In light of audio issues, a report will be provided at next NEC meeting.

3.5 Director of Policy & Negotiations and General Counsel Report: Further expanding on the mandatory vaccination policy, two policy grievances have been filed on May 17th (one for EC group and one for TR group) as a result of Treasury Board's failure to review its policy within the 6-month timeline of early April. Despite its validity when initially introduced, CAPE's position on the mandatory vaccination policy remains to provide accommodations for non-vaccinated employees. The PSAC has also filed similar grievances. It is our assertion that the Public Service Occupational Health guidelines must reflect today's realities and the needs of each individual site and circumstances. A robust tool for LROs and Local Leaders has been developed to assist when they sit down at the table with the Employer during consultations when discussing return to the workplace to ensure the measures put in place adequately protect the health and safety of members.

The TR Collective Bargaining Team met several times with the Employer throughout the month of May. The negotiation process is underway and positive dialogue has resulted. Similarly, the EC Collective Bargaining Team is attempting to negotiate a new Collective

Agreement expeditiously prior to the expiry date of June 21st. Several dates have been scheduled to meet with the Employer between May and June, and extensive research and analysis of the proposals has been undertaken to ensure preparedness in advance of the meetings.

**The remainder of discussions were held in-camera. Observers in attendance temporarily departed the ZOOM meeting*

3.6 Director of Finance Report: Following the approval of the budget at the recent SNEC meeting, the management team will be meeting next week to prepare the logistics and schedule a date to hold the membership vote. The approved financial statements were previously circulated for NEC review. Although the Association anticipates closing the year with a surplus, the final number might fluctuate as various year-end adjustments are being applied and may result in a slight variation. In addition, the anticipated surplus this fiscal year should be viewed as temporary savings considering this was as a result of reduced in-person meetings and travel expenses.

The audit review of the pension plan as well as the overall audit of CAPE finances overseen by McCay-Duff is underway. A final draft Procurement Policy will be forwarded to the management team for review and feedback, followed by a review by the Finance Committee and ultimately presented to the NEC for final approval.

The Association has engaged the services of Deloitte to provide support on the optimization of QuickBooks in an effort to maximize its full capabilities, streamline workflow and reduce duplication of efforts. At a glance, a loss in the investment for this fiscal year is expected. An invitation was extended to Cumberland's Portfolio Manager to attend the next Finance Committee meeting to provide an update. The Director of Finance will report to the NEC at the next meeting.

**A contentious issue arose as one of the observers, L. Gillis interjected during the meeting claiming a right to speak but was reminded that observers are in fact not permitted to participate in NEC discussions, unless they are being addressed by the Chair. After an initial refusal, L. Gillis was informed that failure to comply would result in being ejected from the meeting. Subsequently L. Gillis did not comply with the directive.*

LUNCH BREAK

4. EDI Presentation: Canadian Center for Diversity and Inclusion (CCDI) Info-Session

EDI Co-Chair J. Lafontaine started the presentation and then introduced CCDI guest speaker P. Kung, National Lead for Partner Relations, alongside CAPE's Education Officer D. Osorio who addressed the NEC on ongoing activities undertaken to date and further expanded on the Partner Program with CAPE. The presentation provided an overview on the leadership

commitment, CCDI partnership, factors and key concepts, EDI Subcommittee's Action Plan and upcoming training initiatives.

The CCDI reminded meeting participants that only those with a CAPE domain email address could access their knowledge materials and courses on their website, with the possibility of looking for alternative ways to give access to others authorized by CAPE, who do not have those email addresses. A recommendation was put forth for the EDI Subcommittee to consider leveraging this partnership to benefit Local Leaders, to ensure access to available resources are granted beyond the National Office.

5. Discussion Items

- a) **Support for the Black Class Action Lawsuit:** Although a backgrounder was developed, it was not translated in time to forward to the NEC ahead of the meeting. Instead, K. Mansfield provided high-level key points and contextual background on the federal class action lawsuit filed with the Federal Court of Canada on behalf of Black Federal Employees. The lawsuit is seeking long-term solutions to permanently address systemic racism and discrimination in the Public Service of Canada. As a result, Labour Union Leader and advocate for the lawsuit N. Marcus Thompson has indicated that the Black Class Action is open to hosting a virtual panel discussion on the lawsuit on June 8th, 11:30 to 1:00pm. On behalf of Local 514, support from the National Office was sought through a financial contribution to the cause for the amount of \$5000, as well as by setting up the platform for the event on June 8th through CAPE's Zoom account and co-hosting on the technical side with Local 514 leading and introducing the panel. Furthermore, local 514 is asking CAPE to provide the panelist with an honorarium of \$500 for each speaker (3), for a total of \$1500, and for CAPE to send out the invite and RSVP to all CAPE members to participate in the panel discussion.

Discussion Highlights:

- A comment was made to support the request as it appears to align with the EDISC objectives.
- Concerns arose that the proposed June 8 date was coming too fast to allow CAPE sufficient time to assess the requests and at the same time assemble the resources and logistics needed for such event, should CAPE get involved.
- The asks toward CAPE had to be clarified and were two-fold: one is for CAPE to consider covering a \$1500 amount for three speakers' speaking fees and time, and the other is a \$5000 donation toward the Black Class Action Lawsuit legal defense fund. It was suggested that PSAC had paid the \$1500 and had also made a donation to the Defense Fund (*amount unknown*).
- Comments indicated this proposal should be assessed as two separate requests, whereby the first request is related to the honorarium, with a secondary request for a donation towards the defense fund. As a result, a recommendation was put forth to task the originator of the proposal to re-

submit as two distinct requests in compliance with relevant processes and policies.

- CAPE budget allows for a \$2500 donation allotment, governed by the Donation Policy which lays out the process to consider donations, (article 10).
- The Constitution and Bylaws must be reviewed to determine whether Locals have any discretion pertaining to donations. As it stands, the CAPE Donation Policy applies to Locals and allows no discretion, stating that all donations require NEC approval.
- With respect to the honorarium, it was asserted that as a Local initiative, this can be paid by the Local directly via annual rebates, provided compliance with the Local's approved budget.

Next Steps: A decision was reached to refer the matter of donations made by Locals to the CBLC to review sections of the Constitution and Bylaws and the Donations policy to see what is contemplated and permitted. ;. It was also decided to refer the discussion around the event to EDISC for its consideration and advice.

Action Item: K. Mansfield to translate the backgrounder and forward to the attention of J. Courty

HEALTH BREAK

- b) Collective Bargaining Committee/Team Process Follow Up:** Item deferred until the President's return
- c) Director Travel Claim Reimbursement Process:** Item deferred until the President's return
- d) CLC:** Having been a year since joining, a request was put forth to receive an update on the derived benefits, along with activities accomplished to date. It was confirmed a document will be developed accordingly and presented to the NEC once that review is complete.
- e) Litigation Update:** *This item was discussed in-camera*

5. Decision Items

5.1 Report on Electoral Reform: The Executive Summary was previously circulated, and a curtailed overview of the document was provided by A. Nemeč. Several NEC members indicated their satisfaction with the concise report presented. Based on the various comparator systems reviewed, the Voting Subcommittee selected the single

transferable vote (*also known as 'single ballot ranked'*) voting system, which is currently used by the Association of Justice Counsel and the Professional Institute of the Public Service of Canada, for further analysis by the CAPE National Office and for consideration as an option for the Association.

Be it resolved that the NEC refers the Voting Subcommittee's Report on Electoral Reform to the CBLC for further review

Moved by: A. Nemec

Seconded by: E. Tremblay

Discussion Highlights:

- It was reminded that it is not within the CBLC purview to determine a viable voting system, nor to ensure that the vote is representative, but rather to ensure that the Constitution and Bylaws reflect the direction given by the NEC
- There was confusion as to the original mandate to explore methods of enhancing membership participation and increasing voter turnout, rather than changing voting systems
- A lengthy discussion was held regarding the percentage of votes to consider their legitimacy and determined whether it remains open until a ranking threshold is reached (i.e.: 30%)
- The proposed option enables a member to have a choice in the candidate and see the ballot upfront; this modernized voting system enables greater flexibility through a ranking system. Ultimately, the candidate will be selected based on a statistical majority
- Conversely, a concern arose about adopting a proportional representational voting system. As the "first-past-the-post" electoral system was preferred, whereby the candidate with the highest number of votes is elected, hence preserving the principle of democracy that allows everyone the opportunity to vote

Recorded Vote

In Favour (10), J. King, E. Tremblay, R. Kossick, A. Picotte, K. Mansfield, A. Nemec, J. Brulotte, J. Lafontaine, C. Pageau, S. Harquail,

Opposed (3) A. Trau, H. Delnick, M. English

Abstentions (2) C. Lonmo, C. Awada

Motion Carried

5.2 Approval of Volunteers: The process was re-iterated for the NEC.

Be it resolved that the NEC approve all the additional volunteers to the ERC

Moved by: A. Picotte

Seconded by: S. Harquail

Abstentions (1)

Motion Carried Unanimously

Be it resolved that the NEC approve all the additional volunteers to the Audit Committee

Moved by: same

Seconded by: same

Abstentions (1)

Motion Carried Unanimously

5.3 Membership Lists: A request was put forth by one of the locals to reflect the department field to the membership lists.

Be it resolved that the NEC approve the addition of the department field to the membership lists

Moved by: E. Tremblay

Seconded by: S. Harquail

Discussion: It was noted that the French version should reflect “ministère” rather than ‘département’.

Abstentions (1)

Motion Carried Unanimously

6. Action Items

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

- a) EDI Subcommittee: ***J. Courty to follow-up asking new TR Director S. Harquail if she would like to join this Committee: Completed***
- b) New Bylaw 16: ***J. George to update the official Bylaws: Completed***
- c) Staffing of new CAPE staff positions: ***Schedule an HR Subcommittee meeting to provide an update of ongoing progress and next step on staffing initiatives: Completed***
- d) Procedure for CAPE email addresses for NEC members: ***J. Ouellette to ensure rollout: Completed***
- e) Issue of which Locals members belong to: ***J. Ouellette to organize first meeting: Completed. S. Crawford volunteered to draft some principles and a meeting subsequently to be scheduled once completed***

Motion to adjourn the NEC meeting
Moved by: A. Picotte
Seconded by: C. Lonmo

Motion Carried Unanimously

The NEC meeting adjourned at 4:03 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 27th, 2022.

APPROVED by:

Chairperson

Date