



**National Executive Committee Meeting
Friday, October 28, 2022
Hybrid Meeting**

MINUTES

In Person: G. Phillips (*Chair*), C. Awada, S. Crawford, C. Lonmo, A. Okladov, S. Harquail, K. Mansfield, A. Picotte

Via Zoom: A. Butler, A. Nemeč, J. Brulotte, J. Lafontaine, H. Delnick, M. Collins, P. Ives, J. King, C. Pageau, M. English, P. Makrodimitris, A. Okladov, A. Trau, G. Kopytko, E. Tremblay

Staff: J. Courty, C. Habarugira, S. Salter, K. Thériault Y. Radwan and J. George

Regrets: S. Rehman, J. Ouellette

1. Call to Order

The NEC meeting was officially called to order at 9:05 a.m. and following a roll call, the Chair 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

A request was put forth to immediately address item 7c prior to the Committee Updates. In addition, a request was put forth to obtain a status update on the list of resolutions to be put forward at the AGM, which will be addressed under the Communications Director report. Lastly, the Director of Finance report will be addressed immediately following agenda item 7c.

Be it resolved that the NEC adopt the October 28, 2022, NEC agenda as amended

Moved by: C. Awada

Seconded by: C. Lonmo

Abstentions (1)

By show of hands: Carried unanimously

1.2 Review and approval of NEC public minutes (September 23, 2022)

Be it resolved that the NEC approve the September 23rd, 2022, NEC minutes as amended.

Moved by: A. Picotte

Seconded by: C. Awada

Discussion: The following amendments were requested:

- The minutes should reflect A. Nemec and J. Lafontaine as Zoom participants rather than in-person attendance
- On page 2, an email for the rationale for not reading aloud resolutions “h, i and j” was not received
- M. English clarified the resolutions put forward were withdrawn in the interest of saving time rather than as a result of the Acting Chair’s ruling, which should be amended/Under the Cumberland presentation on page 8, a request was put forth to reflect the rationale for the Association’s portfolio having taken losses
- On page 11 under Mercer vote results: rather than an incident, it was clarified that it was due to having identified a cybersecurity vulnerability
- On page 12, second paragraph: it should be reflected that survey monkey is a tool to use for exceptional circumstance of ‘*minimal operational impact*’

Motion Tabled

1.3 Review and approval of SNEC public minutes (August 30, 2022)

Be it resolved that the NEC approve the August 30th, 2022, SNEC minutes as presented.

Moved by: M. English

Seconded by: C. Awada

Discussion: On page 6 in the third paragraph, a request was put forth to reflect the names attributed to the statement raised, as well as identify the names of those with access as per the approval structure.

Motion Tabled

7c. Action Item: National Office to confirm the status of the Finance Committee and report back to the NEC

This pertains to the NEC’s request to seek a legal opinion on C. Awada’s decision to vote on a motion in his role as Acting Chair at the September NEC meeting. The President sought a legal opinion on the situation and taking this opinion into consideration determined that the decision/vote stands. The President read out sections of the legal opinion that informed his decision. The President acknowledged that valid arguments can be made from both perspectives and that Bourinot’s Rules of Order’s interpretation can lead to ambiguity on the formality of committees. In the case of the NEC, by definition the committee operates on an informal basis, which enables the Chair’s participation in debate. It was also noted that in past practices, Chairs have casted recorded votes on motions, which has not been previously challenged and was not challenged at the previous NEC meeting. The number of instances of recorded votes of the Chair voting, along with the results beginning in 2014 until now was read aloud. In response to a request to sharing the legal opinion with the NEC in writing, the President stated it will be taken under consideration.

Motion to share the legal opinion to the NEC as it directly relates to the operation and functioning of the NEC

Moved by: J. King

This motion was ruled out of order as it is the President's responsibility to seek a legal opinion and take the advisement. As a motion of the NEC cannot overrule the authority of the President under the Constitution, the decision stands. In addition, the President stated that nothing is being withheld and reaffirmed his commitment to full transparency.

Discussion:

- A comment was raised that the Chair voting on NEC motions should be mainly in an effort to break a tie rather than taking a position, hence the option for abstaining to vote. As a result, a request was put forth to clarify the confusion of Bourinot's Rules of Order on a go forward basis.
- The NEC held a lengthy discussion on the matter and the precedence this sets, highlighting the importance of receiving the legal opinion in writing to provide assistance in fulfilling governance responsibilities, for knowledge transfer, due diligence, training and increasing the capacity of efficacy of the NEC.
- As per rule 43 "Methods of Voting" of Bourinot's Rules of Order, it stipulates that in the event of a tie where the Chair has casted a vote, a second vote is allowed to break the tie.
- A NEC member strongly recommended holding further discussion on how to proceed moving forward and determine the comfort level from a procedural standpoint in allowing the Chair to create a tie and ultimately breaking that tie in their favour, which can impact the outcome a democratic vote.
- A NEC member stated for the record that this is not about questioning the integrity of the President but rather about the voting process carried in his absence and the order under which the NEC operates.
- Another NEC member stated for the record that the outcome of the vote resulted in a reduction of democratic space within the Association, which further highlights the need to broaden the membership of the Finance Committee as a subcommittee of the NEC. In addition, the Acting Chair refusing to retract his vote questions the legitimacy of the process and demonstrates being less than magnanimous. In response, the President cautioned to refrain from comments that may be deemed as inciting and to maintain statements made at a higher level.

3.4 Director of Finance Report: The August and September financial statements were previously circulated. Despite both months having realized negative investment performance, the Association is still forecasting a surplus assuming the current fiscal year runs until April 2023. The portfolio remains in the positive since inception with returns of 0.46%.

The development of the budget for the 2023 calendar year-end is underway. The approval to switch to a calendar year-end (*i.e.: December 31st*) from a fiscal year-end will be up for approval at the AGM in December. A pro-rated budget will be circulated to the membership to reflect the change. In the event the resolution is passed, the Association will

undergo an interim audit to perform a review of the financials and associated transactions from May to October.

The Finance Department is working with Deloitte on the first phase of the project towards improving processes, implementing efficiencies and strengthening internal controls. The recording of routine invoices has been automated, procurement has been transferred into the financial system for tracking purposes, the approval matrix along with the Procurement Policy have been revised and increased control of all transactions and operational components of the Finance Department have been implemented. In addition, the implementation of the fully integrated app SAP Concur (*software designed to automate and streamline all operational expenses*) is underway.

The Finance Department is currently revising the Credit Card Policy to apply more stringent measures to ensure credit card holders reconcile transactions and provide the required receipts prior to submission to AP.

Action Item: S. Salter to forward the balance sheet in an Excel format rather than PDF.

HEALTH BREAK

2. Committee Updates

2.1 Finance Committee: At the most recent meeting, the Finance Committee identified discrepancies related to an expenditure for the President's engagement tour in Montreal whereby additional information was requested for due diligence. Upon review, it was discovered the amount of the invoice was greatly overcharged by thousands of dollars by the Delta hotel. The Finance Department will be taking additional steps to avoid this from re-occurring. A comment was raised to consider imposing sanctions against the hotel.

2.2 Constitution and By-Laws Committee: The CBLC reviewed the resolutions submitted by the NEC to be put forward to the members at the AGM and the document has been provided in the meeting package. Other matters on the list of topics for consideration will be addressed, including bylaw 5, bylaw 14, the question of the size of the NEC, and will be brought forward in the next year.

2.3 HR Subcommittee: No meeting was held last month.

2.4 DDT Subcommittee: The Action Plan presented to the Digital Disruption & Transformation Subcommittee during October 27th's meeting was well-received. The DDT continues to experience issues around membership and a request was put forth to include the 8 members-at-large that had expressed interest and were previously approved by the NEC, which were omitted from the meeting invitation. In addition, feedback from the NEC was sought in determining the format for meetings (*e.g.: meetings conducted during business or after-hours, budgetary process for reimbursement of lost salary, associated costs etc.*) Contingent on the NEC's approval, the funds would derive from the contingency fund and subsequently be reflected on those line items.

A recommendation was put forth to offer the options to the members-at-large through a Doodle poll. It was suggested considering alternating the meeting formats (*sometimes during the day, other meetings held after hours*). In principle, the NEC was in support to provide funds for the Committee. The DDT Chair was requested to develop a rough budget for review and approval by the NEC prior to assigning funds into the appropriate budget line items through a motion at the next NEC meeting.

2.5 Equity, Diversity & Inclusion Subcommittee: Co-Chair J. Lafontaine reported on the EDI subcommittee's meeting held October 6, during which time several presentations were delivered on topics related to equity and diversity issues, recapping of the Capital Pride 2022, as well as a group presentation on the 2023 thematic calendar being developed. All the presentations were well-received. The EDI subcommittee's next meeting is scheduled for November 3rd. S. Harquail requested receiving the invitation for future EDIs meetings as a member of the subcommittee, which was acknowledged.

Action Item: J. George to forward the EDISC meeting invitations to S. Harquail.

2.6 Voting Subcommittee: The Voting Subcommittee is aiming to meet in December and Subcommittee members were requested to forward any agenda items for items to address. S. Harquail was nominated to sit on the Voting Subcommittee. Prior to accepting, she requested further information on the mandate.

Action Item: J. George to forward the Voting Subcommittee draft paper to S. Harquail's attention.

2.7 WFA matters (DEBS): The first meeting of the Defense, Employment & Benefits Subcommittee (DEBS) did not yield any productive results as a result of confusion with the scheduling and virtual vs. in-person attendance. Due to the size of the organization, unfilled positions, and the absence of a number of staff, the National Office is currently experiencing difficulties towards completing certain requirements, however efforts are underway to relaunch DEBS properly.

3. Reports

3.1 President's Report: The NEC was informed of D. Monafu's resignation from the NEC following his request for a leave of absence. A comment was raised that in the event someone takes on another position outside of the collective bargaining agreement unit or are absent for an extended period of time, it is incumbent upon them to immediately resign to provide the opportunity for another suitable and interested candidate to sit on the NEC. Currently there are three vacancies, and a comment was raised that 3 of the 5 vacancies should be voted on. The President stated that there are currently no provisions in the Constitutions or Bylaws to enable to do so as this falls to the ERC to determine.

The National and Bargaining Agent Human Resources Labour Management Consultation Committee meeting was held on October 4th, during which time a proposed pilot project directive on tele-working was put forth. Another meeting with Treasury Board and bargaining agents was held on October 7th. The President was unable to attend either meeting in light of his absence.

Upon the President's return, a UMCC meeting with the staff was held to discuss return to the office, staff mental health and accommodations.

The President attended the semi annual 2-day Council meeting on October 17-18 at the Canadian Labour Congress (CLC) and took the opportunity to briefly speak to Party leader of New Democratic Party Jagmeet Singh to discuss the return to office protocols, as well as concerns related to the working conditions and health and safety of the interpreters.

The President attended the AGM at Local 510 on October 19th, which was well-attended with 17 people in total. Several local executives were elected and participants extended appreciation for the event.

An interview with La Presse was conducted on October 20th. On the same day, the President visited the ESDC (Local 514) with significant engagement by the 21 members in attendance.

A TBS meeting with bargaining agents, Agriculture and Agri-Food Canada (Local 507) and Public Services and Procurement Canada (PSPC) was held yesterday, which was also well-attended.

ESU received a staffing update on a number of positions to be filled within the Association. The outcome of the LRO workshop recently held was reviewed. Also discussed was the OHS Committee, high-level update on the collective bargaining, language of choice in the workplace, return to the office, union dues, office accommodations, COVID-19 mandates with respect to the Vaccination Policy as well as other significant issues.

An emergency meeting with the Canadian Council and CLC was held earlier this week to discuss the NDP's commitment to introduce federal anti-scab legislation by the end of 2023.

The President informed the NEC of his intention to attend the mediation session for the EC Collective Bargaining Team next week virtually given that the regional AGMs in Atlantic Canada (Moncton and Charlottetown) are scheduled to be held on the same day and was contemplating attending those in-person. The rationale behind this option is that while being the Chief Negotiator at the EC table, the more active role will be performed by P. Engelmann. This would allow for the opportunity to meet with the Locals in-person in an effort to increase engagement, as virtual meetings usually result in lower turnout, as

well as this being a rare opportunity for members to interact with the President. The President sought direction from the NEC on the best course of action.

Discussion: While recognizing the value of carrying membership engagement in-person as a national union, a comment was raised that the President's physical presence at the bargaining table during critical negotiations would be a manifestation of solidarity, which was echoed by several NEC members. Another comment was raised on the importance of fulfilling obligations to the membership, which is to negotiate a fair collective bargaining agreement for the entire membership, as well as represent the members. Under Article 9.12 of the Constitution, the President has the option to delegate the authority to a VP, Executive Committee members or management of the Association therefore consideration should be made to dispatching a substitute in the event that the decision is made to attend the local AGMs in-person. After conducting a poll, results indicated that the majority of NEC members were in support for the President to attend the bargaining in-person. As a result, the President will endeavor to postpone the Atlantic AGMs if feasible and will confirm his in-person attendance at the EC mediation session.

LUNCH BREAK

3.2 Senior Advisor Report: Bargaining negotiations for the LoP group have resumed. The most recent meeting was held on Monday, with 2 additional meetings scheduled at the beginning of November, and potentially 2 days in December. Despite the slow progress achieved the LoP is paying close attention to other bargaining units to assess their gains. Wage proposals or elements related to monetary components have yet to be reviewed as it is expected to be addressed the second week of November.

TBS has proposed a 3-tier plan and are looking at dividing a pay equity exercise by first looking at the PSAC, followed by non-unionized groups, then all other groups which would include CAPE, PIPSC and ACFO. Bargaining agents are contesting Treasury Board's approach. The PSAC as well as CAPE sent a letter to the Pay Equity Commissioner on the matter and an inter-BA Working Group comprised of CAPE, PIPSC and ACFO was established to discuss the strategy to employ as the approach taken fails to comply with the Act. The remainder of the discussion was held in-camera.

The National Office will be organizing a NEC workshop in January 2023 to coincide with the arrival of incoming NEC members. The workshop will be held in Ottawa and the general theme will focus on governance. Given the broadness of the topic, a recommendation was put forth to set clear parameters with more concrete instructions. NEC members were requested to forward any input or suggestions on the topic and format to the President.

3.3 Director of Communications and Public Affairs Report: An overview of the ERC debate held on October 26 was shared with the NEC. A total of 72 participants were in attendance. A post-mortem report reflecting on the process and areas for

improvement should be anticipated by the ERC ahead of the elections. EC members will be voting for 2 EC Directors between November 10th and November 24th.

A summary of last month's accomplishments in the areas of advocacy and public affairs was outlined for the NEC. The NEC was informed of an incident involving a freelance interpreter who provided interpretation services for the Senate Environment committee meeting held on October 20, who suffered injuries and was taken by ambulance as a result of severe acoustic shock. While not a CAPE member, the incident occurred in a room with CAPE members in attendance using the same equipment and reporting to the same supervisor from the Translation Bureau. After being made aware of the incident and under the President's direction, CAPE devised a plan to immediately intervene to ensure all health and safety risks posed by the Translation Bureau be eliminated. A statement was released on behalf of CAPE members and an investigation into the incident has been initiated, which subsequently garnered significant traction of media and social media coverage.

The Association reached out to the Office of the Chief Human Resources Officer (OCRO) and President of the Treasury Board Mona Fortier to share the results of the Return to Office survey, which was also shared with the members, different unions, various politicians, the media and a variety of equity deserving groups. The data has been far-reaching and useful to all.

NDP critic for Procurement Canada Gord Johns invited CAPE to be included as one of the witnesses for the Standing Committee on government operations and estimate study on government outsourcing. The Committee is anticipated to review the files related to the interpreters in the next few weeks. In addition, Gord Johns also sought CAPE's feedback on Bill C-290 (*An Act to amend the Public Servants Disclosure Protection Act*) as a way to strengthen whistle-blower legislation. The Association has yet to seek legal analysis on the matter to comment.

CAPE has requested to appear as a witness before the Official Languages Committee and is in the process of drafting a written brief on Bill C-13 to review the Official Languages Act, which should be submitted by the end of this month.

The President reached out to RCMP Chief Human Resources Officer Nadine Huggins to pursue answers regarding concerns related to the C Division in Montreal.

The Director of Communications and Public Affairs summarized the email communications on various topics that were shared with the membership, which are located on the website. In response to the request to receive the list of resolutions put forward and whether discussions on amending the defense fund will take place at the AGM, the Communications department is awaiting the package, which is expected to be received sometime next week.

3.5 Accommodations Report: C. Awada provided a progress update on the new facility and pending steps to completion. Pictures of the new office space on the 18th floor were shared on-screen. As it stands, costs overrun have risen as prices of material are

higher due to supply chain issues and inflationary costs. There are 55 offices, including cubicles with 5 extra working spaces that have been earmarked for auxiliary use, in addition to collaborative spaces. The moving date has been moved to the end of April 2023. Some accounting context on lease hold improvements was provided to the NEC.

Action Item: The Finance Committee to report back on the status of the new office space budget at the next NEC meeting.

Action Item: C. Awada to video record the premises and present it to the NEC at the next meeting.

4. Presentation from NJC

Following the official guest introduction, National Joint Council (NJC) Secretary S. Ross presented the NEC with an overview of the NJC's structure and its role in the federal government and further elaborated on the products and processes, as well as describing how the NJC befits within the labour-management context. A copy of the presentation was provided in the meeting package. During the Q&A session, the President inquired on the requirement for CAPE to obtain a seat on the NJC Executive, to which S. Ross responded that the decision is made internally and is not contingent on the size of the union and recommended following up with ACFO President D. Richard to determine CAPE's eligibility to apply when there are open vacancies as the decision is not driven by the Bylaws.

Action Item: Forward the list of the 8 out of 10 committees where CAPE is represented with names of people to the attention of the NEC.

5. Discussion Items

a) Return to Hybrid Work: The NEC was informed of health and safety concerns raised by several members working at the Crémazie Office as one of the floors has no access to a land line, which precludes staff the ability to make outgoing calls in the event of an emergency due to a refusal to use personal mobile phones. This may be deemed as a labour code and safety violation. The President recommended to first contact the Local, followed by the LRO (I.Germain), and then, if the Local President wishes to further escalate the matter, CAPE's President will intervene. In addition, it was recommended to involve the Local's OHS Committee. A. Butler offered to provide assistance on the matter and is available to be contacted.

b) CAPE-ESU (CSN) Negotiations – Employer's Mandate: *This item was discussed in-camera.*

6. Decision Items

6.1 Travel Policy: No feedback from the NEC has been received thus far. A request was put forth to defer this matter until next month to allow for additional time to

review the matter and hold a fulsome discussion at the next meeting. The NEC was requested to submit written comments by November 4th.

Action Item: National Office to re-submit the revised draft Travel Policy, outlining the deadline for NEC members to provide feedback

7. Action Items

Below is the status of the action items arising from the September 23rd, 2022, NEC meeting:

- a) The National Office to amend the website to reflect C. Pageau and S. Harquail as TR Directors rather than EC Directors: **Completed**
- b) Cumberland webinar invitation to be shared with the NEC via J. Courty: **Completed**
- c) National Office to confirm the status of the Finance Committee and report back to the NEC: **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 October 28th, 2022.

APPROVED by:

Chairperson

Date