



**National Executive Committee Meeting  
Friday, September 23<sup>rd</sup>, 2022  
Via Zoom Videoconference**

**MINUTES**

**In Person:** C. Awada (*Chair*), S. Crawford, C. Lonmo, S. Harquail, K. Mansfield and A. Picotte (*Acting President*)

**Via Zoom:** J. Brulotte, H. Delnick, M. Collins, P. Ives, J. King, C. Pageau, M. English, P. Makrodimitris, A. Trau, E. Tremblay, J. Lafontaine and A. Nemec

**Staff:** J. Courty, J. Ouellette S. Salter, K. Thériault and Y. Radwan

**Regrets:** G. Phillips, A. Butler, D. Monafu, G. Kopytko, S. Rehman and A. Okladov

**Guests/Observer:** Cumberland Wealth, Odgers Berndtson, N. Prier (*Local 508*)

**1. Call to Order**

The NEC meeting was officially called to order at 9:13 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. Ouellette was identified as the Anti-Harassment resource person for the meeting and concerns should be directed to his attention via email.*

**1.1 Approval of NEC Agenda**

A request was put forth to receive an update on the elections, which was agreed upon and will be addressed by the Executive Director. Another request was put forth to reverse the order of the agenda and address item 7 prior to item 3.

Motion to shift agenda item 3 with agenda item 7

**Moved by:** S. Crawford

**Seconded by:** K. Mansfield

**Discussion:** As a rationale, the mover stated that given the number of issues and tabled motions under agenda item 7 “Decisions Items”, addressing these matters earlier in the meeting will maximize participation by the NEC. In response, it was stated that guest presenters have been booked in advance at specific times. As such, agenda item 3 “Reports” will be discussed prior to agenda item 7: “Decisions Items”, thereby amending the motion to reflect that the accommodation of guests will be respected.

**Recorded Vote:**

**In Favour (9)** J. Brulotte, S. Harquail, K. Mansfield, P. Ives, C. Pageau, S. Crawford, M. English, J. King and E. Tremblay

**Opposed (6)** A. Picotte, A. Trau, H. Delnick, J. Lafontaine, M. Collins, and A. Nemec

**Abstentions (2)** C. Awada and C. Lonmo

**Motion Carried**

In an effort to save additional time, C. Pageau withdrew “resolution G” as this matter was previously discussed at the Finance Committee.

A concern arose pertaining to the length of the meeting agenda, deeming 14 hours to be unacceptable and abusive. Acting President A. Picotte confirmed a mishap with regards to the development of the agenda and requested the removal of the following motions that were added to the agenda in error:

- Resolution ‘h’ pertaining to limiting the use of in-camera Finance Committee Expense meetings’ that read as follows: “*Whereas 13.3 of the Constitution requires the Finance Committee maintain control of the finances of the Association in the interest of the members; from this point forth, be it resolved that the Finance committee meetings will not be held in-camera, unless agreed upon by 100% of the attending finance committee members present. All finance committee minutes including expense information will be published on the CAPE website in accordance with existing CAPE communication policies*”, was deemed unconstitutional as it contravenes Article 13 of the Constitution and would also warrant an amendment to the Bylaws, which conflicts with section 33.1 and Article 9.1 of the Constitution, stipulating that it is not under the NEC mandate to address this matter, but rather the Finance Committee.
- Resolution ‘i’, pertaining to limiting the use of Non-Disclosure Agreements in National Office labour relation matters, which reads: “*Whereas the Canadian Association of Professional Employees (CAPE) and its officers are committed to the highest standard of ethics and conduct, be it resolved that from this point forth the use of non-disclosure agreements (NDAs) in labor relations matters or settlement agreements pertaining to national office staff or contractors, will require the approval of 2/3 majority of the NEC*”, was also deemed unconstitutional.

In light of M. Picotte’s ruling for the above motions, M. English requested to withdraw all of his resolutions (*h, i, and j*) so they can be addressed at the Finance Committee level.

With respect to the duration of the planned NEC meeting, there was overall agreement that the meeting end should occur at 5pm due to the risk of losing quorum and the departure of the interpreters. A recommendation was put forth to consider holding a SNEC to deal with unfinished business, if any.

Motion to postpone outstanding items to a SNEC meeting

**Moved by:** A. Picotte

**Seconded by:** S. Harquail

**Discussion:** A point of order was raised as it was reminded that in accordance with the Constitution and Bylaws, scheduling a SNEC meeting is solely intended to address specific matters, and therefore outstanding items can either be deferred to the October NEC meeting or a continuation of the meeting can be scheduled immediately following the conclusion of today's NEC meeting. Following a brief deliberation, it was confirmed as such and determined a motion is not required and outstanding items will be discussed at the October NEC meeting.

Motion to add "establishment of a subcommittee of the NEC" to the agenda to address a potential appeal related to the election of EC Director under section 3.9 of the Bylaws.

**Moved by:** J. Lafontaine

**Seconded by:** C. Pageau

**Abstentions (3)**

***By show of hands: Carried unanimously***

***\*This item will be addressed in-camera***

Motion to accept the agenda as amended

**Moved by:** A. Picotte

**Seconded by:** C. Lonmo

**Abstentions (2)**

***By show of hands: Carried unanimously***

## **1.2 Review and approval of NEC public minutes (June 24, 2022)**

Motion to adopt the June 24<sup>th</sup>, 2022, NEC minutes as presented.

**Moved by:** E. Tremblay

**Seconded by:** S. Crawford

**Abstentions (2)**

***By show of hands: Carried unanimously***

**2. Report on Director of Policy & Negotiations and General Counsel's Exit Interview:** *This item was discussed in-camera*

## **3. Reports**

**3.1 ED Report:** A written copy of the Executive Director's report was previously circulated to the NEC. Following the departure of the Director of Policy & Negotiations and General Counsel (DPNGC), additional responsibilities related to the Pay Equity Act were absorbed by the ED, who is in the process of identifying required resources to adequately

represent the membership. Other responsibilities taken on include overseeing the ESU Collective Bargaining for the staff, in addition to ongoing staffing efforts to fulfil the DPNGC position. Candidates have been identified for two LRO positions and negotiations for the on-boarding process are underway. Also, a receptionist has been hired at the National Office earlier this week.

**3.2 Director of Finance Report:** The May, June and July financial statements were approved by the Finance Committee and included in the meeting package. Year-to-date, the Association has a surplus of \$730K as of July. The Finance Department has been working on other improvements and projects. More details will be provided at the October NEC meeting.

### ***HEALTH BREAK***

**3.3 Director of Director of Communications and Public Affairs Report:** The National Office was inundated with media requests related to the interpreters' health and safety and more recently with the government's push for return to office. All media coverage of 2022 is available on the website under "Resources", which far exceeded coverage spanning from 2018 to 2021 combined with 33 entries thus far. This achievement indicates the media's acknowledgement of CAPE as a relevant public sector union leader to seek out to comment on emerging issues impacting federal employees. The Director of Communications and Public Affairs summarized other efforts and successful accomplishments undertaken by the Communications staff and executive management throughout the summer period.

The analysis of the Locals Communications and Members Engagement Survey has been completed. The summary is being translated and will be presented to the NEC at the October meeting. The development of a communications guideline for Locals is underway and the next step will be to finalize the document based on survey results.

The Return to Office Survey was launched on September 7<sup>th</sup> and out of the 23 000 members, 13 708 members received the survey, of which 6657 members responded amounting to a record high of 49% participation rate. The data collected will be analyzed and the results will be published next week. It was noted that the Survey prompted an increase in member registration, as well as contributed to boosting member engagement on social media platforms and a spike in followers. On the advocacy and public affairs front, the data will be used to engage with a number of high-level officials, starting with President of the Treasury Board Mona Fortier and the Office of the Chief Human Resources Officer (OCRO). A recommendation was put forth to initiate a press conference once the survey results are released, which will be considered.

Support on the Interpreters' file continues. On August 9<sup>th</sup>, the membership was informed that the ESDC labour program had recognized that the current conditions of the

interpreters working at the House of Commons failed to meet the health and safety requirements under the Health & Safety provisions in accordance with the Canada Labour Code. However, interpreters have reported mixed results since the decision was released, in addition to the House of Commons exploring the possibility of retaining non-accredited freelancers to replace members rather than resolving the audio system as recommended. Efforts to secure a meeting with House of Commons Chief Information Officer Stéphan Aubé to discuss the issues and find common grounds are underway.

Former Translations Bureau CEO Lucie Séguin was replaced by Matthew Ball in the interim until November 9<sup>th</sup>, at which time Nathalie Laliberté will be fulfilling the role until a new CEO is officially appointed. In addition, former Minister of Public Services and Procurement Canada Filomena Tassi has been replaced by Helena Jaczek effective August 31<sup>st</sup> and the President will reach out to schedule a meeting to discuss the interpreters' issue.

A series of meetings were held with several equity deserving groups within the federal public sector over the summer period, and upcoming meetings are expected to take place in the near future.

With the assistance of a consultant, the Communications Department has been working on developing two neutral gender guides in both official languages. A presentation was delivered to the Equity, Diversity and Inclusion subcommittee yesterday. Training will be provided to CAPE staff in the future. More information will be provided to the NEC at the October meeting.

CAPE executives, staff, Local Leaders and members participated in the Capital Pride Parade this summer in Ottawa in support of the LGBTQ2+ community, which yielded great results comparing to previous years. For the very first time, members of locals joined CAPE executives and staff. As a results, CAPE will consult the EDISC on ways to boost involvement ahead of Pride 2023.

**Action Item:** The National Office to amend the website to reflect C. Pageau and S. Harquail as TR Directors rather than EC Directors.

**3.4 Accommodations Report:** Floor plans for the new office space at Constitution Square were shared on-screen with the NEC. In response to a member's enquiry, it was confirmed the furniture in the conference room are portable and can be configured with a flexible layout. In addition, the Association has access to conference and meeting facilities in the lower level that can be rented free of charge.

## **7. Decision Items**

**7.1 Audit Committee:** New Audit Committee Chair Ken Holmes prefaced his presentation by complimenting S. Salter for her cooperation with the Audit Committee throughout the audit process. A brief overview of the draft audited financial statements

along with the management letter was provided to the NEC via email. Substantial progress was achieved since the implementation of financial controls was reported to the NEC. The recommendation to approve draft audited 2021-2022 Financial Statements as presented.

Be it resolved that the NEC further to the Audit Committee's review of the draft audited 2021-2022 Financial Statements prepared by McCay Duff, accept them and submits them to the membership for ratification purposes

**Moved by:** E. Tremblay

**Seconded by:** A. Trau

***By show of hands: Carried unanimously***

Be it resolved that should the resolution to change CAPE's fiscal year end to a calendar year end be approved by the membership, the NEC approve the appointment of McCay Duff to proceed with the audit of CAPE's "stub period" from May 1, 2022 – December 31, 2022

**Moved by:** H. Delnick

**Seconded by:** A. Trau

***By show of hands: Carried unanimously***

Be it resolved that should the resolution to change CAPE's fiscal year end to a calendar year end be approved by the membership, the NEC mandate the Audit Committee to proceed no later than May 2023 with a "request for proposals" process to select and recommend to the NEC an audit to carry out the audit for the 2023 calendar year (*January – December*)

**Moved by:** H. Delnick

**Seconded by:** A. Trau

**In Favour (16), 1 Opposed (1), Abstention (1)**

***Motion Carried***

**7.2 Replacing R. Kossick on the Bargaining Committee:** *This item was discussed in-camera*

**7.3 Change of Fiscal Year:** The following motion was raised:

Be it resolved that the NEC recommend the proposed change to the CAPE fiscal year to the members at this year's Annual General Meeting

**Moved by:** C. Lonmo

**Seconded by:** J. Lafontaine

**Abstentions (1)**

***By show of hands: Carried unanimously***

**7.4 Clean up of By-law inconsistency in English and French:** It was noted that both the English and French version of section 15.3.6 should be amended accordingly.

Be it resolved that the NEC approve the amendment of the wording of the by-law as presented, to read section 15.3.7 to refer to section 15.3.4(e)

**Moved by:** C. Lonmo

**Seconded by:** S. Harquail

**Abstentions (1)**

***By show of hands: Carried unanimously***

**7.5 Matters to be reported:** An additional NEC member was sought to sit on the CBLC. C. Pageau put her name forward.

Be it resolved that the NEC approve C. Pageau to the CBLC to bring the total to 9.

**Moved by:** C. Lonmo

**Seconded by:** S. Harquail

**Abstentions (1)**

***By show of hands: Carried unanimously***

*\*President of Local 508 Nathan Prier was welcomed to the meeting*

**7.6 Nominations for additional NEC members to Finance Committee:** As a number of members of the NEC expressed interest in sitting on the Finance Committee, the following motion was put forth:

Be it resolved that the NEC appoint Scott Crawford, Jonathan Brulotte, Jason King, Peter Ives, and Sandy Harquail as permanent and voting members to the Finance Committee effective September 23<sup>rd</sup>, 2022

**Moved by:** S. Crawford

**Seconded by:** K. Mansfield

**Discussion:** Concerns arose in regard to members being referred to as “permanent” as members have set terms and cannot serve indefinitely. In addition, the mover proposed amending the wording of the motion with the removal of “*permanent and voting*” as all members sitting on Committees are voting members by default. In addition, the ED reiterated the Finance Committee is not considered a subcommittee of the NEC but a committee of the Association, which was contested as P. Engelmann confirmed as such during the on-boarding training of the newly appointed Directors. A comment was raised that there was an opportunity at the last meeting to join the Finance Committee and the majority of the members chose not to and therefore, a friendly amendment was put forth to only allow S. Harquail to join given her absence at the last meeting. The proposed amendment was rejected. Concerns related to the size of the Finance Committee arose as 15 members was deemed excessive, notwithstanding associated costs in accommodating larger meetings.

**Recorded Vote:**

**In Favour (9),** J. Brulotte, M. English, S. Harquail, P. Ives, J. King, C. Pageau, K. Mansfield, S. Crawford and E. Tremblay

**Opposed (9)** A. Picotte, H. Delnick, C. Awada, J. Lafontaine, M. Collins, A. Nemeč, A. Trau, C. Lonmo and P. Makrodimitris

**Abstentions (0)**

***Motion Loss***

A re-count of the vote followed. A request was then put forth to post the results of the vote in the chat, which was denied by the Chair.

Motion to challenge the Chair (with  $\frac{2}{3}$  majority vote required)

**Moved by:** J. Brulotte

**Seconded by:** K. Mansfield

Discussion: A point of order was raised as the Acting Chair failed to abstain from voting, which in this case could break the tie. C. Awada exercised his right to vote as a member of the Finance Committee.

**Recorded Vote:**

**In Favour (8)** J. Brulotte, M. English, S. Harquail, P. Ives, J. King, C. Pageau, K. Mansfield and E. Tremblay

**Opposed (7)** A. Picotte, H. Delnick, J. Lafontaine, M. Collins, A. Nemec, A. Trau, C. Awada and C. Lonmo

**Abstentions (2):** S. Crawford and P. Makrodimitris

**Motion**

**Defeated**

**Next Steps:** A legal opinion on Bourinot's Rules of Order pertaining to the Chair's vote will be sought.

**4. Report on Staffing from recruitment firm (Odgers Berndtson) and S. Bordeleau:** *This item was discussed in-camera*

**LUNCH BREAK**

**5. Presentation from Cumberland Private Wealth on CAPE's Investment Portfolio**

Cumberland's Portfolio Manager Christie Matwee delivered a presentation on-screen to discuss the inherent risks associated with the investment portfolio and provided a synopsis of CAPE's assets allocation. A detailed overview of the current state of CAPE's assets, market backdrop summary, types of asset allocation, performance and thoughts on the market was shared with the NEC. As it stands, there's been an abrupt shift in the central bank's policy statement whereby the primary goal is now to fight inflation, resulting in interest rates hike and slower economy growth in North America. Despite the uncertainties, considering the Association's long-term investment time horizon and the historical market performance, the best course of action is to maintain a well-diversified strategic portfolio of assets in order to mitigate risks. Cumberland Private Wealth will be hosting a webinar on October 5<sup>th</sup> as part of their quarterly client presentation, during which time more insights on the current market state will be shared.

**Action Item:** The webinar invitation will be shared with the NEC via J. Courty.



## **6. Committee Updates**

**6.1 Finance Committee:** The Finance Committee met recently, during which time cheques over \$500 for the months of May, June and July were reviewed and unanimously approved. The Finance Committee Chair reiterated the responsibilities of the Finance Committee, which was established as an oversight body tasked to advance budget recommendations and question any major discrepancies in the financial statements.

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

**6.2 Constitution and By-Laws Committee:** The CBLC discussed most of the motions put forward on today's agenda, including a review of Bylaws 5 and 14 pending inputs from the Committee's advisors and staff. A recommendation was put forth to consider the introduction of a cap for Locals rebate given the absence of a policy in order to avoid an accumulation of unspent funds over the past 2 years. Conversely, it was cautioned that looking into Locals bank balances may antagonize them and create unnecessary tension. The lack of in-person meetings in the last 2 years also account for the decrease in spending. This matter will be revisited at a later time by the CBLC.

**6.3 HR Subcommittee:** The most recent meeting took place on September 6 to address a number of issues. The Communications organizational review is close to being completed and a President's Office organizational review will soon be underway. Staffing of positions has been problematic. Due to increased workload within the Communications Section and created by the new Pay Equity Act, the proposed two recommendations were put forth as followed:

1. Turn the vacancy of Assistant Research Officer (level 4 position) into a Pay Equity Officer position at level 5.
2. Turn the Communications Assistant level 3 position into a Junior Communications Advisor position at level 4.

Given the growth of the organization, with the membership having increased by approximately 2000, the HR subcommittee discussed and approved the addition of the following positions in moving forward with the 2023/2024 budget preparation process, and this was subsequently approved by the Finance Committee:

- An additional LRO position (level 5)
- One Labour Relations administrative assistant (level 2)
- The creation of Director of Labour Relations position (level 7)
- An additional Translator/Proofreader (level 5)
- An additional Finance Clerk position (level TBD)
- There is also a need for an additional position in the Communications Department (*i.e.: multi-media or graphics*), which will be later defined once determined (level TBD)
- Up to 2 additional positions in the President's Office to further to the President's org review, potentially a Chief of Staff (TBC) to manage the direct staff reports (levels TBD)

A breakdown of incremental costs for each position were presented to the NEC.

Additionally, a proposal for the calculation of the membership has been devised whereby the calculation will be separated into 2: one for the membership number using the dues collected divided by the monthly dues amount. The other number will encompass current dues members plus an approximate number of members on leave without pay. More information will be provided at the October NEC meeting.

Be it resolved that the NEC approve the new positions as recommended by the Executive Director

**Moved by:** J. Lafontaine

**Seconded by:** A. Picotte

**Discussion:** There was a concern to move forward with the proposal as that the Association is operating at a deficit. In response, a comment was made that this is evidence of the need for an increase in dues, and that the Association must be able to operate to satisfy a legal obligation towards member representation, as well as avoid over straining staff, and must be solvent to do so.

**In Favour (8), Opposed (2), Abstentions (4)**

***Motion Carried***

*\*M. Collins departed the meeting at 4:05pm*

**6.4 DDT Subcommittee:** The Subcommittee met yesterday and discussed the vital importance for TR representation given the rise of automation and disruption that is occurring within the public sector and how translation services will be greatly impacted. In addition, an action plan for the DDT Subcommittee will be developed, which will include staff support in researching issues moving forward. The first order of business will be to perform an environmental scan to assess the status on the digital strategies being adopted by the different departments. C. Pageau and S. Harquail have committed to reaching out to various TR members interested in volunteering to the DDT Subcommittee and will report back to the DDT Subcommittee Chair S. Crawford.

**6.5 Equity, Diversity & Inclusion Subcommittee:** Co-Chair J. Lafontaine reported on the EDI subcommittee's meeting held yesterday with the extended general membership in attendance for the first time. Nicolas Bois delivered a presentation on the new neutral guides under development. The EDI subcommittee's next meeting is scheduled for October 6, during which time an update on the workplans with CCDI and work with Local 514 on the federal Black employee class action lawsuit will be provided.

**6.6 Voting Subcommittee:** No meetings were held during the summer period. The CLBC has received and will further review the proposed recommendation put forth by the Voting Subcommittee to consider exploring a voting mechanism for a single ballot ranked system. Work on the 3<sup>rd</sup> pillar (*member voting outreach*) as per the TORs will soon be underway.

With regards to the NEC's decision regarding the Defense Fund, a recommendation was put forth to consider holding an open, respectful and transparent debate with the membership at the next AGM in order to allow members who may be against the NEC's irresponsible resolution with an opportunity to voice their concerns without fear of reprisal, which will lead to greater engagement. For the record, it was noted that the comment referring to the NEC's decision was deemed uncalled for. For clarity's sake, it was also stated that the intent of the resolution was to ensure the Association has sufficient reserves in the unrestricted funds to cover one-year's worth of operations, and any surplus amount would be diverted to the Defense Fund.

## 8. Discussion Items

- a) **Mercer Vote Results:** A copy of the results was provided. The NEC was informed of an incident that occurred, which prompted the initiation of an investigation. The survey was launched on August 15<sup>th</sup> until August 29<sup>th</sup> through Survey Monkey to determine whether CAPE should retain the services of Mercer Consulting. A total of 17 NEC members voted. It was discovered that an additional 6 votes casted were deemed invalid due to the use of bogus names. Those entries were entered on August 16<sup>th</sup> between 7:40 and 7:45. Although this does not nullify the results, it identified the vulnerability in the system, hence the need for a more secure process. Moving forward, a voting link will be sent through Survey Monkey's mail application to ensure links provided are unique to each recipient in an effort to remove the anonymity factor and strengthen the integrity of important votes (*with the exception of secret ballots*). NEC members were reminded of the importance of maintaining integrity and holding themselves to the highest level of professionalism as these types of incidents have a negative impact on the staff and membership, thereby reflecting poorly on the Association.

Another issue arose whereby prior to the vote, a series of email exchanges revealed an issue between the NEC and management team, which the ED perceived stems from a lack of trust. While it is incumbent upon the NEC to exercise due diligence, it was reminded to draw the line between encroaching on the ED's duties and responsibilities. Therefore, a successful relationship between the NEC and the management team is dependent on the ability to trust in each other's role in order to better serve the membership.

- b) **Use of web-based technology tools:** There is an expectation that the professionalism, integrity and transparency used at meetings be applied and maintained when using web-based tools (*including Survey Monkey*), hence the importance of abiding by the same principles. However, despite some time sensitivities that may arise, this method limits the chance to debate on vital issues and have a venue to hold fulsome discussions on what is being sought from the NEC.

Therefore, web-based tools do not minimize nor replace the established elected democratic process and protocols in place for seeking approval from the NEC.

Several NEC members echoed this sentiment and a recommendation was put forth to avoid using Survey Monkey for actionable decisions that will have a major impact afterwards. Rather, this tool should be reserved for exceptional circumstances.

- c) **Travel Policy Draft:** A draft copy was provided in the meeting package. As a work in progress, NEC members were requested to provide feedback by October 14<sup>th</sup>. A revised draft will be presented at the next NEC meeting. All comments should be directed to the Secretary of the NEC.

*\*The NEC was informed of NEC Secretary J. Courty's departure from her current position to assume the new role of Locals Liaison Officer. As a result, this is her last official meeting, although she will be partially present at the October meeting for the purpose of assisting with the on-boarding of her replacement.*

## **9. Action Items**

Below is the status of the action items arising from the June 24<sup>th</sup>, 2022, NEC meeting:

- a) Exit interview to be reported on at September NEC meeting: **Completed**
- b) Floor plan of new office space to be presented to the NEC at September meeting: **Completed**
- c) Invite Cumberland to present: **Completed**

**The NEC meeting adjourned at 5:02 p.m. EDT.**

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*The above minutes are accepted as a true representation of the National Executive Committee meeting held on September 23<sup>rd</sup>, 2022.*

**APPROVED by:**

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Chairperson

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Date