



**National Executive Committee Meeting
Friday, January 27, 2023
Hybrid Meeting**

MINUTES

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

Via Zoom: A. Nemeč, J. Lafontaine, E. Tremblay, J. Brulotte, H. Delnick, M. Collins, P. Ives, J. King, P. Makrodimitris, A. Okladov, A. Trau, M. Glenwright, S. Rehman, N. Shaikh and M. English

Staff: C. Habarugira, J. George, S. Salter, J. Ouellette and Y. Radwan

Regrets: A. Butler, G. Kopytko and K. Thériault

1. Call to Order

The NEC meeting was officially called to order at 9:07 a.m. and following a roll call, the Chair confirmed quorum was achieved. Newly appointed directors M. Glenwright and N. Shaikh introduced themselves to the NEC.

**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. For the benefit of new NEC members, the rules of engagement were briefly reiterated.*

Action Item: Bourinot's Rules of Order to be circulated to the new NEC members for the next NEC meeting.

1.1 Approval of NEC Agenda

A request was put forth to correct K. Thériault's official title to read "Director of Communications and Public Affairs". In addition, a request was put forth to add "Alternate for ESU Collective Bargaining Team and Approval of ERC member", which will be addressed under 'Decision Items'.

Be it resolved that the NEC adopt the January 27, 2023, NEC agenda as amended.

Moved by: C. Awada

Seconded by: A. Picotte

Abstentions (1)

By show of hands: Carried unanimously

1.2 Review and approval of NEC public minutes (November 25, 2022)

Be it resolved that the NEC approve the November 25th, 2022, NEC minutes as amended.

Moved by: A. Picotte

Seconded by: C. Awada

Discussion: Under “Finance Committee update, a request was put forth to reflect the \$8700 for actual amount reimbursed by the Delta Hotel as opposed to the cited number of \$14000. Under item 7c, it was requested that “leasehold” be reflected as one word. Lastly under “Attendance”, it was noted that P. Ives was in attendance and requested to remove C. Pageau from the list.

Abstentions (6)

Motion Carried

2. Reports

2.1 President’s Report: During a two week break taken by the President in January, A. Picotte was appointed as acting President with the support of Vice-President C. Awada.

The recently established Bargaining Agent Subcommittee met on December 1st, at which time other bargaining agents expressed similar issues faced by CAPE regarding the Employer advocating for a low wage increase. No additional information can be reported at this time given the confidential nature of negotiations.

As part of the Locals AGM tour and management meetings the President attended:

- Local 801 in Edmonton. The Crown–Indigenous Relations and Northern Affairs Canada (CIRNAC) requested for the President to co-chair the Union Management Consultation Committee (UMCC)
- The AGM in Vancouver
- A management meeting in Calgary in early December as part of the NJC where bargaining agents and Local Presidents discussed challenges faced within their respective union
- The EC Bargaining mediation that was held in early December
- The Local 501 info-session for the Immigration & Refugee Board
- AGMs at the Public Service Commission and Elections Canada in early January
- The NRC AGM yesterday, during which time a President, VP, Secretary and various stewards were appointed

The President met with MP J. Vignola of the Bloc Québécois along with Senator M. Audette to discuss ongoing issues involving the interpreters' health and safety. The President also met with officials at Employment and Social Development Canada (ESDC) to discuss return to the workplace and to find a common approach to accommodating issues for a hybrid work design that considers employees' unique circumstances and job requirements.

An Info-session was held at the Canadian Human Rights Commission and included and interview with the Hill Times.

The President's Office organizational review has been finalized and management staff will be moving forward on the implementation of recommendations put forth by the external consultant.

The President met with the Research Team for EC Bargaining, P. Engelmann and his staff to devise a move forward strategy. Mediation sessions will resume next Friday. The first arbitration date has been set for June 30th, 2023, and all arbitrators have been selected.

In closing, the President acknowledged having received a letter from several NEC members and Local Leaders dated December 18th, 2022 pertaining to a number of sensitive matters. All concerns will be carefully addressed with a thoughtful response without undue delay. Currently the Executive and staff must focus on the priorities that are essential to the Association's existence as a union and providing service to the members remains at the forefront. As it stands, the priority as a union is on the negotiation of three collective agreements in various stages of renewal, and as such must strive towards being exemplary in relation to good governance, accountability and achieving positive outcomes.

In the capacity as Acting President, A. Picotte reported that as a result of the Government's directive to return federal public servants to their offices for 2-3 days per week starting in January 2023, complaints were filed which prompted several media inquiries including CTV, CBC and the Hill Times. During one of the interviews, A. Picotte underlined that the Government's mandate is not driven by operational needs but rather by politically driven motivations that disregard employees' best interests. Furthermore, this decision contradicts several government policies, including the Carbon Neutral Government Programme (CNGP). With respect to reconciling the dichotomy between those policies, a reporter from the Hill Times endeavoured to seek an official response the PM's office. Acknowledgement was extended to the Director of Communications and Public Affairs for providing media talking points.

2.2 Executive Director Report: A copy of the ED Quarterly report was provided in the meeting package and includes a memo from Goldblatt Partners LLP on pay equity. A Director of Negotiations & Research was recently hired at the National Office and is expected to start next week.

The ED met with the Educations Team this week to review the 2023 Action Plan which entails online training, and the Education and LRO teams are working on the development of knowledge products. All courses and materials will be offered this year.

The organization of a staff Town Hall meeting is underway and is targeted for some time in March.

The remainder of discussions were held in-camera.

Action Item: C. Habarugira to send the Solemn Declaration and confidentiality statement to the new NEC Directors for signatures

2.3 Senior Advisor Report: The position is currently vacant as the former Senior Advisor has recently taken on the new position of General Counsel and Director of Policy.

2.4 Director of Communications and Public Affairs Report: Deferred until next month.

2.5 Director of Finance Report: The Finance Department has been focussing its time addressing operational matters related to accounting and improvements to the payroll system and ADP are underway. As a result of the change in fiscal year-end, staff banked days will need to be amended accordingly, as well giving consideration to the impact on Local rebates.

The Finance Department is currently working through the interim audit with McCay Duff, given the abbreviated fiscal year, during which time preliminary work was performed in October. McCay Duff will return next month to conduct the final audit.

The Finance Department has also been working on the draft 2023 revised budget based on the new calendar year, which will be discussed under agenda item 8.2.

As it stands, the financial statements highlight a surplus. The Association's portfolio return on investments for the year ending December 31, 2022 is down, while the 3-year performance is positive at 1.04% growth. Since inception, return on the portfolio is 1.24%.

Several projects were completed in December, including the Procurement Policy along with the delegation of the authority matrix. Staff training will be rolled out in February. In addition, the launch of SAP Concur (travel expense system) was successfully deployed. Email communication to staff will be forwarded next week.

2.6 General Counsel & Director of Policy Report: LoP members are currently at the bargaining table and four dates in March have been tentatively set aside. The parties have yet to begin discussions on wages. CAPE has entered into bargaining with the internal

staff union (ESU/CSN). The first meeting is scheduled for next Monday to exchange proposals with the ESU/CSN team and several days in February have been set aside to focus on the negotiations. The CAPE Collective Bargaining Team is comprised of 3 NEC members, and an alternate will be sought. With G. Kopytko stepping down as Chief Negotiator of the Bargaining Team for CAPE due to personal circumstances, K. Mansfield volunteered to take on the role.

The draft Travel Policy will be forwarded to the new NEC Directors to allow them an opportunity to provide feedback. Further discussions will be held under agenda item 6.

The Pay Equity Commissioner is set to hear submissions from the bargaining agents on Treasury Board's proposed 3-tier pay equity system . As a result of a request for an extension by one of the bargaining agents, submissions are due by next Friday and Treasury Board's deadline to provide a response has been extended to mid-March.

Several statutory freeze complaints have been filed by various bargaining agents on the matter of the Return to Work directive, arguing Treasury Board have breached Section 107 of the Federal Public Service Labour Relations and Employment Act by changing terms and conditions of the employment while in bargaining. Various options are being explored by CAPE and the NEC will be informed on next steps shortly. The Association is also exploring options pertaining to Phoenix related issues, including filing a policy grievance in order to address the recovery of over-payments.

A joint policy grievance with the Association of Justice Council (AJC) and the PSAC was filed in 2020 with the Canadian Human Rights Commission as a result of ongoing systemic anti-black racism and discrimination within the Commission. The second part of the policy grievance was presented to Treasury Board last week. They have 30 days to provide a formal response (March 6, 2023).

HEALTH BREAK

3. Committee Updates

3.1 Finance Committee: The Finance Committee met during the months of December and January to work on the draft budget, as well to review financial statements and cheques over \$500. The Finance Committee sought further clarity on travel expenditures for the President and former EA's business class fare tickets where it was explained that the higher cost was due to being a multi-destination trip, in addition to upgraded amenities due to disability issues and medical accommodation purposes. In light of the current market uncertainty and ongoing volatility, the Finance Committee is recommending the Association explore other income generating investment revenues such as long-term GICs or money market funds which may yield greater returns than equities.

Action Item: As requested, the Director of Finance will invite Cumberland to deliver a presentation to the NEC at the February NEC meeting.

3.2 Constitution and By-Laws Committee: The CBLC met on December 10th to discuss the re-structuring of the existing elements within Bylaw 14 (Absenteeism), particularly the consequences of failure to attend NEC or subcommittee meetings, Bylaw 5 (Disciplinary Actions) for comparison with other unions, the optimal size of the NEC, as well as the ranked choice voting method whereby areas in the Bylaws and Constitution for references to voting were itemized. As a result, several sections were identified and amendments to the Bylaws would requiring laborious work and legal input prior to presenting to the Board. Direction from the NEC was sought on the order/priority to address these three issues.

Discussion: It was commented that in order to determine the optimal size of the NEC and bring some cohesion to this project, a complete constitutional overhaul/review may be required. A recommendation was put forth to either consider outsourcing this initiative or engage the services of P. Engelmann who had previously offered to conduct an in-depth review of the Bylaws. It was also recommended seeking members' input on the matter.

Action Item: J. Ouellette and J. George will work with the Chair of the CBLC towards developing concept notes and report to the NEC in March.

3.3 Human Resources Subcommittee: The most recent Subcommittee meeting was held last Wednesday, during which time subcommittee members discussed the Communications and Public Affairs and the President's Office organizational reviews, ESU collective bargaining and staffing,

3.4 Digital Disruption and Transformation Subcommittee: The subcommittee met yesterday to discuss the implementation of the approved DDT Action Plan. The Subcommittee will also consider deploying an awareness session for in-house CAPE staff and functions (*i.e.: LROs, Comms, etc.*). An initial report will be presented at the March NEC meeting.. The associated costs with having increased membership will be presented to the NEC in February. Lastly, a consistent meeting schedule has set to be scheduled the day before the monthly NEC between 11-1 EST.

3.5 Equity, Diversity & Inclusion Subcommittee: Co-Chair J. Lafontaine briefly reported on the subcommittee's meeting held on January 12th during which time they followed up on the request by Local 514 to consider an event related to the Black Federal Employees Class Action lawsuit. As such, the Communications Teams is working toward organizing a panel discussion for Black History Month in February. The Subcommittee also discussed updates on equity-seeking groups that had been adjoined with last year. Next month's meeting will focus on progress updates from CCDI from a policy review standpoint. In addition, the call for volunteers for participation at the 2023 Pride Planning Committee has been approved.

3.6 Voting Subcommittee: The Voting Subcommittee met on December 8th and discussed general matters related to the next 2 mandates on the TORs to review, examine the report on electoral reform, AGM turnout results and member engagement, as well as to extend an invitation to J. Courty in her new role as Locals liaison to attend the next Voting Subcommittee meeting. Considering the low participation on the subcommittee, the Voting Subcommittee Chair will explore options in establishing a General Membership Committee comprised of Local Executives and Stewards.

3.7 Employment and Benefits Defense Sub-Committee (EBDSC): The first meeting of the Employment and Benefits Defense Subcommittee has yet to be scheduled due to scheduling conflicts, however efforts persist to redress this.

4. Elections and Resolutions Committee 2022

Elections and Resolutions Committee (ERC) Co-Chairs A. Dzuba and A. Jiwa presented the election report to the NEC, underlining the timelines, action items and challenges encountered (*e.g.: implementation of the voting process, timing of the nomination and election process, process for drafting resolutions and clarity on communications/processes*), along with a set of recommendations that will assist in establishing an effective, functioning ERC, including but not limited to the NEC conducting a review of the role and functioning of the ERC governance structure, performing a review of the critical path/flow chart of the ERC's work after each election cycle and appropriating adequate CAPE resources to ERC members to help support them in their role through the creation of appropriate @acep-cape.ca email addresses.

LUNCH BREAK

5. Presentation on New Office Accommodation (Constitution Square)

Through a PowerPoint presentation followed by a video of the premises, C. Awada, J. Courty and guest speakers E. Capuano of 4té inc., B. Paquette and G. Brown of MP Lundy Construction provided a progress report to the NEC on the allowance/budget and additional costs incurred. Thus far, the project is over-budget by approximately \$800K, mainly due to increased wages for the ELC and SCI Broadband's contracts, telecommunications, legal fees, as well as other macroeconomic factors such as inflationary material, labour costs and supply chain issues. In response to several concerns raised related to the unanticipated over-budgeted amount and providing justification to the membership, it was noted that the move is expected to result in long-term cost savings given the larger square footage and lower priced rent at the new location. Acknowledgements were extended to J. Courty and C. Awada for all the hard work devoted to this project. Once the new site is deemed safe, arrangements will be made for the NEC to visit the property as a group. The move-in date is still targeted for April 2023.

6. Travel Policy Update

As an operational policy, it was reiterated that while the NEC is being consulted, the final decision as it relates to its content rests with the President. For consistency and clarity-sake, input from the NEC was sought on the length of meetings that would warrant travelling to the NCR vs. virtual attendance if residing outside the NCR. It was noted that the Travel policy encompasses all union-related activities.

Discussion Points: It was confirmed that entitlements are in alignment with NJC travel directives in accordance with Section 8 of the Bylaw. In addition, the draft Travel Policy is not meant to override the current bylaws but rather expand on them in greater detail as various sections may give rise to different interpretations, however they work collectively. In accordance with Bylaw 8.1, travel expenses must be reasonable and prior approval to travel must be granted, which implies a discretionary element. A comment was raised stating that the efficiency of the organization is contingent upon synchronizing meetings in order that they coincide with the NEC meeting, which optimizes time and leads to better organization of members. A recommendation was put forth to first establish what is deemed “reasonable” from the point of view of the Association.

Next Steps: With respect to the length of meetings, the Finance Committee will cost out the expenses associated with each travel.

7. Discussion Items

a) **CBLC Matters:** Previously discussed under agenda item 3.2

b) **Update on Defense Fund decision:** With respect to the two resolutions approved by the membership at the November AGM, a NEC member requested receiving an update on the go forward plan related to the information campaign for members, the cost analysis for the campaign, consideration of a special levy, as well as the mechanism for transferring money from the Defense Fund to the Unrestricted Fund for operations. Lastly, it was inquired as to the impact on the investments’ ROI. In response, the ED confirmed that conceptual notes were prepared by the Communication Department and both resolutioners were consulted, and with their assistance the notes have been finalized this week. The recommendation was to engage the services of an external consultant to spearhead the information campaign and subsequently work on performing a cost analysis. From a cost perspective, \$200K was earmarked per resolution to cover consulting fees, communications costs for translation and content creation, staff support (*temp help*), as well as meeting costs. The amount could potentially arrive at a lower total. With respect to the special levy, available options will be explored by the Finance Committee for consideration. As for the Defense Fund transfer, the Director of Finance has contacted Cumberland to kickstart the process of transferring assets resulting in no gains or loss, and there is no difference in how both funds are invested as they both have a similar investment plan.

- c) **Administration of rebates for Locals as a result of Fiscal Year-End change:** The Finance Committee recently approved a strategy for handling incoming requests for rebates for this fiscal year. Larger Locals now can request their rebates for fiscal year 2023 (*January to December calendar year*), which will be subject to a one-time proration, with the remaining 8 months to be conferred.

HEALTH BREAK

**M. Collins departed the meeting*

8. Decision Items

8.1 By-Law 14 amendments: A recommendation was put forth to defer the vote on Bylaw 14 (Absenteeism) in order to compare the previous version of the Bylaws with a Track Changes version, and to solicit the NEC to review the Constitutions and Bylaws and comment on areas deemed important in order to prioritize and discuss at the next NEC meeting. This item will be tabled until next month. The draft reflecting the Track Changes will be re-submitted to the NEC.

8.2 Approval of the revised 2023 Budget as a result of the new fiscal year: The draft 2023 budget was included in the meeting package. A curtailed review was presented to the NEC with a hypothetical scenario whereby the two approved budgets would be prorated (referring to column K). As a result of recent operational changes, an up-to-date scenario (*the revised budget in column L*), which takes into consideration the increased number of members was broken down for the NEC. Moving forward, investment income will no longer be budgeted. The major change with this budget and the difference between the two approved budgets relates to staffing, as salaries and benefits is significantly higher than the originally approved amount as all 11 positions approved by the NEC have been filled, hence the rationale for the increased estimated salary for these positions (*i.e.: amounting to approximately \$1.5M*) and as a result, the revised budget is projecting a deficit of \$3.3M from the originally estimated \$1.1M. In addition, various expenses under Office & Telecommunication related to promotional materials had not been budgeted for (*e.g.: Pride Parade or other events that may arise*), as well as increased expenses related to language training, LRO training, professional and legal fees. The contingency fund has also been increased and the revised budget reflects the actual costs incurred for the past year.

Be it resolved that the NEC approve the revised 2023 draft budget as presented

Moved by: H. Delnick

Seconded by: S. Harquail

Discussion: A discussion ensued about the deficit. Various ways that the Association could address the issue were also explored at the table.

Recorded Vote

In Favour: (6) C. Awada, C. Lonmo, A. Picotte, S. Crawford, H. Delnick, J. Lafontaine

Opposed: (8) M. English, A. Trau, A. Nemec, M. Glenwright, S. Rehman, J. Brulotte, E. Tremblay, P. Ives

Abstentions (6) S. Harquail, K. Mansfield, G. Phillips, N. Shaikh, P. Makrodimitris, A. Okladov

Motion Defeated

Next Steps: The Finance Committee and Director of Finance will revise the budget by taking into consideration comments and concerns raised and will report back to the NEC.

8.3 Approval of alternate on Employer’s Collective Bargaining Team: The Committee is asking that an alternate member be appointed to serve as a backup. S. Crawford submitted his name as a volunteer to sit on the Employer’s Collective Bargaining Team

Motion to appoint S. Crawford as an alternate member of the ESU Collective Bargaining Team

Moved by: K. Mansfield

Seconded by: C. Awada

Abstentions (1)

By show of hands: Carried unanimously

8.4 Approval of new ERC members: The shortlist of candidates has been reflected on the ERC Elections Report.

Motion to appoint the recommended names of candidates identified by the ERC as presented

Moved by: C. Lonmo

Seconded by: S. Harquail

Abstentions (1)

By show of hands: Carried unanimously

9. Action Items

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

- a) Communications and Public Affairs to post the most recent approved minutes of all committees and subcommittee meetings on the website: ***Deferred***
- b) National Office to video record new premises and present it to the NEC at the next meeting: ***Completed***
- c) The Finance Committee to report back on the matter of costs related to leasehold improvements at the next NEC meeting: ***Completed***
- d) National Office to confirm that E. Tremblay is added to the list of invitees for future Employment and Benefits Defense Sub-committee meetings: ***Completed***

- e) The Finance Committee to provide an estimate for the itemized lists stemming from the resolutions and present to the NEC for review: **Completed**

The NEC meeting adjourned at 4:01 p.m. EDT.

* * * * *

The above minutes are accepted as a true representation of the National Executive Committee meeting held on January 27th, 2023.

APPROVED by:

Chairperson

Date