



**Special NEC Meeting (Continuation of April 28th meeting)
Public Minutes
Wednesday, May 24th 2023
Hybrid Meeting via Zoom Videoconference**

PUBLIC MINUTES

In Person: C. Lonmo, S. Crawford, A. Okladov, A. Trau, J. Brulotte, C. Awada (chair)

Via Zoom: A. Butler, K. Mansfield, J. Lafontaine, P. Makrodimitris, P. Ives, M. Glenwright, J. King, A. Nemec, A. Picotte, N. Shaikh, S. Rehman, G. Kopytko

Staff: S. Brosseau, C. Habarugira, J. George, Y. Radwan,

Staff via Zoom: K. Theriault, J. Ouellette, E. Woods, S. Salter

Regrets: M. Collins

1. Opening and Welcome

The NEC meeting was officially called to order at 9:01 a.m. Following a roll call, the Chair confirmed quorum.

**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.*

a. Approval of the agenda

Be it resolved that the NEC approve the May 24th 2023 agenda.

Moved by: J. Brulotte

Seconded by: A. Okladov

Discussion: As per the Constitution, the NEC must elect a Vice – President for the EC/LoP/OPBO, at the earliest possible time. A motion was put forth to have the election of the Vice – President (EC/LoP/OPBO) added as a decision item, under '1.c'.

In favour : (13)

Opposed : (0)

Abstention : (3)

Be it resolved that the NEC approve the May 24th 2023 agenda as amended.

Moved by: C. Lonmo

Seconded by: S. Crawford

In favour: (10)

Opposed: (0)

Abstain: (1)

Motion Carried

b. Designation of Vice – President

The President invited the NEC to express their opinion on the process for the designation of the EC/LoP/OPBO V.P. The following motion was put forward:

Be it resolved that the NEC proceed with a standard election process to designate a Vice – President, including a first-past-the-post system, that anyone can be nominated or self-nominate, and that the candidates be allocated three minutes each to address the NEC.

Moved by: S. Crawford

Seconded by: K. Mansfield

Discussion: A NEC member expressed that it be made clear what the process is in the event of a tie before moving forward with the motion. A point was raised about the possibility of a conflict of interest, given candidates are taking place in the determination process. According to the Constitution, the NEC as a group determines the process of designation. And so, there is no conflict, unless determined by the NEC. The President expressed that, in the spirit of unity, under no circumstances will he be casting a tie-breaking vote. It was stated that the role of V.P will at times require their presence in the NCR but can be done remotely. It was noted that no TR members were on the call at the time of this discussion, they are permitted to vote should they enter the discussion prior to the vote taking place.

The NEC discussed the process at length, and while some adhered to the proposed motion and expressed urgency, others highlighted the need for more time, due diligence in exploring alternative processes and the need for time to allow candidates to interact with each other.

A NEC member called the question.

Be it resolved that the NEC proceed with standard election process to choose a VP using a ‘first past the post’ system. Candidates can be nominated or self – nominated. The speaking order will be determined by draw and each candidate will receive three minutes to present their candidature to the NEC. In the event of a tie, the NEC will proceed with a run-off vote.

Moved by: S. Crawford

Seconded by: K. Mansfield

In favour: (11)

Opposed: (3)

Abstain: (2)

Motion Carried

G. Kopytko followed by A. Trau, and S. Crawford were given three minutes each and presented to the NEC in that order, as determined by the draw.

A NEC member suggested having a recorded vote, but keeping the voting anonymous, as to not influence those who are choosing last. Members attending online voted through the online tool and members could not see each others' choices. Votes by members in the room were recorded on pieces of paper and submitted to the Executive Assistant.

The results of the vote were as follows:

A. Trau (4): C. Lonmo, A. Trau, A. Nemeč, P. Makrodimitris

G. Kopytko (2) : J. Lafontaine G. Kopytko

S. Crawford (9) : A. Okladov, J. Brulotte, S. Crawford, M. Glenwright, K. Mansfield, A. Butler , J. King, S. Rehman, P. Ives

Be it resolved that the NEC designate Scott Crawford as Vice – President for the EC/LoP/OPBO groups.

Moved by: C. Lonmo

Seconded by: K. Mansfield

In favour: (14)

Opposed: (0)

Abstention (1)

Carried unanimously

The Vice – President took a moment to thank the NEC and acknowledged the opportunity that the Committee has to move forward, advance outstanding issues, and end with a positive setup for the next term.

2. Committee updates

a. Finance Committee

There are no outstanding updates from the Finance Committee.

b. Constitution and Bylaws Sub-committee

The CBLC is putting forth a decision item regarding the possible change to article 8 under agenda item '3.a'.

The Sub-Committee continues it's work on the revision of By-Law 5 with the goal of having a more robust, transparent disciplinary process. The Sub-Committee is working with external legal counsel, P. Engelmann in exploring possible changes and will be reviewing other federal public service unions processes.

Regarding the complete review of the Constitution and Bylaws, the Sub-Committee has agreed to narrow down their activity to laying down the groundwork for a complete review, should the next NEC choose to proceed. Completing such a review before the end of the current term is unfeasible.

c. HR Sub-Committee

The HR Sub-Committee met in April. The Association's new 'organizational chart' was presented and approved by the Sub-Committee at this meeting and will be presented to the NEC at the May 26th meeting. The Subcommittee also explored possible avenues for improvement in member representation, which is the core of the Associations activities, as well as how to increase member feedback on their representation services.

d. DDT Sub-Committee

There are no updates for the DDT Sub-Committee as they did not meet in the month of April.

e. Diversity, Equity, and Inclusion Sub-Committee

The EDI Sub-Committee did not officially meet in the month of April. Discussions were held however, over the proposals from the 'Black Employee Class Action Lawsuit' and what the Association can do to contribute. The Sub-Committee is drafting recommendations to be presented to the NEC in the coming months.

f. Voting Sub-Committee

The Chair is waiting for a 'President's Council' meeting to be scheduled, so that a discussion over the tentative agreement and voting projects can be held.

ACTION: National Office to follow up on the scheduling of a President's Council meeting via Doodle Poll.

g. Employment and Benefits Defense Sub-Committee

The Sub-Committee did not meet in the month of April.

3. Decision Items

a. CBLC constitutional amendment of art. 8

In keeping with the mandate to implement changes where possible, pending a complete review, Sub-Committee is coming to the NEC to alter the ratio of NEC Directors to members. It has been noted that the NEC's size is increasing to a point where efficiency is being put in question. It is therefore being proposed that the ratio be changed from one (1) Director per 1000 members to one (1) Director per 2000 members. Given that this is a constitutional amendment, it would require a vote by the membership before the main election. It is understood that given current capacity and timeline, this would be a challenge. If the NEC decides to proceed with the change, the decision will have to be published with the "Call for Nominations: 2024-2026 term" no later than June 1st. The membership's vote would take place at a Special General Meeting in June, or, at the AGM in November.

Discussion: The VP expressed his concern over dedicating the significant amount of time and resources that such a change would require. Putting forth this amendment would essentially be determining the size of the NEC for the 2024-2026 term, without any knowledge on how the new group will operate in the future. NEC members shared the sentiment that it is not feasible to conduct proper consultation within the timeline and that a larger group is beneficial when more contentious issues arise. Concerns were expressed over other factors such as representation, length of term and possible "workforce adjustment".

A member of the Sub-Committee shared the rationale for the proposition. Although it would be ideal for this change to have been brought forth earlier in the term, it is not impossible to achieve. If all the positions are filled, the board for the next term would consist of twenty-three (23) EC Directors and seven (7) other positions for a total of thirty (30). The two main points of discussion were the optimal size of a board and the issue of fairness. The current composition of twenty-three (23) EC Directors and their projected growth, risks diluting the other groups that CAPE represents.

The proposal of a “cap” on the number of EC Directors would be ideal. Past experiences have shown that larger boards are often less formal and have higher chances of in-fighting. The Sub-Committee chair expressed that this proposition is understood to be an interim change, pending the complete review of the Constitution, and that it is being proposed as the measure due to its simplicity.

The V.P called the question.

Be it resolved that the NEC approves amending Article 8.4 of the Constitution as proposed, with Directors representing members on the National Executive Committee from one (1) per 1,000 to one (1) per 2,000.

Moved by: C. Lonmo

Seconded by: A. Trau

In favor (5): C. Lonmo, A. Trau, J. Lafontaine, A. Picotte, P. Makrodimitris,

Opposed (12): S. Crawford, A. Okladov, J. Brulotte, N. Shaikh, K. Mansfield, G. Kopytko, A. Butler, M. Glenwright, P. Ives, J. King, S. Rehman, A. Nemeč

Abstention (1): C. Awada

Motion defeated

b. Standard Employment Contract – General Counsel and Director of Policy

Following the membership vote to approve the changes to article 36 of the Constitution, dealing with the President’s salary and benefits, the NEC engaged the services of “Mercer” to conduct an independent review of the President’s salary. There are two options presented for the salary of the President for the 2024-2026 term. The option chosen by the NEC will then form the basis of the salary found at article 3 of the most recent draft, circulated in April. As per the Constitution, the NEC will then decide the financial terms and conditions that form part of the standard employment contract. Finally, the President’s contract must be published alongside the “2024 -2026 - Call for Nominations” no later than June 1st 2023. The draft standard employment contract was originally circulated to the NEC in November 2022 and again in April 2023. Given the deadline, this matter is of a particular urgency.

Discussion: An inquiry was made into how the structure of the current contract compares to what is being proposed. Previously, the President would negotiate their own contract. The NEC chose to pursue a “standard employment contract” in the spirit of transparency and to avoid possible challenges relating to confidentiality. The structure of the “standard employment contract” was previously approved by the NEC. The model was compared to other federal public service unions. A model was selected, tailored to CAPE’s needs and all “employment standard” provisions were made up to date. The V.P suggested that, wherever the contract reads “by one Vice – President”, should instead read “by both Vice – Presidents”.

The NEC debated two questions. The first being whether the position should be listed as remote/hybrid or in Ottawa and consequently whether provisions should be outline for travel and/or remote – work. The second being whether the President’s benefits should be referenced against the CAPE – ESU-(CSN) collective agreement, or the EC/TR collective agreement.

i. Location of position listed as “remote” , “hybrid” or “in Ottawa”

Several NEC members shared concern over the location of work being posted as ” in ‘Ottawa’. Requiring candidates to reside in Ottawa, could be seen as denying equal opportunity and being

discriminatory towards members outside of the NCR. CAPE is a national union and according to the Association's principles, "any member in good standing is eligible to run for any position on the NEC. Members of CAPE, as well as CAPE staff, advocate for remote work in the public service and the Association must model its operations on the rights of the membership that are being fought for. As a result, the position should be listed as "hybrid". The expectations of physical presence must be explicitly outlined, along with clear provisions as to the maximum amount allocated to relocation and/or travel, but candidates should have the choice. Finally, concerns were raised over the financial risks associated to committing to relocation expenses and the option of an "envelop" with a maximum amount dedicated to travel or relocation, was discussed.

Although in consensus that any member, regardless of place of residence, should be eligible to run, some NEC members expressed concern over the operational challenges and possible financial burden of having the President reside outside of the NCR. The President's role requires the elected candidate to be physically present in Ottawa more frequently than not. Over 23,000 members rely on the President to advocate for them with the Government, which is in Ottawa. As a result, the position should be listed as "in-person" and in Ottawa, along with clear provisions, solely, for a relocation package. A concern was voiced over the increased risk to the health and safety of the President, due to frequent travel.

The contract must have some flexibility. It is not possible to include provisions anticipating every scenario, but there is also a need for clearly outlined provisions. It was suggested that the "NJC Relocation Directive" be used as a reference.

A NEC member called the question.

Be it resolved that the President's Contract, specifies that the position is in the National Capital Region; that the individual would be expected to relocate within 3 months, beginning on the first day of their term (January 1st); and that the "NJC Relocation Directive" be used as a reference.

Moved by: A. Trau

Seconded by: S. Rehman

Discussion: It was established that a different motion to include an option for a "Travel directive" in the standard employment contract, is ruled out of order, as it goes against the debate and intent of the previously approved motion.

In favour (8): P. Makrodimitris, J. Brulotte, J. Lafontaine, A. Nemec, A. Picotte, A. Trau, C. Lonmo, S. Rehman

Opposed (7): M. Glenwright, P. Ives, K. Mansfield, N. Shaikh, G. Kopytko, S. Crawford, A. Okladov,

Abstentions(2): J. King, C. Awada

Motion carried

ii. President's benefits referenced against the CAPE -ESU(CSN) or EC/TR collective agreement

It was also expressed that the President's benefits should be the same benefits as the federal public service employees that they represent. Given that EC Group is the significant majority of the membership, the CAPE – Treasury Board EC Collective Agreement should be the reference.

The NEC considered the following points:

- **Article 5.3** stipulates that the President acknowledges the possible need to work outside of standard work hours, but that they are not entitled to overtime payment or special compensation for hours outside of work.
- **Article 16.1** establishes that the President gets subsumed into the CAPE-ESU benefits plan. Furthermore, once elected, the President is placed on leave without pay from their public service position, they are no longer considered a government employee during their time as President, and they cease to accumulate benefits under their government's collective agreement. The implications on the pension plan, health plan, income tax act would be significantly complex and difficult to administer.
- **Article 16.3** establishes that The President will be entitled to receive all the same benefits and on the same terms, as the CAPE – ESU-CSN collective agreement.
- **Article 17** indicates that the Association will pay the employer's portion of contributions to the superannuation plan as determined by their rate of pay at the time, if the President is on 'leave without pay'.
- **Article 36.1** of the Constitution establishes that the contract will be reviewed on a tri-annual basis, in the year preceding the election. This provision ensures that the President serving more than one term has an opportunity to review and/or negotiate their contract.
- Finally, referencing the President's benefits to the EC collective agreement would be against the principle of inclusivity, given that it is possible for the President to be a "TR".

Be it resolved that the parts of the President's contract where the benefits are referenced against the ESU-CSSN Collective Agreement be changed to reference the "EC/TR Collective Agreement".

Moved by: A. Trau

Seconded by: S. Rehman

Discussion: The NEC discussed the unresolvable operational challenges that the motion has the potential to cause, and the motion was ultimately rescinded. The discussion was narrowed down discussion to the bilingual bonus. Some NEC members expressed their concern over the bilingual bonus being \$1000 as opposed to \$800. Others shared the opinion that the President should not be receiving a bilingual bonus that is less than that of their staff.

Motion rescinded

c. Compensation – CAPE President (2024-2026 term)

As voted by the membership, the NEC was tasked with engaging an independent consultant, to review the President's salary for the 2024-2026 term. The Committee voted to engage the services of "Mercer" consulting firm. Based on the findings of the consultation report, there are two proposed options for the President's salary.

Option A is a base salary structure with a short-term incentive of 10% and ranges from \$186,000 - \$205,000 for a total compensation package of \$225,000

Option B is a base salary structure only and ranges from \$201,000 - \$218,000

**** A. Butler has recused himself from the discussion. ****

Discussion: According to **article 36.1** and **article 36.2** of the Constitution and the will of the membership, the NEC must vote on one of the two options. The previous salary range of EX – 2 is no longer a part of the Constitution. The membership has already voted on this process and the NEC must now decide on the financial terms and conditions of the contract.

NEC members expressed concern over how the membership will receive either choice. It was expressed that the ranges proposed are too high and that a second and/or third opinion is needed. The fear is that the salaries presented will not be palatable to members and will result in the budget being voted down, resulting in significant issues for the Association.

Those in support of the options presented reminded the NEC of the reputability of the firms engaged as well as the research that has gone into the report. Furthermore, the role of President is different from an EC or TR position. The requirement of the candidate to understand the political environment and to successfully work with the federal government is a responsibility that justifies the salary ranges proposed.

A NEC member put forth a motion to adopt option ‘A’ and called the question.

Be it resolved that the NEC adopt option ‘A’ as the President’s salary for the 2024-2026 term, as proposed by the independent consultant’s findings report.

Moved by: K. Mansfield

Seconded by: C. Lonmo

Recorded vote:

In favor: G. Kopytko, K. Mansfield, P. Ives, J. Lafontaine, A. Picotte, C. Lonmo, C. Awada (chair)

Opposed: A. Nemeck, J. King, J. Brulotte, A. Trau, A. Okladov, S. Crawford

Abstain: S. Rehman, M. Glenwright

Motion carried

4. Discussion Items

a. S. Brosseau – RCMP Survey and Pay Equity update

The RCMP survey is closed, and the team is in the process of finalizing the analysis of results. The employer decided made a few weeks ago that the CM members that CAPE represents will be part of the RCMP Pay Equity plan. CAPE is against this plan as CM’s would be transferred into the “core” group and will be compared to different plans than that of their colleagues.

The Pay Equity Act requires the employer to actively establish a “pay equity plan” and adjust the salaries as required. The employer proposed that “Core Administration” group be divided into three plans. CAPE, and other federal public service unions position is that this proposition goes against the intent of the legislation and that the “core” group should all be under one plan. Under the current plan, CAPE would be grouped with 14 other bargaining units, while PIPSC would have a separate plan, as well as PSAC.

In light of the work ahead, it is anticipated that the Pay Equity Committee will need CAPE members to work alongside staff on activities where their cooperation will be greatly beneficial, such as the review of job descriptions. Selection criteria has been developed to ensure adequate representation, taking into account; sex, classification, level, equity group, language, regional

representation, demonstrated ability to be a team-member, availability, etc. Members would ideally, be able to commit until 2024. Furthermore, according to the legislation, the “Pay Equity Committee” as a whole must be composed of 51% women. The Act also requires that the employer covers the salary of members when carrying out committee work, as well as any related trainings. Although likely unfeasible, the tentative deadline for the Committee to complete its work is August 2024. The exact budget for this project will depend on the group that CAPE is allocated too. The Director of Negotiation and Research invited NEC members to express their interest in participating in the Committee as elected members.

There continues to be challenges in securing qualified candidates for the “Pay Equity Classification Officer” position.

Discussion: NEC’s interest in participating as an elected member. Start with the NEC then go to Local Executives, then the members. Rather not do a large call to everyone, if elected people are interested. Opened the door for NEC members to express their interest. The following members signaled their commitment:

K. Mansfield - ESDC

N. Shaikh - RCMP

A. Nemec - StatsCan

A. Trau - StatsCan

A. Okladov - Justice Canada

J. Brulotte - Service Canada / ESDC

P. Makrodimitris - Transport Canada

J. King – Public Health Agency

b. PSAC Strike update

The President took a moment to acknowledge and thank PSAC for their work and will be meeting with the President in upcoming weeks.

c. J. Ouellette – ERC update

CAPE’s Legal Counsel has returned from paternity leave and will be assisting the ERC. The Communications and Public Affairs department along with CAPE’s General Counsel and Director of Policy are also offering support when needed. The committee is awaiting confirmation of the NEC’s decision regarding article 8, before offering feedback, and proceeding with the “Call for Nominations: 2024 – 2026”

d. Black Class Action Lawsuit – UN Conference

The Black Employee Class Action Suit group remains open to contributions. The President is requesting authorization from the NEC to contribute the amount that is permitted by the Constitution and bylaws.

Discussion: Several NEC members highlighted the importance of the cause and the need to protect our members. Although the original request was a significant expense that necessitated discussion, the opportunity to support the group is not exclusive and can be done at any time and in any form. It

was agreed that the President would look into what his authority permits him to contribute and proceed.

5. **Report on Action Items from prior meeting**

- a. National Office to follow up on religious dates events and holidays ***(Completed)***
- b. National Office report on CAPE's position on the IFEN requesting exemption to Official language requirements act ***(In progress)***
- c. Director of communications and Public Affairs to follow up re: interview with trans employee from PSPN ***(In progress)***
- d. National Office to invite F. Raposo to the April NEC meeting to deliver presentation on the CMS ***(Completed)***
- e. Executive Director to Follow up on number of retired or ex-members still apart of the membership lists ***(Completed)***
- f. National Office to draft list of NEC members who are not on a committee or subcommittee. ***(Completed)***
- g. CBLC to provide update on the review of article 8 of the Constitution. ***(Completed)***
- h. National Office to follow up with S. Rehman and send Doodle Poll for the HR Subcommittee's next meeting ***(Completed)***
- i. National office to add Katia or a member of COMMS to the Voting subcommittee ***(In progress)***

6. **Adjournment**

The meeting was officially adjourned at 5:00pm.

*** The above minutes are accepted as a true representation of the National Executive Committee meeting held on May 24th 2023.***

Approved by the NEC on: June 30th 2023