



NEC Meeting
Friday, May 26th 2023
Hybrid Meeting via Zoom Videoconference

PUBLIC MINUTES

In Person: C. Lonmo, S. Crawford, A. Okladov, S. Harquail, J. Brulotte, J. King, C. Awada (chair)
Via Zoom: A. Picotte, N. Shaikh, G. Kopytko, J. Brulotte, A. Trau, M. Glenwright, P. Makrodimitris, A. Butler, J. Lafontaine, and K. Mansfield,
Regrets: P. Ives, S. Rehman, M. Collins,
Staff: E. Woods, J. George, S. Brosseau, J. Ouellette, and Y. Radwan,
Staff via Zoom: K. Theriault

Guests: C. Hoeffley, and F. Raposo
Observers: N. Prier

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 26th 2023 agenda.

Moved by: S. Harquail

Seconded by: S. Crawford

In favour (12)

Opposed (0)

Abstentions (1)

Carried unanimously

b. Approval of the minutes

Be it resolved that the NEC approve the April 28th 2023 Public Minutes.

Moved by: C. Lonmo

Seconded by: G. Kopytko

In favour: (11)

Opposed: (1)

Abstentions (1)

Discussion: Upon revision, it was confirmed that the minutes adequately reflect the reasons for the adjournment of the April NEC meeting.

Motion Carried

2. Presentation (C. Hoffley)

This discussion was held in-camera.

3. Reports

a. President's Report

CAPE has secured a tentative agreement for the EC and the TR groups. The President took a moment to acknowledge the hard work from everyone involved. The tentative agreements will be going out for ratification shortly. There will be three information-sessions held prior to the vote, taking place between June 5th and June 16th.

The President met with Mona Fortier and discussed the situation of the TR group, specifically the working environment for interpreters, as well as future efforts to cooperate and consult, in addressing member concerns. A follow-up meeting will be scheduled in the near future.

The Association's new office will officially be open as of Monday, May 29th 2023. The two boardrooms will be named after CAPE's founding fathers.

b. Executive Director's report

André Poliquin started as the Director of Education and Representation Services in early May. There has been a significant benefit to workload management since his onboarding.

The Education Officer position has been successfully filled, on a 1-year term, replacing D. Osorio, who is on parental leave. The selected applicant will begin in June.

The Executive Director attended a UMCC meeting with CAPE's internal union, ESU-CSN on May 25th. The unions have a good relationship and cooperation is strong. A number of CAPE's policies and procedures, such as, the anti-harassment and violence in the workplace policy are inadequate, out of date or past due for renewal. Meetings will be held in the next month to create an action plan to bring everything up to date.

The Executive Director also participated in the Special General Membership Meeting'

c. Director of Negotiation and Research

With respect to the EC and TR tentative agreements, during negotiations, the parties agreed to create joint committees for a certain number of files. If the tentative agreements are ratified, there will be six joint-committees that will require the commitment of CAPE staff and the NEC.

There will be three information – sessions held for members on the tentative agreements.

- Tuesday, May 30th for the EC group
- Thursday, June 1st for the TR group
- Friday, June 2nd , specifically for the interpreters, to address their health and safety in the workplace and the challenges faced during negotiations.

Negotiations have been taking up the bulk of the workload, but the importance of the interpreters' issue has not diminished. The goal is to outline next steps, with a focus on concrete actions, as opposed to more passive approaches of the past, such as solely focusing on statements of support.

On the research front, the results of the RCMP survey have been analyzed and a first draft of the report has been completed. The report is in the process of being reviewed and once complete, will be shared with the NEC.

Pay Equity matters have also been requiring a significant amount of time.

- The OPBO group is at the stage of officially appointing people to their committee.
- The non-unionized group had recently appointed someone from an HR department, who has since been replaced, as all members of that group must be completely non-unionized.
- The RCMP has decided to proceed with one plan. A meeting with the other federal public service unions is being scheduled to share feedback. The unions are still waiting for a decision from the Commission on whether there will be one (1) pay equity plan or three (3).

Discussion: The Vice – President representing the TR group shared that the interpreter members have felt pushed aside since the tentative agreement was reached. The Director of Negotiation and Research explained that the delay in the signature of the TR collective agreement is solely attributed to the technical difficulties caused by the government’s online encrypted signature process. The tentative agreements will be shared, and the membership consulted with via the information-sessions, as soon as the difficulties are resolved, and all signatures are in the right place.

The President also expressed that the interpreters’ cause remains at the forefront of critical issues and that CAPE continues to support them and campaign for their right to a safe work environment.

d. Senior Advisor’s Report

CAPE’s Senior Advisor participated in the Canadian Labour Congress (CLC). A short report is being prepared. The resolution debates, which were particularly interesting, revolved around climate change and health care. The Senior Advisor had the opportunity to meet with other members and discussed organizing a debrief meeting. A meeting was also held with N. Marcus Thompson, exploring further possibilities of collaboration between CAPE and the Black Class Action organization.

e. Director of Communications and Public Affairs

Several events are scheduled in the month of June. In addition to the four collective bargaining information sessions, there will also be a Defence Fund debate and discussion and a Return-to-office member consultation, relating to the two member resolutions adopted in 2022.

Following a robust RFP process, the public relations firms National and Pendulum have been successfully recruited to begin the work to implement both resolutions.

CAPE has submitted a brief on Anti-Black racism and systemic discrimination in the Canadian Human Rights Commission to the Senate Standing Committee on Human Rights for their study on this issue.

For election 2023, a Call for Nominations will be issued by no later than June 1st, 2023.

In an effort to increase efficiency and lighten heavy workload, automated systems are being explored to help manage translation requests.

A meeting with the Muslim Federal Employee Network (MFEN) was held May 2. Others are scheduled with other the equity-deserving groups.

Discussion: It was suggested that information be made available to members on how they can attend NEC meetings as observers, be made available on the NEC webpage. In addition, concerns about accessibility were raised for attendees joining CAPE events online not equating the level of accessibility for in-person attendance. It was suggested that the recommendations of the Chief Science Advisor on post-COVID syndrome and accessibility be looked at and incorporated in the information being given to members.

f. Director of Finance

In light of the upcoming ratification votes, there has been over three thousand membership registrations. The Association's move to the 350 Albert St is in the final stages. As a result, CAPE's Membership Clerk and Procurement/Office Coordinator, both reporting to the Director of Finance, have been particularly occupied. The Account Payable Clerk position has been filled internally.

The audited financial statements and the management letter have been circulated to the NEC. K. Holmes, auditor, and representative of McKay Duff will be presenting to the NEC under item 6.c. As of April 30th 2023, the Association is showing a surplus. As a result of the two membership resolutions, the team will also be working on a more wholesome RFP Process.

Discussion: The NEC was encouraged to direct members who have issues with registrations to the membership@acep-cape.ca address for their request to be triaged appropriately. The Finance Team is also working on implementing automations in the membership registration process.

g. General Counsel and Director of Policy's Report

A brief was submitted to the Senate Committee on Human Rights, with respect to their inquiry on the Canadian Human Rights Commission and the finding of Treasury Board that they have violated the no-discrimination clause of the CAPE collective agreement. Several meetings were held with the Associations' members at the Commission, as well as the Association of Justice Counsel and Public Service Alliance of Canada. The unions submitted individual briefs as well as a joint complaint, collectively addressing the issues and concerns raised by members, addressing the failings of the Commission in this process, including the repeated delays. The brief also spoke to the events that lead to the initial policy grievance and recommendations going forward, such as a direct access model.

D. Epale and CAPE's General Counsel supported and highlighted their appreciation for CAPE member, B. Betchi, who was courageous, well spoken in sharing her experience before the Senate. The Senate Committee agreed to provide a report, tentatively expected for the summer of 2023.

With respect to bargaining, the LoP group is still at the table.

As part of the Equity Diversion and Inclusion Subcommittee's work, an action plan is being developed to engage an Accommodations Specialist/ EDI Consultant, with the appropriate expertise. Under the obligations as an employer, and with respect to the *Occupational Health and Safety Act*, CAPE has the responsibility to provide accessibility in all virtual environments and will be reviewing all procedures to ensure requirements are being met.

Finally, regarding an update on the status of bylaw 5 complaints, three (3) have been withdrawn, one (1) is in abeyance. There has been one (1) new complaint deemed admissible in the month of May.

Discussion: A NEC member highlighted CAPE's Donation Policy as one of the policies in need of urgent review.

4. Presentations

a. F. Raposo - Case Management System (CMS)

CAPE's IM & IT Coordinator, F. Raposo was tasked with the creation of a Case Management System (CMS). The requirements were to track case data, in a single space, that can be integrated with the programs that the Association runs on. The presentation included a demonstration on the different views, filters, and other capabilities. The CMS will increase the efficiency of all tasks related to case data, by removing a significant amount of the labour previously required. There were approximately 10,000 cases that needed to be digitized, of which remain less than half.

Discussion: NEC members had several questions about specific capabilities of the CMS. It was clarified that the system is malleable. Additionally views and/or filters can be changed or added and there is potential for the CMS to be active and prompt users with different notifications. Once implemented, the IT and Admin staff will be able to identify and develop procedures for the rest of the Association

5. Committee Updates

a. Finance Committee

In light of the feedback from the membership and the current fiscal status, the Finance Committee will be proposing that a dues increase is no longer necessary and that the corresponding motion be rescinded. The motions to this regard will be discussed under agenda item 6.1. The Committee also discussed the Black Class Action Lawsuit and the importance of supporting their cause however possible.

b. Constitution and Bylaws Sub-Committee (CBLC)

The CBLC is working on two active items. The first being the revision of the bylaw 5 process in with the aim of having a robust process, an objective standard for harassment with increased transparency and an elaboration on the formal dispute process. The second item is the development of an action plan for a complete review of the Constitution, should the next NEC decide to pursue the task. P. Engelmann, external legal counsel familiar with CAPE's Constitution, has agreed to attend the next CBLC meeting and offer recommendations on the drafted timeline and next steps for the concept note. The next CBLC meeting is scheduled for June 13th 2023.

Discussion: A NEC member expressed the need for clarification on the confidentiality of bylaw 5 complaints, such as when, and in what capacity bylaw 5 complaints are shared with the NEC and/or made public. The above questions will need to be considered. The General Counsel confirmed that the bylaw 5 complains are currently confidential, except for the nature, the status, and the DRS report of the file. The NEC can also be involved in complaints deemed inadmissible, as well as in the case of appeals or review. As it stands, if a complaint is deemed admissible, the respondent is notified along with a copy of the complaint. If deemed inadmissible, the respondent is not notified, with the exception of an approved appeal.

NEC members also suggested that provision be included to account for cases where patterns of frivolous or vexatious complaints are evident. It is important to find the right balance between maintaining transparency and preventing abuse of process.

c. HR Sub-Committee

The Subcommittee met on May 16th. As a result of their discussion, the Subcommittee is coming to the NEC for approval on the revised organizational chart, as per article 6.7 of the Constitution. The previously discussed 'Chief of Staff' position will not be implemented. The Advisor position, previously approved to take on tasks in parallel to the Senior Advisor, will remain vacant until the Senior identifies the need for assistance in that form.

Be it resolved that the NEC approve the Organizational Chart as presented.

Moved by: S. Crawford

Seconded by: A. Okladov

Discussion: It was clarified that the administrative assistants are divided between the President's Office and the LRO's. The labour relations department have two admins, while the other two are responsible for the various (sub)committees. A third admin position in the President's Office, approved in 2022, assists the Executive Assistant and other Directors with any related tasks.

In Favour: (12)

Opposed: (0)

Abstentions: (2)

Motion Carried

ACTION: J. Ouellette and K. Theriault to look into the past practice of information included in the published organizational chart.

d. DDT Sub-committee

One of the most pressing issues for the Subcommittee is the lack of a TR representative. S. Crawford will be stepping down as chair of the Subcommittee once a replacement is found but will continue to participate. It was noted that the work of staff for this subcommittee is extremely positive and is progressing well.

G. Kopytko nominated herself as co-chair of the Sub-committee. The NEC agreed unanimously

e. Equity, Diversity, and Inclusion Sub-committee

The EDI Sub-committee is suggesting that CAPE engage an EC member for up to eight (8) weeks, on leave without pay funded by CAPE, to spearhead a campaign in support of the Black Class Action.

The Black Class Action was initially set to be certified in May of 2022. All sorts of procedural delays and preliminary objections have seen the certification postponed until October 2023. The intention is to support the cause, and CAPE members, regardless of certification status. Furthermore, the BCA, and the supporting federal public service unions, suggest that a settlement prior to certification is likely and should be encouraged, due to the re-traumatization that victims can suffer, the tremendous financial burden and the pressure being applied. As it stands, there has been *some* action taken by Government including the setup of a mental health fund to provide employees with access to services that can help them cope with the discrimination faced in the workplace.

It was originally suggested that the member selected be a Black employee, but it does not prevent outreach and collaboration with allied groups. A NEC member put forth the following motion:

Be it resolved that the NEC proceed with the hiring of a CAPE member, on a temporary term of up to 8 weeks, to work with CAPE on supporting the Black Class Action group.

Moved by: S. Harquail

Seconded by: S. Crawford

Discussion: A NEC member suggested that a more detailed report is necessary in order to ensure

that CAPE offers support that is, at the very least, proportional to what other unions are contributing. Other members expressed that the causes of marginalized groups commands support that can differ and surpass in quantity, compared to the level of support that other groups might require. A couple of NEC members expressed their desire for more time and additional info before proceeding with the motion, while others maintained that additional detail is not necessary. A NEC member called the question.

In favour: (10)

Opposed: (0)

Abstentions: (3)

Motion carried unanimously

ACTION: E. Woods to prepare a report, according to the standard procedure relating to requests for funding.

f. Voting Sub-Committee

The Voting Sub-Committee did not meet in the month of May. The chair is waiting for the President's Council and Local Leaders Council meetings, in order to procure feedback on how to improve engagement and voter turn-out. It was noted that the issue of members registering using their work email remains on-going. It was suggested that CAPE publish a notice, reminding members to use their personal addresses.

g. Employment and Benefits Defense Sub-Committee

The Employment and Benefits Defense Sub-Committee did not meet in the month of May.

6. Decision Items

a. Finance Committee

The Director of Finance offered additional context to this decision item. At the time of drafting in December 2022, the revised 2023-2024 budget was created using the estimates and trends available for the upcoming year. Given the Association's current fiscal status as of mid way through 2023, and, given the evolution of interest hikes over the last 6-months, the Director of Finance maintains that a dues increase is no longer necessary. When adjusted for the present-day numbers, the management salaries show an over-estimate of about \$900,000, bringing the actual line-item amount to approximately \$1.8M. This is in line with the prorated budget for 2022-23 & 2023-24. Finally, the Director expressed that these variances are in part due to the methodology used by the Association. Starting in June, the Finance Committee will have a better alternative method for drafting the budget, compared to CAPE's past practice.

Further to the recent membership consultation, and in light of the current financial situation of the Association, the Finance Committee is putting forth the following motion:

Be it resolved that, given notice on behalf of the Finance Committee, the NEC rescind the February 2023 motion regarding the budget:

"Motion moves that the NEC approve the budget as presented in January, with the cuts in the expenditures line item restored, a modification to the revenue line item to reflect a dues increase that balances the budget, a yearly dues increase escalator tied to CPI."

Moved by: S. Harquail

Seconded by: A. Nemec

Discussion: A NEC member expressed their pleasure with the direction being taken. It was agreed that the budgeting process desperately needs revisiting. If the NEC votes to rescind and approve the respecting motions, there would be no vote for the revised' 2023 budget. There would still be a vote for 2024 budget at the 2023 Annual AGM.

In favour (10)
Opposed (0)
Abstentions (3)

Carried unanimously

b. Revised Budget

Further to the recent membership consultation, and in light of the current financial situation of the Association, the Finance Committee recommends that the 2023 budget approved in 2022 by the membership be applied for the current fiscal year and that the Finance Committee prepare a 2024 budget to be submitted to the membership for its adoption in the Fall with a revised methodology as recommended by the Director of Finance.

Moved by: G. Kopytko

Seconded by: C. Lonmo

In favour: (11)

Opposed: (1)

Abstention: (3)

Motion Carried

c. K. Holmes - Approval of audited financial statements for 8 months ended December 31st, 2022.

Kenneth Arthur Wayne Holmes presented himself to the NEC and gave a brief history of his professional experience, which includes a master's degree in military intelligence and an experience in IT and the Public Service, as well as his position on the Audit Committee, working with CAPE since 2020. Due to the recent change in fiscal year, the approved audited financial statements analyzed are for the eight - month period ending December 31st 2022. Representing McKay Duff, K. Holmes expressed that CAPE is appropriately using all controls and policies. No concerns were identified. The period covered by the present is the 8 months ending December 31st 2022. There will be minor differences to net assets 2024, given that the period covered will be the full 12-months, compared to the current 8-month partial fiscal year. The NEC was assured that their information is dependable. K. Holmes took a moment to acknowledge CAPES "highly skilled and highly competent" Director of Finance, before recommending that the NEC accepts the Audited Financial Statements.

Be it resolved that the NEC accept the Draft Audited Financial Statements, for the eight-month period ended December 31, 2022, and the management letter, as prepared by McKay Duff, and reviewed by the Audit Committee, and submit them to the membership for ratification purposes.

Moved by: S. Crawford

Seconded by: S. Harquail

Discussion: It was expressed that the NEC sign the management letter, alongside the approval of the audited financial statements.

In favour (13)

Opposed (0)

Abstentions (1)

Carried unanimously

d. M. Glenwright – Nomination of Steward (Local 514-CBSA)

A former member of Local 514 received Welcome Letter in June 2022. He has since transferred to a department with no Local, and is coming to the NEC, through M. Glenwright, to officially designate him as a steward.

Moved by: M. Glenwright

Seconded by: C. Lonmo

In favour (11)

Opposed (0)
Abstentions (2)

Carried unanimously

e. J. George - Standard Employment Contract –CAPE President (2024-2026 term)

The President Standard Employment Contract for the 2024-2026 term has been revised to incorporate the feedback received at the previous meeting and is being presented to the NEC for approval. A relocation clause was included, using the NJC Directive as reference. The wording was also changed wherever necessary to include “both Vice- Presidents.” The contract must be published alongside the Call for Nominations: 2024-2026, no later than June 1st 2023.

Be it resolved that the President’s contract be approved as amended and that it be sent out to the membership with the Call for Nominations.

Moved by: C. Lonmo

Seconded by: J. Lafontaine

Discussion:

Some NEC expressed the opinion that only including a Relocation provision is not respecting the principle of equal opportunity for all members and is discriminatory on the grounds that it discourages anyone with a family residing outside of the NCR, to apply. CAPE is a national union and there should be some flexibility with regards to travel versus relocation.

Other members argued that the contract is not discriminatory as operational requirements make it necessary that the President be located in the NCR. Application is open to everyone, and the successful candidate will decide on whether or not they are willing to relocate. The President is able to work remotely in some instances, but most of the time, their physical presence in the NCR is essential. Anything to the contrary would be doing the Association a great disservice. It was also argued that any motions should be ruled out of order, given that the NEC previously voted on the matter at the previous meeting. It was subsequently confirmed that the NEC had previously voted on the changes proposed and is now voting on the approval of the contract as a whole, prior to publication. Any changes to the provision on relocation would have to see the previous motion rescinded, in order for the discussion to be re-opened.

Members were reminded of their duty to support the will of the NEC and were encouraged to find common ground, in order to be united on this issue.

Recorded vote:

In favour (7): A. Nemeč, G. Kopytko, P. Makrodimitris, J. Lafontaine, A. Trau, S. Rehman, C. Lonmo,

Opposed (8): M. Glenwright, N. Shaikh, K. Mansfield, P. Ives, J. King, S. Harquail, S. Crawford, A. Okladov

Abstentions: C. Awada

Motion defeated

Given the defeat of the motion, the deadline for publication, and the tight schedule of several members, it was suggested that the management team, in collaboration with the NEC, work over the weekend to come up with an action plan, to be presented no later than Monday morning, in order to finalize a decision.

Be it resolved that the present meeting be adjourned, and that the NEC proceed with the above suggestion, as presented by the Executive Director, in order to finalize a decision on the President’s Standard Employment Contract 2024-2026.

Moved by: C. Lonmo

Seconded by: S. Crawford

In favour (14)
Opposed (0)
Abstentions (1)

Carried unanimously

7. Discussion Items

The following discussion items were tabled until the June 2023 NEC meeting.

- ~~a. J. George – Vaccine mandate grievances update~~
- ~~b. J. George – CAPE-ESU(CSN) Collective agreement~~
- ~~c. K. Theriault – Members resolutions~~

8. Adjournment

The meeting was adjourned at 5:03pm.

The above minutes are accepted as a true representation of the National Executive Committee meeting held on May 26th 2023.

APPROVED BY: _____