



**National Executive Committee
September 29th 2023
HYBRID
PUBLIC MINUTES**

In Person: C. Awada (Chair), A. Trau, M. Collins, C. Lonmo, A. Picotte, A. Okladov, S. Crawford, K. Mansfield

Via Zoom: J. King, A. Nemec, M. Glenwright, A. Butler, P. Ives, J. Brulotte, S. Rehman, P. Makrodimitris (9:41am)

Staff: C. Habarugira, E. Woods, S. Salter, J. Lisiecki, A. Poliquin, J. Ouellette, Y. Radwan

Staff via Zoom:

Observer(s): A. Miller, Nick K. (11:03am)

Regrets: N. Shaikh, J. Lafontaine,

1. Opening and Welcome

The NEC meeting was officially called to order at 9:00am. 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 Agenda

The President welcomed the four (4) members attending as observers to today's meeting. The President requested that a decision item be added under point 6.3 to appoint a steward to Local 302 for the Northwest Territories.

Be it resolved that the NEC approve the September 29th 2023 agenda.

Moved by: A. Picotte

Seconded by: C. Lonmo

In favour: (10)

Opposed: (0)

Abstentions: (3)

Motion Carried unanimously

b. Approval of the June 30th NEC Public Minutes

Motion to approve the June 30th NEC Public Minutes.

Moved by: A. Trau

Seconded by: M. Collins

In favour: (13)

Opposed: (0)
Abstentions: (1)

Motion carried unanimously

2. Reports

a. President's Report

The President provided a summary of the numerous meetings, interviews and events attended over the summer:

- **Meeting with National Asian Federal Employee Network (NAFE)**
- **Canadian Labour Congress (CLC):** Meeting with CLC President to discuss collective bargaining, services, and lobbying, with a specific attention paid to the 'Indigenous Lobby Day.'
- **Interview with Radio-Canada on Artificial Intelligence (AI)**
- **Local 102 AGM – Prince Edward Island:** discussed issues and legislation unique to regions outside of the NCR, that may not be getting as much attention.
- **Local Leadership Council** on September 12th
- **Immigration and Refugee Boards – AGM:** a steward position and the executive positions were filled.
- **AGM – Immigration and Refugee board on September 13th** – from that we recruited new steward and a whole new Executive – working hard for their locals.
- **CHEO Charity Golf Tournament**
- **National Joint Council (NJC) from September 18th to 21st:** Several NEC members and CAPE staff attended workshops on inter-generational workplace differences, 'Equity, Diversion and Inclusion', as well as conflict resolution.
- **Meeting with the President of the Translation Bureau:** CAPE continues to pressure the Bureau to expedite the concern of interpreters' health and safety, making it clear that it is unacceptable that TR's are victims of the Bureau's regime and equipment.
- **Call with J. Duclos, Minister of the PSPC,** to discuss the Interpreters cause and the government's refocusing of \$3.5B in the federal public service.

b. Senior Advisor's Report

The Senior Advisor supported the President in all his meetings throughout the summer. The job description for the eight-week assignment on the Black Employees Anti-Discrimination project is being finalized and will be posted soon. Members of the NEC who had shown interest in the in assignment will be sent a short survey on information regarding their work.

c. Executive Director's Report

An action plan for projected staffing needs is in progress, which the HR Subcommittee will report on. Work continues to be done on updating CAPE policies and procedures. The creation of a web-portal for members continues to make headway. The ED's detailed 'Quarterly Report' will be presented at the November NEC meeting.

d. Director of Negotiations and Research Report

J. Lisiecki, has provided an update in the absence of the Director of Negotiations and Research. Staff are preparing for bargaining with Treasury Board, on the terms of employment for the RCMP

civilian members. The NEC will have to form a bargaining committee. The data from the 'post-mortem' survey on the latest rounds of bargaining has been collected and the analysis is nearing completion. The Association has met with the OPBO group and a meeting with the LoP group is scheduled in the near future.

e. Director of Communications and Public Affairs Report

The NEC's resolution regarding governance, passed in June, has been actioned and the CAPE Governance framework is now available on the website. CAPE staff is finalizing the synthesis report tying together research and consultation results on the Return-to-Office (RTO) resolution. A 'Advocacy Toolkit' will be made available to members this Fall. Data is being collected on the uneven application of existing policies.

Focus groups regarding the Defence Fund Resolution were held on September 26th and 27th. Participants' questions and comments will be shared to the NEC anonymously and remain confidential, to allow for wholesome discussion. Consultation with the membership will follow.

The Association has sent letters to a number of ministers and liberal caucus members regarding the interpreter's health and safety, consultation on the extension of the deadline to review government spending, as well as the Public Service Health Care Plan transition.

The Interpreters Working Group has finalized an action plan.

Discussion: The briefing from the Defence Fund consultations will be shared with the NEC and/or the public. J. Lafontaine to be removed from the website.

f. Director of Finance Report

The approved financial statements for June, July and August were circulated to the NEC. The projected surplus for 2023 returns to levels similar to pre-pandemic, approximately \$1M.

The Draft Budget for 2024-2025 has been prepared and shared by the Finance Committee, in consultation with Local Leaders, and will be coming to the NEC for a decision under item 5.1

Discussion: It is unlikely that the operating fund will reach its goal of one-year worth of expenses. Members who are receiving communications from CAPE are likely already registered and can contact general@acep-cape.ca for help with registration or account recovery. The Defence Fund consultations had a cap on participants in order to ensure a wholesome discussion.

g. Director of Representation and Education Report

A significant amount of time is being dedicated to staffing and preparations for the committees that have yet to be formed, as a result of the recently signed collective agreements. Meetings were also held with the National Joint Council regarding tele-work directives. The Committee on Telework is set to hold their first meeting in October. The Director of Representation continues to work on gathering info from LRO's at different agencies, on what is being implemented in their departments, as well as the vision moving forward.

h. General Counsel and Director of Policy

The LoP bargaining group has reached an impasse after a year of negotiations. The outstanding items are wages and leave entitlements. We filed a request for interest arbitration on September 8th and expect a response to follow

The FPSLREB published their preliminary decisions on the complaint filed against CAPE, *Barret v. CAPE*. In June 2023, the FPSLREB found that there was no arguable case that the Association acted in bad faith. The Executive Director and Director of Representation will be meeting with the Board in October.

The current President's contract is based on the template approved by the NEC in June, with the standard EX-2 salary range, provided for in the constitution. The new salary only comes into effect starting the 2024 term.

The CHRC has assigned two (2) mediators to the policy grievances that were filed by the three (3) bargaining agents on behalf of Black Employees at TB. The grievances were partially upheld and the unions filed for adjudication. The unions are currently preparing for pre-mediation sessions.

CAPE has engaged the services of Accessibility consultant: S. Erlick to help us meet the needs of staff and members, to provide accessible training to staff, reviewing policies and process to identify needs to increase access, complying with the 'Accessibility for Ontarians with Disability Act'.

The investigator's report regarding the Finance Committee Investigation is expected to be completed by October 31st.

3. Committee Updates

a. Finance Committee

The Finance Committee has been occupied with drafting the proposed budget for 2024-2025. Results on the Defence Fund consultation is being analysed and expected to be completed next week.

b. Constitution and Bylaws Sub-Committee

The CBLC has been focused on the revision of Bylaw 5. The Committee recommends that it produces a 'legacy letter', summarizing the context and the work done until this point, the issues of concern and the framework. The incoming committee for the 2024 term will then decide whether or not to continue the work on this revision.

c. HR Sub-Committee

The HR Sub-Committee has been focusing on the organizational chart as well as the staffing and vacancies update following the draft budget for 2024-2025, the details of which were provided in the Executive Director's report.

Discussion: A NEC member inquired about the possible need for the assistance of a recruitment agency in filling the vacancies. The details will be provided in the ED;s Quarterly Report in October.

ACTION: J. Ouellette to get back to NEC on the possible need for recruiting services to assist in filling vacancies.

d. DDT Sub-Committee

The DDT Sub-committee discussed preparing a legacy letter' similar to the CBLC, to provide the incoming DDT sub-committee with context and suggestions, should they choose to continue the work.

A briefing note is in the process of being drafted and will be shared with the NEC once completed. The subcommittee is also looking to develop a survey for the membership, that will be coming to the NEC for feedback, with the intention to help inform further agendas of the future subcommittee. Given the timeline, the NEC will not have much time to input their feedback.

e. Diversity, Equity, and Inclusion Sub-Committee

The EDI Sub-Committee did not meet over the summer.

ACTION: President's Office to add M. Collins to the EDI sub-committee

f. Voting Sub-Committee

The Committee did not meet over the summer due to staffing challenges. However, a survey on voting was sent to the membership. The feedback will be discussed at the President's Council on October 3rd and recommendations will be presented to the NEC at the subsequent meeting.

g. Employment and Benefits Defense Sub-Committee

The sub-committee is looking to bring a series of recommendations to the NEC at the October meeting, regarding defences against a possible Workforce Adjustment (WFA) period. CAPE staff has been assisting this initiative and engagement from the volunteers is high.

Discussion: Several NEC members expressed that the information being circulated in the workplace suggest that the government is trying to meet their goal for reductions to the Public Service without triggering the NJC Directive, primarily through attrition.

4. Presentation- RCMP Survey results

J. Lisiecki acting as Director of Negotiations and Research, presented the results of the RCMP survey. A PowerPoint with the key findings and analysis was shared with the NEC. The presentation outlined members position on:

- On-site vs. Hybrid/Remote work
- Working conditions
- Harassment
- Grievance process
- Discrimination
- Accessibility
- Physical and Mental Health
- Deeming

Discussion: The most common reasons for being opposed to deeming was the maintenance of RCMP benefits, the Phoenix pay system and the pension plan.

5. **Decision Items**

a. **Voting for the Collective Bargaining Committee-RCMP**

Be it resolved that the NEC approve the list of seven(7) volunteers and one (1) alternate for the RCMP Collective Bargaining Committee.

Moved by: M. Glenwright

Seconded by: K. Mansfield

In favour: (10)

Opposed: (0)

Abstentions: (2)

Carried unanimously

b. **Finance - Motion on Budget:**

Be it resolved that the NEC approve the draft Budget for presentation to the Membership at the October MBM

Discussion:

A NEC member expressed, that given, the Association's recent history of projecting a deficit but ended the fiscal year with a surplus, an increase of 13% in expenditures is not realistic. Clarifications were also requested for the increases to the Vacation Compensation, President's Salary, LRO Mobilization and Education line items.

The projected expenditures are no longer based on the previous year's budget, plus inflation, but rather the 5-year actual spending of CAPE. However, given that CAPE has a Defence Fund, and that unlike federal department, CAPE is not obliged to spend, and it is permissible to have a surplus. Therefore, if the Association continues to hold a surplus at the end of the fiscal year, that amount can serve to increase the Defence Fund.

The increase in 'LRO Mobilization' is not to hire one (1) or two (2) staff, but to have the funds available in an emergency situation where CAPE needs to hire in volume, on a contract basis for example.

The 'Education' department is planning to significantly increase it's output in 2024-2025, holding two (2) events per year. The budget amount takes into account all the expenses such as travel, salary reimbursement, catering, accommodations, etc.

It was suggested by a NEC member that CAPE create a 'capital replenishment fund' that coincides with depreciation, each year.

Moved by: A. Okladov

Seconded by: S. Crawford

In favour: (10)

Abstaining: (2)

Opposed: (2)

Motion carried

6. **Discussion items**

a. **K. Mansfield - ERC Update**

A NEC member raised a question about the nomination process and that there was no confirmation process for members who have applied or supported candidates in the upcoming elections. The member also questioned whether or not there were safeguards in place that prevent unfair advantages, especially in the internal process during the election period, as well as who has access to the accounts, the tracking of documents and IP addresses, and the possibility of the President's attendance at Local AGM's being in conflict with the election period.

Discussion: The President expressed that he still has a job to do and that there is absolutely no conflict. The assistance of the VP's and the staff are appreciated in their work to ensure that there is no conflict of interests. The President as well as any and all members or staff remain completely unrelated to the responsibilities of the ERC.

The Executive Director assured that there are very robust by-laws in place regarding the ERC. The ERC and all the staff are reminded at every meeting about the importance of confidentiality, and it is repeatedly made clear that, nobody outside the committee and the three staff members should be shared any info whatsoever regarding the elections or debates, including the number of candidates, names, politics, etc.

The voting system that will be used is 'Simply Voting'. There are members of the committee who are experienced with the platform, and it has been tested to CAPE's needs.

b. E. Woods - SGMs- Petition on homophobia & Transphobia, and Telework

CAPE received two petitions from members requesting SGM's for two separate issues, RTO and the CLC's resolution on 'flying squads' against homophobia and transphobia. The petitions were reviewed to ensure all the signatories were in good standing. Given the timeline and the number of events coming up, both meetings will be held on the same day, October 16th, at the Ottawa Marriott Hotel. The evening will be divided into two (2) parts, one (1) for each topic.

c. G. Kopytko - Interactions of CAPE with CLC

A NEC member raised a discussion on CAPE's participation in the various committees at the CLC.

Discussion: It was expressed that most committees by the CLC are working committees where staff attend and report back. However, there are more political committees where NEC members can attend, and efforts can be made to fill those committees. The Senior Advisor is working on a list of committees that might be of common interest and will report back to the NEC in October.

d. G. Kopytko - Facilitating better member engagement in NEC sub-committees

A NEC member shared comments received from other members regarding the process to join sub-committees. It was expressed that the path to reaching the application form online needs to be made simpler and should require more info than just the member's name, such as the timelines involved.

The Executive Director noted the comments and assured that it is part of the National Office's priorities.

e. J. King - Barrett v. CAPE update on recent FPSLREB decision

A NEC member requested an update on the recent FPSLREB decision, *Barret v. CAPE*. The preliminary decision is that CAPE did not breach it's duty to accommodate and did not act in bad faith but that there is an argument for the possibility of acting arbitrarily. The Executive Director will report back on with more detail in October.

Discussion: Will or should the Defence Fund be used for this case. The Executive Director will report back in October.

f. J. Brulotte – President Contract (Article 36 constitution)

A NEC member requested a summary of the process that led to the signing of the President's contract, and the reason for not having the second VP sign the contract. The President expressed that he was elected to the position on May 5th 2023. At the time, the only Vice-President in service was the TR V-P, A. Picotte. The negotiations were between CAPE lawyers and personal external counsel.

The V.P did confirm that despite this, the contract was presented to him and read, and that it is a standard EX-2 level contract, with no confidentiality clauses and standard benefits. It was also expressed that in the past, in situations where only one (1) V.P was available, the Executive Director assisted to the signing as a second witness, which is the case now.

g. J. Brulotte - CLC calling on all to fight hatred against 2SLGBTQ+community

A NEC member inquired on the process for filtering out e-mails and approving messages from the CLC and expressed that the Association should not make a habit of organizing counter protests that can put members at risk, leaving CAPE liable.

The President stated that it is his responsibility and that the comments were noted.

h. M. Glenwright - implementation of post-Covid19 condition, (PCC) Task Force recommendations

A NEC member requested that the Committee implement the 'post COVID-19 task force recommendations from the Chief Science Advisor. The NEC also acknowledged that the pandemic is not over and that COVID continues to affect a lot of our members.

Be it resolved that CAPE adopt and implement recommendations #9, #12 and #17 as stated by the Post-COVID Task Force chaired by the Chief Science Advisor in the Post-COVID-19 report.

- Acknowledge that PCC is real by raising awareness through outreach to citizens, schools, and workplaces.
- Empower Canadians to make informed decisions about prevention of SARS-CoV-2 infection and PCC development, as our knowledge of the condition improves.
- Scale-up and monitor effective prevention interventions, such as improving ventilation in schools, workplaces, and public places as part of a first line of prevention of SARS-CoV2 infection and other respiratory/airborne pathogens.

Moved by: M. Glenwright

Seconded by: G. Kopytko

In favour: (5)
Opposed: (3)
Abstentions: (1)

Motion carried

i. Appointment of steward to Local 302 – Northwest Territories

Be it resolved that the NEC appoint to E. Unger to Local 302 in the Northwest Territories

Moved by: M .Collins

Seconded by: C. Lonmo

In favour: (12)

Opposed: (0)

Abstentions: (1)

Carried unanimously

7. Report on Action Items from prior meeting

- a. Director of Communications and Public Affairs to make available on CAPE website how members can participate in NEC meetings as observers.
- b. Executive Director to work with F. Raposo and HR Subcommittee on a process for standard high-level data reporting to/of LRO's. (CSM)
- c. Senior Advisor to prepare a detailed costing out of the requested funding for the 8-week term re: Black Class Action Lawsuit
- d. Executif Director to report to NEC on the possible need for recruiting services to assist in filling vacancies
- e. President's Office to add M. Collins to the EDI sub-committee

8. Adjournment

**** The above minutes are accepted as a true representation of the National Executive Committee meeting held on _____**

APPROVED BY: _____

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