



**NEC Meeting Draft Minutes
Friday, April 28th 2023
Hybrid Meeting via Zoom Videoconference**

PUBLIC MINUTES

In Person: C. Lonmo, A. Picotte, C. Awada, H. Delnick, S. Crawford, K. Mansfield, A. Okladov, M. English, G. Phillips (chair)

Via Zoom: G. Kopytko, A. Nemec, J. Brulotte, A. Trau, S. Harquail, J. King, J. Lafontaine, M. Glenwright, N. Sheikh, P. Makrodimitris, S. Rehman, A. Butler

Staff: S. Brosseau, C. Habarugira, J. George, Y. Radwan,
Staff via Zoom: K. Theriault, J. Ouellette, E. Woods, S. Salter

Regrets: P. Ives,

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.*

**In respect of the National Day of Mourning, the NEC commemorates those who have died or been injured as a result of their job. A moment of silence was observed.*

a. Approval of Agenda

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

Moved by: C. Awada

Seconded by: A. Picotte

Discussion: The NEC was introduced to E. Woods, Senior Advisor. The President put forth an amendment to add a 'in-camera' discussion on a confidential matter as item "1.c". The Director of Negotiations and Research requested that a discussion regarding Pay Equity be added under item "6.e".

A question was raised about how the NEC determines how items become 'in-camera'. The President explained that past practice is for a NEC member to request that the item be confidential and barring any objections, it becomes 'in-camera'. The request for confidentiality can be challenged resulting in a discussion followed by a vote to uphold or reject the challenge. If the request stems from items a decision of the Chair, then it requires a 2 / 3rd's majority, for the challenge to be upheld.

A question was raised as to why items '5.c' and '5d' were set to be in-camera. The President asked the NEC on their opinion and following a show of hands, the items were amended to be part of the public minutes.

Be it resolved that the NEC approve the April 28th 2023 agenda, as amended.

Moved by: C. Awada

Seconded by: A. Picotte

(2) Abstentions

Carried unanimously

b. Approval of March 2023 NEC Public Minutes

Be it resolved that the NEC approve the March 31st 2023 NEC Public Minutes.

Moved by: A. Picotte

Seconded by: C. Awada

(8) Abstentions

Carried unanimously

c. Discussion re: President's Letter to the NEC regarding social media disinformation (IN-CAMERA)

2. Reports

a. President's Report

In April, the President attended the following meetings:

- AGM : Moncton
- Local Leadership Council
- Atlantic Regional Council

The meetings were well attended. Engagement at the local level continues to grow. Good feedback was received from the Local Leadership Council with regards to the consultations on the budget.

The President met with Nicholas Marcus Thompson, head of the Black Class Action Lawsuit group, as well as activist and CAPE member, Bernadeth Betchinnomo. They will be making a presentation the NEC in the afternoon. They will be requesting support to help black employees overcome the challenges that the members of the community are facing. The urgency of their presentation is high, and the decision was made to invite them to today's meeting.

The President attended the ' PSAC Strike Information Sessions '. Unfortunately, there were various technical issues with the first session. However, sessions two and three went exceptionally well and attendance was high. The President has been showing solidarity, offering support by attending the picket lines in his spare moments, at least once every day, due to his residence's proximity to the lines.

CAPE has been registered for the Canadian Labour Congress (CLC) Convention. The delegates have been chosen, and will be attending in Montreal, between May 8th and 12th 2023.

Discussion: A point was raised regarding an error in the list of people cc'd on an email sent by the President's Office to PSAC regarding CAPE's solidarity. The President agreed that there was a mistake made by staff.

b. Executive Director's Report

The trimestral report has been shared with the NEC. There was typo in item '2.b' with regards to the date of a decision. A new version will be circulated with the correct date.

André Poliquin has returned from leave without pay and will be taking on the role of 'Director of Representation and Education Services'. The representation and education teams will now report to A. Poliquin, who will, in – turn, report to the Executive Director.

There were several committee and sub-committee meetings in the month of April. The details of which, will be shared further in the 'Committee Updates' section of this agenda.

The Executive Director (E.D) has also been working with the Director of Negotiations and Research and her team on Pay Equity.

The membership has met the requirements of their request for a Special General Meeting. The meeting will be held on May 3rd 2023.

The E.D also attended the 'Solidarity with PSAC Strike' information sessions. The details of which will be shared by the Director of Communications and Public Affairs.

Steward's training in English was held in April. The President and Local Liaison Officer, with the help of the LRO's continue to increase the number of 'Stewards' and 'Local Leaders'. Difficulty remains in registering a sufficient number of members for the French trainings. A meeting is scheduled next week to reflect on different ways to increase the number of francophone registrants.

c. Director of Negotiations and Research

The EC Bargaining team met on April 18th to discuss outstanding proposals at the table and what is to be pushed to arbitration.

The TR Bargaining team was in mediation on April 12th. A subsequent meeting was set for April 14th but was cancelled by the employer. The next sessions are scheduled for May.

The LoP bargaining team have potential dates set in May.

On the research front, the RCMP survey ended on April 13th. The analysis of the results is on going. The research team continues to support to the different committees and subcommittees.

'Pay Equity' issues have been requiring a significant amount of allocated time. Meetings were held with the LoP, the OPBO and the RCMP. A meeting was scheduled on April 21st with TB, but was cancelled by CAPE, to show solidarity with PSAC's strike efforts.

d. Senior Advisor's Report

The Senior Advisor, E. Woods, will begin full – time in May.

e. Director of Communications and Public Affairs

This month, the Communications and Public Affairs team managed multiple overlapping campaigns and events which proved to be extremely difficult to handle, with significant overtime imposed on staff. Three information sessions on 'Solidarity with the PSAC Strike' were held between April 13th and 17th. The participation rate exceeded expectations, with one session reaching a record 580 participants. Coincidentally, the sessions also resulted in a record number of member registration over a two-week period. As a result, the membership registration rate increased from 57% to 63%. Thousands of members have either registered for the first time or have updated their information. There were technical difficulties with the first session, but the challenges were overcome, and the following sessions went smoothly.

The Membership Budget Meeting (MBM) was held on April 12th. Feedback was received from members regarding some of the technical difficulties experienced at the MBM and efforts are being made to address these concerns at future events.

Proposals of high quality were received from various consulting firms following CAPE's call for proposals for the membership resolutions. The options are being assessed and a decision will be made shortly.

CAPE continues to campaign for the health and safety of interpreters. An information session was held with interpreters on April 4th, and CAPE was asked to double down on its efforts to support the interpreters' cause.

The Director of Communications and Public Affairs mentioned some negative emails received from some members, targeting some employees involved in the preparation of recent events. Since NEC members were copied, the Director of Communications and Public Affairs reminded of the importance of standing up for CAPE employees to cultivate a healthy and safe workplace and maintain morale at a time of high stress.

Discussion: A NEC member highlighted that the NEC Public Minutes for 2023 are currently not available on CAPE's website. The NEC member expressed the concerns that members of his local have shared with him regarding the technical difficulties experienced for online attendees of the information session and MBM.

The Director of Communications and Public Affairs assured that the minutes are always published as soon as they are approved and translated, but that there were some internal challenges in receiving final versions. With respect to the technical difficulties at recent meetings, CAPE had

previously secured a 'ZOOM' software license with a limit of 300 attendees per meeting. Based on the historic rate of participation, this choice was made in an effort to be financially prudent. The Association was prepared to host all those who have registered but unexpected last-minute attendees resulted in the initial session being over – capacity. The license has since been upgraded with the capacity no longer being an issue moving forward, as the following two information sessions demonstrated.

6.a : Discussion – Accessibility and inclusion of all members

A NEC member raised a point about the accessibility of the chat function during information sessions and accessibility in general. The President expressed that the online experience should be similar to in-person meetings. Work is underway to improve accessibility and implementing members' feedback where relevant and possible. There are a number of complexities with virtual meetings, both constitutional and operational.

f. Director of Finance

As a result of the PSAC Strike, the Finance team has had to pull resources from other departments to help respond to inquiries. There have been thousands of new registrations and over a thousand members who have updated their info. Numerous phone calls and emails were received from members, following the 'PSAC Strike' information sessions. Given that there is currently only one 'Membership Clerk', the demand on staff is high.

Due to the change in the Finance Committee composition, there are no approved financial statements for March and April as of yet. The Committee will meet to discuss remaining questions and numbers will be shared prior to the May NEC meeting. The unofficial numbers for the 3-month period ending March 31st show a surplus of \$1.7M. The investment portfolio at Cumberland Wealth Management has performed well in the first quarter of the fiscal year, up 4.47% YTD and 2.8% since inception.

The cost of leasehold improvements currently sits at \$2.8M but this number does not reflect the costs returning to CAPE from it's lease agreement at Constitution Square, which is approximately \$1.3M.

The Local Leadership Council and MBM were held on April 4th and 12th respectively. The Finance department is working with the management team provide response to the questions resulting from both events, all while respecting the confidentiality requirements in the context of a labour union.

Discussion: A NEC member inquired on the total cost of the settlement made with ESU-CSN, and whether or not it aligns with the mandate given by the NEC. The NEC had originally approved 4% per year over three years, for a total of 12%. The agreement reached includes a 5% increase in year one and a 3% increase in year two, for a total of 8%, expiring May 2024.

The cost of this was reflected against the budget that was last approved by the NEC and the

membership in November 2022. Other changes to benefits with a monetary cost include an increase in the wellness allowance from \$300 to \$600 and the transportation allowance increase from \$75 to \$120. Based on previous analysis presented to the NEC by C. Danick, both increases remain low when compared to the market average. Both benefits are subject to submission of receipts. In addition to the wage increase, there is a one-time payment signing bonus of \$1500 to reflect the cost-of-living adjustment (COLA), for anyone who is on full-time pay at the moment of signing.

Debate ensued on whether or not the agreement exceeded the mandate given by the NEC. A couple of NEC members questioned whether or not the increases to other benefits are to be subtracted from the total monetary value of the NEC's approved mandate. The General Counsel expressed that the NEC's mandate only concerns increase in salary and the cost-of-living adjustment, as such, the wage increase of 4% over 2 years plus the COLA signing bonus, does not exceed the mandate as it respects the outlined total cost. NEC members expressed concern over whether or not that is the case or if increases to other benefits are to be subtracted from the total monetary value of the NEC's approved mandate. A NEC member, and part of the bargaining team expressed that several members of bargaining team regularly verified that the mandate was being respected.

It was suggested that a costing out of the agreement signed, and the NEC's mandate, be shared in order to make a better determination. A NEC member called the question. The Director of Finance expressed, for the record, that the calculation of other benefits fitting inside a 4% threshold was not requested.

Be it resolved that the Finance department along with the ESU bargaining team, review the exact costs to determine whether or not that the mandate has been exceeded, prior to the signing of the agreement.

Moved by: S. Crawford

Seconded by: M. English

(5) Abstentions

Motion carried unanimously

g. General Counsel & Director of Policy

An update was provided on the policy grievance that CAPE filed against the Canadian Human Rights Commission (CHRC) alleging anti-black racism and discrimination at the Commission that has now been referred to the Board for adjudication. The policy grievance was filed alongside two similar policy grievances by the AJC and the PSAC.

The three bargaining agents made a request to the Board for joint mediation which was accepted. The next steps are to setup joint mediation sessions with the bargaining agents, members and the CHRC. No dates have been set yet. However, the bargaining agents have written to the Board to request that the first mediation session be held in early June, at the latest.

LoP negotiations continue. Three sessions are tentatively scheduled in May. Although, there has been no discussion on wages, progress is being made.

On March 13, 2023, CAPE filed a 'Statutory Freeze' complaint against the Treasury Board Secretariat (TBS) pursuant to section 190 of the *Federal Public Sector Labour Relations Act* alleging that TBS

violated the statutory freeze on terms and conditions of employment provided for at section 107 of the Act.

On April 13th, Treasury Board filed its response to CAPE's complaint with the Board, In its response, TBS maintains that they engaged in consultation with the bargaining agents, that the unions and their members were informed of the change to hybrid work prior to the notice to bargain, that remote work was a response to the pandemic and was never meant to be permanent and that the hybrid work directive of December 2022 falls squarely within the purview of TBS' management rights.

CAPE filed its reply to the TBS submissions on April 26th. CAPE is also looking at its requirements under the *Accessibility for Ontarians with Disabilities Act* – both as a service provider and an employer - and looking to engage the services of an Accessibility Consultant to assist us with that work including a review of our website to see if it meets accessibility requirements in Ontario.

Discussion: It was clarified that the only 'Return to Office' type complaint CAPE has filed is the 'Statutory Freeze' complaint, on the grounds that the employer is not allowed to change any provisions in the terms and conditions of employment once 'notice to bargain' has been filed.

ACTION: K. Theriault to look into the accessibility features secured for CAPE's website at the time of purchase in 2018.

3. Committee Updates (Tabled until the May SNEC)

4. Presentations

a. Case Management System (CMS)

CAPE's IM and IT Advisor's presentation on the Association's Case Management System has been postponed until the May NEC meeting.

b. NextGen HR Pay System (Shireen & Pankaj Segal)

Shireen Miller, Assistant Deputy Minister (ADM) of NextGen HR and Pay System, based at 'Shared Services Canada', and Pankaj Sehgal, ADM at OCHRO, are presenting in tandem to the NEC, an update on the project that will be replacing Phoenix and thirty-three other HR systems.

S. Miler and P. Sehgal provided a status update on the 'NextGen HR and Pay System' project. Three world class vendors were qualified for procurement, exceeding all legislative and industry standards. Assessments of the three vendors have been underway since 2018, in the form of various pilot testing in different departments. The project is complex due to the nature of the workforce and the unique collective agreements with differentiating terms of employment. The goal is to minimize the margin of error by instating simplifications where possible. There is also extensive third-party oversight given this initiative is taking place following a massive trust deficit. The team also discussed the risks and conditions for success, with an emphasis on the importance of centralized data and oversight as well as the potential for complications due to pushback.

The bargaining agents have been a critical partner in the process, with Joint UMCC meetings held, since 2020. The project is currently in the tail end of the first phase. Phases two and three are

currently set for Fall 2023. The implementation will be in increments, with rigid testing at every step.

Discussion: A NEC member posed the question of whether there is a contingency plan should the new system fail. Phoenix will be operating at the same time, and employees can revert to the previous system should problems arise. Backlogs can continue addressed

A NEC member inquired on the possible issues resulting from a change in Government. A change in government is not a big concern, given the necessity to modernize technology. However, it is important to consider how a change in government might affect the momentum of decision – making.

c. Black Class Action Lawsuit Presentation (N. Thompson & B. Betchinnomo)

Nicholas Marcus Thompson and Bernadeth Betchinnomo, two federal employees who have been leading historic battles for the Black community in Canada joined the NEC to talk about the Black Class Action Lawsuit against the federal government.

Amongst other remedies, the Class Action lawsuit is seeking :

- \$2.5 billion for economic hardship (including losses in income, opportunities and pension values and other benefits stemming from a lack of promotion for Black employees)
- An amendment to the *Employment Equity Act* to create a separate category for Black workers.
- a review of federal public sector hiring processes with an aim to remove barriers for all racialized groups.

By supporting the class action, the Association would be helping to rebuild the trust of black employees in federal public sector unions. The Black Class Action Secretariat is seeking support from CAPE in the form of:

- A \$100,000 donation to help fund legal experts, translation services, consulting services, and other resources required to organize this effort
- The funding required for two members to attend the UN Conference in New York, in December 2023, to help present on the important work being done by the organization, considering the influence these events have on legislation.
- That CAPE publish a call to its black members, demonstrating its support and outlining concrete steps to help members address the challenges they face in the workplace.

The President stressed the importance of their message, urging the NEC to take into account the magnitude of this crisis and the need for greater action to help correct the trauma, suffering and injustices done to the Black community in the Federal government, over many decades.

Discussion: The President also mentioned that CAPE will be submitting a brief to the Senate Committee on Human Rights as part of its study on “Anti-Black Racism, Sexism and Systemic Discrimination in the Canadian Human Rights Commission.” hearing

The NEC discussed next steps regarding the requests for support. The president encouraged the NEC to focus on what it can commit. It was suggested that Locals could fund the expenses associated with

A NEC member and member of the Equity, Diversity, and Inclusion Committee (EDIC) expressed that the Committee had previously processed a request from a local regarding the Black Class Action lawsuit but that the local had not followed up with the requested information to request a donation.

A NEC member highlighted that CAPE represented many Black members, stating that contributing to this cause would be equal to defending our members. The idea was floated that if a donation is not possible, to explore other avenues.

The President expressed that inviting Nicholas and Bernadeth to speak at CAPE events or AGMS and reaching out to Black members informing them of the actions taken are two requests that the Association could fill with greater ease.

Be it resolved that the EDISC work with the Finance Committee to develop a recommendation to the NEC on next steps regarding support for the Black Class Action Suit. A NEC member called the question.

Moved by: C. Awada

Seconded by: S. Harquail

Abstentions (0)

Motion carried unanimously

5. Decision items

a. Appointment of steward for OPBO

Be it resolved that the NEC approve the appointment of the steward for the OPBO

Moved by: S. Crawford

Seconded by: M. English

Abstentions (1)

Motion carried unanimously

ACTION: C. Habarugira to let the Steward know that they have been appointed

b. Finance Committee decisions

The interim Finance Committee met in late April to review outstanding items. At the meeting, concerns were expressed over CAPE's Finance department and their workload. The situation is at a level where 'burnouts' are a possibility. The Committee felt the need to adhere to these concerns and proposed that a previously approved level 2 position be used to procure an 'Accounts Payable Clerk', and that a new level 3 position be approved for the position of 'Junior Accountant'. Out of concern for the health and safety of CAPE staff, and given the budget permits it, the Committee passed a motion to submit this proposal to the NEC. These positions are required to ensure that 'best practices' are being followed, that the Association has good measures of internal control, and

so that the volume of work can be addressed with a proportionate amount of experience.

The total cost of the requested positions is approximately; \$60,000 for the previously approved level 2, and approximately \$80,000 for the level 3 'Junior Accountant

Be it resolved that the Finance Committee recommends that the previously approved level 3 'Finance Section' position be renamed and staffed with a "Accounts Payable Clerk" (AP Clerk)", and that an additional level 2, 'Junior Accountant' position be created to assist alleviate the stress on the only current AP Clerk and the Director of Finance.

Moved by: A. Okladov

Seconded by: C. Awada

Discussion: A NEC member inquired as to why this recommendation was approved by the Finance Committee, rather than the HR Subcommittee. The Executive Director explained that although it was presented and discussed at the HR Subcommittee, it is correct that there was no decision. It came up in discussions of the Finance Committee due to its impact on the budget and as a result, the Committee approved a motion to put forth this recommendation to the NEC.

A NEC member expressed that there is currently no approved budget, and that one is required before considering this recommendation.

It was expressed that there is in fact an approved budget. The NEC was reminded that the budget currently being referred to is the budget approved in September 2022 by the NEC, and in November 2022 by the membership at the Annual AGM. As mentioned, the January, February and March financial statements were prepared against the previously approved budget. Once the questions have been resolved and the committee approves the statements, they will be circulated to the NEC for their review and approval.

A NEC member interrupted and proceeded to disrupt the meeting with inappropriate behaviour. The President requested that NEC member H. Delnick exit the meeting as a result. The member exited the meeting following some inappropriate comments. The NEC moved to adjourn the current meeting.

Be it resolved that the current meeting be adjourned and that a SNEC be scheduled to cover remaining items.

Discussion: Although the meeting still had remaining time scheduled, due to the disruptions and the tight schedule of NEC members, the President called the question.

(14) In favour

(1) Opposed

(1) Abstention

Motion Carried

c. Standard Employment Contract – CAPE President

The President noted that the meeting is behind schedule. The chair asked the NEC if it would be open to holding a SNEC meeting to address items 5.c and 5.d, given that they are likely to be lengthy discussions, there are other urgent items to be addressed on the current meeting's heavy agenda.

This item was discussed briefly and will be tabled until a SNEC is scheduled along with the other remaining agenda items.

- d. Compensation – CAPE President (2024 – 2026 term)**
- e. CBLC constitutional amendment of art. 8**
- f. National Office to follow up on religious dates events and holidays**

6. Discussion Items

- ~~a. M. Glenwright – Accessibility & inclusion of all members~~
- b. S. Brosseau – RCMP Survey**
- c. G. Phillips – PSAC Strike update**
- d. K. Theriault – ERC update**

7. Report on Action Items from prior meeting

- a. National Office to follow up on religious dates events and holidays
- b. National Office report on CAPE's position on the IFEN requesting exemption to Official language requirements act (ongoing)
- c. Director of communications and Public Affairs to follow up re: interview with trans employee from PSPN
- 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
- 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 and Bylaws
- 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

Adjournment 4:38pm.

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The above minutes are accepted as a true representation of the National Executive Committee meeting held on March 31st, 2023.

APPROVED by: