

**MINUTES**  
**EXECUTIVE BOARD MEETING**  
**APRIL 16, 2008**  
**SHERATON CENTRE, CITY HALL ROOM**

**APRIL 16, 2008**

The Executive Board was called to order at 9:00 am. President Smokey Thomas was in the Chair. All members were present. Peggy Maybury, Executive Assistant to the First Vice-President/Treasurer was also in attendance.

**AGENDA**

The agenda was amended to add:

- Resolutions EB1 and EB2
- L446 Executive Committee Reports

The agenda as amended was **CARRIED**.

**TREASURER'S REPORT**

First Vice-President/Treasurer Rout presented her report, which addressed the following topics:

Auditor's Presentation - 9:00 am

Statutory Resolutions

Financial Report

Bank Position - March 2008

Financial Results/Projections - February 2008

Balance Sheet Summary - February 2008

Executive Board/Officers Contingency Fund - March 31, 2008

Executive Board/Officers Defence Fund - March 2008

## **TREASURER'S REPORT**

### **Auditors report**

Frank DelZotto and Melanie Joseph, of BDO Dunwoody presented the Audited Financial Statements (Section C) to the Executive Board. Maurice Gabay, Accountant, was also present.

### **Statutory Resolutions**

Moved by Rout/Thomas

**THEREFORE BE IT RESOLVED THAT** in compliance with Article 26.2 of the Constitution and Section 97 of the *Corporations Act*, the Financial Statements for the 12-month period ending December 2007, including the Statement of Financial Position, the Statement of Revenue and Expenditure and Fund Balances and the Statement of Cash Flows, together with the Auditors' report thereon, and all transactions reflected thereby be approved and that the President and First Vice-President/Treasurer be authorized to sign the financial statements on behalf of the Executive Board.

**CARRIED**

Moved by Rout/Thomas

**THEREFORE BE IT RESOLVED THAT** in compliance with Section 129 of the *Corporations Act*, the Convention endorse the actions of the Executive Board from the closing of the last Convention until the closing of this Convention.

**CARRIED**

Moved by Rout/Thomas

**THEREFORE BE IT RESOLVED THAT** in compliance with Article 26.2 and 28.4 of the Constitution and Section 94 of the *Corporations Act*, BDO Dunwoody, be the Auditors of OPSEU for the fiscal year January 1, 2008 through to December 31, 2008 and the Executive Board fix the Auditor's remuneration.

**CARRIED**

## MINUTES OF PREVIOUS MEETING

Moved by Thomas/Rout

**THEREFORE BE IT RESOLVED THAT** the OPSEU Executive Board adopt the Executive Board Minutes of February 13, 2008 Special Executive Board meeting and March 5-6, 2008.

Moved by Brown/Pridham

**THEREFORE BE IT RESOLVED THAT** the minutes reflect on February 13 that 4 members of the Executive Board left the meeting as they declined to sign a legal document, with information several pages long, presented by the president, with no prior notice and without the board members having access to Counsel.

Moved by Montgomery/Tocker - amendment

Replace "document" with "non-disclosure agreement".

### CARRIED

First Vice-President/Treasurer in the Chair.

Moved by Almeida/Pridham - closure - **CARRIED**

The question was called on the motion as amended:

**THEREFORE BE IT RESOLVED THAT** the minutes reflect on February 13 that 4 members of the Executive Board left the meeting as they declined to sign a legal non-disclosure agreement, with information several pages long, presented by the president, with no prior notice and without the board members having access to Counsel.

### Roll Call Vote:

Almeida, Eddy	for
Brown, Laurie	for
Brown, Sue	for
Clapp, Brenda	against
Dumais, Mandy	against
Elliot, Ron	for
Franché, Gino	for
Grimaldi, Mike	for

**MINUTES OF PREVIOUS MEETING (cont.)**

Jackson, Jay	for
Lundy, Dave	against
Middleton, Doris	for
Montgomery, Ted	against
Orzel, Lynn	against
Pridham, Nancy	for
Rapaport, David	against
Rout, Patty	against
Rowett, Claire	for
Snider, Sandra	against
Thomas Warren (Smokey)	against
Tocker, James	against
Wall, Peter	against
<b>DEFEATED</b>	10 FOR 11 AGAINST

A notice of Minority Report was served by Eddy Almeida, Sue Brown, Mike Grimaldi and Jay Jackson

The question was called on adopting the Minutes of February 13, 2008 and it **CARRIED**.

The question was called on adopting the Minutes of March 5-6, 2008 and it **CARRIED**.

Moved by Lundy/Grimaldi

Reconsideration of January 23-24, 2008 Executive Board Minutes.
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**CARRIED**

Moved by Lundy/Grimaldi - amendment

Under Individual H&S Award remove the brother's name from region 4.
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**CARRIED**

## **MINUTES OF PREVIOUS MEETING (cont.)**

Moved by Orzel/Lundy - amendment to amendment

Have the minutes reflect that Sister Lynn Orzel declined the nomination to the EAP Committee.

**CARRIED**

The question was called on the Minutes of January 23-24, 2008 as amended and it **CARRIED**.

## **BUSINESS ARISING**

### **Convention 2012**

Moved by Rout/Elliot

**THEREFORE BE IT RESOLVED THAT** the OPSEU Convention 2012 be held at the Toronto Convention Centre.

2<sup>nd</sup> Vice-President Rapaport in the Chair.

Moved by Elliot/Almeida - closure - **CARRIED**.

The question was called on the motion and it **CARRIED**.

President Thomas in the Chair.

### **Notice of Motion - Strike fund monies**

Moved Elliot/Franche

**WHEREAS** the Strike Fund is critically important to all OPSEU members;

**WHEREAS** the Strike Fund is a tool that empowers Bargaining Teams;

**WHEREAS** there have been many questions about the OPSEU Strike Fund and Investments at Executive Board meetings including the January, 2008 OPSEU Executive Board meeting, about Strike Fund investments and whether transfers to the Strike Fund were taking place on a monthly basis;

## BUSINESS ARISING

### Notice of Motion - Strike fund monies (cont.)

**WHEREAS** the Executive Board is not informed when transfers to the Strike Fund take place;

**WHEREAS** it has been determined that no monies were transferred to the Strike Fund from August 2007 to December 2007;

**WHEREAS** the "Bank Position" reported to the Executive Board may include monies that belong in the Strike Fund, and/or other funds;

**WHEREAS** it is critical that the Executive Board receive timely and accurate reporting of OPSEU's Financial Position;

**THEREFORE BE IT RESOLVED THAT** OPSEU transfer the appropriate monies to the Strike Fund on a monthly basis;

**BE IT FURTHER RESOLVED THAT** the Executive Board receive complete Strike Fund financials at all board meetings, including the amount of money transferred to the Strike Fund and any monies used from the Strike Fund.

Moved by Lundy/Dumais - closure - **CARRIED.**

#### Roll Call Vote:

Almeida, Eddy	for
Brown, Laurie	for
Brown, Sue	for
Clapp, Brenda	for
Dumais, Mandy	for
Elliot, Ron	for
Franche, Gino	for
Grimaldi, Mike	for
Jackson, Jay	for
Lundy, Dave	against
Middleton, Doris	for
Montgomery, Ted	against
Orzel, Lynn	against
Pridham, Nancy	for
Rapaport, David	for
Rout, Patty	against
Rowett, Claire	for

## BUSINESS ARISING

### Notice of Motion - Strike fund monies (cont.)

Snider, Sandra	against
Thomas Warren (Smokey)	against
Tocker, James	against
Wall, Peter	against
<b>CARRIED</b>	13 FOR 8 AGAINST

A notice of Minority Report was served by Dave Lundy and Patty Rout.

## CONSTITUTIONAL AMENDMENTS TO CONVENTION

Moved by Montgomery/Almeida

**WHEREAS** Article 13.5.2 uses the term “alternate delegate” but other Articles do not and OPSEU correspondence with employers refers to delegates only, and

**WHEREAS** many OPSEU collective agreements include a provision for the release of delegates to attend union functions, and

**WHEREAS** at least one employer has denied release on the grounds that the person was elected as an “alternate” and not a “delegate” and

**WHEREAS** OPSEU locals should be able to determine who holds or does not hold delegate status rather than the employer, and

**WHEREAS** there is no additional costs to the union,

**THEREFORE BE IT RESOLVED THAT** Articles 7,1(e), 13.5.1, and 13.5.2 be amended to read, where necessary, “alternate delegate” or “alternate delegates.”

**CARRIED**

Moved by Montgomery/Pridham

**WHEREAS** the Chief Steward of a local does not supervise, manage, or control the activities of stewards, and

**WHEREAS** the role of the Chief Steward is to advise and coordinate,

## CONSTITUTIONAL AMENDMENTS TO CONVENTION (cont.)

**THEREFORE BE IT RESOLVED THAT** Article 29.5.5 be amended to read:

*The Chief Steward shall, like the Unit Stewards in Multi-Unit or Composite Locals, coordinate and assist shop stewards.*

### **CARRIED**

Moved by Montgomery/Thomas CARRIED

**WHEREAS** inviting a guest to any Local meeting now requires the approval of the Executive or the President of OPSEU, and

**WHEREAS** the reality is that Local Presidents invite guests to Local meetings and should be able to do so without convening an LEC meeting simply to get approval to invite a guest,

**THEREFORE BE IT RESOLVED THAT** Article 29.7.5. be amended to provide the Local President with the authority to invite others to attend Local meetings.

## TREASURER'S REPORT

The Treasurer's Report continued.

## PRESIDENT'S REPORT

President Thomas presented the President's Report, which addressed the following items:

Internal Issues

Constitutional Interpretation - Convention delegates and alternates

OPS Bargaining Team Accommodation

Staffing Issues

## **PRESIDENT'S REPORT**

### **INTERNAL ISSUES**

#### **Constitutional interpretation - Convention delegates and alternates**

A member has raised an issue needing an interpretation of the Constitution. As required under Art. 18.1.3.1, President Thomas consulted the officers and then brought the issue to the Executive Board.

#### **Facts**

On May 30, 2007, Local 138 elected its delegates to the 2008 OPSEU Convention. Believing it would be entitled to three delegates, the local elected two, who were ranked second and third after the Local President, who is the automatic delegate.

On Aug. 29, 2007, the local elected and ranked three alternates in a separate election.

When the Convention call went out at the beginning of January 2008, the local discovered that it was only entitled to two delegates, as its membership numbers were lowered.

The member who was elected as the third delegate has written to ask if she now becomes the first alternate. Her local president has ruled that she is not, and that she is not entitled to go to Convention at all.

#### **The Constitution**

The Constitution does not speak directly to this issue. It appears to assume that delegates will be elected after the Convention Call is issued, but does not require it.

The Constitution does provide as follows:

13.5.1 All delegates and alternates from Locals shall be elected at a general membership meeting on the principle of winning a clear majority, with run-off ballots if necessary, except that the Local President shall be the first delegate automatically.

## **PRESIDENT'S REPORT**

### **INTERNAL ISSUES**

#### **Constitutional interpretation - Convention delegates and alternates (cont.)**

13.5.2 A Local may elect alternate delegates up to the number of delegates to which it is entitled. Alternates may not be seated on the floor of the Convention unless in possession of badges of absent delegates of the same Locals.

#### **Analysis and interpretation**

Convention is the highest decision-making body of the union. Delegate and alternate status is highly valued by the elected individuals and by the union itself, which has a provincial Convention committee to ensure that elected delegates are seated.

The status of alternates is secondary to that of delegates, as is clearly spelled out in Art. 13.5.2. They may not be seated except when the delegate is absent and has passed his/her badge.

In the circumstances, the member was elected as a delegate from her local, which then had its delegate entitlement reduced. But it remains true that she was elected as a delegate. It is therefore equally true that, applying Art. 13.5.2, no other alternate from her local can be seated on the Convention floor unless she (or another delegate) is absent. In practice, she becomes the first alternate.

An alternative interpretation might be that, since the Constitution does not prohibit separate elections for delegates and alternates, members who are elected delegate, not having been elected as an alternate, can only serve as a delegate and not as an alternate. While there is some logic to this argument, I cannot support it. If I were to interpret the Constitution in this way, it would mean that every member who was a delegate would be required to run separately for alternate, to ensure their status should the local's entitlement be reduced. This makes the status of alternate meaningless and as a result cannot stand.

It is therefore my interpretation of Art. 13.5 that where before the convention call, a local has inadvertently elected more delegates than its entitlement, the individual delegates who are over the entitlement number shall be considered alternates, and ranked ahead of those members originally elected as alternates.

## **PRESIDENT'S REPORT**

### **INTERNAL ISSUES**

#### **Constitutional interpretation - Convention delegates and alternates (cont.)**

Moved by Thomas/Montgomery

<p><b>THEREFORE BE IT RESOLVED THAT</b> the Executive Board endorses the Constitutional Interpretation.</p>
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**CARRIED**

#### **OPS Bargaining Team Accommodation**

Moved by Grimaldi/Franche

<p>Defer this issue to the May meeting and bring back the policy to review.</p>
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**CARRIED**

#### **Alcohol and Gaming Issue**

President Thomas gave the Executive Board an update on this issue.

Moved by Franche/Rowet

<p>Closure on the debate.</p>
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**CARRIED**

## **CONVENTION RESOLUTIONS**

### **Resolution EB1 - Liquor Board Employees Division Bargaining Procedures**

Moved by Thomas/Pridham

<p><b>WHEREAS</b> the Liquor Board Employees Division (LBED) inaugural meeting of June 3 &amp; 4, 2007 passed the divisional bargaining procedures; and</p>
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<p><b>WHEREAS</b> Article 24.1.1 of the OPSEU Constitution requires the Executive Board and Convention to approve bargaining procedures;</p>
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## **PRESIDENT'S REPORT**

### **CONVENTION RESOLUTIONS**

#### **Resolution EB1 - Liquor Board Employees Division Bargaining Procedures (cont.)**

**THEREFORE BE IT RESOLVED THAT** the Liquor Board Employees Division bargaining procedures as approved by the Executive Board be approved by Convention 2008.

**CARRIED**

#### **Resolution EB2 - CAAT(S) Negotiations and Divisional Procedures**

Moved by Thomas/Montgomery

**WHEREAS** the CAAT (Support) bargaining procedures have been amended and approved by the CAAT (Support) Division; and

**WHEREAS** Article 24.1.1 of the OPSEU Constitution requires the Executive Board and Convention to approve bargaining procedures;

**THEREFORE BE IT RESOLVED THAT** the CAAT (Support) Negotiations and Divisional Procedures as approved by the Executive Board be approved by Convention 2008.

**CARRIED**

### **DONATION REQUEST**

Thomas/Grimaldi

**THEREFORE BE IT RESOLVED THAT** OPSEU support the reprinting of Archie Sibeko's book, "Freedom in our Lifetime" at a cost of \$13,500.00.

**CARRIED UNANIMOUSLY**

## **PRESIDENT'S REPORT**

### **NUPGE Expenses**

President Thomas reported the NUPGE Presidents and Secretary-Treasurer's salary to the Executive Board.

## **COMMITTEE REPORTS**

### **New Local 505**

Moved by Rapaport/Rout

**THEREFORE BE IT RESOLVED THAT** the OPSEU Executive Board approve the establishment of new Local 505 comprised of air ambulance employees who are former OPS members who now work for ORNGE.

**CARRIED**

### **Merger Local 538 into Local 506**

Moved by Rapaport/Thomas

**THEREFORE BE IT RESOLVED THAT** the OPSEU Executive Board approve the merger of Local 538 into Local 506 and that the Charter for Local 538 be dissolved.

**CARRIED**

### **Lesmill Mortgage**

Moved by Rout/Tocker

**THEREFORE BE IT RESOLVED THAT** the OPSEU Executive Board approved that the Lesmill mortgage of \$390,788.33 (estimated) be paid in full, from the Strike Fund, as of May 31, 2008.

2<sup>nd</sup> Vice-President Rapaport in the Chair.

Moved by Almeida/Pridham -amendment

Put parenthesis around "\$390,788.33" and delete the word "of" and (estimated)".

## COMMITTEE REPORTS

### Lesmill Mortgage (cont.)

The question was called on the amendment and it was **DEFEATED**.

3<sup>rd</sup> Vice-President Franche in the Chair.

Moved by Tocker/Almeida - amendment

Delete "of \$390,788.33 (estimated)" and replace it with "paid in full".

Moved by Almeida/Pridham - closure - **CARRIED**.

The question was called on the amendment and it **CARRIED**.

Moved by Pridham/Almeida - closure - **CARRIED**.

The question was called on the motion as amended:

**THEREFORE BE IT RESOLVED THAT** the OPSEU Executive Board approved that the Lesmill mortgage be paid in full, from the Strike Fund, as of May 31, 2008.

**CARRIED**

## AFTERNOON

President Thomas in the Chair.

## PRESIDENT'S REPORT

### OPS Bargaining Procedures

Frank Rooney, Administrator of Local Services Division - Head Office and Pam Doig, Supervisor Region 6&7, gave a presentation to the Executive Board.

This issue continues on page 15.

## **PRESIDENT'S REPORT**

### **CAAT Part-Time Campaign**

Paul Bilodeau, Administrator of Communication, Roman Stoykewych, General Counsel, Fran Borsellino, Supervisor Organizing and Connie Huziak, Organizer gave a presentation to the Executive Board.

### **OPS Bargaining procedures (cont.)**

Moved by Rapaport/Dumais

<p><b>THEREFORE BE IT RESOLVED THAT</b> the OPS procedures not be brought to the floor of the 2008 Convention.</p>
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Moved by Rout/Dumais - closure - **CARRIED.**

Sister Patty Rout requested a secret ballot.

Ballots were distributed and tabulated.

**CARRIED**            FOR 11    AGAINST 10

A Minority Report was filed by Eddy Almeida, Ron Elliot, Gino Franche, Mike Grimaldi and Jay Jackson.

### **DELTA BOYCOTT ISSUE**

Tim Brown, Chair of the Aboriginal Circle made a presentation to the Executive Board.

Moved by Elliot/Almeida

<p><b>THEREFORE BE IT RESOLVED THAT</b> OPSEU recognize the OPSEU Aboriginal Circle members have outstanding issues with the Delta Hotel chain</p>
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<p><b>BE IT FURTHER RESOLVED THAT</b> OPSEU aboriginal circle members may stay at other hotels when required to stay overnight on OPSEU business.</p>
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Moved by Almeida/Pridham - closure - **CARRIED.**

The question was called on the motion and it **CARRIED.**

**DELTA BOYCOTT ISSUE (cont.)**

Moved by Almeida/Elliot

**THEREFORE BE IT RESOLVED THAT** the President send a letter on behalf of the union in support of our aboriginal brother and sisters to the various leaders of the House of Labour to lobby the Delta Hotels in their respective regions to address the concerns of our members.

**CARRIED**

Moved by Franche/Grimaldi

The policy 10.1-3 Titled "Accommodation: Delta Chelsea Inn, Official Hotel" which states that:

"OPSEU reaffirms the Delta Chelsea Inn as the Union's official hotel and will utilize it as much as possible providing that the terms and conditions regarding costs and room availability are acceptable to the OPSEU."

**THEREFORE BE IT RESOLVED THAT** the Office of the First Vice-President Treasurer review the necessity of policy of 10.1-3 and report back to the May Executive Board.

First Vice-President/Treasurer Rout in the Chair.

2<sup>nd</sup> Vice-President Rapaport in the Chair.

Moved by Dumais/Pridham - closure - **CARRIED.**

The question was called on the motion and it **CARRIED UNANIMOUSLY.**

Moved by Grimaldi/Brown L.

**THEREFORE BE IT RESOLVED THAT** OPSEU allow the Equity Caucus and Committees to go to other hotels.

Moved by Rout/Montgomery

Refer the motion back to be considered with the previous motion, to be brought back to the May meeting.

President Thomas in the Chair.

## **DELTA BOYCOTT ISSUE (cont.)**

The question was called on the referral motion and it **CARRIED**.

## **LOCAL 446 TRUSTEESHIP**

Moved by Lundy/Thomas

**THEREFORE BE IT RESOLVED THAT** the OPSEU Executive Board approve the extension for six months the trusteeship of Local 446 immediately until further review.

**CARRIED**

## **Resolution to Convention 2008 - REAL Women campaign against unions**

Moved by Rout/Middleton

**THEREFORE BE IT RESOLVED THAT** the Executive Board forward the following Resolution to Convention 2008:

**WHEREAS** REAL Women Canada is ramping up its opposition to unions as a way to bolster the Conservative Government's 2006 cut-off of funding for women's advocacy and research groups; and

**WHEREAS** many Canadians have expressed their displeasure with that decision and its ramifications for the well-being of women and their families; and

**WHEREAS** REAL Women Canada has launched a public campaign they call "The Tyranny of Labour Unions in Canada" that claims "...millions and millions of dollars of union dues have been used by the unions to fund left-wing groups and projects which are anti-life and anti-family" ...and that "...unions have far too much power and influence in Canada and this must be curtailed; and

**WHEREAS** OPSEU and the labour movement need not apologize one iota for advancing and defending our members' interests and the broader struggle for social justice as a central part of our mandate

## **Resolution to Convention 2008 – REAL Women campaign against unions (cont.)**

**THEREFORE BE IT RESOLVED THAT** OPSEU work with other labour and social justice bodies to actively support the just demands of thousands upon thousands of women and families who are suffering due to the federal Conservatives' mean economic and social agenda and to:

- Communicate directly with union members to lay bare the threat that REAL Women's ideas, left unchallenged, pose to Canadians' hard-fought collective rights, principles of a just society and quality of life,
- Make all MP's and the public aware of how REAL Women is attacking the core of Canadian participatory democracy by supporting the Tories' decision to silence oppositional voices by bleeding them dry, and
- Ensure that Labour calls upon candidates in the upcoming federal election to reinstate funding to feminist advocacy and research groups as one component in our proud tradition of encouraging informed debate and social progress in this country.

Moved by Wall/Pridham – closure – **CARRIED.**

The question was called on the motion and it **CARRIED.**

### **STAFFING ISSUES**

Moved by Thomas/Rout – in-camera – **CARRIED.**

### **Rise & report**

Progress.

### **ADJOURNMENT**

The Executive Board adjourned at 4:30 pm. All members were present.

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Smokey Thomas, President

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Kathryn Francis, Corporate Secretary

/kf