

## THE PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

### MINUTES OF THE 102<sup>nd</sup> ANNUAL GENERAL MEETING (VIRTUAL)

November 6-7, 2021

AGM Chair, Sean O'Reilly called the 102nd Annual General Meeting to order at 10:00 a.m. and welcomed all delegates and observers. He introduced Debi Daviau (President), Stéphanie Fréchette (Parliamentarian) and Julie Gagnon (Recording Secretary). Several housekeeping announcements were made.

#### 1. President's Opening Address and Executive Report

President Debi Daviau presented her final opening address as PIPSC President via Zoom teleconference on November 6, 2021.

#### 2. Q&A Period on the President's Address

The floor was opened to questions from the assembly.

**Q** - Members are concerned about being put on leave without pay if not compliant with the vaccination policy. Some members feel the Institute is not supporting them in this challenge. Will PIPSC unite with other unions to fight for members' rights? Does PIPSC support the policy? Is that setting a precedent for future government policies?

**A** - PIPSC will support members who have necessary exceptions (human rights, medical or religion), which will be addressed on a case by case basis. Some parts of the vaccination policy will need to be challenged and the Institute will be looking into that. Grievances cannot be filed until there is something specific to grieve. The Institute supports the policy in terms of the overall safety of its members and to ensure safe workplaces. Issues need to be backed by scientific facts

**Q** - What is Future Skills Centre (FSC) and was it approved (by the Board or the AGM)?

**A** - FSC is an initiative funded through a grant through the FSC. It consists of an application to assist and guide members in the planning and development of their careers – a service members have been asking for. The application has not yet been launched

**Q** - Does PIPSC support all members regarding the vaccine policy – those who attest and those who won't

**A** - Each case of members negatively impacted will be reviewed and steps will be taken accordingly. The Institute will not be able to grieve cases of members who are not negatively impacted and if they are not meeting the exceptions deemed appropriate by government. EROs can provide some advice and guidance however the best advice is to get vaccinated.

**Q** - Does the union consider the vaccination policy and health and safety issues under the authority of the government? PIPSC should represent all its members and this seems to be a two-sided issue.

**A** - Statistics reflecting the core public services show that 2.5% of all public servants did not yet attest to the vaccines. PIPSC has and will continue to support these members with the resources available.

**Q** - What can be done for science members who continue to face muzzling and are lagging behind in terms of career progression and salary scales?

Is there a collaboration with the newly elected executive to scope out the issue to allow PIPSC to tackle this issue?

**A** - There are science policies in place in most departments and the Institute is working with some departments in trying to ensure the foundation is solid. The Institute is also asking for other types of resources (other than human resources), proper equipment, IT infrastructure, the ability to travel, etc, to ensure that scientific integrity is maintained. The newly elected President will be able to count on my support on this front, if and when sought.

**Q** - Will the government be expected to make an announcement regarding an eventual return to the office by the end of 2022 in terms of the new "GC Workplace"?

**A** - Various public sector leadership seem to think that hybrid arrangements will likely be the way of the future and that telework will be allowed to continue. This said, some are making specific commitments on an "in-person" return to the office. Work continues to be done on the GC Workplace front and in terms of pre-pandemic office configurations. So far, it is status quo however it may be possible to reconsider things moving forward in the context of an eventual return to the office, post pandemic

**Q** - The vaccine is a tool to ensure the safety of all members and all workplaces. Although more consultation should take place, members need to recognize the importance of vaccination. The vast majority of members are vaccinated and will support others. All need to remember that PIPSC members are among those who worked on the development of the vaccination.

**Q** - How will PIPSC prepare for the next pandemic? Will the next President / PIPSC create a scientific committee to advise the Board to ensure a strong leadership on this front?

**A** - The Institute did not have much time to "react" to the government's steps at the start of the pandemic. The Science Advisory Committee is the appropriate forum for this type of discussion and for any advice and/or recommendations to be brought to the Board to ensure the next President / PIPSC is ready for the next pandemic.

**Q** - How can a more complicated landscape be approached to ensure workplace safety when workplaces are scattered all over?

**A** - Occupation health and safety will need to be involved and efforts coordinated between consultation teams to deal with psychological health standards, office configuration, future pandemics, etc. Attempts were made to put in place a secretariat to assist consultation teams however it was not the will of the AGM to proceed this way at the time. Perhaps this could be reconsidered moving forward.

**Q** - Even though PIPSC supports the vaccination policy, it is not supportive of all members. PIPSC challenged policies that negatively impacted members in the past, so why not this one? Saying that PIPSC supports the vaccination policy is turning members against members.

**A** - Supporting the vaccination policy was a difficult decision that needed to be made in the context of the pandemic. The best way to represent members who do not want to lose their jobs is to encourage them to get vaccinated. The large majority of members are supportive of the vaccine and a significant number of members are against the Institute spending any dues money to represent those who resist. They also feel that PIPSC should not be speaking out against the policy. PIPSC's concerns have and will continue to be highlighted in the media and the Institute will continue to support members with exceptions.

**Q** - Some member feel there is a distinction between the mandate and getting vaccinated / keeping your job vs getting vaccinated.

**A** - PIPSC will be handling exception cases on an individual basis. With no justifiable case, members need to get vaccinated in order to keep their job.

There is no use in grieving without any solid ground in terms of exceptions and based on simply not wanting to get vaccinated.

**Q** - If members don't attest, can EROs assist them in other ways – listen, guide, provide advice?

**A** - The ERO's role is to represent members and respond to grievances, if and when filed. Elected officials, consultation teams, Stewards could also assist members in terms of reducing stress. This would be the appropriate role and an ideal opportunity for Stewards to listen to members who feel stressed. There is no training required to do this. Retired members could also assist on this front.

**Q** - Is any work being done around equity in the public services?

**A** - Work pertaining to Equity, Diversity and Inclusion (EDI) in the organization (internally) is ongoing. A number of HRDC caucuses have been put in place to assist members who identify with equity groups and recommendations will be brought forward to the President and/or to the Board. A Stewards training proposal will be presented at this year's AGM for approval.

As President, I participated in a number of EDI initiatives in government (OCHRO, PCO, TB) which were opportunities to submit comments and input on employment equity and make presentations in front of Senate Committees. More work continues to be done within PIPSC such as its contribution to and partnership with the Aboriginal Peoples Television Network (APTN) on holding events in recognition of indigenous rights.

**Q** - Were election complaints filed this year and if so, who was involved and what were the outcomes?

**A** - The President and the Board are not involved in election matters. The Elections Committee could provide that information.

The Q&A period ended at this time (11:00 a.m.)

### **3. Observance of Moment of Silence**

The meeting started with a minute of silence for members who passed away in 2020, followed by the National Anthem.

*There were 397 registered delegates at this time (11:41 a.m.)*

**4. Approval of Agenda**

**Moved and seconded that the agenda be approved. Carried**

**5. Approval of Rules of Procedures**

**Moved and seconded that the Rules of Procedures for the 2021 PIPSC Annual General Meeting be approved.**

**Carried**

**6. AGM Code of Respect**

**Moved and seconded that the 102<sup>nd</sup> AGM Code of Respect be approved. Carried**

**7. Approval of Minutes**

**Moved and seconded that the minutes of the 101<sup>st</sup> Annual General Meeting be adopted as presented. Carried**

**8. Matters Arising from the Minutes**

There were no matters arising from the minutes of the 2020 AGM.

**9. Disposition of the 2020 AGM Resolutions**

The report on the disposition of the 2020 AGM resolutions was received by the 2021 AGM.

**10. Budgetary Resolutions**

**10.1 F-1 Audited Finance Statements - Sponsor: Board of Directors (E)**

**Moved and seconded that,**

**Be it resolved that the 2021 AGM receive the audited financial statements for the fiscal year ending June 30, 2021.**

**Resolutions Sub-Committee Comments: No comment**

Assisted by the Director of Finance & Corporate Services, the Chair of the Finance Committee presented the Finance Committee report and variance report based on the Institute's audited financial statements as of June 30, 2021 (for a period of twelve (12) months). The major variances or accounts of recurring importance were highlighted and delegates were advised to direct any specific questions to the Director, Finance & Corporate Services (at [dbritt@pipsc.ca](mailto:dbritt@pipsc.ca)).

It was pointed out that as per the 2020 AGM approved motion, the presentation of the financial statements was changed to separate the strike fund from the general fund. Comparative figures were used for 2021 and 2020 so that members could properly review the financial statements.

The motion **carried**.

**10.2 F-2 Appointment of Auditors - Sponsor: Board of Directors (E)**

**Moved and seconded that,**

**Be it resolved that BDO Canada be appointed as auditors of PIPSC and its related entities, for the 2022-2023 fiscal year.**

**Resolutions Sub-Committee Comments:** BDO Canada has been the PIPSC appointed auditors for four full fiscal year cycles.

It was noted that the Finance Committee committed to look into a change in auditors in the next calendar year and may have a recommendation at the 2022 AGM.

**Action: Finance Committee**

The motion **carried**.

There were 404 registered delegates at this time (12:26 p.m.)

**10.3 F-3 Budget - Sponsor: Board of Directors (E)**

**Moved and seconded that,**

**Be it resolved that the 2021 AGM approve the budget for the period of July 1, 2022 to June 30, 2023.**

**Resolutions Sub-Committee Comments:** No comment

Also assisted by the Director of Finance & Corporate Services, the Chair of the Finance Committee provided additional information on the basic assumptions used in preparing the 2022-2023 budget.

Due to the uncertainty of in-person meetings as a result of the pandemic, the 2022-2023 budget was for the most part, based on the 2019-2020 budget, with some adjustments made for staff salary, the pension plan and insurance increases. Revenues were increased based on the current membership count and on reserves.

At the 2015 AGM, the Institute requested a dues increase to replenish reserves and make strategic investments that would put the Institute on strong footing for the next rounds of bargaining. As such, projections were made to increase reserves to \$12M by 2020. Efforts paid off as the Institute now had an approximate \$18M in investments in 2020 and over \$30M as of August 2021.

Infrastructures have also been modernized to improve member participation and mobilization and investments have been made in professional staff in support of bargaining, labor relations and communications.

This being said, as it stands currently, a \$959K deficit was projected for 2023. The deficit could be reduced and the Board can determine a way to do so. Even though the effects of pandemic continue, a return to normal business is anticipated, hence the projected deficit.

The floor was then opened to questions/comments from the assembly.

**Q** - Amount for FSC included in the budget

**A** - Initiative entirely funded by FSC – no money allocated from PIPSC on this project. FSC is not an income or an expense for PIPSC as the funds come from an external source

Some felt that there was a nuance regarding FSC and if there was money being spent as “in kind” contributions, there should be transparency for delegates to ensure they fully understand before voting on the budget

**Q** - Budget for 2021 but no actuals reflected as of today

**A** - Actuals will be provided at the 2022 AGM

**Q** - Line 119 – new budget for EDI

**A** - New initiative that will be debated as part of L-1

**Q** - FSC should still be reflected in the budget

**A** - There will be regular reporting to the Board and the project will be audited as it progresses. There is no effect on the budget at this time.

**Q** - The 2021 actuals should be added to allow for an easier and clearer comparison

**A** - The suggestion will be taken under advisement moving forward and the budget could be adjusted based on the audited financial statements

Some were unclear how the Institute will be using the money allocated to EDI. Some were also unclear regarding legal expenses possibly increasing to protect members affected by the vaccine mandate. On both fronts, this could affect the budget's bottom line.

**Moved and seconded that approval of the budget be tabled until the 2021 AGM disposes of resolution L-1.**

The Chair clarified that the AGM will come back to amend the budget if there are budgetary impacts from resolutions. He also clarified that if resolution L-1 did not pass, the budget would be adjusted accordingly.

Some felt that the budget should be approved at this time as it is simply a projection and is not binding on how the money will be spent.

Some were of the opposite view and felt that L-1 should be addressed before approving the budget. The budget should be tabled until then.

The question was called and the AGM was in agreement to proceed to the vote at this time.

The motion to table **carried**.

There were 380 registered delegates at this time (2:00 p.m.)

**10.4 F-4 Mental Health First Aid Training for Stewards - Sponsor: NCR Regional Executive (E)**

**Moved and seconded that,**

**Whereas** PIPSC does not have a mental health course for Stewards;

**Whereas** the pandemic has really highlighted the need for stewards to receive training to help them better understand the signs and symptoms of common mental health problems so they can more effectively interact with and represent members experiencing a mental health problem or crisis,

**Be it resolved that each Region be given an additional \$60K in their training budget per year for the next three years to provide a Mental Health First Aid Course facilitated by the Canadian Mental Health Association to their stewards.**

**Financial costs:**

6 Regions x \$60K per Region = \$360K per year.

The average cost of an in person training session for two days is \$2K per Steward (salary and travel) + \$7K fee to the CMHA.

For an in person training session there is a limit of 25 participants.

To train 50 Stewards per year it would be \$50K + \$7K = \$57K

The average cost of a virtual training session is \$600 per Steward (salary replacement) + \$3,500 fee to the CMHA.

The virtual course is 12 hours delivered over 5 segments.

For the virtual training session there is a limit of 15 participants.

To train 45 Stewards per year it would be \$27K + \$3,500 = \$30,500.

The mover of the motion explained that in his view, it was important to better prepare Stewards to respond to mental health issues and appropriately tool them to be aware of warning signs and facilitate grievance, complaints or issues with the employer and address changes in the labour movement on this front. This would be highly valued training for Stewards - for themselves and to help others.

The motion was amended as follows,

**Be it resolved that each Region be given an additional \$60K in their training budget per year for the next three years to provide a Mental Health First Aid Course facilitated by the Canadian Mental Health Association or similar provider to their stewards.**

The mover of the proposed amendment recognized that mental health training will be of great benefit to Stewards in order to help members. Although the Canadian Mental Health Association is one of the organizations that can provide training in mental health first aid, this course is very restrictive. Other organizations are also suitable for providing such training.

The mover explained that partners in the FTQ, as well as the Joint Learning Program (PAM-JLP) also offer similar courses at no cost as well as organizations such as the Mental Health Commission of Canada, the Réseau Alternatif and Communautaire des ORganismes (RACOR) in mental health, the French Language Health Network of Saskatchewan.

If training can be given within the union movement, it would avoid this form of subcontracting and would allow some flexibility in terms of the provision of service. In addition, regional training committees are normally involved in determining the service providers as well as the format of the training. Naming a specific private body is against usual practice. CMHA's ability to deliver this training could be limited and having the option of other suppliers would alleviate rolling out the training. Stewards on OSH Committees would be in great need for this training.

Some raised concern with the risk of opening up Stewards to possible liability. There was also concern raised with the imbalance between Regions based on funding as some Regions may have more needs therefore requiring more funding.

Some were of the view that even though it is best to have more options in terms of providers for this type of training, PIPSC would need to ensure that other providers are similar to the CMHA and offer similar training to ensure Stewards are provided with the appropriate tools to assist members.

Some spoke against the amendment as in their view, "similar providers" was not sufficient to ensure the right type of training.

The question was called. The assembly was in favour in proceeding to the vote at this time.

The amendment **carried**.

On the amended motion,

**Be it resolved that each Region be given an additional \$60K in their training budget per year for the next three years to provide a Mental Health First Aid Course facilitated by the Canadian Mental Health Association or similar provider to their stewards.**

It was clarified that it would be up to the Board to ensure/determine if the “other organizations’ training” would be nationally recognized.

More and more frequently, Stewards are faced with members suffering from mental distress therefore they should have the appropriate soft skills to be able to better understand, show empathy and listen in order to assist, if and when possible. The Institute should not rely on the employer to offer this training as they may not have the same focus as the union does. Even if there is a cost to this, Stewards could receive the training and offer it in return and if the cost can be covered by the employer, all the better as some employers support this type of training.

Given the mental health impacts resulting from the ongoing pandemic, it would be beneficial and timely for Stewards to have this training to assist members. Similar training can be provided by the employer however, given the financial constraints in government, this would ensure the training is provided through PIPSC.

**Moved and seconded that this matter be referred to the Training, Education and Mentoring Committee.**

This would give the Committee the opportunity to review the process, look into other providers, and ensure that each Region can benefit from the training. Criteria could be established to ensure the right Stewards receive the training.

Some felt that the AGM should give more instructions to the Committee or to the Board to assist with recommendations and decision-making. Recommendations should be brought back to the Board by March 31, 2022, with a plan to enact.

Some spoke against the motion to refer and felt the AGM should be making decisions and not simply referring matters to other bodies. It is timely for the AGM to deal with this now to ensure the training is given at the earliest opportunity. This should be a priority for the Board so the training can be implemented at 2022 Stewards Councils and a report be brought back to the 2022 AGM on actions taken.

The question was called. The assembly was in favour of proceeding to the vote at this time.

The motion to refer **carried**.

## **11. Gold Medal Award**

[President Debi Daviau presented the Institute's 2021 Gold Medal to PIPSC member Dr. Sean Li](#) to recognize his pioneering work in the field of vaccine research that has been instrumental in the international fight against viruses and pandemics, including COVID-19. Dr. Li is a Senior Research Scientist and Head of the Vaccine Research Lab at Health Canada.

Dr. Li developed the world’s first universal antibody-based test for the detection of antigens of influenza viruses. He also evaluates the factors that explain the development of immunization effects in vaccines and the risks of unwanted reactions. His expertise is sought by the World Health Organization, the U.S. Food and Drug Administration, and regulatory agencies and pharmaceutical industries around the world.

The Professional Institute established the Gold Medal Award program in 1937 to recognize professional public service employees whose outstanding work has led to the improvement and enhancement of public well-being. The program promotes greater awareness of the role and value of professional public services in Canada and globally.

**12. Proposed By-Law Amendments**

**12.1 B-1 BY-LAW 12 – RE-APPOINTMENT OF STEWARDSHIP – Sponsor: Ontario Regional Executive**

**Moved and seconded that,**

**Whereas** the following BL change was put before the 2020 PIPSC AGM;

***12.5.3 (New)** A Steward shall be informed of any issue that may negatively affect their Steward renewal. Such notification shall be made in writing on a timely basis.*

***12.5.3.1 (New)** If a Branch, Sub-Group, Group or Regional Executive is considering the non-renewal of a Steward, prior to the decision being made, the rationale shall be sent to the steward and the Steward shall be afforded the opportunity to make representations.*

***12.5.3.2 (New)** If the President is considering the non-renewal of a Steward, prior to the decision being made, the rationale shall be sent to the Steward and the steward shall be afforded the opportunity to make representations.*

***12.5.3.3 (New)** A decision of non-renewal of a Steward and the reasons for this decision shall be communicated in writing within ten (10) working days from the time the official decision was made to the Steward.*

**Whereas** the BL change was split into four motions;

**Whereas** 12.5.3 passed on Day 1 of the 2020 AGM and then 12.5.3.1, 12.5.3.2 and 12.5.3.3 were referred to the Board of Directors because it was thought that the AGM was about to end; and

**Whereas**, the BL as envisaged is incomplete, because 12.5.3.1, 12.5.3.2 and 12.5.3.3 are missing;

**Be it resolved that**, BL12.5 (Re-Appointment of Stewardship) be amended as follows:

***12.5.3.1 (New)** If a Branch, Sub-Group, Group, Consultation Team President or Regional Executive is considering the non-renewal of a Steward, prior to the decision being made, the rationale shall be sent to the steward and the Steward shall be afforded the opportunity to make representations.*

***12.5.3.2 (New)** If the President is considering the non-renewal of a Steward, prior to the decision being made, the rationale shall be sent to the Steward and the steward shall be afforded the opportunity to make representations.*

***12.5.3.3 (New)** A decision of non-renewal of a Steward and the reasons for this decision shall be communicated in writing within ten (10) working days from the time the official decision was made to the Steward.*

**Resolutions Sub-Committee Comment:** Steward renewal is one of four key areas of the ongoing Steward Framework project with respect to which important process change is planned. One component of these changes is a process whereby constituent bodies provide regular feedback to stewards in such a way that constituent bodies are enabled to comply with BL 12.5.3. Implementation of these changes would result in a steward being made aware of the rationale for a constituent body's recommendation for non-renewal prior to that recommendation being made.

Also, the process proposed in the resolution would require some level of oversight without specifying where responsibility for such oversight would lie, and it would duplicate the appeal process that exists under current policy.

The mover of the motion provided additional background information on the intent of the motion. It was originally presented to the 2020 AGM and it was split into four parts on the floor. BL 12.5.3 passed and the other three proposed BL amendments were referred to the Board of Directors. This being the case, the BL is incomplete.

The intent of the original proposed amendment was to address a gap in the Steward renewal process whereby a recommendation of non-renewal could be made and the Steward in question would never know the case against them until the non-renewal decision was made. In the mover's view, procedural fairness would require that the individual be aware of the case against them and be able to respond.

BLs 12.5.1 and 12.5.2 would ensure that the Steward is aware of the case against them and would afford them the opportunity to respond before a decision is made. BL 12.5.3 would ensure that the decision is communicated on a timely basis.

Some spoke against the motion, stating that as per the Resolutions Sub-Committee comments, the role of Stewards is very important and although the proposed BL amendment is good in its intent, it is important to ensure that the selection process is the right one. The Steward framework process should be allowed to follow its course and all the specifics should be considered.

Some felt that natural justice would be respected through this process, giving Stewards the opportunity to defend themselves and take corrective measures, if needed. Stewards represent members and unions always push for explanations to be provided by the employer therefore Stewards should be awarded the same due process and natural justice. There is no transparency with the current process.

This would undo some of the damage done through the current process and would address some of the shortcomings, making the process more transparent.

Some felt there should be an appeal process to the President's decision to ensure procedural fairness, which is not what is being proposed. The Steward framework already somewhat incorporates these three BLs and their functioning therefore the newly elected Board should be given the opportunity to implement the new framework.

There was also concern raised with constituent bodies having to communicate decisions to Stewards, which could result in conflicts. The intent of allowing Stewards to "defend themselves" is worthy however constituent bodies should not get involved as it could have serious repercussions.

The question was called. The assembly was in agreement to proceed to the vote at this time.

The motion **carried**.

**12.2 B-2 BY-LAW 12 – STEWARDS – Sponsor: NCR Regional Executive**

**Moved and seconded that,**

**Whereas** Treasury Board of Canada as the employer has a tri parties labour relations where Deputy heads are responsible for consultation and labour relation with PIPSC members such that the president of the consultation team is the normal lead representative with the Department/Agency, every other employers have a direct relationship with PIPSC; and

**Whereas** most Group Presidents represent PIPSC to their employers and are institute spoke persons under By-laws 23.2 but with a different role than Stewards under By-laws 23.3; and

**Whereas** from an employer's perspective, Institute representatives are called stewards, and employers are notified;

**Be it resolved** that By-Law 12 be amended as follows:

**12.4.4 Group President by virtue of being a Regular Member who is acting or elected President of a Group other than a Treasury Board Group.**

**12.6.4** Where the member is a Steward only by virtue of serving on the Board **or as a Group President**, their Stewardship shall end when their term of office expires or when they cease to be a Regular member.

**Be it further resolved** that the Steward Policy be revised to address the difference between those Steward appointed by virtue of their position and those trained to represent individual members; and to address the case when a steward has both roles.

***For reference to the readers***

**BY-LAW 23 INSTITUTE SPOKESPERSONS**

**23.1 President** - Authority to speak for the Institute as a whole shall rest with the President. This authority may be delegated by the Board to others within special fields or competence or knowledge or under special circumstances.

**23.2 Presidents of Groups and Chairs of Regional Executives** - Presidents of Groups and Chairs of Regional Executives shall be empowered to speak for the Institute on such matters as come within their area of jurisdiction, but not on behalf of the Institute as a whole.

**AGM 2007 (e)**

**23.3 Stewards** - Stewards may speak on behalf of the employees whom they represent on matters which may come within their competence, both within the Institute and in dealing with employers.

**Resolutions Sub-Committee Comments:** No comment

The mover explained the intent and rationale of the motion. In his view, it spoke to the union value of solidarity and to the desire to protect the more vulnerable members.

When looking at the delegates count, approximately 2/3 of the membership are part of the six larger Groups that are directly employed by the Treasury Board. There are also 28 Groups representing approximately 3,000 members who are not subject to the FPFLRA and therefore their Group President may not be protected. These Groups are more vulnerable because of their smaller size.

Concerning the notification rules, PIPSC has to inform the employer which of their employees are designated representative i.e. Steward. However, in the case of Treasury Board, PIPSC has to inform the department or agency of the name of each Steward. In effect, the Treasury Board is not interested to know where the six large Group Presidents are located as TB does not handle labour relation matters or leave for union duties.

The secondary resolution (be further resolved) is to revise the Steward Policy such as to distinguish between Stewards trained to consult or represent grieving members and those designated because they are Group Presidents of separate employers Groups. This would show solidarity and improve the protection of Group Presidents who speaks on behalf of members employed by separate employers.

It was clarified that Group Presidents are automatically Stewards and would need to follow Steward training. As such, the Board would have to develop a policy to complement this BL and clarify what the requirements would be and whether or not stewardship would end when a term of office ends. Some were also unclear whether Board members would be impacted by this BL.

The AGM Chair clarified that if a member retires, they would not be required to take training and as such, they would no longer be a Steward once their term ends. They would be a Steward by virtue of being in that position. This said, if training is taken, they could remain a Steward after their term expired.

The Chair also clarified that retired Board members are not Stewards. The intent is to make all Group Presidents, Stewards and there would be a difference clarified in policy between an appointed Steward and a Steward by virtue of position.

Some were of the view that since it is difficult to get training in a timely fashion, this would afford Group Presidents some protection under their collective agreements to speak freely without retribution, pending training. Although not perfect, it would fix a gap.

It was pointed out that the proposed amendment is the addition of BL12.4.4. It was also clarified that this would add another method of getting a recommendation in front of the President to be appointed as Steward as there is no such thing as an automatic appointment. There is only one class of Steward and all are subject to the same policy.

The question was called. The assembly was in agreement to proceed to the vote at this time.

The motion was **defeated**.

**12.3 B-3 BY-LAW 22 - ELECTION OF OFFICERS AND DIRECTORS OF THE INSTITUTE - 22.3  
Voting In Institute Elections – Sponsor: Ontario Regional Executive**

**Moved and seconded that,**

**Whereas** the following bylaw with respect to voting in Institute elections was approved at the 2020 PIPSC AGM

*22.3.2 Officer and Regional Director positions will use the ranked choice ballot system and a candidate needs a majority of the vote to be elected, with run-off of unsuccessful candidates when needed to get a majority.*

*22.3.3 In cases where there is more than one Officer or Regional Director position in election, each successful candidate is removed from the process when elected, then the ranked choice ballot with run-off system is applied again to all the initial ballots with the elected candidate(s) removed until all the positions are filled.*

*22.3.4 Definition – Ranked Choice Ballot with Run-off System - Voters rank one or more candidates in order of preference. Ballots are initially counted for each voter's top choice. If a candidate has more than half of the vote based on first top choices, that candidate is elected. If not, then the candidate with the fewest votes is eliminated by run-off. The voters who selected the run-off candidate as their top choice, then have their votes added to the totals of their next choice candidate. When all the choices on a ballot have been run-off, then this ballot is exhausted. This process continues until a candidate has more than half of the remaining votes.*

**Whereas** some of the language could be clearer

**Whereas** the clearest possible language is needed for election bylaws

**Be it resolved** that the following changes be made

~~22.3.2 Officer and Regional Director positions will use the **R**ranked **C**ehoice **B**ballot **S**ystem and a candidate needs a majority of the vote to be elected. with run-off of unsuccessful candidates when needed to get a majority.~~

~~22.3.3 In cases where there is more than one Officer or Regional Director position **to be elected** in election, each **electd** **successful** candidate is removed from the process ~~when elected, then~~ **and** the ranked choice ballot **system with run-off system** is applied again ~~to all the initial ballots with the elected candidate(s) removed~~ until all the positions are filled.~~

~~22.3.4 Definition – Ranked Choice Ballot System with Run-off System—Voters rank one or more candidates in order of preference. Ballots are initially counted for each voter's top choice. If a candidate has more than half of the vote based on first top choices, that candidate is elected. If not, then the candidate with the fewest votes is eliminated by run-off. The voters who selected the run-off candidate as their top choice, then have their votes added to the totals of their next choice candidate. When all the choices on a ballot have been run-off, then this ballot is exhausted. This process continues until a candidate has more than half of the remaining votes~~

**Voters rank in order of preference, one or more candidates.**

- **Each voter's top choice is counted**
- **If a candidate receives more than half of the votes, that candidate is elected.**
- **If a candidate is not elected, the candidate with the fewest votes is eliminated.**
- **The voters who selected the eliminated candidate, then have their vote counted for their next choice and the vote is retotaled.**
- **If all the choices on a ballot have been eliminated, that ballot is exhausted.**
- **This process continues until a candidate has more than half of the non-exhausted votes, and is elected**
- **In the event of a tie of the candidates to be elected or eliminated, a coin(s) will be flipped.**

**Resolutions Sub-Committee Comment:** If passed, this BL would take effect for the National Election in 2024.

Some were of the view that the Elections Committee should be left to review the election process and make recommendations for change, if necessary. It is important to have a sound process that is overseen by the national Committee, appointed by the Board to do so.

Some raised concern with the impact of this change in elections where there would be more than one position in the same election (PT and FT VPs) – could result if the loss of votes.

The motion **carried**.

**12.4 B-4 BY-LAW 20 – VICE-PRESIDENTS – Sponsor: Atlantic Regional Executive**

**Moved and seconded that,**

**Whereas** PIPSC has a history of fighting for pay equity for its members; and

**Whereas** the new pay scale for part time Vice Presidents is salary replacement only and will lead to inequitable rates of pay between part time and full-time Vice Presidents

**Be it resolved** that the following PIPSC By-Law be amended to read;

**20.5 Remuneration and Benefits** The salary scale for Vice-Presidents, two (2) of whom shall serve on a full-time basis, **shall be the same and** shall be determined by the Board and shall be published in the Notice of Elections/Call for Nominations. **Part Time Vice-Presidents are to be paid at 50% of the hours paid to full time Vice-Presidents.** Vice-Presidents are not entitled to overtime payment or other special compensation for hours worked.

**Resolutions Sub-Committee Comment:** If passed, this BL would not take effect until January 1, 2025. FTVP hours are 35 per week and PTVP would get half (17.5 hours per week), regardless of the hours actually worked. There is no guaranteed minimum (or maximum) hours of work for PTVPs. This would be at the discretion of the President.

The mover spoke to this motion and provided additional viewpoints. He noted that since the two PT and FTVP positions were created in 1999, the PTVPs have been paid the same salary as the FTVPs, adjusted for hours work. In his view, PTVPs should be paid the same as the FTVPs, adjusted for hours worked.

Although the Executive Compensation Committee and a majority of the Board of Directors interpreted the BL to mean that FT and PTVPs can be paid according to different salary scales, the proposed BL change would make it clear that the salary scale of all VPs should be the same, adjusted for hours worked. The RSC comment stating that the BL would not take effect until January 1, 2025, could be a matter of debate.

He added that as per BL 15.2.5.3, policy changes are required to come to the AGM, which did not occur, hence delegates not having the opportunity to repeal it. Furthermore, a request for a Special General Meeting was made in July 2021, as per BL 13.3.1, to resolve this issue before the Notice of Election was published however, the Board declined to have the special meeting.

The mover concluded by saying that based on the issue of fairness, rates of pay should be reflective of the work done – equal pay for equal work. Having two salary scales discriminates against retired members and PTVPs and the proposed BL amendment would correct that injustice.

The Chair clarified that the proposed change was deemed to be an acceptable compromise, amending BL 20.5 and the authority within that BL therefore the motion was deemed to be in order.

Some were of the view that although the concept of equal pay for equal work is fair, it could also be extended to many other categories and creating a lot of issues.

Some felt that all members of the Executive Committee should be on equal standing. PTVPs should be getting the same pay for the work they do – nothing less. The voice of the 2020 AGM was strong in supporting equal pay for equal work and in directing the Board to fix the matter, which was not done. Such a change requires AGM approval.

The Chair of the ECC spoke to the matter and explained that an exhaustive, evidence based approach and process were followed by the ECC in the review of compensation and that different benchmarks from various other organizations were also examined. He pointed out that PTVPs who continue in their workplace would not lose wages however dues should not be used to pay PTVPs if they are not working for that time. Changing this would send the wrong message.

It was reiterated that the will of the AGM was to put in place PTVPs and they must be treated fairly. This would avoid any favoritism, the need for time logging and would ensure fairness and equity. The same expectations would be established for each incumbent and will avoid conflict. PTVPs do similar work as FTVPs and that work has no correlation to what they do in their workplace. The many other commitments outside working hours also need to be considered.

Some felt that this would encourage retired members to fill positions that should be filled by regular members and would be taking opportunities away from the next generation. Since retired members are receiving a pension, there would be no loss of wages.

Concern was raised with this creating a form of discrimination within the Institute. Experienced retired members are needed and not paying them could deter them from staying involved. It was also noted that whether a PTVP is taken out of the workforce full time or part time, they are still out of the workforce. Although receiving a pension, they could still be in the workplace to supplement their pension and currently, they would not receive salary replacement. PIPSC needs to raise the bar with respect to other organizations, not follow suit.

This would give an unfair advantage to all working members and would be punitive to retired PTVPs. Retired PTVPs would work for free and could be seen as being an “advantage” over the working PTVPs being less costly to the organization.

Some felt there was a fundamental flaw in the proposed BL as it would pay PTVPs 50% of the hours without necessarily having to work 50% of their time. There are two classes of VPs and conditions are very different for both. Perhaps it was timely to review the structure of the Executive Committee as well as the position of PTVP as it may have outlived its usefulness.

The question was called. The assembly was in agreement to proceed to the vote at this time.

The motion was **defeated**.

**Moved and seconded that debate be reduced from three (3) minutes to one (1) minute for the remainder of day 1 of the 2021 AGM.**

The Chair clarified that this would apply to movers of motions as well as to interveners.

Some were of the view that this should only apply to interveners

Some felt there was no need to do this at this point in the AGM as there was still plenty of time to get through the business between now and end of Saturday.

The question was called. The assembly was in agreement to proceed to the vote at this time.

The motion **carried**.

*There were 386 registered delegates at this time (5:09 p.m.)*

**12.5 B-5 BY-LAW 20.5 – REMUNERATION AND BENEFITS OF VICE-PRESIDENTS – Sponsor – Ontario Regional Executive**

**Moved and seconded that,**

**Whereas,** the current bylaw on Vice-Presidents remuneration and benefits is

**20.5 Remuneration and Benefits** - The salary scale for Vice-Presidents, two (2) of whom shall serve on a full-time basis, shall be determined by the Board and shall be published in the Notice of Elections/Call for Nominations. Vice-Presidents are not entitled to overtime payment or other special compensation for hours worked. AGM 1999 (e)

**Whereas,** the Executive Compensation Committee and the Board of Directors has interpreted the bylaw to mean that Full-Time and Part-Time Vice Presidents can be paid according to different salary scales

**Be it resolved** that BL 20.5 be amended as follows

**20.5 Remuneration and Benefits** The salary scale for Vice-Presidents, two (2) of whom shall serve on a full-time basis, **shall be the same and** shall be determined by the Board and shall be published in the Notice of Elections/Call for Nominations. Vice-Presidents are not entitled to overtime payment or other special compensation for hours worked.

**Resolutions Sub-Committee Comment:** If passed, this BL would not take effect until January 1, 2025. The way the amendment is worded, the FT and PT VPs would be paid the same, regardless of hours worked. The FTVP pay scale has four increments, at which step would the PTVP be paid at. This does not take the length of time in office into consideration.

The question was called. The Chair agreed to proceed to the vote on calling the question given the lengthy debate on a similar issue (resolution B-4.) The mover did not agree with that ruling as he felt they were two different issues.

The assembly was in agreement to proceed to the vote at this time.

The motion was **defeated**.

12.6 B-6 **BY-LAW 2 – AIMS & OBJECTIVES – Sponsor: Retired Members’ Guild**

**Whereas** the Members are the supreme power in the Institute.

**Whereas** the Elected representatives implement the wishes of the members, as expressed at General Meetings of the Institute.

**Whereas** the control of the Institute is in the hands of members through a directly-elected President, Executive Committee and Board of Directors who implement policy and manage operations between General Meetings of the Institute.

**Be it resolved** that By-Law 2 be amended to include the following bylaw:

**BL 2.4 - Members, as a whole, are the supreme power in the Institute. The Institute’s Board of Directors shall implement the wishes of the members, as expressed at General Meetings of the Institute. The Institute’s Board of Directors shall not take action contrary to the direction provided by the General Meeting unless necessary to avoid significant cost or serious harm to the Institute. If the direction provided by the General Meeting cannot be implemented, within a reasonable time the Institute shall notify all members in attendance at the General Meeting with an explanation.**

**Resolutions Sub-Committee Comment:** The resolution is **out of order** as it is incompatible with the *CNFPCA*. The resolution purports to limit the members of the Board’s legal duty to two (2) factors: “avoidance of significant costs” or “serious harm”. A resolution cannot fetter the discretion of Directors under the *Act* to the extent of making it impossible for directors to exercise their judgment to act in the best interests of the organization.

In the alternative, even if the resolution were considered and passed by the assembly, it would be superseded by legislative requirements.

The *CNFPCA* imposes on members of the Board a legal duty to act honestly and in good faith, in the best interest of the Corporation and with the care, diligence and skill of a reasonably prudent person; and to ensure compliance with the *CNFPCA*, Regulations and by-laws. In accordance with the legislation, the Directors also bear the liability of the decisions of the Board.

This motion was ruled **out of order**.

There was a challenge to the Chair’s decision based on the preamble of Institute BLs which state that the AGM is the supreme governing body that gives direction to the Board. This proposed BL amendment would put the Board to task in following the direction of the AGM or call a SGM to explain why it cannot do so. This would not be violating the *NFP Corporation’s Act*.

Clarification was sought with the outcome if the proposed BL was adopted and refused by Industry Canada. Confirmation was also sought on whether or not the RSC comment were verified with Industry Canada.

General Counsel clarified that Industry Canada does not approve BLs every year as done in the past. She stated that decisions by the AGM do not supersede the *Act* and therefore, this BL could not be enforced as it would contravene the *Act* (articles 148 and 150 para 1). BLs are a subset of the *Act* and if Industry Canada ruled this out of order, the Institute would be advised as such.

Some were of the view that the BL does not impose any restriction on the Board and simply states that the AGM needs to be advised if the AGM's instructions were not followed. If this proposed BL passed, the Board would have the obligation to report back to Industry Canada that this was the will of the PIPSC AGM.

Some expressed the importance of the Institute to be a ruled-based organization. As such, the advice received from legal counsel as well as the robust process in place in the review of resolutions, should be followed.

The question was called on the challenge to the Chair. The assembly was in agreement to proceed to the vote at this time.

The AGM sustained the Chair's ruling. The motion was ruled **out of order**.

#### 12.7 B-7 **BY-LAW 15 – BOARD OF DIRECTORS** – Sponsor: Retired Members' Guild

**Whereas** the preamble to the Institutes BLs clearly state:

*“Members, as a whole, are the supreme power in the Institute. Elected representatives implement the wishes of the members, as expressed at General Meetings of the Institute.”*

*“The control of the Institute is in the hands of members through a directly-elected President, Executive Committee and Board of Directors who implement policy and manage operations between General Meetings of the Institute.”*

**Be it resolved** that BL 15 be amended to include the following changes:

**15.2.2** - The Board shall, between General Meetings, interpret all By-Laws, resolutions and motions of General Meetings, **however, the Board's interpretation shall not act contrary to the direction of the General Meeting unless significant cost or serious harm to the Institute would result.**

**Any such interpretations will be promptly sent to all members of the Institute with the rationale for the interpretation.**

**15.2.5.3** - All additions, changes or deletions to the Policies take effect on a date to be determined by the Board and shall be reported to the next Annual General Meeting. A General Meeting may repeal or suspend any Policies **including the terms and conditions of employment for the President and Vice-Presidents or elected officials compensated by the Institute.**

**Resolutions Sub-Committee Comment:** The Resolution is **out of order**, as the first part (15.2.2) is incompatible with the *CNFPCA* and BL 24.

With respect to proposed BL 15.2.2., the resolution purports to limit the members of the Board's legal duty to two (2) factors: "avoidance of significant costs" or "serious harm". A resolution cannot fetter the discretion of directors under the Act to the extent of making it impossible for directors to exercise their judgment to act in the best interests of the organization.

In the alternative, even if the resolution were considered and passed by the assembly, it would be superseded by legislative requirements.

The *CNFPCA* imposes on members of the Board a legal duty to act honestly and in good faith, in the best interest of the Corporation and with the care, diligence and skill of a reasonably prudent person; and to ensure compliance with the *Act*, Regulations and by-laws. In accordance with the legislation, Directors also bear the liability of the decisions of the Board.

With respect to proposed BL 15.2.3, there is no practical impact to the amendment, as the AGM already has this authority over all policies and the proposed change does not override the authority of the Board to set compensation under BLs 19.3.1 and 20.5.

This motion was ruled **out of order**.

The AGM recessed at this time (5:45 p.m.) until Saturday, November 6<sup>th</sup>, 10:00 a.m. (Ottawa time)

**Saturday, November 6, 2021**

*There were 325 registered delegates at this time (10:06 a.m.)*

**13. Policy Resolutions**

**Moved and seconded that,**

**13.1 P-1 Canadian Pension Plan and Public Service Pension Plan Divestment from Fossil Fuels - Sponsor: Board of Directors (E)**

**Moved and seconded that,**

**Whereas** the burning of fossil fuels is the main contributor to global warming, an existential threat to humanity that Canada and the other signatories of the Paris Agreement committed to limit to 1.5°C to avoid long-lasting or irreversible catastrophic impacts; and

**Whereas** the 1.5°C target requires both drastically reducing global fossil fuel production and foregoing further investments on new fossil fuel infrastructure, which questions the morality and wisdom of continued investment in fossil fuel holdings; and

**Whereas** the Canada Pension Plan (CPP) and the Public Service Pension Plan (PSPP) have billions of dollars invested in fossil fuel companies and have no plans to divest in full from those holdings, therefore making current and future pension beneficiaries vulnerable to significant undue financial risk; and

**Whereas** more than 1200 institutions across the world, possessing in the aggregate funds for over \$14 trillion USD have already in place fossil fuel divestment policies, including nation states, banks, cities, and universities; and

**Whereas** PIPSC has been leading progress in Canadian society for over 100 years, acknowledges fossil fuel divestment is a necessary step towards a decarbonized economy, and recognizes the financial risk that its members incur by their pension plans keeping fossil fuel holdings;

**Be it resolved** that PIPSC will send, before the end of 2021, an open letter to the respective investment boards of the CPP and the PSPP recommending they fully divest from fossil fuel holdings by the end of 2022; and

**Be it further resolved** that the letters will be accompanied with a media release and will be permanently posted on the PIPSC website.

**Resolutions Sub-Committee Comments:** No comment

The mover of the motion explained that resolution P-1 was consistent with the Labour Movement's priority of "Just Transition for all Canadian" workers, including those dependent on the fossil fuels industry.

She added that the retired members of today and active members of tomorrow are depending on the public service pension and this could be the only source of income for many members after a lifetime of public service.

Climate change is also a reality. PIPSC members are leading climate science, not only in Canada but also internationally. Climate change presents two types of risks to the economy - physical risks and transition risks.

Physical risks result from rising temperature, increased frequency and intensity of extreme weather events, and sea-level rise and a transition risks, those resulting from the rapid reprising of financial assets as a result of changes in policies or shifts in consumer and investment demand.

Transition risks are imminent given increasing calls to action to mitigate climate change. Recognizing transition risks allows for more gradual divestment from assets that are subject to reprising or may become stranded, which by itself will help transition to a carbon-free economy. The importance of transition risks is now recognized by the financial industry and policymakers.

The intent of P-1 would be to ensure PIPSC is prudent and proactive on the climate front, instead of divesting from risky investments when the market starts going down and the investments of the pension fund in the fossil fuel industry, including coal, oil and gas, start losing their value.

*Some spoke against the motion as in their view, it is the role of the Pension Committee to ensure the pension plan gets the best rate of return on investments. Practically speaking, oil and gas are main exports and many Canadians are employed in that industry. If divesting from the fossil fuel industry, what would replace it?*

*Some felt that from the point of view of ethics, PIPSC would need to step up for the environment. The overall industry is moving away from oil and gas and as an organization, the Institute needs to be proactive as much as possible. Investments should be done in more green energy as much as possible, in line with protecting the environment. Climate change issues are moving quickly and the Institute needs to take a stand and focus on other investors.*

*Some were of the view that the Institute would need to divest from a company, not from a type of energy (fossil fuel holdings). Everything has repercussions and if divesting and no longer making money, it could be counter-productive in other ways – something that also needs to be considered.*

The question was called at this time. The assembly was in agreement to proceed to the vote at this time.

The motion was **defeated**.

### 13.2 P-2 **Accountability of the Board of Directors – Sponsor: Retired Members’ Guild (E)**

**Moved and seconded that,**

**Whereas** the Professional Institute of the Public Service has an inherent responsibility to demonstrate accountability and transparency to its membership.

**Whereas** the policy positions and actions of the BOD must be consistent with those determined by the AGM and therefore the membership.

**Whereas** it is essential to the operation of the Institute, to maintain accord, good will and clear communication between the BOD and the AGM, as supreme governing body of PIPSC.

**Be it resolved** that forthwith, all votes taken on all motions of the BOD, will be recorded votes, to be included in the published minutes of the BOD, while respecting the privacy of members. This record will consist of the full content, originator and vote (yea or nay) for each motion by each member.

**Resolutions Sub-Committee Comments:** No comment

*The mover of the motion explained that the intent of this motion was to ensure full disclosure on all decisions made by the Board.*

*Some spoke against the motion as it was contrary to SCOPP, which does not require that the results of each vote be recorded in the minutes. There is no evidence that the majority of Board meetings are held in closed session. Board meetings are an open process and discussions are held openly and recorded as such in the minutes. It was noted that the Board moved to holding secret votes to protect Board members who sometimes felt intimidated when taking a position on issues. Voting secretly is part of the democratic process and divulging how votes are conducted would go against that democratic right.*

*Concern was raised that if passed, this would have a divisive outcome and could open the door to more conflict at the Board. Minutes could be published and exposed which could also result in costly legal issues. Board members are elected by the members and they should be allowed to conduct their business based on the adopted rules of procedures in place.*

*Some were of the view that in terms of evidence, there was a greater use of closed sessions at Board meetings. Moving into closed session should be limited to issues pertaining to specific members, for legal matters or when absolutely required to do so - not a common practice. Closed sessions are being frequently used by this Board without real justification therefore the delegates should support this motion.*

*Some felt that the Board had been acting more secretly more and more, even broadsiding the AGM in terms of the compensation issue of PTVPs. This resolution would ensure that all Board resolutions are made public and that members are aware of how the Board conducts its business.*

The question was called at this time. The assembly was in agreement to proceed to the vote at this time.

*It was clarified by the mover that the intent of the motion would be to record who moved, who seconded and how each Board member voted on motion*

*Some objected to the mover being given the opportunity to provide further clarity on the motion, which was badly written. The Chair pointed out that the mover was directed not to provide an opinion but simply provide clarity on the intent of the motion.*

The motion **carried**.

*There were 376 registered delegates at this time (11:30 a.m.)*

**13.3 P-3 Policy on President and Vice-Presidents' Terms & Conditions of Employment – Retired Members' Guild (E)**

**Moved and seconded that,**

**Whereas** no compensating part time Vice Presidents at the same pay scale as full-time Vice Presidents although both are institute signing officers, have the same position description and the same duties, obligations and authorities within their service agreement is contrary to principles of fair and equitable treatment.

**Whereas** it has been a long-standing practice that unions support the principle of equal compensation for work of equal value.

**Whereas** the Institute is a member driven organization therefore General Meeting delegates must have the opportunity for input to the compensation principles applied to elected officials.

**Be it resolved** that the Policy on President and Vice Presidents' Terms and Conditions of Employment, item 8 Review and Approval of the Terms and Conditions be amended as follows:

The terms and conditions of employment for the President and Vice-Presidents will be reviewed by the Executive Compensation Committee (ECC) **in year two (2) of the Board's term of office. The ECC recommendation will be presented to the Board for approval. The Board will submit the policy to the year two (2) AGM for approval and/or direction to the PIPSC Board. The Board shall include the Policy on President and Vice-Presidents Terms and Conditions in the year three (3) call of Election.**

The compensation philosophy and principles for the President and Vice-Presidents is a long term policy and approach. The philosophy and principles will be reviewed by the Board once every eight years. In the event of a compelling environmental or economic concern this review can be conducted sooner.

No changes in terms and conditions, with the exception of annual adjustments to remuneration, shall take effect between triennial reviews unless **directed by a General Meeting.**

**Resolutions Sub-Committee Comment:** This resolution is redundant and does not override the Board's authority to set compensation for the President and VPs as set out in the *CNFPCA* and BLs.

The mover indicated that the intent of the motion was to ensure that in year two of the Board's mandate, decisions made on compensation would be presented to the AGM to allow changes to be made (if any) and to allow a full review of the Notice of Election before being published. This would keep the process open and transparent, it would not be breaking any confidentiality rules and it would allow the membership to be in the know with decisions made on compensation issues.

Transparency is important and the AGM should be able to chime in on compensation issues. The membership should have a say on how much senior leaders are remunerated. This issue has been divisive in the past two years and this resolution would fix the damage done.

It was reiterated that an evidence-based approach was taken by the ECC when dealing with this matter. Compensation has been established by the Board for many years – a standard practice in unions and NFP organizations. Caution was raised with making the process political. Full transparency was ensured for members who planned to run in this year's election and there was ample opportunity to get more information, if needed. This would add an additional, unnecessary layer of complexity to an already complex process and would make it political. It would also be a step back to the work done by the ECC thus far. It could also lead to divisive debates at the AGM.

Concern was raised with the AGM micromanaging compensation issues. The AGM should be dealing with larger, more important issues affecting all members and the ECC should be left to conduct this work and ensuring politics are removed from the process.

Further consideration would need to be given to the outcome of the AGM making changes to compensation, which would change the terms and conditions, including remuneration of elected officials. As per contract law, there would need to be mutual consent between the parties in order to make changes to a contract in mid-term. Legal implications would need to be looked into further to determine if this could be implemented, if passed as this could give harm to employment contracts. It was noted that this would not trump BL 20.5 in terms of the Board's authority vis-à-vis compensation matters.

The question was called at this time. The assembly was in agreement to proceed to the vote at this time.

The motion was **defeated**.

*There were 388 registered delegates at this time (12:02 p.m.)*

**Moved and seconded that the all late resolutions be posted on the AGM website or on the Lumi platform.**

This will allow the AGM to review the motions before they are debated and ensure the AGM does not adjourn before all important business is dealt with

The motion **carried**.

**13.4 P-4 Executive Compensation Policy, Full-Time Vice-Presidents (FTVPs) and Part-Time Vice-Presidents (PTVPs) - Sponsor: Retired Members Guild (E)**

**Whereas** the Canada Not for Profit Corporations Act, states under section 143 (1) "Subject to the articles, the by-laws and any unanimous member agreement, the directors of a corporation may fix the **reasonable remuneration** of the directors, officers and employees of the corporation."

**Be it resolved** that the 2021 AGM hereby directs the Board that the revised policy on executive compensation, with respect to FTVPs and PTVPs, be rescinded, with immediate and retroactive effect, without regard to any perceived legal or other encumbrance. Compensation for all PTVPs will be at the same hourly rate as FTVPs.

**Resolutions Sub-Committee Comment:** This resolution is **out of order**. Unless BL 20.5 is changed, as per the *CNFPCA*, the Board has the authority to set remuneration. The Board's decision on the remuneration of the PTVPs was made in accordance with BL 20.5. The terms and conditions for the upcoming term have been published with the notice of elections as required under BL 20.5 and cannot be changed now retroactively.

This motion was ruled **out of order**.

There was an objection to the Chair's ruling as the interpretation of BLs was a matter of debate by the AGM.

Some felt the matter had already been fully debated therefore the AGM should move on to other important issues.

The question was called at this time on the challenge to the Chair. The assembly was in agreement to proceed to the vote at this time.

The assembly sustained the decision of the Chair. Resolution P-4 was ruled **out of order**.

**13.5 P-5 Policy on President and Vice-President Terms and Conditions of Employment - Sponsor: CS Group Executive (E)**

**Whereas** all Vice-Presidents should be paid the same hourly rate regardless if position is full or part-time; and

**Whereas** it has been a long-standing practice that Part-Time Vice-Presidents be compensated based on a Vice-President's job description; and

**Whereas** not compensating Retired Members who seek and win an election for Part-Time Vice-President contradicts the concept of labour rights that individuals in the same workplace be given equal pay for equal work; and

**Whereas** all elected officials, when carrying out the duties of Vice-President, should be compensated equally regardless of their current non-PIPSC employment status; and

**Whereas** our Union would want our employer to pay part-time employees at the same hourly rate as full-time employees for the same job description; and

**Be it resolved** that Appendix 1 to the Policy on President and Vice-President Terms and Conditions - Terms and Conditions of Employment for President and Vice-Presidents (Effective date: January 1, 2022) para 1.3, read as follows:

**1.3 Part-Time Vice-President will receive salary at the hourly full-time Vice-President rate, for duties associated with the Vice-President role, as approved by the President. No additional compensation, such as overtime payments, would be provided. For activities not related to the role of Vice-Presidents, they will receive salary replacement, paid at the rate of pay of their substantive positions, for hours missed from their substantive position.**

**A 'substantive position' is the position from the unionized employer, represented by the Institute, where the Part-Time Vice-President is on leave in order to perform his or her duties for the Institute.**

**Be it further resolved**, the Policy be applied to the service agreements for this year's elected officials for the period starting January 2022.

**Resolutions Sub-Committee Comment:** This resolution is **out of order** as it is not compatible with BL 20.5 and *CNFPCA*. The terms and conditions for the upcoming term have been published with the notice of elections as required under BL 20.5 and cannot be changed now retroactively. A policy cannot override a BL.

Unless BL 20.5 is changed, as per the *CNFPCA*, the Board's decision on remuneration was made in accordance with BL 20.5, a decision which can only be made by the Board.

The Chair ruled this resolution **out of order** – same reasons as P-4

The Chair was challenged on his ruling as some felt it did not contravene BL 20.5 and the *Act*. As this is a policy resolution, it does not take away the Board's authority to set compensation but ensures that the salary scales applies to all VPs. As *article 143.1 of the Act* states that the Board "may set remuneration", this resolution would not contravene the *Act*.

Some were of the view that the AGM should take the RSC's comments into consideration and not contradict that direction nor the Chair's ruling.

The question was called at this time on the challenge to the Chair. The assembly was in agreement to proceed to the vote at this time.

The AGM sustained the Chair's decision. Resolution P-5 was ruled **out of order**.

**Moved and seconded that debate be reduced from three (3) minutes to one (1) minute for the remainder of day 2 of the 2021 AGM.**

Some felt it was not necessary to limit debate at this time with so little business left to do. Full debate should be allowed for the remainder of resolutions.

It was clarified that this would apply to movers and interveners however some leeway could be given to the Chair of Finance when addressing the budget.

The motion was amended as follows,

**Moved and seconded that debate be reduced from three (3) minutes to ~~one (1) minute~~ two (2) minutes for the remainder of day 2 of the 2021 AGM.**

**Carried**

The motion as amended, **carried**.

*There were 387 registered delegates at this time (2:05 p.m.)*

#### 14. **Late Resolutions**

14.1 L-1 **Equity, Diversity, and Inclusion** – Sponsor: Board of Directors (E)

**Moved and seconded that,**

**Whereas** we understand that systemic barriers like racism, sexism, ableism, ageism and anti-gay prejudice function to exclude members of certain communities from equitable opportunities, representation, and inclusion at every level of society; and

**Whereas** our understanding of the complexity of such barriers keeps growing, thanks to the increasing diversity of our membership and the active engagement of social movements that are speaking up and presenting indisputable evidence on these issues; and

**Whereas** PIPSC has made important strides towards advancing and prioritizing equity, diversity and inclusion for our members by actively participating in consultations with employers, securing a historic 10 paid days of leave for survivors of domestic violence, expanding the parental leave top-up by five weeks, and fighting to include adoptive parents among those eligible to claim such benefits; and

**Whereas** PIPSC has also been involved in a series of projects that take EDI as a starting point, including the Women in Science Initiative, and the creation of six equity caucuses including the Black Caucus; the Indigenous Caucus; the (dis)Ability Caucus; the Workers of Colour Caucus; the LGBTQ2S+ Caucus; and the Women Caucus; and

**Whereas** it is more important than ever before that we continue to build on our past efforts and ensure that our commitment to advancing equity, diversity, and inclusion (EDI) best practices is strategic, meaningful, and intentional.

**Be it resolved** that PIPSC commits to equity, diversity and inclusion through the integration of EDI policies, strategies, and principles across our union as key indicators of excellence.

**Be it further resolved** that PIPSC provide a program of education on EDI to all active members and staff.

**Be it further resolved** that the PIPSC Board of Directors undertake an EDI needs analysis, through engagement with EDI experts and consultation with members, to continue identifying and recommending best practices in EDI.

**Be it further resolved** that the PIPSC Board of Directors create a strategic roadmap to implement the recommendations of the needs analysis; and

**Be it further resolved** that the PIPSC Board of Directors report its progress to our members at the 2022 AGM.

**Financial considerations:**

The budget to design and implement an EDI strategic plan is estimated at \$1.375 million for the initial implementation. This amount includes:

EDI training - Salary replacement	\$475K
Training cost	\$450K
Self-Directed anti-racism training (including salary replacement)	\$250K
Needs analysis	\$150K
Professional services to Board	\$50K
<b>TOTAL ESTIMATED COST</b>	<b>\$1.375M</b>

The mover of the motion explained that this would be an investment that would result in the Institute being a more representative union that would ensure all members are treated equally and with respect. This is in line with a decision made by the Board to put in place a plan to support all members and making sure the Steward network is well tooled to assist members in the workplace . Government is favorable to this type of policy and through consultation, the employer could probably cover these costs. Such a needs analysis should be done internally and it is critical for PIPSC to take the lead on this important labour issue that impacts all members.

Some were of the view that members' dues should go towards representation and bargaining and to negotiate good collective agreements. Many organizations tackle EDI issues on a larger scale, such as the CLC therefore the Institute should leverage training at those levels and not spend such a considerable amount of dues funds on this initiative. The principles of EDI are important and they should already be recognized and engrained in the organization and in Stewards and should already be part of the culture of the union. This is considered mandatory training in some workplaces therefore there is no need to duplicate those efforts.

Some were unclear on the training cost and who would be the service provider. It was noted that the service provider would be determined at a later date and it was clarified that the cost was based on quotes received from various service providers.

Some were favorable to the intent of advocating for EDI policies but were of the view that it could cost several millions of dollars to train all members and staff of the Institute.

Some felt that even though some Stewards already received this training, it would still be important to ensure that all members receive the training given the reality of EDI issues being faced in the workplace. As such, the necessary funds should be allocated to do so. Even though PIPSC already does a lot on being an inclusive organization, more needs to be done.

Clarification was sought on whether PIPSC would own the copyright of the development of the software if coming from a third party.

It was suggested that the HRDC be mandated to take this on and/or that training platforms dedicated to EDI training be set up at Steward Councils.

A request was made to split the motion and that the following "be it resolved" be debated separately:

**Be it further resolved** that PIPSC provide a program of education on EDI to all active members and staff.

Debate resumed on the following split motion – L1 Part 1,

**Be it resolved** that PIPSC commits to equity, diversity and inclusion through the integration of EDI policies, strategies, and principles across our union as key indicators of excellence.

**Be it further resolved** that the PIPSC Board of Directors undertake an EDI needs analysis, through engagement with EDI experts and consultation with members, to continue identifying and recommending best practices in EDI.

**Be it further resolved** that the PIPSC Board of Directors create a strategic roadmap to implement the recommendations of the needs analysis; and

**Be it further resolved** that the PIPSC Board of Directors report its progress to our members at the 2022 AGM.

It was pointed out that the costing of the split resolution would now be \$200K, covering the needs analysis, the strategic roadmap and the progress report.

From a labour relations perspective, the Institute should not rely on the employer to address EDI issues but should get organized and plan to address those issues for the benefit of its members. An important step is to conduct the needs analysis before moving forward with training, to ensure there is a clear understanding of EDI issues.

The question was called at this time. The assembly was in agreement to proceed to the vote at this time.

The motion **carried**.

On the following motion – L1 Part 2,

**Be it further resolved** that PIPSC provide a program of education on EDI to all active members and staff.

It was suggested that the newly elected Board look into this and come back to the 2022 AGM with a full analysis should be conducted before any decisions on the training program are made. The analysis will determine what kind of training is needed.

Some objected to this course of action, stating that even though a lot of work has already been done on the program to address internal issues, there was still a lot of work do to and referring the file back to the Board would result in the loss of a full year of productive work. It was noted that a significant portion of funds were for salary replacement spread out over three years.

The question was called at this time. The assembly was in agreement to proceed to the vote at this time.

The motion was **defeated**.

Debate resumed on resolution F-3 (approval of the budget),

**Be it resolved that the 2021 AGM approve the budget for the period of July 1, 2022 to June 30, 2023, as amended.**

Line 119 amended to \$200K, as per L-1, resulting in a deficit of \$158,770.

The question was called at this time. The assembly was in agreement to proceed to the vote at this time.

The motion **carried**.

*There were 370 registered delegates at this time (3:30 p.m.)*

**14.2 L-2 Election Activities - Sponsor: CS Group Executive**

**Moved and seconded that,**

**Whereas** problems have arisen in the past which have caused embarrassment to candidates and the Institute; and

**Whereas** current disciplines derived from a complaint does not deter the behavior; and

**Whereas** violations continue to happen during elections; and

**Whereas** policies, rules and conduct around elections need to be upheld,

**Be it resolved** that the following changes be made to the **Policy on Election of Officers and Directors of the Institute**, specifically:

**6. Ballots and Electronic Records**

***Distribution of Ballots***

***Not later than twenty-one (21) days before the day fixed for the return of ballots, distribution of ballots, together with the appropriate biographical sketches, all founded complaint offenses, the discipline taken and the offender's name, shall begin to be sent to each member entitled to vote.***

The mover explained that the motion addressed issues around election complaints, holding candidates accountable for their actions and ensuring full transparency in the process. In the mover's view, this could help change the behavior of candidates and reduce the number of complaints.

The Chair of the Elections Committee spoke against the motion, stating that there are a number of issues with this resolution, the first and most important one being that this would in effect dictate the discipline handed out to members found to have violated elections rules and policies. As per BL 17.3.2, this is part of the Elections Committee's mandate:

“take such corrective action as it deems necessary. Corrective action taken by the Elections Committee may include, **but is not limited to**

- (i) Declaring the election or any candidacy in such elections to be null and void;
- (ii) Removal of the right to vote in that election

The Elections Committee has acted and continues to act within its authority. It has created a progressive discipline process, which includes discipline ranging from written warnings to the removal of candidacy. Included in this process are various levels of publication of the violation dependent on the scope and severity of the action and any aggravating or mitigating actions involved.

Secondly, as a matter of practice, this would not be practically possible since many violations occur after the ballot keys have been sent to members. This would allow some candidates the ability to delay their rule violation until after the ballot keys were sent out, thus avoiding attention being drawn to the violation. Furthermore, as candidates with founded complaints have the right to appeal, publication or notification (if that is a determined discipline) could not be done until this appeal process was concluded.

Finally, not all violations involve the actual candidate. In some cases, they could involve a member who is acting in support of a candidate. Such publications could either damage or benefit that candidate and could open up the possibility for a member to intentionally “create a violation” regarding a candidate in the hope that the automatic publication of this complaint could sabotage the candidacy of that candidate.

These are just some of the issues the Elections Committee has to consider when deciding to publish the results. Passing this motion would be inconsistent with BL17.3.2 as it would require the Elections Committee to issue a specific discipline (publication) and would tie the Committee’s hands.

The AGM should allow the Elections Committee to consider the intent of the resolution as part of its post mortem on this year’s election and make sound decisions. As written, there are too many flaws in this resolution. The Chair of the Elections Committee also noted that this could and would only apply in the next election cycle. He also clarified that the Elections Committee applies corrective measures – not discipline and also applies progressive corrective measures.

Some were of the view that some candidates are sometimes breaking election rules to gain votes and the punishment is simply the loss of their vote. There is no way for members to know what the infractions are and there is no accountability. The intent of the motion is to put in place a process that would show patterns from previous elections and allow members to be aware what candidates stand for.

The mover clarified that the spirit of resolution is that it falls under the Policy on Elections therefore it would not apply to all types of complaints - only to founded election complaints.

Some felt that although the spirit and intent of the resolution are good, it was trying to solve the wrong problem. Many complaints deal with challenges around accessing members during the election campaign, which is what needs to be fixed. The means of communications are too restrictive and the rules on that front give rise to complaints. Those rules need to be revised and would reduce and perhaps eliminate repeated infractions at each election cycle. Members have a right to have access to candidates (and vice-versa) to know what they stand for and who they will be voting for.

Some were unclear what this would accomplish if only the complaints filed before the vote starts would be considered. The Elections Committee should be left to run national election. Being in its third year of its mandate, the Committee could have the opportunity to look into this further while taking the AGM's comments and concerns into account.

The question was called at this time. The assembly was in agreement to proceed to the vote at this time.

The motion **carried**.

### **14.3 Debate Pertaining to Resolution L-3**

The Chair ruled on resolution L-3, stating that the *Act* does not prevent organizations from instituting their own practices to make an AGM more efficient, including, in some organizations, allowing resolutions committees to combine, amend or outright reject resolutions. Therefore, including a requirement that at least one constituent body be prepared to sponsor the resolution does not contravene a member's rights to "submit a matter to the corporation". The matter has been submitted but has been deemed inadmissible in light of the rules implement by that organization. Also, a reminder that this process was implemented as a result of the extenuating circumstances of holding an AGM virtually due to COVID-19.

Furthermore, the *Act* does not prevent organizations from establishing process rules around submitting resolutions. There is no absolute right to have every resolution make it to the floor of the AGM

As such, the Chair stated that resolution L-3 would not be entertained

The sponsor of resolution L-3 appealed the ruling of the Chair and provided the following references:

*PIPSC is legislated by the Canada Not for Profit Act. Accordingly PIPSC must follow the CNFPA's provisions explicitly - there can be no deviation or else PIPSC violates the law.*

So under Part 10 Bylaw 151(6), Member proposal

*(6) A member entitled to vote at an annual meeting of members may, in accordance with section 163, make a proposal to make, amend or repeal a by-law.*

He pointed out that for this AGM, the rules state that only certain constituent bodies such as the Board, Groups, Regions, or the RMG can sponsor / present resolutions. None of these bodies are

delegates and when asked to move, second, amend, speak on resolutions, it is the delegate who does so - not the constituent body.

In his view, there is an inconsistency used to determine who can sponsor resolutions, one that the Board states can be only done by the Board, Groups, Regions, and the RMG. Yet, the law is clear that delegates of the Annual General Meeting can do so.

Furthermore, the PIPSC BLs comply with the *CNFPA*.

*BL 13.1.2 Voting cites: Only delegates at a General Meeting shall be entitled to make or second motions or resolutions and to vote thereon. No delegate shall carry more than one (1) vote.*

As such, neither the *CNFPA* nor PIPSC BLs recognize another entity, such as a constituent body, as one that can propose, move, second, amend, or vote on a resolution.

The sponsor further added that should a delegate propose a resolution at the AGM, it would be deemed untimely, a late resolution. Yet resolutions proposed by non-delegates to the AGM are considered legitimate and timely. He was unclear on how this violation of the *CNFPA* or PIPSC BLs could be allowed to happen. In his view, the rights of delegates were severely compromised and therefore the rights of the AGM, the supreme governing body of the Institute, were as well.

There was a time when the AGM allowed resolutions to be handled in accordance with the *CNFPA* and PIPSC BLs to allow AGM delegates to propose, amend, move, second resolutions. The scheduling of any and all resolutions by any means is fair and transparent however the legality, fairness and transparency is not present at this AGM.

Finally, the sponsor reiterated that as per PIPSC BLs, the AGM is the supreme governing body of the Institute and AGM delegates should be determining what happens at their AGM. All other matters are to assist in the administration and conduct of the AGM, including deadlines to submit motions on the floor.

#### ***Right to submit and discuss***

***163 (1) A member entitled to vote at an annual meeting of members may***

***(a) submit to the corporation notice of any matter that the member proposes to raise at the meeting, referred to in this section as a "proposal"; and***

***(b) discuss at the meeting any matter with respect to which the member would have been entitled to submit a proposal.***

Some delegates spoke in support of the sponsor, stating that the assembly has the right to hear all resolutions. It was noted that sometimes issues arise once the deadline for resolutions has passed and that should be considered.

Clarification was sought on the subject matter of resolution L-3. The Chair did not divulge that information as the debate was around the rules around the sponsorship of resolutions. He stated that rules are in place for everyone and those rules need to be applied consistently. Some emergencies can be considered however this was not the case. Allowing resolution L-3 to be debated would not be fair to others who followed the rules. Only the suspension of the rules would

allow the late resolution to be debated. This would be the same effect as not supporting the Chair's decision.

The question was called on the challenge to the Chair. The assembly was in agreement to proceed to the vote at this time.

The assembly sustained the Chair's decision. Resolution L-3 was not debated.

**15. Adjournment**

**Moved and seconded that the 2021 AGM adjourn. Carried**

**16. Announcement of Election Results**

The Chair of the Elections Committee announced the results of the 2021 elections.

The AGM adjourned at 4:45 p.m.