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Alleged Polling Violations with Respect to Membership Voting Practices over the Past Year

I am alleging that during the Special NEC meeting on February 8, 2016, the CAPE National President indicated to the NEC that she had maintained complete and full Insite Systems server access to confidential polling and voting results, which by proxy enabled her to access these results while ratification votes were underway. I am also alleging that the CAPE National President only removed this access earlier that day on February 8, 2016, as she mentioned to the NEC at this same Special NEC meeting.

I am also alleging that during a CAPE NEC Slate meeting on February 7, 2016, the CAPE National President also admitted to her CAPE NEC Slate colleagues that were present and on the phone during this meeting, that she did in fact access the CAPE Insite Systems server to view active voting and polling results, while CAPE elections and ratification votes were underway, both directly and indirectly through staff direction, and described her actions as “indefensible” and as a “lapse in judgement” during that meeting. While I had previously renounced my CAPE CSU (CAPE STAND-UP) Slate

membership and was not present at that meeting, I received detailed summaries of the events that transpired between February 5-7, 2016 following the February 5, 2016 tabling of the *Petition to Have Emmanuelle Tremblay Removed as President of CAPE*, and I will be tabling evidence to this effect, and will be calling the remaining NEC CSU Slate members to do the right thing, and to testify to this effect, for the overall wellbeing of the membership and Association.

I am alleging that the CAPE National President violated the basic democratic principles of free elections within CAPE, further to Article 29 of the CAPE Constitution and CAPE By-Law # 3 (*i.e.*, specifically By-Law Articles 3.15, 3.19, 3.21 and 3.23), by accessing the results of electronic voting, within the Insite Systems Membership Database Polling Portal, while the votes were still underway, during the last vacant EC Director election in October and November 2015, and the vote on the *Adoption of the Motion for a Progressive Dues Structure Proposal*, by using this active and real-time polling information to lobby members at key CAPE Locals, to vote in favour of the motion and in favour of her CAPE STAND-UP (CSU) Slate endorsed candidate, in violation of members' privacy rights further to Article 29.1 of the CAPE Constitution, and furthermore violating Article 11.7 of the CAPE Constitution, by advocating for this segregated constituency.

I am alleging violations of privacy parameters and abuse of authority for failing to protect the confidentiality and privacy of members' ratification votes, elections, surveys and polls, by violating the individual privacy of members by acquiring access to electronic records that track which way individual CAPE member have voted in recent and past votes, that were supposed to have been confidential and anonymous, further to Article 29.1 of the CAPE Constitution and CAPE By-Law # 3 Articles 3.15, 3.19, 3.21 and 3.23. On numerous occasions the President allegedly commented that she was amazed at how much survey and polling capability that the Insite Systems module afforded her, with respect to accessing these results, both retrospectively and in real-time during active ratification votes. These precise details and evidence will be provided during the CRC and ERC investigations, and I am requesting a separation order to remove the CAPE National President from the immediate work environment, while the investigation is underway, to protect the CAPE staff in question, from potential retaliatory action from the CAPE National President.

I am alleging that the CAPE National President maintained complete network access to all voting and polling, and that she did not build safeguards in place, to protect member confidentiality, furthermore, violating Article 29.1 of the CAPE Constitution and CAPE By-Law # 3 Articles 3.15, 3.19, 3.21 and 3.23. These precise details and evidence will be provided during the CRC and ERC investigations, and I am requesting a separation order to remove the CAPE National President from the immediate work environment,

while the investigation is underway, to protect the CAPE staff in question, from potential retaliatory action from the CAPE National President.

I am alleging that during the last vacant EC Director election in October 2015, that the CAPE National President was using Insite Systems to produce real-time polling reports both directly and indirectly, to track and monitor candidates' vote counts, to counter the candidacy of Ms. Maureen Collins. On November 16, 2015 I was allegedly handed a vote tabulation report by Ms. Tremblay, which I am tabling as an Appendix to this document, which was date stamped as November 16, 2015 on the actual document, and Ms. Tremblay subsequently engaged in direct and indirect efforts to counter the candidacy of Ms. Collins. During the CRC and ERC investigations, I will be releasing comprehensive electronic records and e-mail correspondence, that document these efforts of the President, from my private server electronic disk space entitled: *NEC Slate*, *CSU*, and *PS Caucus*. These precise details and evidence will be provided during the CRC and ERC investigations, and I am requesting a separation order to remove the CAPE National President from the immediate work environment, while the investigation is underway, to protect the CAPE staff and NEC members in question, from potential retaliatory action from the CAPE National President.

I am alleging that the CAPE National President maintained an Insite Systems separate polling portal dashboard on her CAPE office computer, that she allegedly showed me on over 10 occasions during the voting period in November 2015.

I am alleging that the CAPE National President also accessed Insite Systems during previous polling, surveys and membership budget voting, and that she candidly spoke of these real-time vote results, while membership voting was still underway.

I am alleging that on the evening of February 2, 2016, after a CAPE NEC Finance Sub-Committee meeting, at approximately 6:30pm, that the CAPE National President accessed real-time collective bargaining survey results for both EC and TR members in front of both myself and the TR VP, Mr. Andre Picotte, on her office computer, while this survey was still active for several more days. When the CAPE National President allegedly accessed these real-time survey results in the presence of the two CAPE National VPs, showing us her monitor as she accessed these survey results, I am alleging that she was very matter-of-fact about it, and expressed no concerns that what she was doing was wrong or not allowed. I am also alleging that both myself and Mr. Picotte had a lengthy discussion after this meeting to discuss our path forward in trying to address our concerns.

I am alleging that the CAPE National President directed or attempted to direct national office Administrative and Membership Services staff to produce voter poll reports similar to the one in my Appendix, in completely indiscrete manners, and there were several of

these reports allegedly floating around the CAPE national office, and this was common knowledge at the office. These precise details and evidence will be provided during the CRC and ERC investigations, and I am requesting a separation order to remove the CAPE National President from the immediate work environment, while the investigation is underway, to protect the CAPE staff in question, from potential retaliatory action from the CAPE National President.

I am alleging that I was placed under tremendous duress by the CAPE National President when I expressed my repeated concerns with respect to these practices, which were in clear violation of the CAPE Constitution and By-Laws. I am alleging that I was characterized as "risk averse" by the CAPE National President when I outlined my concerns, and that I was generally characterized by her as "risk averse" to our NEC colleagues. These precise details and evidence will be provided during the CRC investigation, and I am requesting a separation order to remove the CAPE National President from the immediate work environment, while the investigation is underway, to protect the CAPE staff and NEC members in question, from potential retaliatory action from the CAPE National President.

I am alleging that I outlined my concerns to the management team on at least 30 occasions during the last polling period. These individuals will be called to testify during the CRC investigation. I am alleging that I documented these concerns to protect myself. These precise details and evidence will be provided during the CRC investigation, and I am requesting a separation order to remove the CAPE National President from the immediate work environment, while the investigation is underway, to protect the CAPE staff in question, from potential retaliatory action from the CAPE National President.

I am alleging that CAPE Membership Services staff were complaining to the management team about being directed to produce active polling reports. I am alleging that the management team was deeply concerned by the President's conduct around polling access. These precise details and evidence will be provided during the CRC investigation, and I am requesting a separation order to remove the CAPE National President from the immediate work environment, while the investigation is underway, to protect the CAPE staff in question, from potential retaliatory action from the CAPE National President.

I am alleging that the management team in one particular instance, with an internal CAPE staff Labour Relations matter, was unwilling to take action and possibly reprimand one particular CAPE employee, for fear that the individual in question would possibly threaten to disclose the polling violations, in retaliation for any internal labour relations and/or disciplinary measures which may have been rendered. These precise

details and evidence will be provided during the CRC investigation, and I am requesting a separation order to remove the CAPE National President from the immediate work environment, while the investigation is underway, to protect the CAPE staff in question, from potential retaliatory action from the CAPE National President.

I am alleging that several CAPE Employees Staff Union (ESU) representatives spoke to me about their concerns about the CAPE National President accessing confidential polling results while an election and voting was underway. These precise details and evidence will be provided during the CRC investigation, and I am requesting a separation order to remove the CAPE National President from the immediate work environment, while the investigation is underway, to protect the CAPE staff in question, from potential retaliatory action from the CAPE National President.

I am alleging that it was common knowledge at the CAPE national office that the CAPE National President was accessing confidential polling results while an election and voting was underway, and that this created a toxic work environment. These precise details and evidence will be provided during the CRC investigation, and I am requesting a separation order to remove the CAPE National President from the immediate work environment, while the investigation is underway, to protect the CAPE staff in question, from potential retaliatory action from the CAPE National President.

I am alleging that an ESU representative spoke to me about the above concerns and requested an internal workplace assessment. When I subsequently raised these concerns with the management team and the CAPE National President, I am alleging that no action was taken, for fear that a workplace assessment would reveal the voting violations. These precise details and evidence will be provided during the CRC investigation, and I am requesting a separation order to remove the CAPE National President from the immediate work environment, while the investigation is underway, to protect the CAPE staff in question, from potential retaliatory action from the CAPE National President.

I am alleging that I raised my concerns with several of my NEC colleagues, beginning in June 2015, before the alleged November 2015 EC Director election, to complain about the polling access in addition to other violations, as I felt that the CAPE National President was allegedly "out of control." I eventually maintained these efforts beyond partisan (NEC CSU Slate) lines in order to seek support and counsel on how to remedy this alleged wrongdoing, and guidance on how to continue to deal with the CAPE National President, as I allegedly felt vulnerable in my efforts to push back on my concerns. I am alleging that the office environment was quite toxic, and that this alleged wrongdoing and poor management practice was directly and indirectly contributing to the poor health of CAPE national office staff, leading both directly and indirectly to

several resignations and bouts of sick (and/or disability related) leave. These precise details and evidence will be provided during the CRC investigation, and I am requesting a separation order to remove the CAPE National President from the immediate work environment, while the investigation is underway, to protect the CAPE staff and/or NEC members in question, from potential retaliatory action from the CAPE National President.

I am alleging that at least one Labour Relations Officer started making inquiries around November 2015 when the allegedly overt polling violations were occurring, about who our Privacy Officer was in the Association. I am alleging that there were references that Mr. Jean Oullette was the previous Privacy Officer, and that he previously maintained Association privacy protocols during surveys, polling, and elections, particularly around the CAPE National President, to ensure that there were no confidential polling breaches, and he ensured that the former CAPE National President had no access to voting information. I am also alleging that during Mr. Oullette's tenure, that he ensured that no staff had access to voting information during active polling, surveys, voting and/or ratification votes. I am further alleging that after Mr. Oullette's departure, that the CAPE National President deliberately and willfully dismantled any privacy protocols, to gain advantage and access to polling results, for her benefit. I am alleging that these efforts were not benign nor accidental, but deliberate and calculated. These precise details and evidence will be provided during the CRC investigation, and I am requesting a separation order to remove the CAPE National President from the immediate work environment, while the investigation is underway, to protect the CAPE staff in question, from potential retaliatory action from the CAPE National President.

I am alleging that the main reason that the CAPE National President wanted to maintain a service agreement with Insite Systems, despite its deficiencies and poor membership dues database capabilities, was because of the polling access and power that it allegedly afforded the CAPE National President. I am also alleging that I was coerced, repeatedly censored, and that my NEC VP reports and oral presentations were redacted, and that the NEC was often allegedly lied to by the CAPE National President. I am alleging that the details around the renewal of the Insite Systems two year contract in December 2015 that were reported to the NEC on January 27, 2016 were not accurate, and that the NEC was deliberately misled by the CAPE National President, with respect to overstating any expediency for signing an extension with Insite Systems, to avoid revisiting the NEC November 25, 2015 decision record with respect to the membership services database.

I am alleging that I have e-mail correspondence during the period from September to December 2015, that demonstrates that the CAPE National President was orchestrating a calculated effort to direct an outcome for this particular EC Director election and

Adoption of the Motion for a Progressive Dues Structure Proposal, by directing efforts to target key Locals, through the distribution of campaign materials for a particular CSU Slate endorsed candidate. I am alleging that I was under considerable duress to engage in active campaigning for the CSU Slate endorsed candidate, but that I never distributed pamphlets, and that I lied to the CAPE National President, so that she would stop bothering me. I am further alleging that CAPE national resources were used for partisan campaigning efforts. I am also alleging that there was Local interference on behalf of the CAPE National President for partisan campaigning efforts. I am alleging that there were concerted efforts underway to maintain a NEC CSU Slate majority membership by the CAPE National President, to allegedly continue to undermine the legitimacy of an independent NEC, so as to continue to serve a very minor sub-constituency of the general membership. I am alleging that the Office of the EC/LoP VP was significantly undermined by these efforts, and I was effectively muzzled and prevented from playing an independent challenge function, against the authority of the Office of the CAPE National President, particularly with respect to alleged wrongdoing. These precise details and evidence will be provided during the CRC and/or ERC investigation, and I am requesting a separation order to remove the CAPE National President from the immediate work environment, while the investigation is underway, to protect the CAPE staff and/or NEC members in question, from potential retaliatory action from the CAPE National President.

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