



# MILITARY GRIEVANCES EXTERNAL REVIEW COMMITTEE



## OUR MANDATE

The Military Grievances External Review Committee is an independent administrative tribunal reporting to Parliament through the Minister of National Defence.

The Committee reviews military grievances referred to it pursuant to section 29 of the *National Defence Act* and provides findings and recommendations to the Chief of the Defence Staff and the Canadian Armed Forces member who submitted the grievance.

*The Military Grievances External Review Committee acts as the external and independent component of the Canadian Armed Forces grievance process.*

## ABOUT THE COMMITTEE

The Military Grievances External Review Committee (MGERC) was created in 1998 by amendments to the *National Defence Act* (NDA), and was originally named the Canadian Forces Grievance Board. The MGERC is an administrative tribunal with quasi-judicial powers independent of the Department of National Defence and the Canadian Armed Forces (CAF). It reviews all grievances referred to it by the Chief of the Defence Staff (CDS) and provides findings and recommendations (F&R) to the CDS and the grievor.

The Committee consists of Governor in Council (GIC) appointees who, alone or in panel, are responsible for reviewing grievances and issuing F&R. Under the NDA, the GIC must appoint a full-time Chair, at least one full-time Vice-Chair and one part-time Vice-Chair. In addition, the GIC may appoint any other full or part-time members the Committee may require to carry out its functions. Appointments may be for up to four years and may be renewed. Grievance officers, team leaders and legal counsel work directly with Committee members to provide analyses and legal opinions on a wide range of issues.

On June 19, 2013, pursuant to legislative amendments, the Canadian Forces Grievance Board was renamed the Military Grievances External Review Committee.

## THE CANADIAN ARMED FORCES GRIEVANCE PROCESS

Section 29 of the NDA provides a statutory right for an officer or a non-commissioned member who has been aggrieved to grieve a decision, an act or an omission in the administration of the affairs of the CAF. The CAF grievance process consists of two levels and begins with the grievor's Commanding Officer (CO):

### LEVEL I: REVIEW BY THE INITIAL AUTHORITY (IA)

STEP 1	The grievor submits a grievance in writing to his or her CO.
STEP 2	The CO acts as the IA if he or she can grant the redress sought. If not, the CO forwards the grievance to the senior officer responsible for dealing with the subject matter. Should the grievance relate to a personal action, decision or omission of an officer who would otherwise be the IA, the grievance is forwarded directly to the next superior officer who is able to act as IA.
STEP 3	The IA renders a decision and, if the grievor is satisfied, the grievance process ends.

### LEVEL II: REVIEW BY THE FINAL AUTHORITY (FA)

Grievors who are dissatisfied with the IA's decision are entitled to have their grievance reviewed by the FA, which is the CDS or his/her delegate.	
STEP 1	The grievor may request that his or her grievance be forwarded to the CDS for consideration and determination.
STEP 2	Depending on the subject matter of the grievance, the CDS may be obligated to, or may, in his or her discretion, refer it to the Committee. If the grievance is referred for consideration, the Committee conducts a review and provides its F&R to the CDS and the grievor. Ultimately, the FA makes the final decision on the grievance.

## WHAT TYPES OF GRIEVANCES DOES THE COMMITTEE REVIEW?

The types of grievances that must be referred to the Committee are detailed in article 7.21 of the *Queen's Regulations and Orders for the Canadian Forces*. They include:

- ▶ administrative actions resulting in deductions from pay and allowances, reversion to a lower rank or release from the CAF;
- ▶ application or interpretation of certain CAF policies, including those relating to conflict of interest, harassment or racist conduct;
- ▶ pay, allowances and other financial benefits; and
- ▶ entitlement to medical care or dental treatment.

The CDS must also refer to the Committee grievances concerning a decision or an act of the CDS in respect of a particular officer or non-commissioned member.

Furthermore, the CDS has discretion to refer any other grievance to the Committee.

## WHAT HAPPENS WHEN THE COMMITTEE RECEIVES A GRIEVANCE?

The Committee's internal review process consists of three steps: grievance reception, review, and the submission of F&R.

<b>GRIEVANCE RECEPTION</b>	Upon receipt of a grievance, the grievor is contacted and invited to submit additional comments or other documents relevant to his/her case.
<b>REVIEW</b>	The assigned Committee member holds a case conference where the grievance is reviewed and the issues are identified. The Committee member is assisted by a team leader, a grievance officer and legal counsel. If necessary, additional documentation is obtained and added to the file and subsequently disclosed to the grievor. Although rare, it is possible a hearing may be held.
<b>FINDINGS AND RECOMMENDATIONS</b>	The Committee member issues the final F&R which are then sent simultaneously to both the CDS and the grievor. At this point, the Committee no longer retains jurisdiction over the grievance. The grievor receives a decision directly from the FA, which is the CDS or his or her delegate.

*The Final Authority (FA) is not bound by the Committee's findings and recommendations (F&R). However, where the FA does not act on an F&R, the reasons for not having done so must be included in the final decision.*



## VISIT THE COMMITTEE'S WEBSITE

The Committee publishes on its Web site summaries of the cases reviewed during the last three years, as well as recommendations on systemic issues affecting not only the grievor, but other Canadian Armed Forces (CAF) members.

These summaries and recommendations provide a wealth of information about the Committee's interpretation of policies and regulations, as well as on key issues and trends; the decisions of the Final Authority are also included.

Other Committee publications available on the Web site include bulletins designed for CAF members, as well as the latest issues of *Perspectives*, a publication intended for senior CAF decision-makers.

## CONTACT US

**Military Grievances External Review Committee**

60 Queen Street  
10th floor  
Ottawa, Ontario K1P 5Y7

Tel: 613-996-8529  
Toll Free: 1-877-276-4193  
TTD: 1-877-986-1666

Fax: 613-996-6491  
Toll Free: 1-866-716-6601

Email: [mgerc-ceegm@mgerc-ceegm.gc.ca](mailto:mgerc-ceegm@mgerc-ceegm.gc.ca)

[www.mgerc-ceegm.gc.ca](http://www.mgerc-ceegm.gc.ca)

