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VICE CHIEF OF THE DEFENCE STAFF

DIRECTOR GENERAL INTEGRATED CONFLICT AND COMPLAINT MANAGEMENT



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2019

Director General
Integrated Conflict and Complaint Management

Annual Report

Canada 

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Message from the Chief of the Defence Staff

The strength of the Canadian Armed Forces comes from its members, and the trust and cohesion among them. We have an obligation to look after our people, and ensure that we provide a safe, healthy, and respectful workplace for those who have raised their hands and volunteered to defend Canada and protect Canadians.

The Integrated Conflict and Complaint Management (ICCM) system is an innovative, one-stop approach to managing conflict. It empowers our members to address issues early, locally, and informally as much as possible. The program offers a range of options to deal with harassment, complaints, conflict resolution and grievances with a single point of contact. When conflicts can be resolved at the lowest level, and our members feel like their concerns are being heard and addressed, then our force becomes more operationally effective.

ICCM also helps address two recommendations made by former Supreme Court Justice Marie Deschamps in her March 2015 report: *the need to simplify the harassment complaint process and the need to establish a better harassment complaint tracking system.*

One of the strengths of ICCM is its regional model. There are now 16 Conflict and Complaint Management Service Centres operating around the country, and the online self-help portal provides CAF members access wherever they are. These centres provide the resources so that all members of the Defence Team can better understand the options available for addressing a conflict or complaint.

Through ICCM's centralized tracker, CAF leaders can gain a better understanding of the scope of inter-personal conflicts in the workplace. The monthly strategic report provided by ICCM will empower leadership to address underlying or systemic issues.

I am very proud of the efforts and achievements of the ICCM team in their second year of operations, and I look forward to their continued progress.

– **Gen Jonathan Vance**

ICCM MANDATE

Complaints concerning service conditions in the Canadian military are governed by a number of statutes and regulations, including the Queens Regulations and Orders and the Defence Administrative Orders and Directives. Together, these establish a system of formal, rights based complaint processes and informal, interest based processes through which members can resolve conflict.

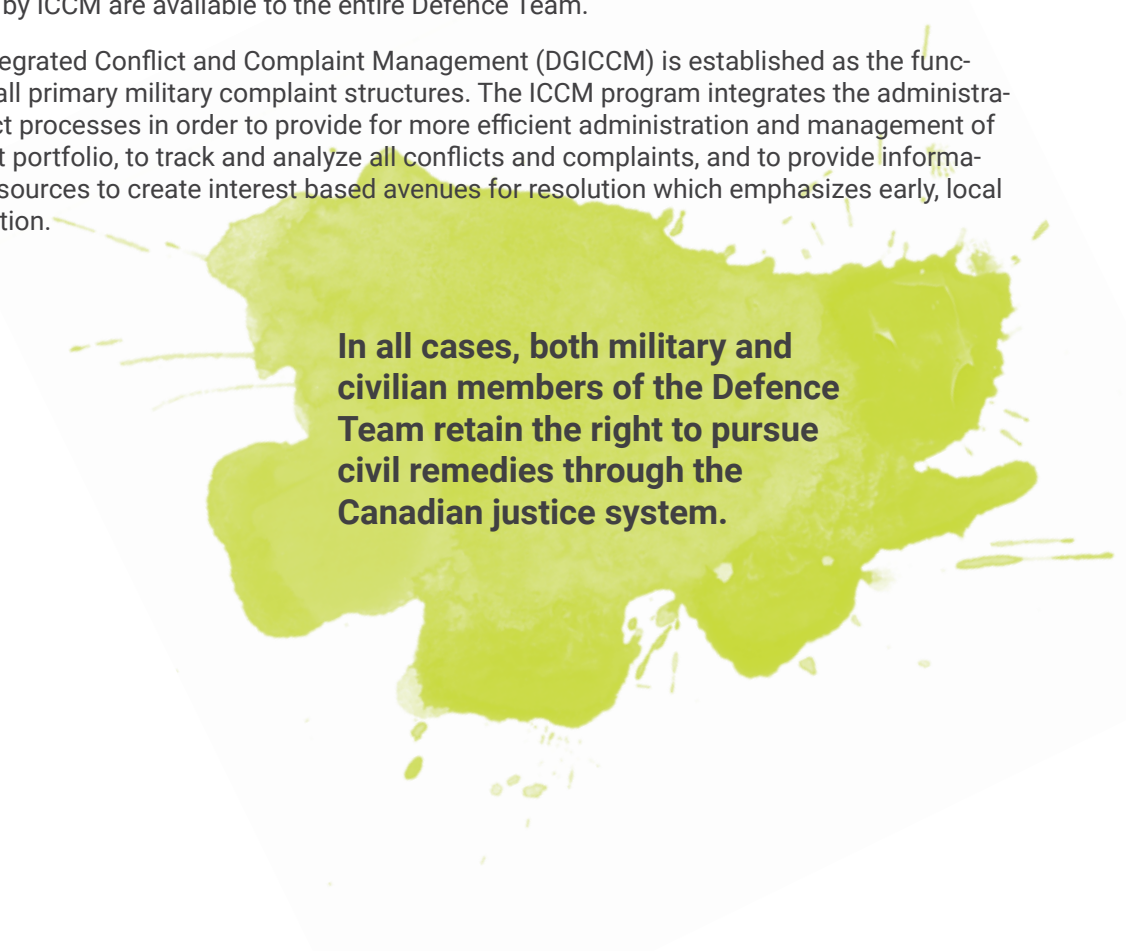
The principal rights based mechanism is the Canadian Forces Grievance System, through which military members can address dissatisfaction with any decision, act, or omission through their Chain of Command. Where a member feels they are affected by any form of harassment in the work place, a formal process exists for the reporting, investigation, and restitution of harassment complaints.

A further process exists for members to raise complaints concerning having suffered discrimination on any of the thirteen prohibited grounds provided for in the Canadian Charter of Human Rights and Freedoms.

Additional appeal mechanisms exist within the CAF that are intended to address decisions made in the application of policies in very specific circumstances such as Director Military Careers Administration review of administrative actions and the Surgeon General committee consideration of certain aspects of health care administration, treatments or benefits. These are not within the ICCM mandate and are not discussed here.

Formal complaint structures are provided for military members while civilian members have similar recourse through their collective agreements, and through processes designed and established to support the civilian work force unique requirements. All informal conflict resolution programs, services and resources provided by ICCM are available to the entire Defence Team.

Director General Integrated Conflict and Complaint Management (DGICCM) is established as the functional authority for all primary military complaint structures. The ICCM program integrates the administration of these distinct processes in order to provide for more efficient administration and management of the entire complaint portfolio, to track and analyze all conflicts and complaints, and to provide information, training and resources to create interest based avenues for resolution which emphasizes early, local and informal resolution.



In all cases, both military and civilian members of the Defence Team retain the right to pursue civil remedies through the Canadian justice system.

ICCM delivers its programs and services through a network of 16 Conflict and Complaint Management Services (CCMS) centres located in major military population centers across Canada. These are staffed by CCMS Agents who are specially trained to assist military members to qualify and quantify their concerns and to select the best avenues to resolve them through either rights based or interest based options where appropriate. CCMS intake processes include noting each contact in the Integrated Complaint Registration Tracking System (ICRTS). ICRTS is a national database application which records and provides real time data on all conflicts and complaints when they are reported. This system, while remaining fully compliant with privacy regulation, enables individuals to track specific complaints and to an extent allows leaders to obtain real time awareness of their overall complaint portfolios.

Our Narrative

Whether serving as an administrator, CCMS Agent, Grievance Analyst or leader, ICCM's staff have been drawn to their roles and the ICCM program as agency whose story is one of caring, empathy and service. ICCM staff provide the knowledge, skill, and resources in the right place at the right time, with their innate sense of what needs to be done to help others, they are first and foremost a community characterized by action and compassion.



ICCM PROGRAMS

Reporting and Governance

The ICCM program represents a significant milestone in meeting the objectives of Canada's defence policy. One of the program's key feature is a new registration, tracking and case management application; the Integrated Complaint Registration and Tracking System (ICRTS). Eventually this system will be refined to provide real time performance measurement of ICCM programs both internally to members, and externally to Chains of Command to provide them with situational awareness.

ICCM is in the process of developing the capacity to offer comprehensive reporting on conflicts and complaints in the DND/CAF. As a first step, we have developed a monthly strategic report which outlines program initiatives, risks, opportunities and achievements. This report provides a snapshot into how ICCM is meeting its objectives and offers insight into key areas of conflict and complaint management by illustrating trends, describing the evolution of our service delivery and highlighting emerging issues. This report will be used to inform the development of reporting capacity via the program analytics platform, which will provide real time situational awareness to those seeking information on their respective conflict and complaint portfolios. A copy of the Strategic Report is available at Annex A Strategic Reporting - Results.

The ICRTS was implemented on 20 July 2018 and officially replaces both the Harassment Complaint Tracking System (HCTS) and the Military Grievance Registration System (CANFORGEN 186/18). This secure application has improved the tracking and emphasizes the timely resolution of cases by allowing effective and seamless file management. As of 31 March 2019, we have approximately 5000 files registered in ICRTS as well as 900 individuals using the application on a daily basis.

ICRTS enables a bi-monthly strategic report that is distributed to the L0 and L1 levels. In a subsequent phase, ICRTS will also assist Chains of Command by delivering accurate reporting of their conflict and complaint portfolios in real time, providing for enhanced visibility and enabling evidence based decision making. Looking forward, ICCM plans on further expanding its client based support with the inclusion of other important recourse structures such as Director External Review.

CANADIAN ARMED FORCES HARASSMENT ADVISOR (CAF HA)

Defence Administrative Order and Directive (DAOD) 5012-0- Harassment Prevention and Resolution is the DND/CAF policy currently applicable to members of the CAF and DND civilian employees. DAOD 5012-0 (as well as the Harassment Prevention and Resolution Instructions) are now the responsibility of the Vice Chief of the Defence Staff (VCDS). For DND civilian employees, ADM (HR-Civ) remains the authority.

DGICCM, under the VCDS, has the responsibility of managing the harassment prevention and resolution portfolio for the CAF. The appointment of a CAF Harassment Advisor (CAF HA) in 2017 and the dedication of suitable resources to this endeavor reflect the commitment to establishing an effective, lasting focus on addressing and eradicating harassment throughout the CAF.

The CAF HA's role, in partnership with the OPI for ADM (HR-Civ), includes the provision of guidance, policy interpretation and application, and the coordination of internal partners. The CAF HA strives to improve and strengthen harassment prevention and resolution capabilities through training, outreach as well as tracking and investigations.

The ICCM Harassment effort is at the center of a number of evolving initiatives that are both under consideration and occurring in the area of CAF and Defence Team workplace health, wellness and safety. How these new policy and organizational approaches which flow from these will affect structures, responsibilities and functional authorities remains uncertain. However, the key take away is that concerted efforts are underway to find the best approach to eliminate and prevent harassment within the Department as a whole, and to provide the necessary tools to Chains of Command to deal with reports of harassment quickly, thoroughly and in a manner that respects the needs of affected individuals, protects the dignity and rights of all members and preserves their work environments.

What's new?

Harassment Prevention

During fiscal year 2018-2019, DGICCM and ADM (HR-Civ) were to promulgate a joint DND/CAF National Harassment Prevention Strategy. Since the creation of DGICCM, the conditions that will make it possible to both develop and support policies on the prevention of harassment have gradually been put into place; including enhanced tracking/visibility, more accurate stats, and research on various topics. Additionally, the Unit Harassment Advisor Course has been re-worked to include a module on prevention; the aim being to assist in the development of locally-relevant prevention plans at the unit level.

The overarching draft National Harassment Prevention Strategy is being reviewed at senior levels. An online toolkit (which will be found on the DGICCM harassment page) is in development and will provide guidance, tools and resources relating to harassment prevention as well as resolution.

Renewed Emphasis on Procedural Fairness

A Final Authority (FA) level grievance decision relating to the handling of a harassment complaint resulted in the provision of VCDS Interim Direction – DND/CAF Harassment Policy Clarification on 24 December 2018. The grievor was not provided reasons behind the decision rendered by the Responsible Officer in relation to the Situational Assessment. It was noted that while the Harassment Prevention and Resolution Instructions (A-PM-007/FP-001) does not explicitly state that these decisions and reasons for the decision must be recorded in writing and disclosed to the complainant, it is implied. DGICCM will be amending the instructions on harassment prevention and resolution to ensure that the adherence to procedural fairness is detailed throughout the Harassment Resolution process.

Understanding and promoting procedural fairness is a core leadership competency that enables one to carry out the duty to act fairly and in a manner that builds trust.

“...administrative decisions affecting DND/CAF members must be made in accordance with the rule of law and in keeping with the principles of procedural fairness and natural justice. The principles of procedural fairness include: notice that a decision is being considered; disclosure of evidence used by decision maker; an opportunity afforded for the affected members to make representation; and the delivery of a fair, timely and unbiased decision, including the reasons for the decision, by the decision maker.”

**– VCDS Interim Direction
DND/CAF Harassment Policy Clarification 24 Dec 2018**



Through our Harassment Prevention, Human Rights, Grievance, and Alternative Dispute Resolution experience, the ICCM Program is reminding decision makers, leaders and managers that “how” one makes decisions is equally important as “what” decisions one makes. Collectively, the many FA decisions which grant grievances are evidence that more than 50% of issues reaching the FA are the result of errors in either simple decision making or decisions in the interpretation of policy. Decision makers are not necessarily making erroneous decisions. Too often they are not including consideration of established fairness principles, and many decisions are needlessly pushing complaints deeper into the system than they need to go. Decision making processes must be improved by reinforcing the importance of procedural fairness as a significant consideration, thereby enabling many conflicts and complaints to be addressed earlier, more locally and more informally, and at the same time permitting greater focus on systemic issues.

Utilizing well established principles of procedural fairness, the ICCM Program is facilitating the development of training modules to increase the competencies of decision makers in this regard. The aim is to remind members with decision making responsibilities that beyond exercising their authority, they are also expected to exercise their judgement.

A member, having been accused of Harmful and Inappropriate Sexual Behaviour was removed and prohibited from returning to his workplace. At the time, the member was the subject of both an Administrative Review for his actions and an Administrative Review of Medical Employment Limitations relating to a physical condition. The member's Chain of Command had incorrectly recommended to him that he seek to voluntarily release under Item 4C in order to avoid an adverse release item such as 5 (f) being assigned, and did so. The matter was further complicated by the member having been loaded on a qualification course while undergoing treatment for his medical issues. The CCMS agent was able to interact with the many agencies affecting the member, which in some cases were unaware of each other's concurrent actions. In cooperation with the Chain of Command and others, the Agent was able to assist the member and those agencies to ensure that the due process, procedures, policies, and assistance which the member was entitled to receive were fully and fairly applied. As the impending 4C release was abandoned, the member continued to receive Administrative and Medical support required during the Administrative Review process.

CAF Community of Practice

Ongoing discussions and coordination is occurring between the CAF HA and the L1 HAs. Unit HAs and Chains of Command are encouraged to ask questions up their Chain of Command to their respective L1 HAs or to their local CCMS agents who can reach back to the CAF HA and team as required.

Members are encouraged to attempt to resolve the problem early, informally and at the lowest level possible. If the complaint cannot be resolved, or a member is uncomfortable with addressing the problem themselves, they are encouraged to:

- Talk to their immediate supervisor, Workplace Relations Advisor or Commanding Officer; or
- Contact a local Conflict and Complaint Management Services Centre for assistance.

Unit Harassment Advisor (HA) Training

The Unit Harassment Advisor qualification training was updated during fiscal year 2018-2019 (new course code ALQI). DGICCM became the training establishment responsible for the content of the course. In order to ensure an effective delivery of the course, which had not been delivered in several years, a train-the-trainer (TTT) approach was adopted. Through the L1s, DGICCM obtained nominations over the summer of 2018. Four TTT sessions were held (2 English serials and 1 French serial in September 2018 and 1 English serial in December 2018). Upwards of 40 individuals (CAF and DND) across the country were trained to deliver ALQI.

The graphs below generally represent L1 HA training activity. Note that some courses may have included individuals from other L1s in order to fill available training spaces. Also, the effort to rejuvenate the trained HA Cadre only began in September 2018, when training programs for L1s were well underway. Thus they are not reflective of L1 resolve but of ability to react and incorporate training of HAs on relatively short notice.

The ICCM training cell is working with their L1 counterparts to obtain a clearer picture of the state of HA training: training needs and training plans. This will allow DGICCM to determine the requirement for additional harassment train-the-trainer sessions as well providing a re-evaluation of the ICCM training delivery model.

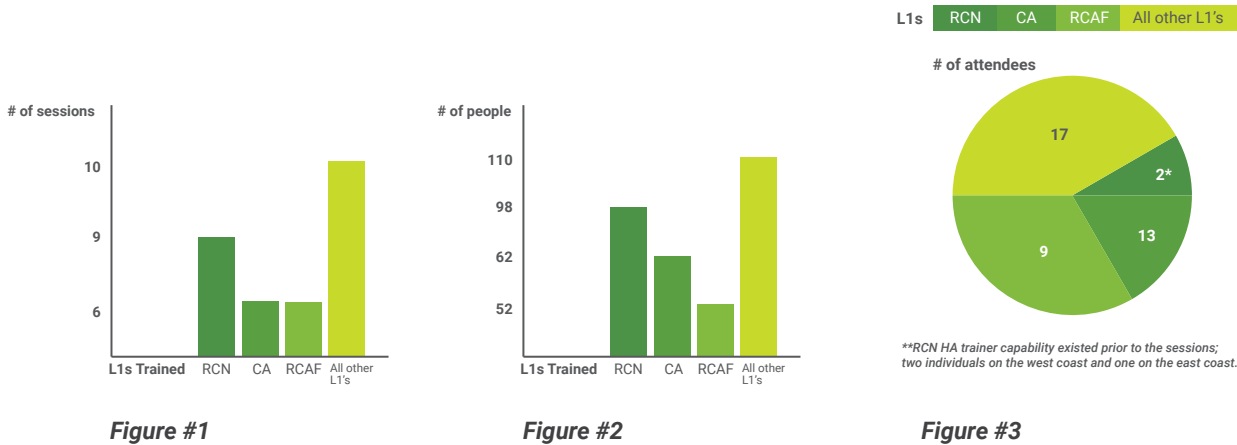


Figure #1

Figure #2

Figure #3

Number of HA Trainers, trained: 41; number of HAs trained, last FY is 269.

A distributed learning version the HA course is in development. This initiative would likely see a blended approach for the awarding of the ALQI Harassment Advisor qualification. An on-line component consisting of the knowledge base and prevention programs piece, would be combined with a 1 or 2 practicums based on scenario learning. If approved and funded, this product should be in place and available by early 2020.

CAF Harassment Investigation Capability

Significant progress has been made towards stabilizing and further operationalizing the ICCM cadre of Harassment Investigators. During the first year, necessary adjustments to the concept of operations will be considered and implemented as necessary. It is anticipated that HI staffing will increase incrementally until a balance in cases versus workloads are established. Until that time, any shortfall in HI requirements will be addressed through outsourcing, despite the inherent costs and quality control limitations of that approach.

The intent in time, is to build an internal, sustained capability to effectively and efficiently support the CAF in investigating harassment complaints.

Increasing capacity

In the summer of 2018, the addition of two managers - mandated to oversee harassment investigative services across the country - was the first step in providing ICCM with an investigative capability.

Six regional locations were selected in order to set up and establish Harassment Investigation Cells. These areas include Edmonton, Esquimalt, Borden, the NCR, Valcartier and Halifax. Two to four Investigators per region will be responsible for the provision of services within their assigned operational area.

A national staffing process was conducted, and 80% of the positions were filled, followed by a training session at the end of March 2019. Initial operating capacity was reached by **March 31, 2019**. Additional staffing will occur to fill the vacancies.

How to access an ICCM Harassment Investigator

Contact your local CCMS Office. Additional resources continue to be added to support the demand. Requests for investigation will be triaged, and ICCM Harassment Investigators will only be assigned the most complex and sensitive files while other investigations will need to be completed through the Standing Offer Index.

Harassment Complaint Tracking in the Integrated Complaint Registration Tracking System (ICRTS)

Version 2 of ICRTS is in development. The intent is to create an accessible case management module for harassment complaints; and to replace paper complaint files. This will allow for one repository to manage, use, retain and dispose of all harassment related information. Furthermore, this will allow for enhanced and holistic reporting of not only the number, type and location of complaints; but the automated detection and analysis of trends and emerging issues. This visibility will allow the CAF to learn from the harassment complaint portfolio to refine ongoing prevention efforts.

As of October 2018, CAF harassment complaints are now required to be registered via the Integrated Complaint Registration Tracking System (ICRTS) CANFORGEN 186/18 Integrated Conflict and Complaint Management - Launch of the New Integrated Complaint Registration and Tracking System refers. Chains of Command are to connect with their local CCMS office for guidance on how to obtain an account and register complaints.



...CAF members and the Chain of Command are directed to use this new capability and to ensure that all formal harassment complaints and military grievances are registered into ICRTS."

– CANFORGEN 186/18



DIRECTOR SERVICE DELIVERY (DSD)

Origins – Transformation/capacity building highlights

FY 18/19 has been quite transformational for the Directorate, throughout the transition from the formerly known 'Directorate of Alternative Dispute Resolution' (DADR) under the Chief of Military Personnel; to the 'Directorate of Service Delivery' (DSD) under the VCDS Group/ICCM Program (as of 31 May 2018); and, culminating with achievement of full operational capability (FOC) on 20 July 2018, as a more robust, nation-wide service delivery organization.

Under the ICCM Program, the Directorate is responsible for the leadership and management of conflict and complaint management services (CCMS) across Canada. The organizational construct which underpins CCM operations is comprised of four regions: Western/North, Central, and Eastern / OUTCAN and Atlantic. Regions are headed by senior managers that are responsible for the operations, administration, and staffing, of local CCMS centres.

SUCCESS STORIES

A member of the Defence Team spoke to a CCMS Agent regarding a supervisor being uncertain of how to approach an employee who was not performing. This was having a fallout effect on the team and creating what was described as a 'toxic workplace'. The CCMS Agent encouraged the member of the Defence Team to have the supervisor contact the CCMS; which they did. An ADR Practitioner was then able to coach the supervisor on how to have a difficult conversation. This enabled the supervisor to engage in a productive and useful conversation with the employee. The parties who were in communication with the CCMS reported a noted improvement and a positive impact on the workplace.

"I also want to thank you for having helped me... without you and what you did for me, I would not be here today... you were the only one who did anything to help."

– CAF Member

Empowering Members: A junior member in the combat arms trade was referred to a CCMS centre by the Sexual Misconduct Response Centre to explore resolution options pertaining to incidents of alleged HISB by another CAF member. Although reluctant to speak to anyone, the member agreed to connect with an Agent at the CCMS centre. The Agent was able to assist the member to build the confidence necessary to overcome their reluctance to make a formal report. After several conversations with the Agent to discuss the situation, and having learned more about resolution options, the member felt they could approach the chain of command to report the incident.

The member later provided feedback to the CCMS that if the Agent had not been patient and allowed the member to take control of their own process they would likely never have reported the incident.

Key Developments

From our four original service locations in Edmonton, Kingston, Ottawa and Halifax, ICCM has grown to offer 16 CCMS Centres and a full program and service suite across Canada, with more offices planned. At the same time, clients have been able to access an increasingly broad suite of programs and services delivered at all offices, online and overseas.

Agents are carefully selected and expertly trained to act as initial points of contact who listen to members, assist them in understanding their issues, and inform them of available options and considerations. Their internal network collaborates and shares lessons learned to leverage the knowledge gained by the program as a whole. Individual agents make this knowledge available as subject matter experts on demand to leaders and personnel alike – thereby addressing a long-standing capability gap. They also provide a local interface to refer and connect members to other Defence Team workplace health, wellness and safety service providers such as labour relations, (physical and mental) health services, and SISIP, among many others.

ICCM enables the improved availability of technology and virtual tools for self-help. Our team of service delivery professionals also ensure that all complaints and conflicts are entered into ICRTS. This tool ensures that every issue is monitored from start to finish, and is proactively managed to resolution.

The system enables leaders and supervisors to have real-time awareness and to better manage their conflict and complaint portfolios, with the second-order effects of ensuring transparency in conflict and complaint management and eliminating the possibility of real or alleged reprisal.

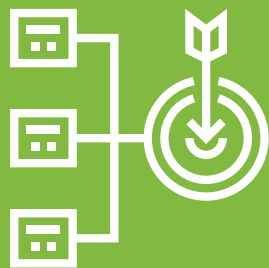


“Who we are” Service Delivery Tenets



ICCM Benefits:

- We help promote relationships;
- Effective conflict and complaint management has a positive impact on work environments and fairness, operational effectiveness, attraction and retention of talent;
- Our services are easy to access and confidential;
- We ensure end-to-end tracking of individual cases;
- The right to formal recourse mechanisms is protected;
- A broader spectrum of service offerings available, and
- Enhanced services to the Defence Team, for instance to those posted or deployed outside of Canada.



Foundations: notwithstanding the aforementioned major changes and that the Directorate is still an evolving capability, our foundational precepts remain:

Our Vision: a strong, healthy, resilient and engaged Defence Team.

Our Mission: to enable the Defence Team to effectively manage their conflicts and complaints early, locally and informally (ELI) and to guide them through formal complaint mechanisms when appropriate.

Our Purpose: we serve the Defence Team by providing accessible, responsive and personalized conflict and complaint management services whose results foster a climate of dignity and respect, that attracts talent, enhances operational effectiveness and retention.



Key tasks: as a service delivery team, we assist Defence Team leaders and personnel at all levels:

- In navigating conflict and complaint management options and mechanisms;
- By providing information, assistance and referrals;
- By ensuring all clients' conflicts and complaints are actively managed from cradle to grave; and
- By encouraging all members of the Defence Team to use an 'Early, Local and Informal (ELI) approach whenever possible to manage conflicts and complaints.

DSD future outlook – ‘Finding our way ahead’

DSD continues to align itself with the Defence Team’s strategic intent and support for SSE initiatives. Expanding its programs by developing and integrating new capabilities in conflict and complaint management as they arise. At the same time, program delivery is being simplified to improve access and provide a broader suite of basic, yet integrated services adapted to the needs of all Defence Team members.

DSD services are anchored on the following ICCM Principles:

The ideal time to manage a conflict or complaint is early, locally, and informally (ELI), whenever possible/where appropriate.

Conflict and complaint management is a leadership responsibility – and everyone has a supporting role to play.

As the Directorate continues to progress into FY 19/20 and beyond, a number of targets have been established, including:


- Pursue further integration of Defence Team conflict and complaint management programs and services where similar, parallel efforts exist for different communities;
- Emphasize self help and interest-based foci and case management based on service excellence;
- ICCM services and objectives are known and understood by leaders and supervisors (Division, Formation and Units) across the Defence Team and Canada, and perceived as the system of choice for conflict and complaint management;
- Maintain simple, frequent and effective consultation with our local client base with an emphasis on supervisors and command/leadership teams. Provide accurate and timely data to support strategic level requirements, including recommendations for enhanced service delivery that reflect evolving relevance and emerging requirements;
- Ensure that services are fine-tuned to meet the needs of the Defence Team – in order to increase program uptake and credibility across the Defence Team;
- Leverage relationships with other Government Departments (OGDs) – in particular the ‘Informal Conflict Management System’ (ICMS) – and liaise with Allied nation militaries that demonstrate interest in our ICCM model;
- Be prepared to execute and contribute to ‘Spiral 2’ transformation efforts, including expansion of Conflict and Complaint Management service options/offerings;
- Refine standing operational procedure to improve service delivery standards;
- Enhance preventative measures through education and training;
- Align resolution and intervention service delivery capabilities;
- Promote and develop cross capabilities for CCMS team members; and
- Expand the spectrum of programs and services for civilian personnel.

Workplace Restoration

Efforts to restore workplaces and repair relationships are not new to the CAF. Some ICCM practitioners and agents have been facilitating and guiding such efforts in legacy organizations for over 15 years. Whether through group needs assessments or group interventions, the aim is to develop strong and resilient teams that can manage conflict and tension by both repairing harm and by reinforcing and building relationships. A holistic approach requires leaders to pay as much attention to present and emerging problems as to building the necessary skills, understanding and social capital – the networks of relationships among people who live and work in a particular relationship, that enable that group to function effectively. These are the necessary foundations of healthy workplaces.

The ICCM Program conducts a program of continuous improvement and review of our group work model to evolve, modernize and optimize our efforts. The foundational principle is that healthy workplaces are an enduring leadership responsibility. Our intent is to evolve the Defence Team's perspective and thinking so that leaders look beyond simply reacting to current and emerging issues to take a proactive, long term approach to workplace health. Practitioners are continually refining and adding tools and processes that enable leaders to understand and manage the dynamics of a workplace beyond the issues, instances, and triggers that demand immediate reaction or intervention, and to adopt a preventative approach.

Workplace restoration is not simply an imposed solution to be applied when problems arise. Well developed, deliberate action plans for work place health must be assessed and include measures to address short-falls from expected results. Beyond these, leaders must remain alert for opportunities to celebrate positive achievement and effects, and subordinate's personal growth, as they arise. Our model offers leaders a continuum of support from self-help to full service and involvement of our SME team.



While innate for most leaders and supervisors, the nature and extent of these complex social capital skill sets are uniquely experiential, and can vary widely. For those leaders who require help with new or more complex situations, the ICCM practitioners are available to provide information, analysis, advice, tailored training, and hands on guidance.

Reprisal and Transparency

The CAF strives to be a transparent workplace that allows for anyone to raise concerns about wrongdoing or unhealthy conditions. No-one should suffer actions of reprisal as a result.

The ICCM delivers two foundational courses to the Defence Team: Resolving Conflict Effectively; and Conflict Management for Leaders (CML). These courses have the aim to enhance member's communications skills to effectively raise concerns when issues are getting in the way. The CML adds a leadership level of competency to the subject by teaching how to facilitate a difficult conversation between persons in conflict. In addition to these two courses, the ICCM is also refining complementary courses on related subjects such as Civility in the Workplace.

ICCM continues to develop strategies aimed at rooting out reprisal and retaliation in all its' forms. The ICRTS system has the intended second order effect of limited opportunities for both reprisal and unfounded allegations of reprisal by creating a decision-making record, making the individual conflict and complaint management transparent for those involved, within the construct of access to information and privacy legislation.

"A healthy person tells the truth; a healthy workplace is where the truth can be told."

Reprisal is defined by the ADM (RS) as "a measure that adversely affects the service, employment or working conditions of a person. These actions are often subtle and can take the form of occasional belittling of ideas, being less friendly, selective exclusion from projects, not overlooking minor mistakes that other would be overlooked, or micromanaging."

Transparency is essential in ensuring that persons are not reprisal against as a result of raising or reporting a concern.



DIRECTOR CANADIAN FORCES GRIEVANCE AUTHORITY (DCFGA)

While considering and making determinations on grievances, DCFGAs, as the CDSs' delegated final authority (FA) is always alert for systemic issues. A systemic issue is a policy gap, a problem with an existing policy, or the interpretation of departmental policies or Treasury Board instructions that have caused prejudice to CAF members. Normally, a high number of grievances are required to show evidence of a systemic issue, although occasionally, all that is needed is a single grievance. Once a systemic issue has been identified, the CDS, as FA, directs the appropriate Level 1 to address the issue through an FA direction by way of a decision letter that is relevant to the subject matter, or by way of a stand-alone directive. In 2017/18, four notable systemic issues were described; personnel evaluation report score control, Cadet Organization Administration and Training Service reserve employment opportunity hiring process, and home equity assistance issues have since been resolved.

Grievances Determined at the FA Level

During FY 2018/2019, the following systemic issues were identified by the CDS.

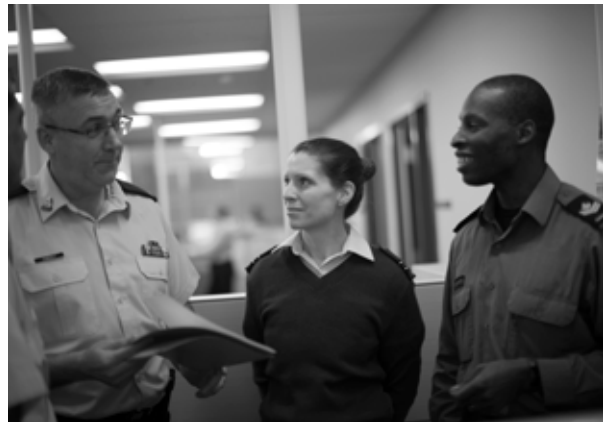
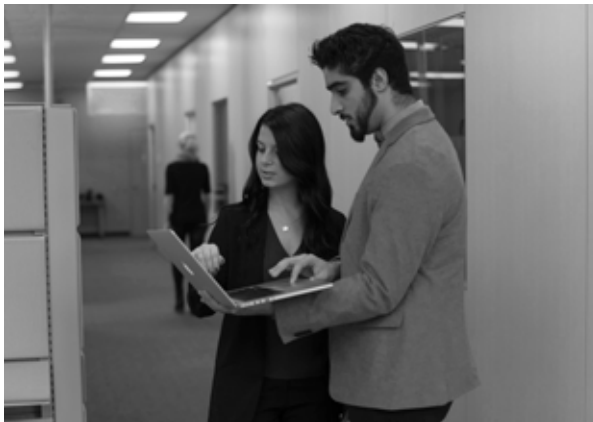
Acting While So Employed (AWSE) Update. An issue that was raised in last year's report that has not yet been rectified was the need for the AWSE policy to be formally updated. The criteria found in the original AWSE policy are no longer sufficiently flexible to meet the needs of the CAF, and a number of grievances on this issue were received again this year. Although CMP staff is actively working on a new CAF promotion policy, and the CDS has directed that an interim CANFORGEN be published to provide guidance and direction on qualifying and obtaining approval of AWSE request, the CDS has in the interim delegated his authority to waive three of the CANFORGEN 060/00 criteria to the Director General Military Careers (DGMC). In summary, the key requirements for an AWSE promotion that have been determined through a number of grievances are: confirmation that the member has been employed in a position established at a higher rank; the member must have been assigned the full spectrum of duties and responsibilities of the higher-ranked position; and, the member must have been employed in the higher-ranked position for at least 90 consecutive days. CAF Commanders who have personnel meeting these criteria should submit an AWSE to DGMC – a grievance is not required to approve such as promotion.

Lack of a robust Component Transfer (CT) Program (Update). Officers and non-commissioned members have been affected by a lack of a robust CT program from the Reserve Force (Res F) to the Regular Force (Reg F), with full-time education subsidization. The CDS has previously directed CMP to address this policy gap. In his role as IA, CMP indicated that he recently directed the Commander Military Personnel Generation to address this policy gap in reviewing the programs available for CT between elements in order to provide a better selection of subsidized education opportunities for members of the Res F who wish to CT to the Reg F. Based on the most recent grievance on the subject, the CDS expanded on his intent with a view to also ensuring that Res F officers who seek to CT to the Reg F and become specialist officers (Medical, Dental, Legal, Pharmacy, and Chaplain) under a Reg F subsidized education program can do so seamlessly without having to release and re-enroll, and without losing their rank and pay level.

Long Term Disability Contract (LTD) Gap. There is a clear contractual limitation that indicates an application for LTD benefits must be submitted within 120 days of release. No provision exists in the current LTD contract to retroactively provide benefits to those who have their release item changed for medical reasons after the 120-day period has expired. The CDS therefore directed CMP to take immediate and proactive action to engage stakeholders with respect to the LTD contract gap related to retroactive changes to medical release items. Specifically, consideration must be given to offering an extension to, or waiving the timelines for, former CAF members to apply for benefits.

Canadian Forces Temporary Duty Travel Instruction (CFTDTI) Cost Comparison Worksheet (CCW). In October 2015, Director Compensation and Benefits Administration (DCBA), on behalf of Director General Compensation and Benefits (DGCB), began to reinterpret CFTDTI Chapter 7 and modified the CCW to limit the number of kilometres being reimbursed to members using a personal motor vehicle (PMV) for military travel rather than the most economical mode. According to the reinterpretation, a member would only be reimbursed travel costs for a maximum of 500 kilometres in each direction, for a round trip total of 1,000 kilometres. Without the proper authority, the artificial limit was used to calculate the CCW issued by DCBA. The FA found that neither DGCB nor the CDS have the authority to impose a 500-kilometre-per-day limit on claims for travel by PMV. Consequently, the CDS directed CMP to ensure that the CCW is amended to comply with the CFTDTI and that it be reissued by the correct authority. He further directed that CAF members' claims dating back to October 2015 be reassessed to ensure that they were not incorrectly limited to 500 kilometres when they used a PMV on their first day of travel.

AOC Letter Grading and Course Report Record Keeping. Army Operations Course (AOC) letter grading protocol does not comply with DAOD 5031-9 (Course Reporting and Certificates) and Canadian Army Command and Staff College (CACSC) course report record keeping protocol for AOC do not respect established record keeping policies and practices. The Commander of the Canadian Army (acting as the delegated FA in this case) has therefore directed the Commander Canadian Army Doctrine and Training Centre ensure (CCADTC) to ensure that CACSC understand and abide by established record keeping policies and practices during all future courses. CCADTC is also to ensure that a review of the AOC letter grading protocol is undertaken in order to develop a grading scheme that complies with DAOD 5031-9.



18/19 YEAR IN REVIEW

Canadian Forces Grievance Authority

Grievances Determined at the FA Level

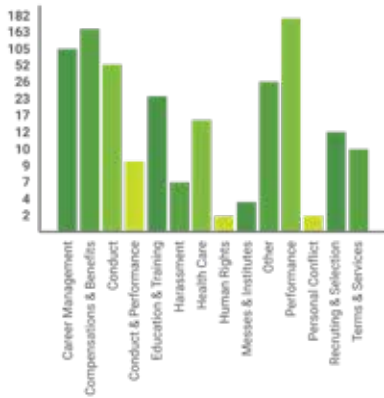


Figure #4

#IA Decision by HR Process: 614 files

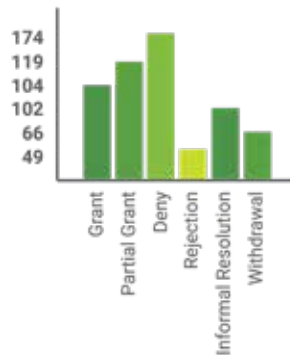


Figure #5

Grievances received and adjudicated at the IA level and decisions rendered
 # Grievances Received: 869 files
 # Grievances Adjudicated: 614 files

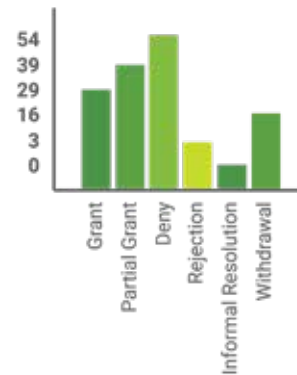


Figure #6

Final Authority Determination for 2018
 #FA Decision: 141 files

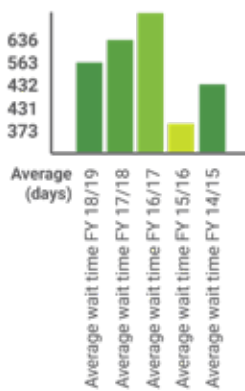


Figure #7

Comparison data for time to FA decision (what was the average wait times at the FA level for the last 5 years)

Note: based only on 54 files in ICRTS

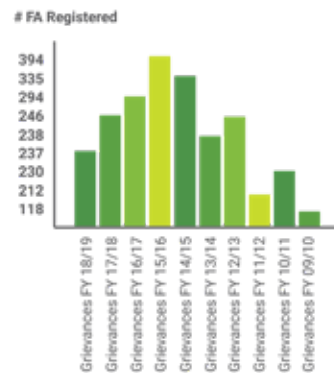


Figure #8

Grievances registered at the FA level (registered and adjudicated over the last 10 years)

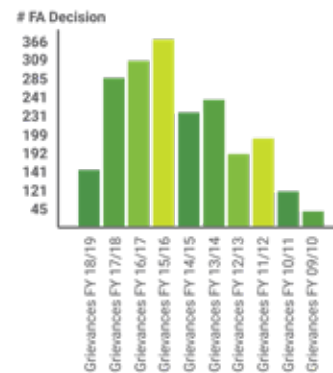


Figure #9

Systemic issues identified by grievances (registered and adjudicated over the last 10 years)

DIRECTOR EXTERNAL REVIEW

The Director External Review is responsible for investigation, analysis, response to and resolution of complaints brought by members of the CAF to the Canadian Human Rights Commission (CHRC). The DER is concerned with investigation, analysis and resolution of CHRC complaints, and where necessary, for assisting Director General Military Personnel Policies to effect change arising from those complaints.

Bona Fide Operational Requirements

On enrolment, members of the CAF willingly divest themselves of certain human rights that all other Canadians hold. However, members intuitively understand that they retain certain human rights, although when and how remains unclear. The affected rights are not described formally but are inherent in each member's unique circumstances of service, and any associated requirement to endure often significant personal hardship and sacrifice, and if necessary to pay the ultimate price in the service of Canada. The demands that may be placed on members are not unlimited. They are established as being the often unknown sacrifices inherent in responding to legitimate requirements for their service formally known as Bona Fide Operational Requirements (BFOR). Many of these requirements are contextual. Conflicts arise where member's understanding of military service and the commitment they made are exceeded by BFOR. It is the role of the DER to assist the CHRC and Canadian Human Rights Tribunal (CHRT) through research, investigation and analysis of any given scenario to understand the BFOR of Canadian military service both generally and as they apply in a given, unique circumstance.

On behalf of the CAF Final Authority for grievance decisions, DER supports those legal organizations that are managing issues that involve human rights related grievances that have been referred for judicial review. DERs mandate is expanding to include other rights based law suits filed against the CAF. Towards that end, many steps have been taken in increasing DER's relationship with the Canadian Forces Legal Advisor and the Department of Justice.

Case Management

This is the first year where measures for efficiency have been recorded within Human Rights case management. The ambitious goal of obtaining settlement in 80% of case files at the CHRC level is attainable through:

Communication

DER's analysts already received training in communication, and negotiation training is being added to expand this skill set. Proficiency in communication in difficult scenarios is essential for understanding and responding to the CHRC's positions in CAF human rights cases.

Relationship Building

DER analysts strive to establish themselves as being skilled, credible and professional representatives of the CAF in the eyes of the CHRC and the CHRT. To this end, significant investments are made in developing a strong professional relationship with CHRC and CHRT. This ensures that CHRC and CHRT staff can confidently rely on having accessible, accurate and current information on CAF efforts to respect member's Human Rights, and trust in the CAFs ethical and credible cooperation.

Internal Liaison

Measures are taken to ensure effective liaison and coordination is maintained within and between CAF organizations, including CMP HQ, DGMPP, CFHS, DGMC, DMCA, etc. as well as with other ICCM programs, facilitating better case management coordination.

These efforts were confirmed during meetings on 11 July 2018, where DER met with CHRC staff to discuss process improvement. CHRC staff commented on their perceptions of a tangible and welcome change in their relations with the CAF. The introduction of a new process in preparations for mediation the part of CHRC was also praised by the CAF supporting counsel.

Human Rights Issue Averted: A CCMS Agent met with a client who was contemplated submitting a human rights complaint relating to treatment he had received from the Base Access Commissionaires. After a dialogue to explore the nature of his concerns, the Agent consulted with DER, and was then in a better position to initiate dialogue with the client to explore possible remedies and options. The member walked away satisfied that he could meet his objectives through an interest-based approach. He was quickly and seamlessly referred to an Alternate Dispute Resolution Practitioner at the same center in order to move forward. CCMS Agents and Practitioner's roles are to assist and guide the Defence Team to the most appropriate mechanism to solve ongoing complaints.

Results

Of 31 human rights complaints received by the CHRC during the reporting period, 26 have been settled at different level for an overall success rate of 82%. 19 complaints were settled at the CHRC level, achieving a 62% settlement rate at the CHRC level. 12 complaints were sent to the CHRT for a formal hearing. Mediation processes were attempted in 11 of these complaints, with 6 complaints being successfully settled before hearing.

Before Tribunal, cases can be closed by the commission when the CAF provides the CHRC with persuasive reasoning to support justifiable limitations or infringements on member's human rights in concert with BFOR. Cases can also be settled at mediation while at the Commission level. The Commission may unilaterally decide to send a case to the Tribunal for further inquiry, in which case, prior to any hearing, the CAF will be offered a further opportunity to reach a settlement through mediation. A settlement typically will involve a monetary payment and or other institutional remedies such as policy changes, letters of acknowledgment etc.

During the 18/19 reporting period, four additional grievors with human rights related issues opted to request a Judicial Review (JR). Of the total case load 7 were discontinued by the applicants and decisions were reached in 16, decreasing the current pending for active JR files to 4.

Of the 16 decisions reached the Federal Court of Appeal (FCA) dismissed nine referrals and one received certification as a class action lawsuit. The FCA ruled in favor of the applicant in the remaining 6 cases, resulting in each of those FA grievance decisions being quashed by the court. Reasons for judgement in these cases were analysed and communicated to the DCFGA for the resulting administrative or career actions to be implemented, and for incorporation in advice provided to the FA.

CLOSING REMARKS **DGICCM**

I'm pleased with having provided you with this summary of our Division's operations and achievements over the past year. I am privileged and honoured to lead such a dedicated and empathic, capable and effective military and civilian team whose important roles and rewards are in the working well-being and satisfaction of their fellow member's colleagues, friends, and family across the Defence Team.

ICCM program staff do not take their roles lightly. Many, such as members of the former DGADR have faithfully and earnestly served the defence community in conflict resolution related capacities for more than a decade. Including the pilot program, the evolution of ICCM into what it is today was an often challenging process that took place over several years. It required no small amount of faith on the part of both existing staff and those who have more recently been attracted to its service. Whether long serving members of the legacy elements which were absorbed, or new hires into new and rejuvenated capabilities, all ICCM staff have the vision of helping others, and ensuring that CAF members and civilian employees of the defence team can continue to serve in the best possible conditions, free from the distractions and debilitating effects of interpersonal and other workplace conflicts.

I am proud to say that our success is substantial, and is increasingly recognized for its important and tangible results and effects that are already making a difference to so many Defence team members. Many of the facts and concepts included in this report hinge on individual perceptions and sensibilities of what is the best way ahead. I invite your comments and constructive criticism, and appreciate the interest of those who may feel compelled to reach out to me and my team concerning our programs and services.

Every family thrives on healthy debate and from sharing the value of experience and alternate views, and the Defence Team is no exception.



Alain Gauthier
Director General Integrated Conflict and Complaint Management

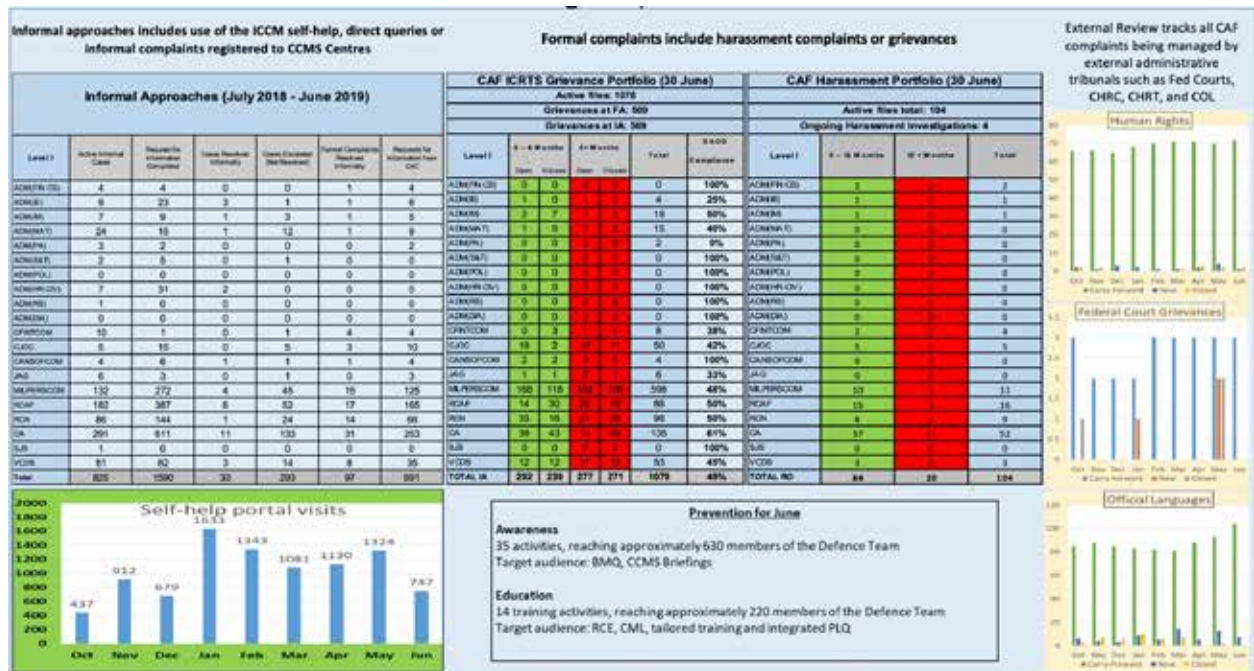


Figure #10, June 2019 monthly strategic report

CCMS Trends

- There is an increase in requests from leadership for conflict coaching, which develops competencies and confidence in individuals to deal with a problematic situations early, locally and informally and often without the assistance of a third party. This is notable as ICCM promotes conflict and complaint management as a leadership responsibility.
- There is a rise in requests for mediation between civilian employees and their military supervisors. This can be attributed to CCMS Agents actively promoting resolution of conflict when formal mechanisms are unnecessary; and that the Chain of Command and employees are experiencing an increased value in interested-based approaches to issues.
- The rate of requests from Chains of Command for ICCM professional development, briefing, and information sessions has reached close to capacity given the present resource levels. This is an indicator of the ICCM mandate and service gaining attention and that it is seen as value-added in the management of workplace issues.
- The Chain of Command now represents over 50% of all recent requests for service. This is an indicator of the increasing trust in the service and that our reputation as a source of support to the Chain of Command is increasing.
- Clients are increasingly recognizing CCMS as the “go-to” point to address real and perceived harassment issues. Our system represents an improvement in efficient access to support services. In this regard there is a change in the nature of requests, notably, for “tailored training and professional development” requests we are seeing rising focus on subjects such as “civility in the workplace.”

ICCM Risks and Issues

- There is a gap between the old and the new approach to the HA/WRA network of resources pan-CAF, and ICCM is being asked to fill training gaps for HAs. To begin to address this, ICCM is exploring the development of a future blended HA course (online + a residential portion) to expand our training ability. We will continue to be proactive in the development of responses to these gaps and continue to meet the need of the Chain of Command.
- The hiring of Harassment Investigators and the implementation of their availability is nearing completion. Chain of Command is expressing interest and are reporting reluctance to use outside resources through the Standing Offer due to the associated expense and concerns with quality.

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