

2019-2020

ANNUAL REPORT

Report of the Office of the Ombudsman
for National Defence and the Canadian Armed Forces
to the Minister of National Defence

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ISSN : ISSN 1495-950X (Print)

ISSN 1495-7078 (Online)

Cat. No.

Letter to the Minister

9 September 2020

The Hon. Harjit S. Sajjan, PC, OMM, MSM, CD, MP
Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
13th Floor, North Tower
101 Colonel By Drive
Ottawa, Ontario K1A 0K2

Dear Minister Sajjan:

I am pleased to submit to you the 2019-20 Annual Report for the Office of the DND/CAF Ombudsman. This report provides an overview of our activities and operations from 1 April 2019 to 21 March 2020.

Pursuant to paragraph 38 (2) (a) of the Ministerial Directives, I intend to make the Annual Report public on the expiration of 60 days from the date of this letter.

Should you or your office have any questions or concerns, please do not hesitate to contact me or my office directly.

My team will be in touch with your staff to arrange for final copies and a date for tabling in Parliament.

Sincerely,

Gregory A. Lick
Ombudsman

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Ombudsman's Message

The year 2019-2020 marked my first full year of service to our constituents following my appointment as Ombudsman of the Department of National Defence and the Canadian Armed Forces in June 2019.

The Office of the Ombudsman has an important mandate: to help individuals access existing channels of assistance or redress when they have a complaint or concern, and to contribute to substantial and long-lasting improvements for the Defence community.

To deliver on this commitment, this report finds that during 2019-2020 our office handled 1,867 cases of community members seeking our help in the face of individual and systemic issues. In addition, we conducted follow-up activities on nine investigative reports in cooperation with the DND and CAF. We are pleased that in the case of three of these reports the DND and CAF has fully implemented the vast majority of the recommendations we made, and that in the case of two report cards progress has been achieved. In terms of our follow-up on four other investigations, our office worked closely with the DND and CAF so that we can publish the results and our recommendations in 2020-2021.

During 2019-2020, our office conducted the preliminary work essential for us to make future recommendations vital for the well-being of the Defence community. We launched an investigation into the administrative, procedural, and policy problems that affect those who are posted outside of Canada. We completed an environmental scan to support the Minister's request on what could be done to address racism, and commenced the necessary preliminary work to study diversity during the upcoming fiscal year. Our office will also start a follow-up systemic investigation of the problems which Defence community families face. We look forward to working with all interested parties to ensure the success of these and other current and upcoming investigations.

As 2019-2020 was drawing to a close, Canada was hit with an unforeseen challenge like no other in 100 years: the COVID-19 pandemic. Following Public Health recommendations, we started to work remotely in the middle of March and continued to provide client services. Our office's performance in providing our services under exceptional circumstances will be detailed in our 2020-2021 Annual Report.

We remain ready to help our constituents in the Defence community.

Gregory A. Lick
Ombudsman

Our mandate

The Office of the Ombudsman was created in 1998 to increase transparency in the Department of National Defence (DND) and the Canadian Armed Forces (CAF) as well as to ensure the fair treatment of members of the Defence community.

The Office acts as a direct source of information, referral, and education. It helps members of the Defence community navigate a large and complex organization to access existing channels of assistance or redress when they have a complaint or concern.

The Office is also responsible for reviewing and investigating complaints from constituents who believe they have been treated unfairly by the DND or the CAF.

Ombudsman employees seek to resolve complaints informally, and at the lowest level possible. However, complaints can also be the subject of thorough individual investigations and can even lead to a systemic review resulting in a formal report with findings and recommendations that are made public.

The Ombudsman is independent of the military chain of command and senior civilian management, reporting directly to the Minister of National Defence. The Office derives its authority from Ministerial Directives and their accompanying Defence Administrative Orders and Directives.

The Ombudsman is supported by federal public servants including investigators, intake officers, complaint analysts, and other specialist staff who provide legal, communications, and internal support services.

Any member of Canada's Defence community can approach the Office of the Ombudsman. This includes:

- current and former CAF members of the Regular Force, Reserve Force, Supplementary Reserves and Canadian Rangers, including Junior Canadian Rangers;
- current and former DND employees;
- current and former members of the Cadets;
- current and former Non-Public Funds employees;
- applicants to the CAF;
- immediate family members of any of the above-mentioned; and
- individuals on exchange or secondment with the CAF.

Members of the Defence community who bring a concern or complaint to the Office can do so without fear of reprisal¹. In addition, all information obtained by the Office during the handling of cases is treated as confidential. When dealing with complaints, the Office will not provide any information related to a case or investigation to anyone without written consent from the constituent.

¹ Canada, Minister of National Defence, *Ministerial Directives Respecting the Ombudsman for the Department of National Defence and the Canadian Forces, Refusal or Failure to Assist the Ombudsman*, para 31(1)(i).

Overview: Our priorities and initiatives

Engage the defence community

We are committed to communicating with members of the Defence community and stakeholders where they live and work. [We meet with them—in person or virtually](#)—to help ensure the Defence community is aware of and understands our mandate and role within the DND and the CAF. As a result, during 2019-2020 we continued to develop a Virtual Outreach Program that allows for the staging of virtual presentations targeting specific topics and constituent groups at any time, in any location, and by way of any device. We have also continued to deliver informal and early [complaint resolution](#) by engaging the Defence community at the lowest possible level.



Assist and educate the defence community

We are a [direct source of information, referral, and education](#). During 2019-2020, the Education and Research directorate continued to publish a full suite of educational products about issues affecting the Defence community. We determined the topics of these *Helpful Information*, *Frequently Asked Questions*, and *Did You Know* documents based on our analysis of [intake cases](#), constituent engagement, and stakeholder meetings. We published the *Helpful Information* and the *Frequently Asked Questions* on our website, and we shared the *Did You Know* documents with our constituents by way of our social media platforms with links to related websites as appropriate.

Effectively address systemic issues

We are committed to [identifying and addressing systemic issues](#) that affect the Defence community. To do this, we conduct systemic investigations, case study analyses, and issue assessments that are based on our monitoring of information from external and internal sources. During 2019-2020, we established a multi-year systemic investigation plan to formalize this process.



Demonstrate value for money

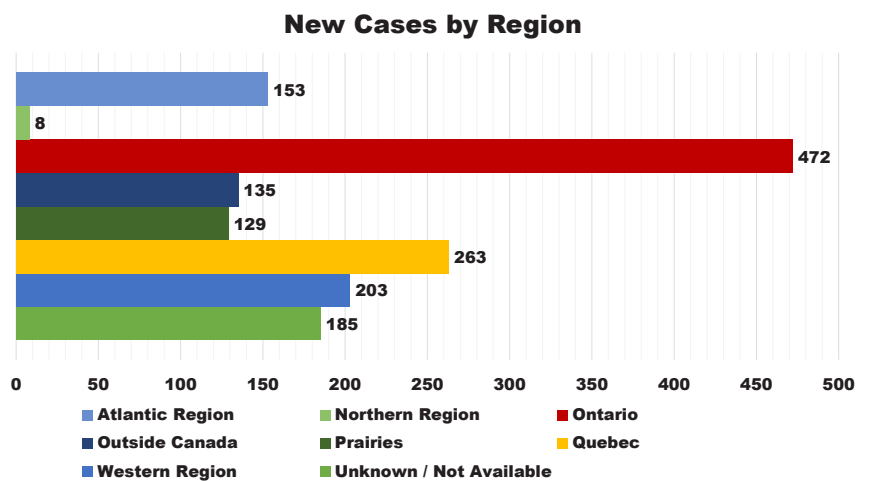
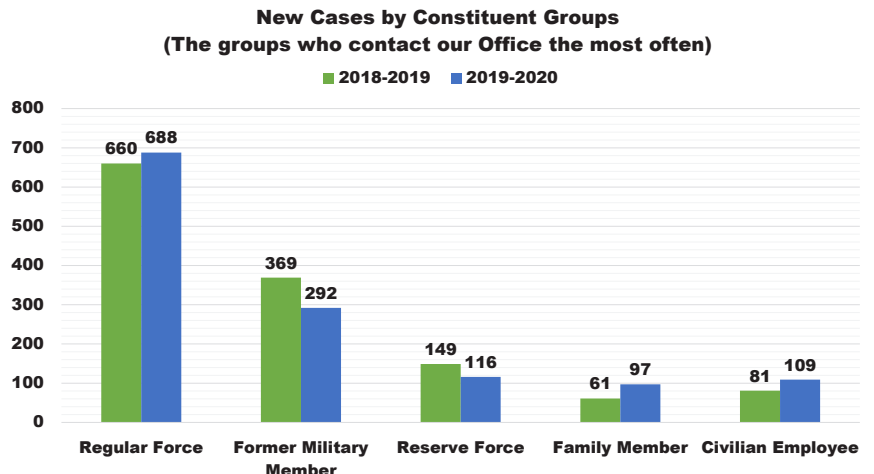
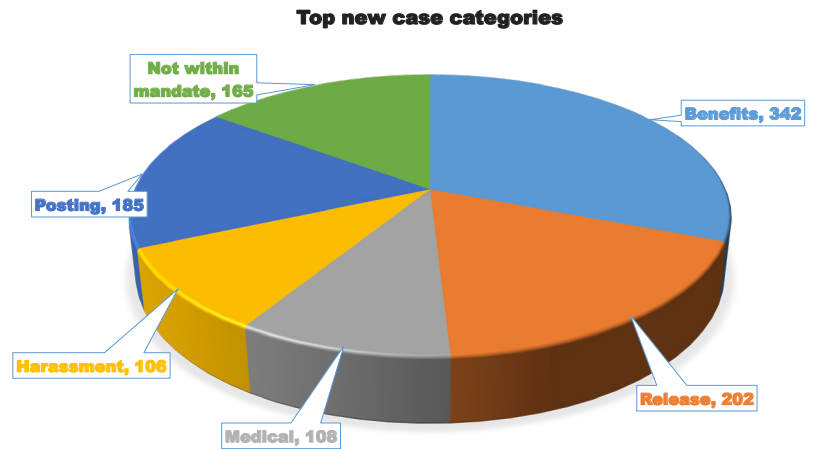
During 2019-2020, we continued to [demonstrate value for money](#) by way of operational innovation and performance measurement. We conducted regular internal financial and human resource management audits to show our efficiency as well as our compliance to financial acts, regulations, processes, and procedures. We participated in rigorous budgeting processes to ensure the efficient and effective use of funds. We also updated our performance measurement framework to ensure our program activities are effective and achieving value for money. In this regard, monthly tracking and data measurements demonstrate we remain committed to service excellence.

Operations

Intake, early resolution, and investigations

During 2019-2020, we received 1,548 new cases and re-opened 145 cases. In total, we handled 1,867 cases, including new cases, re-opened cases, and cases carried over from previous fiscal years. We closed 1,549 cases.

The following three charts summarize key case characteristics. The reader should note that cases classified as not within our mandate are information requests or relate to issues that are linked to the mandates of other organizations such as Veterans Affairs Canada and the Office of the Veterans Ombudsman. We provide information, and refer these cases as appropriate.



Language and cultural advisors: A long-awaited resolution

In June 2019, the Ombudsman [wrote](#) to the Deputy Minister of National Defence about a former public service term employee's fight for disability benefits for injuries manifested after serving as a Language and Cultural Advisor (LCA) in Afghanistan. Upon return to Canada, the former employee was diagnosed with severe Post-Traumatic Stress Disorder in 2011. Unable to work, the individual was directed towards the Provincial Workers' Compensation Board, but encountered obstacles due to the secrecy of LCA work and a provincial scheme that was not well adapted to the nature of the former employee's injuries and unique employment.

Beyond individual matters, this case demonstrated significant policy gaps governing the employment of civilians on international operations. This case also revealed the deficiencies surrounding access to timely and adequate support for these employees in the case of illness or injury. The Ombudsman recommended to the Deputy Minister that consideration be given to how many LCAs and other civilians deployed on term contracts in support of operations might be facing similar difficulties. The Deputy Minister accepted this recommendation, and ensured that the DND worked with its CAF and Provincial Workers' Compensation partners to contact former LCAs who might require help. In addition, the DND developed a comprehensive policy to cover such employment of civilians and created a Total Health Management Directorate to work with provincial workers' compensation boards to ensure proper benefits for those in similar circumstances.



Systemic investigations and other reports

Ministerial request: Racism

In July 2019, the Minister of National Defence requested that we identify potential actions that could be taken by our office to investigate racism within the CAF. We subsequently conducted an environmental scan to better understand how the DND and CAF currently respond to racist incidents, what avenues for recourse exist for affected personnel, and to pinpoint any gaps. This analysis provided us with a solid understanding of the key issues at play. In addition, it helped us to identify the areas where we could bring value to this important topic as an ombudsman organization. At the time of publication of this report, the approach for a potential investigation has been adjusted for 2020-2021.



employees and Non-Public Funds staff, as well as 53 family members. This investigation will provide decision-makers with evidence-based recommendations about the many administrative, procedural, and policy challenges facing CAF members, DND employees, Non-Public Funds staff, and their families when posted, assigned or employed outside of Canada.

Systemic investigation: Postings outside Canada

In summer 2019, we launched an investigation into the administration of postings, assignments, and employments outside of Canada. Over the course of the investigation, we spoke to CAF members, DND civilian employees, Non-Public Funds staff, and their families located in 33 countries through virtual and in-person interviews. The investigative team travelled to the United States, Italy, Latvia, Germany, the United Kingdom, and Belgium to conduct interviews and focus groups with Defence Team personnel on location. In total, our employees spoke to 204 CAF members, DND civilian

Progress reports on recommendations

During 2019-2020, we conducted follow-up activities on nine investigative reports.

We are pleased to report that the DND and CAF have fully implemented the recommendations of our 2015 report entitled [*An Investigation into the 1974 Valcartier Cadets Grenade Incident*](#) as well as our 2013 report entitled [*A Report Outlining the Delays in the Processing of Adjudications and Initial Authority Grievances by the Director General Compensation & Benefits*](#).

We have also completed our most recent follow-up on the [*On the Homefront: Assessing the Well-being of Canada's Military Families in the New Millennium*](#) report. In this follow-up, we noted that 16 of the report's 18 recommendations were fully implemented. The final two outstanding recommendations are tied to specific action items that are set to be implemented by December 2020 as a result of recommendations outlined by the Office of the Auditor General.

In 2019-2020, we published report cards for the following two reports:

- [*Cadets: An Investigation of the Support Provided to Cadets Who Suffer an Illness or Injury as a Result of a Cadet Activity*](#) and
- [*Support to Bereaved Military Families*](#).

We also worked with the DND and CAF to follow-up on the following investigations, the results of which will be published in 2020-2021:

- [*A Systemic Review of Compensation Options for Ill and Injured Reservists*](#)
- [*Part-Time Soldiers with Full-Time Injuries: A Systemic Review of Canada's Primary Reserve Force and Operational Stress Injuries*](#)
- [*Canadian Rangers: A Systemic Investigation of the Factors That Impact Health Care Entitlements and Related Benefits of the Rangers*](#) and
- [*Positions over People: An investigation into delays in the administration of civilian classification at the Department of National Defence*](#).



Education and research

Educational information

We develop educational information to help Defence community members make informed decisions. We use our website and our social media platforms to provide reliable and accessible educational products for our constituents based on their particular needs as well as to support systemic investigations being conducted. During 2019-2020, our educational products examined military career management, military moves and postings as well as topics of interest to military families such as employment, children's education, access to health care and post-secondary education scholarships. To help our constituents find what they want when they need it, we began the transfer of our website to the Canada.ca host site. Finally, we continue to host the Military Benefits Browser which helps individuals navigate to the benefits that may apply to their situation.

Outreach

In order to build awareness of our role and mandate, the Ombudsman and staff meet with constituents at military bases, wings, and departmental events within and outside Canada. These meetings with military and civilian leaders, military families, stakeholders, and like-minded organizations help us to gain a better understanding of the issues facing members of the Defence community. In turn, these conversations enable us to identify issues and trends so that we can better prepare ourselves to help that community.

Visits to bases and wings

During 2019-2020, our employees met with over 18,500 constituents in individual and group settings during visits to bases and wings. These constituents included senior leaders, military members of all ranks and occupations, family members, health care providers, chaplains, social workers, civilian employees, and Non-Public Funds staff. We held meetings at CFB Petawawa and CFB Shilo, as well as with Junior Canadian Rangers and Canadian Ranger Patrol Groups in Québec, British Columbia, Newfoundland and Labrador, Manitoba, and the Northwest Territories. During 2020-2021, we will continue our visits by way of our new Virtual Outreach Program. This program will allow us to stage virtual presentations targeting specific topics and constituent groups at any time, in any location, and on a wide range of devices.

Departmental events

During 2019-2020, we met with constituents in formal and informal settings during a series of military and departmental events. These events included presentations to the Canadian Armed Forces Transition Group, the Canadian Institute for Military and Veteran Health Research, and groups that focus on responding to military families, sexual misconduct, second career assistance, conflict management, spiritual guidance, and litigation issues. We also participated in military family appreciation events, orientation sessions with new civilian employees, presentations during military leadership courses as well as commemorative, diversity and linguistic duality events.

Parliamentary engagements

In order to foster constructive working relationships and provide key issue updates, the Ombudsman and senior managers meet regularly with individual members of Parliament and senators to discuss issues of concern to our constituents. The Ombudsman also appeared before the House of Commons Standing Committee on Government Operations and Estimates on [6 May 2019](#) to provide [testimony](#) on the priority hiring of Veterans for federal public service positions.

International engagements

We participate in international events involving other ombudsman organizations in order to advance fairness for armed forces personnel. In October 2019, representatives from our office attended the 11th International Conference of Ombudsman Institutions in Bosnia-Herzegovina. During 2019-2020, we also provided in-person and virtual briefings to NATO Headquarters in Brussels, Belgium as well as to representatives of the United States, the United Kingdom, Italy, Germany, South Korea, Kenya, and Latvia.



Ombudsman Advisory Committee

The [Ombudsman's Advisory Committee](#) consists of volunteers with specialized expertise in the Defence community.

The Committee provides important input on some of the broader issues facing the Defence community, including operational stress injuries and post-traumatic stress disorder, the treatment of military members who are injured in the course of their service, and the challenges facing the families of Defence community members.

With a broad range of professional experience and personal expertise, members of the Advisory Committee represent the interests and concerns of our constituency and stakeholder groups. To learn more about the Advisory Committee and how to apply for membership, visit our web site ombuds.ca.



Liz Hoffman Memorial Commendation

We annually award the *Liz Hoffman Memorial Commendation* to recognize Defence community members who have gone the extra mile and exceeded expectations in bringing about positive and lasting change to that community.

Liz Hoffman was an investigator with our office who had a deeply rooted sense of fairness and was a tremendous force for positive change. This commendation allows us to recognize those in the Defence community who, like Liz, are dedicated to helping others and making a difference.

At a special ceremony held in Ottawa on 17 October 2019, it was our honour to recognize the [outstanding contributions of six members](#) of the Defence community.



(L-R) Mr. Gregory A. Lick (Ombudsman), Dr. Andrea Hoffman, Chief Warrant Officer Martin Rousseau, Lieutenant-Commander Chris Knowlton, Brigadier-General Simon Trudeau (Canadian Forces Provost Marshal), Chief Petty Officer 1st Class Nancy Lachance, Chief Warrant Officer Robert Hains, Master Seaman River Leggat, Major-General Guy Chapdelaine (Chaplain General of the Canadian Armed Forces), Chief Warrant Officer David Ridley, Commodore Christopher Robinson (Director General Naval Strategic Readiness), Ms. Felicia Arsenault, and Commander Sheyla Dussault

Appendix I — Disposition of cases

Sample cases are available on our website, ombuds.ca, which describe the types of cases we handle.

Total Cases Handled*

Cases Closed	1,549
Cases in Progress (as of March 31, 2020)	275

Cases Closed at Intake

Information or Assistance Provided	983
Outside Mandate	96
Referred to Existing Mechanisms	71
Withdrawn	40
Abandoned	126
Contact Provided Information	104
N/A	3

Cases Closed at Complaint Resolution

Informal Resolution	3
Information or Assistance Provided	16
Withdrawn	4
Referred to Existing Mechanisms	1
Abandoned	1

Cases Closed at Investigation

Information or Assistance Provided	42
Unfounded	11
Informal Resolution	2
Referred to Existing Mechanisms	1
Investigated: No Follow Up Required	31
Investigated: Follow Up Required	7
Abandoned	5
Withdrawn	2

* The Total Cases Handled includes new cases, cases re-opened, and cases carried over from previous fiscal years.

Appendix II — Financial report

Summary of Expenditures

In 2019-2020, the Minister of National Defence approved a budget of \$6,964,116 for the Office of the Ombudsman. Actual expenditures totalled \$6,261,766 of which \$5,607,312 was related to salaries.

The difference between the approved budget and actual expenditures represents final spending as provided in the Public Accounts of Canada. Money that remains unspent is returned to the Department throughout the fiscal year as part of its quarterly reporting process. In 2019-2020, we returned a total of \$693,830.

In the third quarter, we returned \$287,905 from the Operating and Maintenance fund due to unsuccessful bidding processes involving Information Technology professional services. We also returned \$297,925 from the Salary Wage Envelope due to lengthy staffing processes that remained incomplete.

In the fourth quarter of 2019-2020, the COVID-19 pandemic led us to return \$75,000 from the Operating and Maintenance fund and \$33,000 from the Salary Wage Envelope. In both cases, the pandemic prevented the completion of procurement processes as well as office reception of goods and services. As a result, we decided to halt future expenditures to the end of March 2020.

	(\$)
Mail and courier services	1,318
Supplies/furniture	25,368
Training and professional dues	151,795
Acquisition/rental of office equipment	10,838
Network maintenance and support	8,400
Telecommunications and IT connections	67,342
Travel and transportation	124,532
Communications and public outreach	37,305
Professional and special services	227,556
Salaries	5,607,312
Total	6,261,766

**WE ARE READY TO HELP.
NOUS SOMMES PRÊTS
À VOUS AIDER.**

WWW.OMBUDS.CA

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