

ANNUAL REPORT



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May 2017

The Honourable Harjit Sajjan, PC, OMM, MSM, CD, MP Minister of National Defence National Defence Headquarters Major-General George R. Pearkes Building 101 Colonel By Drive 13th Floor, North Tower Ottawa, ON K1A OK2

Dear Minister,

I am pleased to submit to you the 2016-2017 Annual Report for the Office of the Ombudsman for the Department of National Defence and the Canadian Forces. This report provides an overview of our activities and operations from April 1, 2016 to March 31, 2017.

Pursuant to paragraph 38(2)(a) of the Ministerial Directives, please be advised that we intend to publish this report on the expiration of 60 days from this date.

Sincerely,

Gary Walbourne, MBA, CHRL, CPA, CMA Ombudsman

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Fiscal year 2016-17 was very busy for our office. Our inbound phone calls, number of investigations opened and closed, and number of systemic reviews and reports submitted to the Minister of National Defence have all increased and in some cases, dramatically. Our outreach team continues to crisscross the country educating the entire Defence community about the services the Office provides, and we continue to find new and innovative ways to connect with them through our digital and social media footprint.

Administratively, our office is the most efficient it has ever been. Within weeks of taking the Ombudsman's chair, the Office of the Auditor General walked through the doors and commenced an audit on the organization. While the substance of their recommendations was based on the previous practices of the Office, my team and I immediately set our sights on fixing what ailed. The workload over the past two years has been significant, but I am pleased to say that this office has developed highly respected administrative practices. I am proud of where the Office stands today.

In 2016-17, I released a number of high-quality reports that have been submitted to the Minister of National Defence. These reports contain evidence-based recommendations that I believe will contribute to significant, positive, long-term change for the Department. If implemented, these recommendations will help members of the Defence community, now.

Perhaps the most important report delivered to the Minister relates to the reporting and governance structure of this office as pertains to the Department and the Minister. This report, *The Case For a Permanent and Independent Ombudsman Office*, makes a strong, evidence-based argument that this office should report to Parliament, and not the Minister of National Defence. It is my sincere hope that the government heeds this recommendation.

Finally, on the subject of the government's Defence Policy Review (DPR), my office prepared a comprehensive submission to the Minister of National Defence outlining the numerous personnel challenges facing the Defence community that need to be addressed. When released, this office will carefully review its content to determine whether or not key personnel issues that are impacting both serving members and their families are being addressed.

Mr. Gary Walbourne, MBA, CHRL, CPA, CMA Ombudsman

AN OFFICE THAT CAN HELP.

Independent & Impartial We are dedicated to fairness The Office of the Ombudsman was created in 1998 to increase transparency in the Department of National Defence and the Canadian Armed Forces, and to ensure the fair treatment of Canadian Armed Forces members, departmental employees, cadets and their families.

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 in order 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 improperly or unfairly by the Department of National Defence or the Canadian Armed Forces.

Ombudsman employees always attempt to resolve complaints informally and at the lowest level possible. However, complaints can also be the subject of thorough investigations, leading 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 itself derives its authority from Ministerial Directives and their accompanying Defence Administrative Orders and Directives.

^{*}Although the Ombudsman's Office reports directly to the Minister, human resources and financial delegations are issued by the Deputy Minister.

The Ombudsman is supported by an office of over 60 federal public servants, including investigators, complaint analysts and other specialist staff. Ombudsman investigators include former police officers, former Canadian Armed Forces members of all ranks and occupations, and public servants from across the federal government.

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

- Current and former members of the Canadian Armed Forces (Regular Force, Reservists and Rangers)
- Current and former employees of the Department of National Defence
- Current and former members of the Cadets
- Current and former Non-public Fund employees
- Individuals applying to become a member of the Canadian Armed Forces
- Immediate family members of any of the above-mentioned
- Individuals on exchange or secondment with the Canadian Armed Forces

Members of the Defence community who bring a concern or complaint to the Ombudsman's Office can do so without fear of reprisal.* In addition, all information obtained by the Office during the handling of cases is treated as confidential. The Office will not provide any information related to a case or investigation to anyone without written consent from the complainant.

Organizational Chart

Legal Services

Communications and

Parliamentary Affairs

Operations

- Intake and Complaint Analysis
- General Investigations
- Systemic Investigations
- Education and Collaboration
- Constituent Engagement

Corporate Services

^{*}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)

THE YEAR IN REVIEW

Over the past year, the Office of the Ombudsman achieved real and positive results for Canada's Defence community

Individual Cases

Over the past year, the Office of the Ombudsman achieved real and positive results for Canada's Defence community.

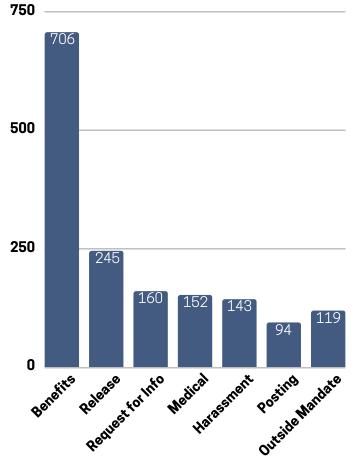
The Office received **1,865** new cases in fiscal year 2016-2017, and re-opened 233 cases.

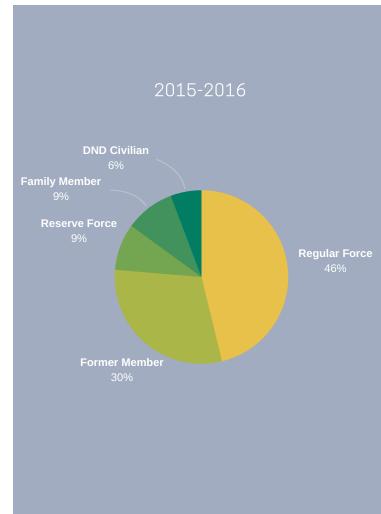
The Ombudsman's Office also assisted members of the Defence community with questions and concerns related to grievances, promotions, leave/vacation, access to information, training and disciplinary action.

In total, the Office handled 2,400 cases and closed 2,166 cases (this includes new cases, cases re-opened and cases carried over from previous fiscal years).

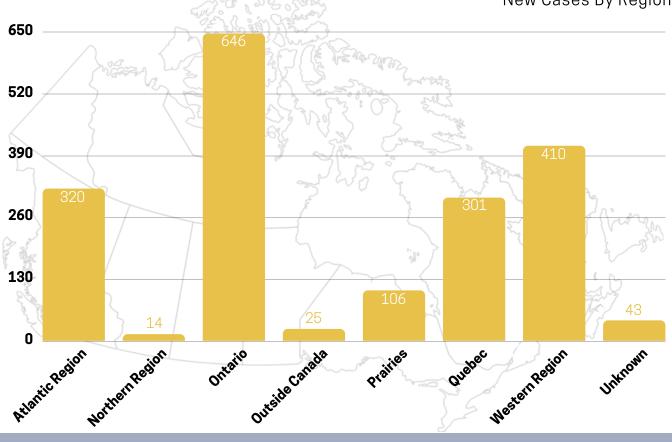
Every year, the majority of cases come from members of the Canadian Armed Forces.

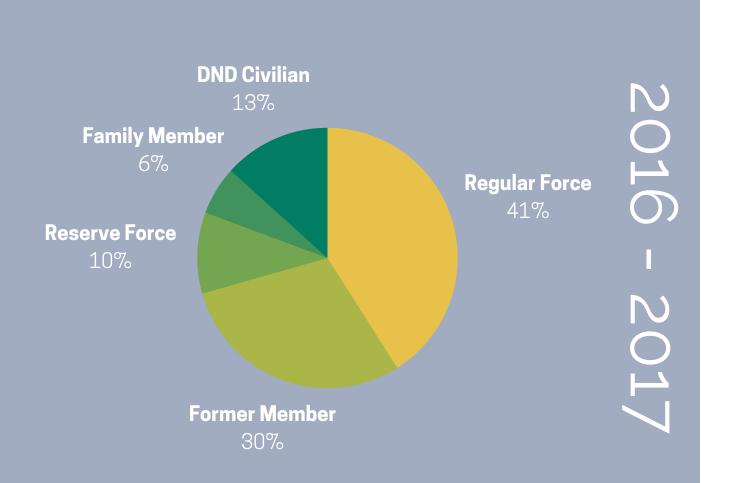
Top 7 Categories of New Cases











Communicating with the Office

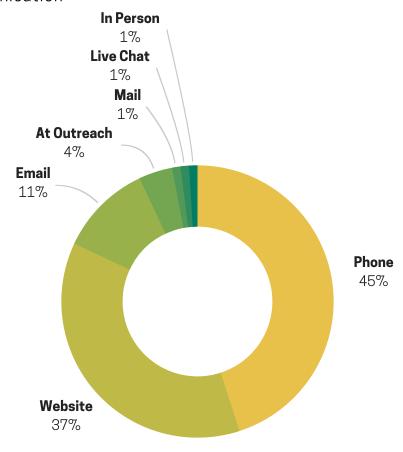
Over the past year, the majority of contacts made to the Ombudsman's Office were through the Office's toll-free telephone number:

1-888-828-3626 and the Ombudsman's website (including its secure online complaint form and *Live Chat*). Members of the Defence community also contacted the Office by email, letter, fax, in person and through their Member of Parliament.

This year, the largest number of cases came from the following regions:

- 1. Ontario
- 2. Western Region
- 3. Atlantic Region

Means of Communication





Live Chat, new since October 2016, is a convenient way for the Defence community to receive help completing our online complaint form, have basic questions answered, and to be pointed in the right direction when they are not sure where to turn.

REPORTS, REVIEWS, & INVESTIGATIONS

GOVERNANCE

The Office of the Ombudsman for the Department of National Defence and the Canadian Armed Forces has been functioning since 1998 with a governance structure that does not meet its operational needs.

After almost three full years in office, I have reached the same conclusion as my predecessors, all of whom believed that a legislated mandate was necessary.

Intended as an independent voice for fairness on behalf of members of the Defence Team, this office was established under a Ministerial Directive and so could be eliminated in the same way, by the Minister's sole authority. With 18 years of operations and documentation behind us, my office undertook a comprehensive review of the matter. In March 2017, we published a formal report.

Although the Ombudsman reports directly to the Minister of National Defence and is independent from the chain of command, there are still limitations attached. The Department controls the budget, staffing, travel and other items necessary for the Office to operate efficiently and meet the needs of the Defence community.

A legislated mandate would remove this office from under the Minister of National Defence and allow for full independence. Without this legislation, the Office can be eliminated with the stroke of a pen; legislation would make it permanent.

The Office of the Ombudsman needs to continue serving its constituents and to have the necessary authorities to operate effectively and efficiently.

I recommended that:

The Minister of National Defence support the enactment of legislation aimed at giving the Office of the Defence Ombudsman organizational permanence and independence from the Department of National Defence with respect to all functional authorities.

At the time of writing, the Minister of National Defence responded he was satisfied with the current structure and hoped to work together to build and improve upon the current processes in place.

DEFENCE POLICY REVIEW

To help shape the development of a comprehensive Defence Policy Review, the Minister of National Defence called for submissions from across Canada. In July 2016, I provided him with an independent analysis intended to contribute to the dialogue on personnel challenges facing Canadian Armed Forces members and their families, cadets, Junior Canadian Rangers and National Defence civilians.

In my submission, I focused not on the weapons of war but on the people we call upon to operate them —our Defence Team's most valuable resource. Within this "people first" framework, we examined the issue of military personnel from recruitment to end-of-career transition into civilian life and highlighted chronic systemic failures or

hard-to-understand policies that negatively affected our constituents. I pointed out the urgency of embracing fresh thinking and getting rid of outdated, cumbersome regulations that block the development of a modern military.

Whatever future path our country takes—or is obliged to take—we first have to ensure that what is broken in the system is fixed and does not continue to cause hardship for the thousands of men and women who, at great personal sacrifice, serve our country. This is not simply a question of doing the right thing, it is about our ability to protect and enhance Canada's national security. It is about our future ability to attract the men and women we need to do the job.

FOCUS ON TRANSITION

My highest priority this year was working to ensure a proper transition for members leaving the Canadian Armed Forces; especially those releasing for medical reasons.

For example, in cooperation with the Office of the Veterans Ombudsman, my office developed visual maps of the medical release process for the first time for both Regular and Reserve Force members. Intended to guide and assist both Canadian Armed Forces members and departmental decision makers, these maps offered an overview of the key steps and players involved from the time a member sustains an injury, to their release from the Canadian Armed Forces.

These maps, which illustrate the complex interaction of rules and stakeholders, drove fact-based conversations between the Canadian Armed Forces and Veterans Affairs Canada through their joint 2020 initiative. We expect that the maps will help clarify necessary changes to the medical release process to reduce the administrative burden that is currently placed on ill or injured members.



DETERMINING SERVICE ATTRIBUTION FOR MEDICALLY RELEASING MEMBERS

Each year, approximately 5,500 members release from the Canadian Armed Forces. Of that number, about 1,500 are released for medical reasons. The process of release is generally lengthy but for members who are medically releasing, it is further complicated by the challenges of their individual struggles.

Once released, members sometimes have to wait months for their benefit applications to be processed. Delays in receiving pensions, benefits or services adversely affect members that are medically releasing and most certainly do not make for a seamless transition from military to civilian life.

In May 2016, my office published a position paper with our views on who should decide whether a medically releasing member's condition is related to, or aggravated by, military service. We found that it is possible to adjust the current process and drastically shorten wait times for benefits.

SIMPLIFYING THE SERVICE DELIVERY MODEL FOR MEDICALLY RELEASING MEMBERS

We have received, and continue to receive, numerous complaints from current and former Canadian Armed Forces members who are transitioning or have transitioned to the programs and services of Veterans Affairs Canada. It is in this context that we published our review of the transition process in September 2016.

The purpose of this report was to identify opportunities to improve service to members who are released each year due to illness or injury. This was based on the assumption that the Canadian Armed Forces would determine whether an illness or injury was related to, or aggravated by, a member's military service and that this determination would be accepted by Veterans Affairs Canada as sufficient evidence to support an application for benefits.

The transition process is unnecessarily complex and difficult to navigate, especially for those who are ill or injured. Some may also be suffering from an operational stress injury. With the current process, members must re-tell their stories to many different people in three distinct organizations. This requires energy the member could be using to get well and move forward with their new lives outside of the Canadian Armed Forces.

The transition process is based on how the Canadian Armed Forces and Veterans Affairs Canada conduct business as opposed to being designed to serve the members. It is neither timely nor responsive to their needs.

The findings of this report point to a number of fundamental issues that create challenges in achieving a successful transition from the Canadian Armed Forces to the programs and services of Veterans Affairs Canada. The result

is a transition process that is simply too difficult for some members to navigate. Members of the Canadian Armed Forces who are medically released deserve to receive, in a timely fashion, services and benefits that are consistent with their needs.

With this in mind, we brought forward recommendations that complement the recommendation made in our paper, Determining Service Attribution for Medically Releasing Members. If implemented by both departments, these recommendations would lead to significant improvements in how the delivery of services and benefits is carried out.

- **1.** It is recommended that the Canadian Armed Forces retain medically releasing members until such time as all the benefits and services from the Canadian Armed Forces, Veterans Affairs Canada, and Service Income Security Insurance Plan have been confirmed and are put in place.
- 2. It is recommended that the Canadian Armed Forces establish a Concierge Service for all medically releasing members. This service would serve as a focal point to assist members and their families for all administrative matters regarding their transition.
- **3.** It is recommended that the Canadian Armed Forces lead, through a phased approach, the development of a secure web portal. The portal would contain information for all Canadian Armed Forces, Veterans Affairs Canada, and Service Income Security Insurance Plan programs and services. The portal would also enable members to input their information just once, and the portal would automatically apply for all services and benefits that would be consistent with the member's needs.

CANADIAN RANGERS

In the fall of 2015, we launched a systemic investigation of the Canadian Rangers identifying a number of areas of concern that warranted further investigation. Members of my team have since met with Canadian Rangers and the units that support them during visits to all five Canadian Ranger Patrol Groups.

The Canadian Armed Forces is reviewing the Canadian Rangers organization and structure with the intent of ensuring its long-term relevance and sustainability; but this review does not address all the areas of concern identified by my office.

Therefore, our investigation will be looking into:

- Canadian Rangers' access to health care entitlements;
- Assessment and monitoring of the medical fitness of Canadian Rangers; and
- Reporting and tracking of injuries, illnesses, deaths, tasks and operations.

This is the first investigation of the Canadian Rangers to be conducted by my office. Our final report is scheduled for release in late 2017.

As part of our investigation, we intend to publish updates (via Ombudsman messages and educational items) on specific issues prior to the release of our final report. Our aim is to provide decision makers with evidence-based recommendations concerning specific administrative, procedural and policy challenges facing the Canadian Rangers.



PERIODIC HEALTH ASSESSMENTS FOR PRIMARY RESERVISTS: AN UPDATE

In October 2015, my office, in partnership with the Canadian Forces Health Services Group, released a study on the feasibility of providing Periodic Health Assessments to members of the Primary Reserve at the same frequency as the Regular Force. The Canadian Forces Health Services Group committed to evaluating options and preparing a follow-up report on its findings.

Progress was made toward reform but stopped in late 2016 due to competing high-level priorities. We do not foresee significant work being completed before the summer of 2017.

Without Reservists receiving regular medical assessments, the Canadian Armed Forces cannot guarantee that Reservists are fit to train, participate in exercises, or be ready for deployment. We are committed to ensuring fair and equitable treatment for all members of the Canadian Armed Forces and will continue to pursue action on this front.

COMPENSATION OPTIONS FOR ILL AND INJURED RESERVISTS

Issues related to compensation for ill or injured Reservists are important to me, as they have been to my predecessors. In 2008, this office published, Reserved Care: An Investigation into the Treatment of Injured Reservists which identified concerns with the adequacy and consistency of care and benefits provided to injured Reservists.

In 2012, the Office released a follow up report raising new concerns about the policy and administration of Reserve Force Compensation. Reserved Care: A Follow Up into the Treatment of Injured Reservists revealed a complicated process with delays in receiving compensation and a lack of awareness of entitlements under the Government Employees Compensation Act. In light of this, and continuing complaints received by our office on Reserve Force compensation, we launched a systemic review of compensation options for ill and injured Reservists.

Published in February 2016, A Systemic Review of Compensation Options for III and Injured Reservists looked at the governance and administration of Reserve Force Compensation, its process and reporting procedures, and the level of knowledge among Reservists of their entitlements.

We recommended:

- Improved governance and administration of the Reserve Force Compensation process; and
- Enhanced knowledge and awareness of the compensation options available to ill and injured Reservists.

One year later, in February 2017, we requested a status update on the implementation of these recommendations. We are reviewing the response.



A SYSTEMIC REVIEW OF CANADA'S PRIMARY RESERVE FORCE

We have been monitoring the issue of operational stress injuries and the health care provided to members of the Canadian Armed Forces for the past 15 years. During this time, we released five reports on the subject of operational stress injuries which focused mostly on the Regular Force. We also published two reports on the provision of health care to injured Reservists; however, neither report examined Reservists injured on international deployments nor those suffering from operational stress injuries.

As part of a systemic review of these issues, my office set out to:

- Identify and clarify entitlements to medical care;
- Measure levels of knowledge and awareness of those entitlements;
- Examine impediments to seeking care; and
- Examine the roles and responsibilities of leadership in supporting their members

Despite the many changes and improvements that have been made over the years, there is still much the Department can do to improve the care and services provided to part-time soldiers with operational stress injuries. We continue to advocate better follow up; effective administration of health care; periodic health assessments and future Reserve employment; and improved knowledge and awareness of the entitlements available to all Reservists, especially those who are ill and injured.

In our report, Part time Soldiers with Full time Injuries: A Systemic Review of Canada's Primary Reserve Force published in May 2016, we recommended that the Department of National Defence and the Canadian Armed Forces:

- Improve the clarity and administration of Reservists' entitlement and eligibility for health care, periodic health assessments and future Reserve employment;
- Take measurable steps to improve awareness of the entitlements available to all Reservists, especially those who may be ill and injured; and
- Strengthen the responsibility and capacity to follow-up with Reservists.

FOCUS ON CADETS

In January 2017, my office published a systemic review of the Canadian Cadet Program to identify issues of unfairness that might arise should a cadet be seriously injured or killed during an approved cadet activity.

Cadets: An Investigation of the Support Provided to Cadets Who Suffer an Illness or Injury as a Result of a Cadet Activity, assessed the similarities and differences in benefits offered to:

- People involved in cadet or youth activities;
 Canadian Armed Forces members and employees of National Defence:
- Cadets from Allied countries comparable to Canada; and
- Members of other Canadian youth organizations.

We also looked at Canadian federal and provincial insurance and benefit schemes to see how they compensate ill and injured youth.

Overall, we found that Canadian cadets, although treated fairly following minor incidents, are not treated on par with Canadian Armed Forces members or civilians involved in cadet activities when it comes to compensation for serious, life-changing injuries and illnesses. We also found that information on how to access Canadian cadet health care entitlements is not readily available and the process is not well understood.

Our review concluded that, when it comes to access to long-term care and compensation, not much has changed since the 1974 Valcartier grenade incident. More needs to be done to support our most vulnerable participants of the Cadet Program.

In the event of illness or injury arising from an approved cadet activity, we recommended that:

- Cadets be compensated and supported consistent with the compensation and support available to members of the Canadian Armed Forces:
- Cadets and their families have access to accurate information on cadet entitlements in time for summer training 2017;
- The relevant accident insurance policies ensure that benefits are identical across the three Cadet Leagues; and
- Sound policies and procedures governing Staff Cadets' possible entitlements to compensation in case of illness or injury arising from their duties also be in place.

The Minister of National Defence replied to the report indicating that the Canadian Armed Forces would "review the process of providing support to cadets who suffer illness or injury as a result of approved cadet activities," including an "analysis of differences between the support provided to full and part-time Reservists and the support provided to cadets."

FOCUS ON FAMILIES: AN UPDATE

In 2012, this office launched a systemic investigation into the issues and challenges facing the families of those who serve in the Canadian Armed Forces. Published in 2013, *On the Homefront: Assessing the Well-being of Canada's Military Families in the New Millennium* was well received and has since become a key reference document for professionals, service providers and military families themselves.





Many changes and improvements have taken place to better serve military members and their families with new programs and policies to meet their needs. There are 11 general and six issue-specific recommendations outstanding. My office is monitoring how quickly these recommendations are implemented and pressing the Department to make good on its commitment to properly acknowledge, engage and support Canadian Armed Forces families.

ADDRESSING THE INFORMATION NEEDS OF BEREAVED MILITARY FAMILIES

For the past 11 years, this office has been tracking how the Canadian Armed Forces engages with families during a board of inquiry. In March 2015, our report, Boards of Inquiry: Families in Focus found that boards of inquiry were difficult to understand for many families. In response, the Commander of Military Personnel Command was directed to work closely with my team to address the information needs of military families suffering the loss of a loved one.

The resulting report, The Support Needs of Bereaved Military Families, was released in April 2017. It examines the level of awareness among military families of key Canadian Armed Forces administrative documents and processes, and their need for timely and clearly communicated information regarding the circumstances of their military family member's death. The review highlights that services and resources available to bereaved families are not well known, easily accessible, or consistently available, and that outdated reference materials hamper the ability of administrators to properly support bereaved military families.

Our office recommended concrete steps to better meet the information needs of families by producing plain language information on administrative documents and processes, and making this available through a single access point. Clear guidelines and timelines for engaging with families in a setting outside the board of inquiry process, including grief support programs, would help improve communication.

Further, we emphasized the importance of providing the necessary tools to personnel responsible for Casualty Administration, inquiries and bereavement services. This would mean updating Casualty Administration guides, investigation directives and the related references and training materials to accurately reflect the roles of all those involved and properly support those who are working with the loved ones of a fallen Canadian Armed Forces member.

With our colleagues in Military Personnel Command, we urged continuous improvement in communicating with the families of those who have made the ultimate sacrifice, and those families transitioning to civilian life. With enhanced collaboration among stakeholders and Command Teams, and with a shared family-centric goal, we can support bereaved military families.

The establishment of a permanent Families in Focus working group, with participation extended to operational commands, would help ensure that policies, guides and training are consistent and remain responsive to needs. In addition, many bereaved families, along with families of medically released ill and injured members, need to be recognized as families that are transitioning from military to civilian life, with everything that implies for psychosocial and economic well-being.

The Chief of the Defence Staff received the review and is in full support of the recommendations.



PHOENIX PAY SYSTEM

In February 2016, the federal government launched the Phoenix pay system to modernize civilian pay, streamline processes, eliminate paperwork and increase employee self-service options. Public Services and Procurement Canada is responsible for the maintenance and management of the pay system.

Since its implementation over a year ago, Phoenix has been plagued by technical and capacity issues, resulting in thousands of public servants (including civilian employees of the Department of National Defence) being over paid, under paid or not paid at all.

Phoenix-related issues have caused a significant increase in contacts to my office, as well as investigations launched by members of my team in an effort to help our constituents. To be clear, it is not within our mandate to examine issues outside of the Department. However, we can provide information and referral to appropriate resources and will continue to do so, especially in cases of financial hardship.

CLASSIFICATION GRIEVANCE DELAYS

A classification grievance is a written complaint by an employee against how their position is classified based on the work assigned by the responsible manager and described in their job description.

My office has been actively engaged on this issue since 2011 and continues to receive complaints from National Defence employees regarding delays in obtaining a classification grievance decision from the Department.

While the Public Service Labour Relations Regulations (SOR/2005-79) and the new Treasury Board Secretariat Directive on Classification Grievances (2015) specifically say that an employee who has submitted a grievance should receive a decision within 80 days of presenting their grievance, the process has for many years been plagued by backlogs and significant delays.

In addition to investigating individual complaints about classification grievance delays, we have been monitoring the overall progress and improvements as well as corresponding and meeting with responsible counterparts in the Directorate Civilian Classification and Organization.

The most recent classification grievance directive aims to increase accountability and compliance by way of increased Treasury Board oversight and control. After the new directive came into force, our office conducted an assessment to determine what progress had been made. We are now analysing our findings and, in the interim, have prepared various educational products to demystify the classification process and keep constituents informed of their rights.

CONSTITUENT & STAKEHOLDER ENGAGEMENT

As part of my office's efforts to enhance awareness and understanding of our role and mandate, I and members of my team connected with constituents at military bases and wings, and departmental events across the country—reaching out to military and civilian leaders, stakeholders and like-minded organizations. These engagements provided us with a better understanding of the issues and challenges facing members of the Defence community.



VISITS TO BASES AND WINGS

My office is committed to connecting directly with constituents where they live and work. We travel regularly to Canadian Armed Forces bases and wings where we meet with senior leaders, non-commissioned members of all ranks and occupations, family members, health care providers, chaplains, social workers and civilian and non-public fund employees. These sessions allow us to provide information on our services, discuss issues of importance and receive complaints.

During the past fiscal year, my staff and I met with more than 10,000 constituents, either individually or in group settings, at the following locations:

- 14 Wing Greenwood, Nova Scotia from February 6 to 9, 2017
- Canadian Forces Base Edmonton, Alberta from November 28 to December 2, 2016
- 17 Wing Winnipeg, Manitoba from November 14 to 18, 2016
- 1 Canadian Ranger Patrol Group and Joint Task Force North, Northwest Territories from April 7 to 11, 2016

INTERACTING WITH CONSTITUENTS AT DEPARTMENTAL EVENTS

In 2016-2017, my office met with constituents at a series of military and departmental events. This type of engagement allowed us to reach out in formal and informal settings and provide valuable information about the Office and the services available. We met with many members of the Defence community at the following activities throughout the year:

- Commemorative and diversity events at National Defence Headquarters in Ottawa, Ontario including the International Day for the Elimination of Racial Discrimination, Aboriginal Awareness Week, Black History Month and the International Day for Persons with Disabilities
- Orientation programs for new civilian employees at the Learning and Career Centre in Ottawa, Ontario
- Ombudsman Reservist Awareness Campaign in Gatineau. Quebec
- Presentations to all five Canadian Ranger
 Patrol Groups across Canada including the
 Northwest Territories, Quebec, Ontario, British
 Columbia and Newfoundland and Labrador

Would you like someone from the Ombudsman's Office to speak to your group/organization?

E-mail the details of your request to: ombudsman-communications@forces.gc.ca or call 1-888-828-3626.

- Presentations to various groups across the country such as the Military Resource Centre, Joint Personnel Support Unit, the Union of National Defence Employees Regional Conference, Employee Assistance Program, Integrated Conflict and Complaint Management, and the Defence Visible Minority Advisory Group
- National Child Day at the Canada Aviation and Space Museum in Ottawa, Ontario
- Military Family Event in Ottawa Ontario
- The 6th Annual Defence Community Family Appreciation Day at Uplands military site in Ottawa, Ontario
- The Cadet and Junior Rangers Program

 Awareness Campaign in Comox, British

 Columbia; Vernon, British Columbia; Rocky

 Mountain, Alberta; Cold Lake, Alberta; Bagotville,

 Quebec; Mont Sacrement, Quebec; Valcartier,

 Quebec; St-Jean, Quebec; Goose Bay,

 Newfoundland; Cornwallis, Nova Scotia and

 Debert, Nova Scotia
- Presentations to military personnel at a number of leadership courses, including the Senior Leadership Program in St-Jean, Quebec, the National Security Programme in Toronto, Ontario and the Professional Development for National Cadet and Junior Canadian Ranger Support Group in Ottawa, Ontario.

PARLIAMENTARY ENGAGEMENTS

As part of my commitment to foster and maintain constructive working relationships, I regularly meet with Parliamentarians to discuss issues of importance and concerns brought forward by constituents.

This past fiscal year, I provided updates on key issues through individual meetings with members of Parliament as well as appearances before the House of Commons Standing Committee on

National Defence, the House of Commons Standing Committee on Veterans Affairs, the Senate Committee on National Security and Defence, and the Senate Subcommittee on Veterans Affairs.

Participation in these sessions is critical to the advancement of issues and work of mutual or shared responsibility.

ONLINE ENGAGEMENTS

Constituents need to be heard without necessarily meeting with us in person. By engaging the Defence community via our website and on social media, we can actively listen to individuals, provide access to information 24/7, and ensure our services are meeting their needs.

Throughout the past year, we continued our efforts to reach out to our constituents where they are with the launch of our Facebook page and *Live Chat* on our website. Also new to our website are our helpful information videos in American Sign Language.

Since the launch of our Facebook page in November 2016, we have over 10,000 page likes.

With Live Chat, our Defence community and visitors to our website have immediate and easy access to a bilingual intake officer who will help with completing our online complaint form or answering basic questions.

The Frequently Asked Questions section of our website continually makes it into the top five visited pages. Messages from the Ombudsman also receives a lot of attention, with 24, 239 views (the number of times a page was viewed by visitors).

Over the course of fiscal year 2016-2017, our Twitter account saw a 36% increase in followers. We also saw a 55% increase in Twitter activity, in terms of retweets and favourited tweets.



(www.ombudsman.forces.gc.ca)

| | 2014-2015 | 2015-2016 | 2016-2017 |
|----------------------------------|-----------|-----------|-----------|
| Total Visitors(1) to our Website | 40,014 | 81,472 | 78, 786 |
| Total Visits(2) to our Website | 51,582 | 100,239 | 101, 652 |
| | | | |

¹ The number of individuals who came to our website

OMBUDSMAN TWITTER TRENDS



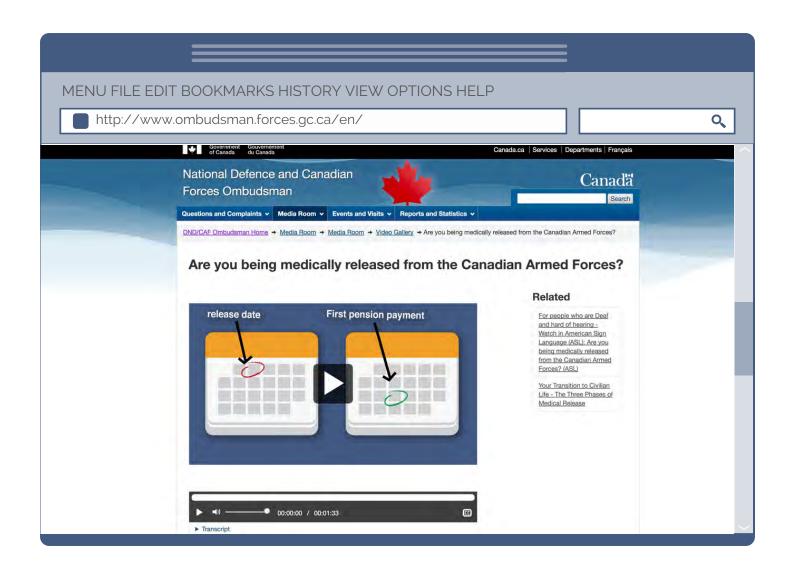
(@DNDCF_OMBUDSMAN)

| | 2014-2015 | 2015-2016 | 2016-2017 |
|-------------------------------------|-----------|-----------|-----------|
| Total Followers on Twitter | 1,343 | 1,774 | 2,278 |
| Total Retweets and Favourite Tweets | 93 | 753 | 1,172 |
| | | | |

| Top Tweets | Impressions* |
|---|--------------|
| You're posted? Do you have enough \$\$ to buy a house? Check out this map. bit.ly/1LEMlyG @RentSeeker #MilitaryFamilies | 4,417 |
| The ABC of military postings. Great info to make your posting easier. Bit.ly/1TvLoEl #MilitaryFamilies @CanadianArmy | 4,384 |
| Ombudsman staff speak with Rangers of the Canadian Ranger Patrol Leader course. #2CRPG pic.twitter.com/gAP9Bygcl4 | 4,118 |
| #CAF members and families – getting posted this year? Here's the ABCs of Military Postings. bit.ly/1TvLoEl @RCN_MRC @RCAF_ARC | 3,793 |
| Are you a member of the #DefenceCommunity at #CFBWinnipeg? Join us at one of our town halls this week. #17Wing @RCAF_ARC pic.twitter.com/VddNtKIHpo | 3,666 |

^{*}The number of times users saw the tweet on Twitter

² The number of times individuals came to our website









CORPORATE PRIORITIES AND INITIATIVES

1. Engaging the Defence Community

In order to fulfill my responsibilities completely and effectively, I must ensure that all members of the Defence community are aware of and understand my mandate and role within the Department and the Canadian Armed Forces. But awareness is only one part of being able to help; I also need to provide easy access to the Office. By regularly reaching out to constituents where they live and work, we as an office can actively listen and ensure that our services are meeting their needs.

With this in mind, my office continued to enhance awareness of the ombudsman role and mandate by increasing engagements with new recruits, cadets, Canadian Rangers, and Reserve Force units, as well as visits to bases and wings across Canada. We enhanced our online presence through improvements to our website content and regular participation in social media.

In addition, we reached out to non-departmental stakeholders, such as Members of Parliament and Senators on key issues affecting the Defence community.

2. Assisting and Educating the Defence Community

This office built upon progress made in 2015-2016 with respect to improving its ability to be a direct source of information, referral and education as well as providing impartial, evidence-based investigations. In particular, we:

- Continued to deliver informal and early resolution of complaints by giving our staff the tools to resolve issues at the lowest level
- Reviewed service standards with monthly tracking and data measurement to ensure a continued commitment to service excellence
- Used knowledge resources such as an electronic reference tool to maintain a high level of expertise with staff as subject experts
- Increased our emphasis on education and awareness through user-friendly electronic tools (an interactive map and a benefits portal will be introduced on our website)
- Continued to produce clear and effective communications products including investigative reports.

Aligned with the Department's priorities for 2013-2017 in terms of strengthening the Defence team and ensuring Defence stewardship and affordability, this office continued to deliver quality services to the Defence community and value for money to Canadian taxpayers by focusing on four key areas.

3. Effectively Addressing Systemic Issues

In 2016-2017, my office maintained the ability to quickly identify and address systemic issues affecting the Defence community and to launch systemic investigations, case studies or issue assessments without affecting daily operations. To remain effective, information from external and internal sources were continuously monitored.

My office continued to conduct systemic investigations while maintaining a flexible approach to launching smaller issue assessments. The creation of a permanent systemic team has strengthened our ability to deliver effective and timely recommendations related to systemic issues. Standard operating procedures and a multi-year systemic investigation plan have been established to formalize the process.

4. Demonstrating Value for Money

My final key priority for the Office in 2016-2017 was to increase our performance and relevance within the Defence community. Initiatives included:

- Implementing a service level agreement with Shared Services Canada to meet the growing demands of both our internal information holding requirements and the need to ensure confidentiality
- Ensuring we kept to our service standards by reviewing constituent feedback questionnaires to confirm we were properly resourced and staff were skilled and committed to service excellence
- Maximizing our in-house publishing capability to develop new communications tools and products to help with the education goals of the organization
- Conducting quarterly reviews of finance files as part of an internal control framework to ensure quality control over financial activities
- Maintaining an Information Technology (IT)
 business plan where all IT needs were identified
 including funding required to support all
 initiatives for the next three years.

OMBUDSMAN'S ADVISORY COUNCIL



The Ombudsman's Advisory Council consists of eight volunteers with specialized expertise in the Canadian Armed Forces and comprehensive knowledge of the ombudsman profession.

They play an integral part in guiding our office through the myriad of issues and challenges we face daily. The council provides advice related to the mandate, professional principles and structure of the Office.

I would like to express my thanks for the dedication, expertise, and contributions of council member Mr. Howard Sapers, who retired from the council this past fiscal year. I am pleased to welcome Lieutenant-General (retired) Walter Semianiw who will be joining us. LGen (retired) Semianiw spent 32 years as a member of the Canadian Armed Forces. His presence and broad range of experience will be very much appreciated by myself and this office.

The following individuals were valuable members of the Ombudsman's Advisory Council during fiscal year 2016-2017:

Lieutenant-Colonel J.L.G. Bélisle joined the Canadian Armed Forces in 1986 as an infantry officer with the Royal 22e Régiment. He changed trades after 12 years to Canadian Forces Chaplain. With many overseas deployments and missions under his belt, he currently is at Army Headquarters as the Canadian Army Command Chaplain.

Colonel John Conrad is a published author, lecturer and a Reserve Brigade Commander of 41 Canadian Brigade Group in Calgary, Alberta. He has 32 years of experience in the Canadian Armed Forces regular and reserve components. In 2006, he served as Commanding Officer of the Canadian Logistics Battalion, the unit responsible for sustaining the Canadian Task Force in Southern Afghanistan.

Lieutenant-Colonel Leslie Dawson is the Director of Chaplain Services in Ottawa. Since joining the Canadian Armed Forces in 1989, she has served in numerous chaplain positions, including: Chapel Life Coordinator, Unit Chaplain, Base Chaplain, Brigade Chaplain and Formation Chaplain.

Lieutenant-Commander Deborah-Lynn Gates

joined the Air Reserves in 1988 as a non-commissioned member and transferred into the Regular Force in 1996. She accepted her commission in 1999 as a Naval Logistician and has served on both coasts. She is currently the Chief Staff Officer Corporate Services for the Naval Staff in Ottawa, enjoying the balance of home and work life.

Ms. Sharon Gosling served in the Canadian Armed Forces for more than 27 years before retiring at the rank of Chief Warrant Officer. Since 2008, Ms. Gosling has provided administration and support to ill and injured soldiers first as the Officer in Charge of the Service Personnel Holding List followed by Services Manager at the Integrated Personnel Support Centres in Cold Lake, Alberta and Comox, British Columbia.

Ms. Gaynor Jackson is the Executive Director of the Esquimalt Military Family Resource Centre. She has worked in a variety of roles within the organization over the past 24 years including as a front-line social worker, community developer, educator, fundraiser and administrator.

Captain (Navy) (Retd) Kimberly Kubeck joined HMCS Donnacona in 1980 and received her commission in 1989. Throughout her career, she served in a variety of positions including a secondment to Maritime Staff following the events of September 11, 2001. In June 2011, she was appointed as Director Reserves at National Defence Headquarters in Ottawa and Naval Reserve Regional Advisor for Eastern Region. After more than 32 years of service, Capt(N) Kubeck retired in January

Mr. Howard Sapers was appointed as Correctional Investigator of Canada in 2004. He has a strong background in corrections, rehabilitation of offenders and crime-prevention gained through employment and community service. He has also authored several publications and a number of articles regarding the role and principles of ombudsmanry.

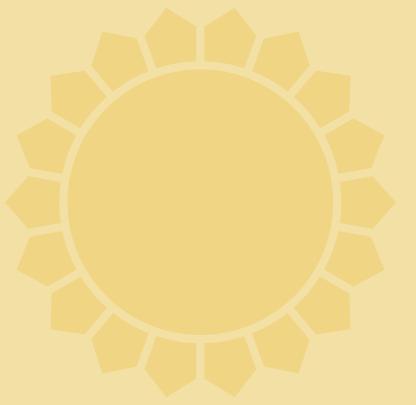
2013.

Chief Warrant Officer Mike Scarcella is the 1
Canadian Air Division Chief Warrant Officer.
Following his enrolment in the Canadian Armed
Forces as a Weapons Technician Air in 1981, he
served at bases both in Canada and around the
world, including a posting to Baden, Germany in
1987. Following his promotion to Chief Warrant
Officer in December 2006, he completed a sixmonth deployment as the Theatre Support Element
Chief Warrant Officer at Camp Mirage.

LIZ HOFFMAN MEMORIAL COMMENDATION

The Liz Hoffman Memorial Commendation is awarded annually to recognize Canadian Armed Forces members, civilian employees and family members who have gone the extra mile and exceeded expectations in bringing about positive and lasting change to the Department of National Defence and the Canadian Armed Forces.

At a special ceremony held in Ottawa on October 27, 2016, it was my honour to recognize the outstanding contributions of four members of Canada's Defence community. Numerous senior Defence officials attended including Lieutenant-General Christine Whitecross, Commander of Military Personnel Command; the Honourable John McKay, Parliamentary Secretary to the Minister of National Defence; and Members of Parliament from both the Standing Committee on National Defence and the Standing Committee on Veterans Affairs.





(L-R) Mr. John McKay (Parliamentary Secretary to the Minister of National Defence), Master-Corporal Sébastien Grimard, Mr. Yves Dubé, Mr. Gary Walbourne (Ombudsman), Dr. Andrea Hoffman, Mrs. Trish Jacobs, Sergeant Charles Gutta (Retired), Lieutenant-General Christine Whitecross (Commander of Military Personnel Command;), Brigadier-General Kelly Woiden (Commander National Cadet and Junior Canadian Rangers Support Group).

RECIPIENTS OF THE 2016 LIZ HOFFMAN MEMORIAL COMMENDATION

Mr. Yves Dubé

As a civilian employee at the Joint Personnel Support Unit in Saint-Jean-sur-Richelieu, Quebec, Mr. Yves Dubé is highly committed to the well-being of Canadian Armed Forces members. Responsible for the Return to Duty Program, Mr. Dubé is not afraid to address issues surrounding ill and injured members and does so with tactfulness and empathy. He often acts as a mediator to sort out misunderstandings and ensures harmonious collaboration between members and their chain of command. With his ability to come up with innovative ideas, he sets up committees to resolve conflicts using first-level resources, preventing issues from escalating. In addition to his regular duties, Mr. Dubé meets with members to ensure their applications for disability benefits to Veterans Affairs Canada are complete and substantiated. With his vast knowledge of Veteran Affairs Canada programs and services, he is highly regarded as a resource person. Service partners refer members to him directly for help. Mr. Dubé cares deeply about the well-being of our ill and injured Canadian Armed Forces members, bereaved families and veterans. He dedicates himself to his work and performs his duties, including those outside his regular job, with professionalism. His involvement, recommendations and direct actions have made it possible for thousands of dollars to be awarded to Canadian Armed Forces members with service-related illnesses or injuries.

Master Corporal Sébastien Grimard

As Deputy Commandant on assignment with the Valcartier Deployment Support Group, Master Corporal Sébastien Grimard handled many critical situations involving families of deployed Canadian Armed Forces members and did so with compassion, diligence and professionalism. Ready to respond any time of the day or night, Master Corporal Grimard's direct actions helped de-escalate many family disputes. Over an 18 month period, Master Corporal Grimard answered more than 100 calls for help, intervening in cases of family and spousal violence, suicide attempts, medical emergencies and legal proceedings. His ability to quickly understand emergency situations and take appropriate action was quickly recognized by his peers and allowed senior officers to make informed decisions. Even after being confronted with his own health challenge, Master Corporal Grimard continued to actively help his peers, stepping in to ensure they received the support they needed. His personal approach has made a difference in the lives of a number of Canadian Armed Forces members, dispelling the stigmas attached to mental health problems, sexual orientation and suicidal thoughts. He continually encourages his peers to tackle the most difficult part of problem solving – taking a step forward and talking about it.

Sergeant Charles Gutta (Retired)

On July 30, 1974, during a classroom training session on explosive devices at a cadet summer training camp, a misplaced live grenade detonated killing six young cadets and injuring dozens of others. As a regular force member overseeing the summer camp that day, Sergeant Charles Gutta (Retired) was entitled to services through Veterans Affairs Canada as were other Canadian Armed Forces personnel affected by the same explosion. But because his cadets were not members, they did not have access to the same benefits and compensation. Sergeant Gutta (Retired) found it unfair that he had access to such benefits, but the young cadets who suffered did not. Although it was not his responsibility, such unfairness did not sit well with Sergeant Gutta (Retired). Through his constant efforts, persistence and spirit of altruism, the Ombudsman's Office launched an investigation into the treatment of those affected. The Minister of National Defence accepted all recommendations from the investigation. Sergeant Gutta (Retired) recognized an injustice and demonstrated courage and integrity as he fought to right the unfairness. His actions are bringing hope, healing and closure to the many individuals affected by this tragedy.

Mrs. Trish Jacobs

As Employee Assistance Program Manager and Referral Agent with Maritime Forces Atlantic, Mrs. Trish Jacobs works tirelessly to advance the health and well-being of her colleagues. With unwavering commitment, Mrs. Jacobs displays a deep sense of courage and compassion in helping employees faced with difficult situations. Her comforting personality and open-door policy welcome hundreds of employees a year into her office to discuss their problems. Despite an already busy workload, Mrs. Jacobs makes every effort to accommodate the unanticipated meeting times of her clients in an atmosphere that is non-judgmental and supportive. Her leadership ensures concerns are immediately addressed before they can escalate. Mrs. Jacobs was the catalyst in establishing base activities in support of Mental Health Awareness Week. As a result of her leadership, it is now an annual event providing a forum for discussion from a diverse group of service providers. Mrs. Jacob's ability to find innovative solutions to engage stakeholders in the program has been a consistent theme throughout her career. On many occasions, Employee Assistance Program coordinators from across Canada have looked to her for best practices that can be applied to their regions. Mrs. Jacobs demonstrates leadership, commitment, passion and a keen ability to make a difference. She inspires, encourages and promotes others in the Department to strive for excellence.

APPENDIX I – DISPOSITION OF CASES

Total Cases Handled*

| Cases Closed | 2166 |
|--|------|
| Cases in Progress (as of March 31, 2017) | 220 |

Cases Closed at Intake

| Information or Assistance Provided | 1369 |
|------------------------------------|------|
| Outside Mandate | 82 |
| Referred to Existing Mechanisms | 78 |
| Withdrawn | 58 |
| Abandoned | 80 |

Cases Closed at Complaint Resolution

| Informal Resolution | 83 |
|------------------------------------|----|
| Information or Assistance Provided | 65 |
| Withdrawn | 13 |
| Outside Mandate | 1 |
| Referred to Existing Mechanisms | 1 |
| Abandoned | 3 |
| Contact Provided Information | 1 |

Cases Closed at Investigation

| Information or Assistance Provided | 81 |
|-------------------------------------|----|
| Unfounded | 40 |
| Informal Resolution | 74 |
| Referred to Existing Mechanisms | 23 |
| Investigated: No Follow Up Required | 74 |
| Investigated: Follow Up Required | 4 |
| Abandoned | 11 |
| Withdrawn | 15 |
| Outside Mandate | 8 |
| Contact Provided Information | 1 |

Cases Closed at Systemic Investigation

Information or Assistance Provided 1

^{*}This includes new cases, cases re-opened and cases carried over from previous fiscal years. Any discrepancies in totals are a result of rounding and the transition to a new case management system.

APPENDIX II – FINANCIAL REPORT

SUMMARY OF EXPENDITURES

In 2016-2017, the Minister of National Defence approved a budget of \$5,775,097 for the Office of the Ombudsman. Actual expenditures totalled \$5,561,446 of which \$4,624,870 was related to salaries.

| | (\$) |
|--|-----------|
| Mail and courier services | 1,229 |
| Supplies/furniture | 17,912 |
| Training and professional dues | 85,111 |
| Acquisition/rental of office equipment | 9,310 |
| Network maintenance and support | 81,641 |
| Telecommunications & IT connections | 68,029 |
| Travel and transportation | 106,929 |
| Communications & public outreach | 54,502 |
| Professional & special services | 511,842 |
| Salaries | 4,624,870 |
| Total | 5,561,446 |



A Regular Force member was on the verge of releasing voluntary due to what the member described as a toxic work environment. The member, who was experiencing racial discrimination and harassment by colleagues, spoke to his chain of command but no action was taken.

When the member's commanding officer became aware of the allegations, he initiated a Unit Disciplinary Investigation to examine what may have taken place and how the member's supervisors handled it.

As a result of the commanding officers intervention, several of the members named in the harassment complaint went through a successful Alternative Dispute Resolution process which included a First Nations healing circle.

The members effectively engaged in other mechanisms including the Military Police Complaints Commission's Health Services for a military policy complaint, and the Civilian Human Resource Committee for racial discrimination involving a Canadian Armed Forces member.

For added measure, the member was put in touch with an Ombudsman investigator who discussed the issue with all parties involved.

The investigator found that the member's commanding officer handled the situation in a timely and fair manner and commended his actions.

Although still planning to release, the member agreed with our investigator's conclusions.



A former Regular Force member, released medically due to illness, received a letter from Director Casualty Support Management telling him his medical release was not attributable to service. Believing this to be a mistake, the member reached out to our office for help.

After a review of the files and speaking with a transition officer at Director Casualty Support Management, our investigator found that it was the wording in the letter that was causing some confusion.

There is a great deal of information provided during a member's release transition which can be overwhelming, particularly for members with mental health challenges or injuries.

The investigator concluded that the language in the letter sent from Director Casualty Support Management created unnecessary frustration for the member and recommended a change in the wording so it is less likely to create misunderstanding or confusion for other releasing members.

Due to the intervention of our investigator, Director Casualty Support Management now has a new priority entitlement letter which addresses our concerns.

The member was very appreciative and thankful that changes were made that would keep other members from going through what the member had to go through.

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A former member of the Regular Force was referred directly to one of our investigators as he may have been owed money following the recalculation of the Operations Foreign Service Premium.

The Operations Foreign Service Premium, or the OPS FSP, is an allowance payable to a member for service overseas and for expenses not covered by other allowances and benefits.

While posted out of country, the member was entitled to, and received, the OPS FSP benefit based on the member's family size and time spent outside of Canada.

Our investigator spoke with staff at Director Military Pay and Allowances who confirmed the member was owed over \$1700.00 as a result of a retroactive payment adjustment to the Foreign Service Premium benefit.

In speaking with officials from Director Military Pay and Military Pay and Procedures Compliance, our investigator found there were approximately 90 people owed money following the recalculation. Only members who knew they had a credit on their account and contacted Director Military Pay had their requests approved and paid.

Director Military Pay had recently recommended all money still owing be paid proactively, rather than waiting for the member to contact them. The recommendation was approved and the remaining payments processed.

Director Military Pay and Allowances is to be commended for showing fairness and initiative in paying all outstanding amounts owing to eligible members, serving or released.



The parent of a former Regular Force member contacted our office concerning a debt the former member owed to the crown. The debt, related to tuition fees and obligatory service, was in excess of \$20,000.

The parent explained to our investigator that, due to a series of events which had a negative impact on the former's member's health, the member voluntary released before completing obligatory service.

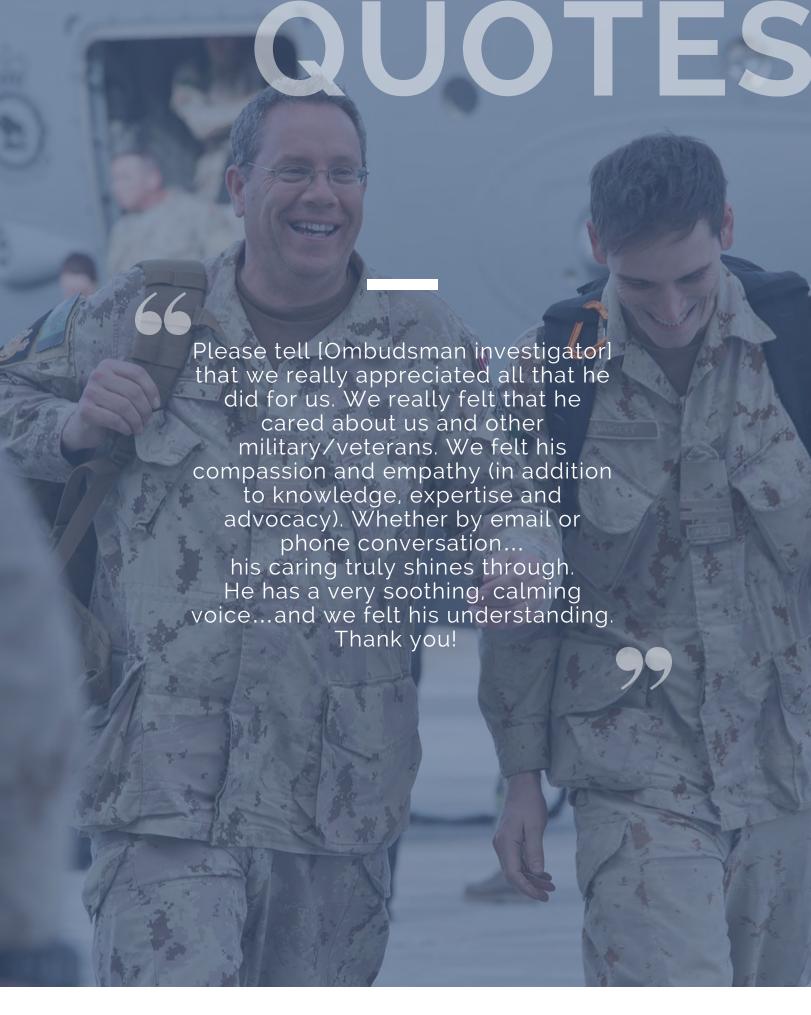
The parent felt the tuition fees should not be repaid due to the circumstances and that this was not fully considered at the time of release. The parent also felt it should have been a medical release and wrote a letter to the Canadian Defence Academy requesting a review of the file and a change in the release item.

After losing contact with their liaison at Director Military Careers Administration concerning the review, the parent contacted this office.

Following discussions between our investigator and Director Military Careers Administration, the file was reviewed twice and the release item finally changed to a medical release.

Due to the change in release item, the former member's debt was cancelled and the member could now focus on health and overcoming personal difficulties. The family was extremely pleased with the outcome.







I feel grateful and privileged to have someone like Gary Walbourne to speak on behalf of all veterans who are struggling with VAC/SISIP/DND/CF quagmire that often exacerbates the unfortunate realities of Canada's ill and injured. I realize that change is difficult, especially in government, but without people like Gary, you and others whose job it is to represent us, we would be much worse off.

From an ill and injured veteran and his family, who in reality are unlikely to articulate our experiences well enough to ever see what we truly have earned and deserved through service, we remain grateful for the hard work and honest efforts you and the many others in the Ombudsman's Office have done and are doing.





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I just wanted to thank you for all of your support that you have provided to myself and my mother since you first became aware of the case.

I do not believe that her case of obtaining the survivor portion of the military pension and survivor medical and dental benefits would have been resolved without your intervention.

These cases are not making the headlines like those of the pay issues of public servants, such as myself, but are highly important to a small, very vulnerable portion of Canadians. I thank you for your many kind words and many discussions with regard to the progress being made on this case. You have relieved a lot of tension and stress following my father's death. Your dedication has been outstanding and your deep sense of professionalism is reassuring.



