

Ombudsman

National Defence and
Canadian Armed Forces



Défense nationale et
Forces armées canadiennes

2022-2023

ANNUAL REPORT

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

Canada

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Ombudsman's message

During fiscal year 2022–2023, my office continued to face challenges from within and outside the Defence community as we shifted to new ways of working now that the COVID-19 pandemic is no longer considered a global emergency. However, I am happy to report that we did not stop pursuing our ultimate objective: working in an independent and cooperative manner with other partners to bring credible and impartial solutions to ensure the fair treatment of our constituents by the Department of National Defence and the Canadian Armed Forces.

In May 2022, I announced the launch of a new systemic investigation on mental health for Primary Reserve members participating in domestic operations. The upcoming publication of the report in summer 2023 represents another step in my office's Five-Year Systemic Investigation Plan. This journey will continue in 2023–2024 when we commence a systemic investigation of military complaint mechanisms.

On the outreach front, I am happy to report that my office resumed in-person activities with some virtual components. We visited constituents in Canada, the United States, and Latvia. What has touched me the most personally in visiting our bases and wings is the importance of the military family and the need to do more for those that support our military. Without concrete action at all levels of federal, provincial, and even municipal government, we are moving quickly towards a national security crisis.

On 19 October 2022, we celebrated the 21st Liz Hoffman Memorial Commendation. During this ceremony, six awards were presented, and I wish, once again, to congratulate all the nominees and recipients. We also participated in the 14th International Conference of Ombuds Institutions for the Armed Forces and the UK Forum held in October 2022, which allowed me to share with other oversight institutions and to learn from them.

Over the past several years, my office's attention has been drawn to recurring issues related to administrative decision-making and procedural fairness within the department. We look forward to examining these issues more closely in 2023–2024.

Finally, I would like to express my heartfelt gratitude to my staff for their loyalty and hard work. The effort and dedication they continually demonstrate are the qualities that make what we do possible. Their efforts would be in vain without the cooperation of departmental leadership when we bring unfairness to their attention.

My office is always ready to help our constituents, contributing to substantial and long-lasting improvements for the Defence community.

Gregory A. Lick
Ombudsman

Director General Operation's message

Through another year of the COVID-19 global pandemic, we managed service delivery despite the dynamic public health situation and work environment. Although these challenges raised new questions on how to best operate and pressed us to make key organizational decisions, we continued to support the Defence community. Last year, our office responded to a historically high number of complaints. While we received fewer complaints this year, our numbers are still well above average. In addition, we noticed an increased number of files requiring escalation to our Complaints Analysis and General Investigation Team.

Here are some other highlights from this year:

- Responded to 1,554 new complaints.
- Closed 1,650 complaint files.
- All 53 recommendations on individual complaint investigations were accepted by the DND and the CAF.
- Created and updated 67 educational products to help our constituents understand complex language and tangled policies, procedures, and recourse mechanisms that are often hard to navigate online and only accessible internally.
- Completed a systemic investigation on the mental health for Primary Reserve members participating in domestic operations.
- Held 15 engagement sessions with constituents and delivered six series of virtual Base and Wing outreach events.

One of the areas where we saw change was in the delivery of our outreach program. Much of our activities remained virtual early in the fiscal year, with a new hybrid model—including in-person activities—implemented later. The incorporation of new technology allowed constituents to raise concerns anonymously. This new approach has been well received, and will be the standard for our outreach activities going forward.

Over the year, the operations team responded to complaints and inquiries with empathy and compassion. Our front-line staff were able to help most of our constituents without formal investigation. They ensured that our constituents' concerns were taken seriously. For some of those who reach out to us—after having exhausted recourse mechanisms available—it may be the first time they feel someone has listened. Our individual complaint investigations led to many positive outcomes for the entire Defence community.

Through our follow-up efforts, our systemic team tracked the progress of recommendations made to the DND and the CAF in our past systemic reports. This year, we published eight progress reports that showed the value of our work in contributing to positive change for the Defence community. While some of our recommendations have been implemented or are underway, there is much work to be done on many others, especially those related to CAF Reserve Force members. I look forward to the next progress updates in 2023-24 and the launch of our next systemic investigation that will focus on complaint mechanisms.

We also incorporated more innovative ways to increase the accessibility of our services. We ensured that gender and other identity factors were considered in our work, and continued to publish our Canadian Rangers and Junior Canadian Rangers information in five Indigenous languages. We continued to update and publicly share user-friendly tools and clear information that is accessible to everyone.

Lastly, this report highlights the positive impacts we have on individual Defence team members and how their complaints can lead to systemic improvements for the Defence community. Our successes would not be possible without the loyalty and hard work of our staff as well as the collaboration of the DND, the CAF, Staff of the Non-Public Funds, and stakeholders.

When people have been treated unfairly, we are here to help.

Robyn Hynes
Director General, Operations

Recognizing the Defence community: The Liz Hoffman Memorial Commendation

The Liz Hoffman Memorial Commendation is an annual commendation that serves to recognize members of the Defence community who go the extra mile and exceed expectations in bringing about positive and lasting change to the Department of National Defence and the Canadian Armed Forces.

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

It was an honour to recognize this year's recipients of the Liz Hoffman Memorial Commendation: Captain Sarah Black, Doctor Karen Breeck (Major retired), Ms. Jennifer Calkin, and the Royal Canadian Electrical and Mechanical Engineers, Culture Advisory Organization National Committee (Major Hilary Forbes, Major Jean-Raphael Fleury, and Chief Warrant Officer Nicole Barrett).



(From left to right: Dr. Andrea Hoffman, Captain Sarah Black, Ms. Jennifer Calkin, Doctor Karen Breeck (Major retired), Major Jean-Raphael Fleury, Chief Warrant Officer Nicole Barrett, Major Hilary Forbes and Ombudsman Gregory A. Lick).

Making a difference in the lives of our constituents

Inclusion of hair removal benefits for transgender and gender diverse members

Several transgender and gender diverse (TGD) CAF members contacted our office because they were disappointed with some aspects of CAF Health Services. Amongst their concerns was the lack of hair removal benefits in the context of transgender care. While there had historically been an entitlement to hair removal for a very limited set of conditions, the CAF removed this item from the Spectrum of Care in 2018. Hair removal is a significant treatment contributing to TGD members' mental health, safety, and security.

Our office examined the issue closely. We compared TGD health services within provincial and territorial jurisdictions, plus clinical guidance from the World Professional Association for Transgender Health. Subsequently, we recommended to the CAF Surgeon General that the CAF include hair removal benefits for TGD members.

CAF Health Services responded positively to our recommendation. They engaged in constructive dialogue with TGD members, who had voiced their dissatisfaction about this through the military grievance system. Their senior grievance analyst expertly facilitated a transparent and respectful collaboration between the two groups. This concluded in a welcome interim solution for the CAF's TGD members seeking such treatment.

CAF Health Services is undertaking a comprehensive review of all TGD care within CAF Health Services, and our office continues to follow CAF Health Services efforts to modernize TGD care for members.

Getting a grievance on track

A reservist requested our help after having no luck in tracking a grievance filed in April 2021. In response, our office found that the responsible authorities had not registered this grievance in the Integrated Complaint Registration and Tracking System (ICRTS) of the military grievance system. With our assistance, the authorities found and registered the grievance in the ICRTS so that it would be subsequently processed.

Ensuring promotions are awarded fairly

A Regular Force member contacted us about the cancellation of an upcoming posting and promotion due to missing a career course while on sick leave. Our findings led us to believe that the Director Military Careers may have cancelled this promotion by error. Our office reminded the responsible authorities that medical conditions are not linked with the awarding of promotions. The staff subsequently acknowledged this error, and a new promotion was given with an appropriate effective date. Our prompt intervention ensured informal resolution, rather than a grievance. This allowed the promotion to occur in a timely manner, thereby reducing any career implications for the member.

Retaining appropriate release benefits

A Regular Force member sought our help when they learned of their new medical employment limitations (MELs) on the eve of their voluntary release. Given the potential to miss out on certain benefits associated with a possible medical release, our office intervened promptly with the release authorities, who delayed the voluntary release date by one month to permit a review of the member's file. This review led to the change of the member's release to a medical release, thereby ensuring the member's access to appropriate benefits when transitioning out of the military.

Helping with errors in the pay system

In August 2022, a DND civilian employee contacted our office about suffering financial hardship due to salary recovery and the Pay Centre's inadequate response to this situation. The problem dated back to 2016–2017 when the employee took a one-year Leave Without Pay period. Due to errors in the pay system, the employee received nearly \$40,000 in lump sum payments. The employee immediately notified the Pay Centre about this overpayment, but nothing was done. Upon the employee's return from leave, the Pay Centre held back salary payment for several months. In addition, starting in 2019, the Pay Centre sent seven overpayment notification letters to the employee, each of which cited a different amount owed for the same period. This situation soon led the Pay Centre to stop the employee's salary payment without notice. Subsequently, our office immediately contacted the Director Civilian Human Resources National Strategies (DCHRNS) to get the overpayment recovery placed on hold while we requested more information to provide to the employee relating to the amounts owing. We also helped the employee establish a point of contact in DCHRNS, allowing them to directly address their concerns with them.

Assisting with severance payment delays

A former CAF member contacted our office about severance payment delays. In response, we succeeded in getting the Manager of Release Benefits Administration to obtain information about the file backlog as well as specific details about the complainant's file.

Getting investigation status updates

The surviving spouse of a CAF member contacted our office to get information about the Board of Inquiry investigation of their late spouse. Subsequently, our office obtained the investigation status update from the Administrative Investigation Support Centre. We also provided the family member with a point of contact for next steps.

Constituent process reviews

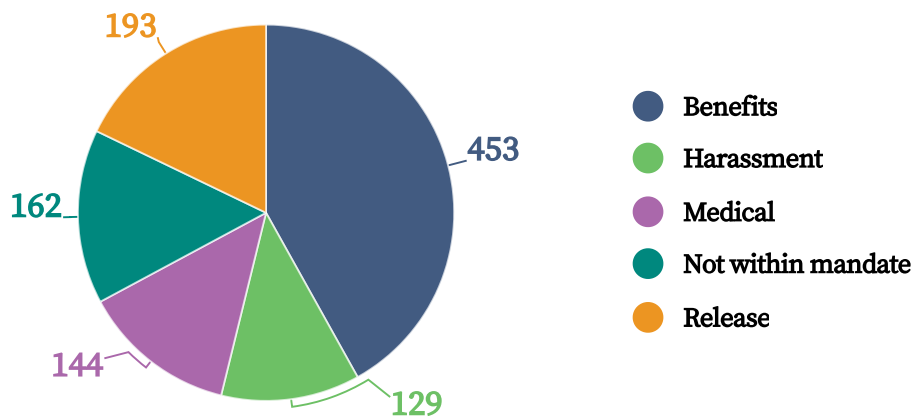
Following a complaint from a constituent, our office completed an in-depth process review which revealed numerous issues with procedural fairness in departmental decision-making processes. The office is pursuing an appropriate resolution for the constituent.

Additionally, commonalities between issues in this file and others received by our office resulted in a broader review of departmental complaint mechanisms. This review will be completed in 2024.

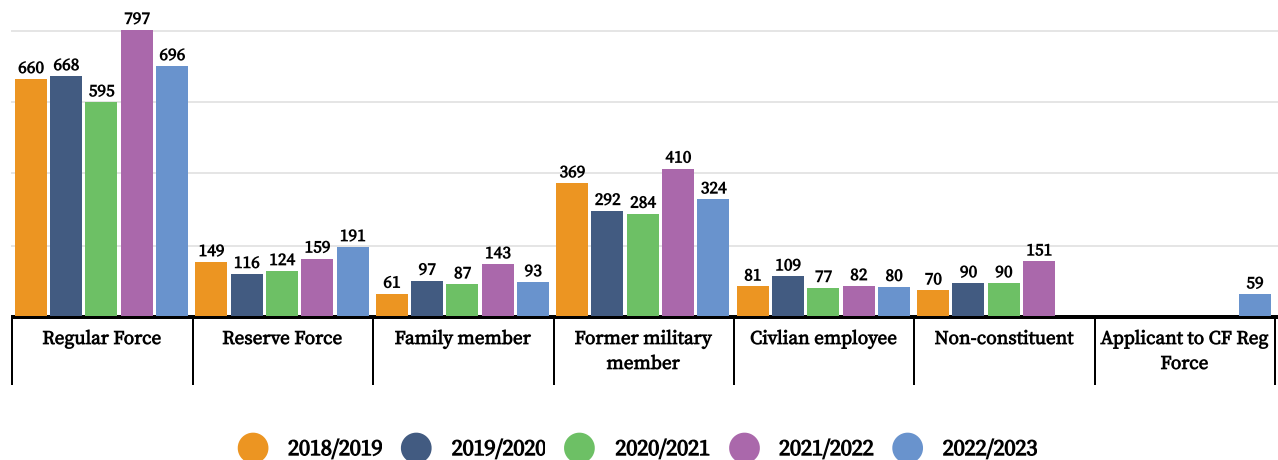
How we helped: a year in review

Members of the Defence community can contact us if they have been treated unfairly, if they are looking for information, or if they are uncertain about how to deal with an issue. Our website, ombuds.ca, explains how we can help.

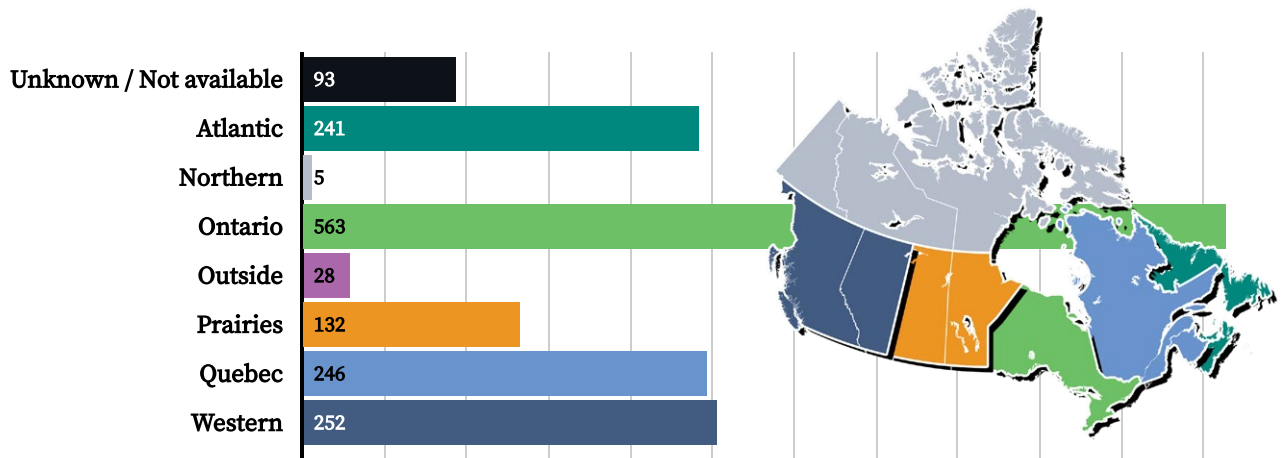
Top new case categories



New cases by constituent groups (The groups who contact our Office the most often)



Origin of cases



Sample cases are available on our website, ombuds.ca, which describe the types of cases we handle. The new cases do not include contacts we have received through our live chat, email and booking tool.

Total Cases Handled	
New Cases	1,554
Cases carried over from previous Fiscal Year	193
Cases re-opened	113
Cases Closed at Intake	
Information or Assistance Provided	1,025
Outside Mandate	104
Referred to Existing Mechanisms	154
Withdrawn	79
Abandoned	86

Cases Closed at Complaint Resolution	
Informal Resolution	24
Information or Assistance Provided	33
Withdrawn	8
Referred to Existing Mechanisms	3
Cases Closed at Investigation	
Information or Assistance Provided	65
Unfounded	8
Informal Resolution	8
Referred to Existing Mechanisms	2
Investigated: No Follow Up Required	30
Investigated: Follow Up Required	6
Abandoned	4
Withdrawn	11

Through investigative work, our General Investigations team addresses both complex and compelling individual cases by conducting thorough reviews and investigations. Investigators ensure the fair treatment of constituents by engaging with and making sound and informed recommendations to the DND and CAF, when necessary.

In 2022–23, the General Investigations team closed 133 files. Out of the 133 files, 125 were related to the CAF and eight to the DND.

Overall, the General Investigations team issued 53 recommendations, all of which were accepted. This reflects our ability to ensure fairness across the Defence community by making credible recommendations at the most appropriate levels and escalating matters appropriately. Of the recommendations made, 48 were issued to the CAF and 5 to the DND.

The following table presents a summary of the reasons why the recommendations were made in relation to our mandate:

Recommendations made by mandate section (All recommendations made to DND and the CAF)	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Total	Accepted
	Q1	Q2	Q3	Q4		
36(f)–Delay should be rectified	7	3	3	3	16	16
36(b)–Omission should be rectified	2	8	1	5	16	16
36(a)–Referred to the competent authority for further consideration	1	0	2	6	9	9
36(e)–Reasons should have been given for a decision/ recommendation	2	0	0	5	7	7
36(g)–Other steps should be taken to achieve substantial and long-lasting improvements to the welfare of employees and members	1	0	0	1	2	2
36(c)–Decision/ recommendation should be quashed/substituted	0	2	0	0	2	2
36(d)–A law/policy/practice on which a decision, recommendation, act/ omission was based should be reviewed	0	0	0	1	1	1
TOTALS	13	13	6	21	53	53

How we helped: investigating systemic issues

Systemic investigations and progress reports are available on our website.

In May 2022, we published *Service versus Self: A systemic investigation into contingency cost moves for personal reasons, compassionate status, and compassionate postings in the Canadian Armed Forces*. The investigation presents our recommendations on policy and processes, communication and mental health and support services.

In May 2022, we also published the *Employment Equity and Diversity in the Department of National Defence and the Canadian Armed Forces—Historical Efforts to Address Employment Equity*. This is the first time that these plans, reviews, audits, and reports have been analyzed in one report. The review brought to light five areas of concern:

- employment equity representation goals
- recruitment
- career advancement
- retention
- culture

Systemic Investigation with a focus on mental health

This year's systemic investigation, *Hidden Battles: A systemic investigation into the identification of mental health needs and support for Primary Reserve members participating in domestic operations* is expected to be published in summer 2023.



Follow-up on recommendations

We conduct follow-ups in order to assess the progress made to date in the implementation of systemic recommendations presented in our past investigative reports. In the fall of 2022, our office published eight progress reports. Overall, the DND and the CAF have fully implemented 12 of the 23 recommendations made in those reports. We are pleased with the progress made for civilian employees' classification, members releasing for medical reasons, support to Cadets, and support to bereaved military families. There continues to be a lack of concrete steps taken to improve the well-being and fair treatment of Reserve Force members; none of the recommendations have been fully implemented. We shared the overall progress made to implement our recommendations in the following messages:

- Ombudsman disappointed in lack of progress on Canadian Rangers and Reserve Force recommendations
- Ombudsman positive on progress made on recommendations for Cadets, bereaved military families, and DND civilian employees
- Ombudsman positive on progress made on recommendations for medically released members



How we helped: connecting with constituents

Educational products

We prepared content based on our analysis of intake cases, constituent engagements, and stakeholder meetings. This year we focussed on updating and streamlining the information we provide online, as well as creating new products to support recommendations from our systemic investigations and report cards. The following is a list of our latest educational products:

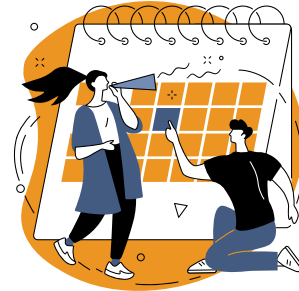
- **Updated Health Resources**
 - Child and Youth resources
 - Maternity leave
 - COVID-19 Updates
- **Updated and expanded information for Reservists**
 - Compensation options for ill and injured reservists
 - Health care for Reservists
 - Canadian Rangers: Health Care
 - Canadian Cadets Organization
 - About the Junior Canadian Rangers
- **Updated and expanded information for Postings, Assignments and Employment OUTCAN**
 - General Information on the OUTCAN Programme
 - HC Coverage and Claims
 - Children's education outside Canada:
 - Allowances and benefits
 - Educational screening
- **Updated information on Workplace Harassment and Violence**
 - CAF members
 - Civilians
 - Sexual Misconduct



Engagements

Outreach

Held **15** engagement sessions with constituents and delivered **6** series of virtual Base and Wing outreach events.

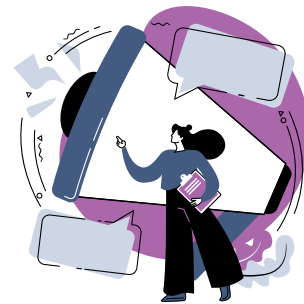


Parliamentary engagement

1 meeting with a Senator
1 meeting with a Member of Parliament
1 appearance before the House Standing Committee on National Defence

Media

7 media interviews,
1 written response and
2 opinion-editorials



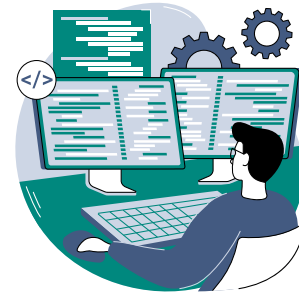
International Engagements

2 international engagements

Digital engagement

Website

Our content rationalization project resulted in many pages being flagged as out of date or irrelevant. As a result, we removed these pages from our web site, and we added links to the DND/CAF web site. In addition, we plan to add relevant content back to our site, subject to a content life cycle review plan.



464,003 total page views
58,580 more page views than 2021–2022
101.2% of target

Military Benefits Browser

Sessions by visitors

6,581 total sessions (up 32% from 2021–2022)
5,122 total visitors (up 30% from 2021–2022)

Returning Visitors

835 visitors (14% of total visitors) are returning visitors (up 3.3% from 2021–2022)
 Total number of returning visitors is up **80%** from 2021-2022



MBB sessions accessed in French

569 (8.6%) of total Sessions were held on Navigateur pages (similar to 2021–2022)
 Total number of French Navigateur sessions up **43%** from 2021–2022

Social media

3 social media channels
6 accounts
6,279 followers
449 more followers than 2021–2022
78.6% of target



Ombudsman's Advisory Committee

We engaged the Ombudsman's Advisory Committee throughout the year to leverage their expertise and solicit their views about our priorities. We briefed the Committee on our systemic investigation, and they provided us with their invaluable advice. The Committee was also engaged in the nominations for the Liz Hoffman Memorial Commendation and updates to our Five-Year Systemic Investigation Plan.



Appendix 1—Financial statement

In 2022–2023, our office was allocated a budget of \$7,947,794. Actual expenditures totalled \$7,686,981.35 of which \$6,691,093.57 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 2022–2023, we returned a total of \$6,700 from the Salary Wage Envelope, \$210,183 worth of non–salary related funds, and \$43,928.63 worth of Vote 5 funds related to Asset Pooled Items and Capital Assets.

Funds were returned due to delays in establishing contracts and delays in the receipt of goods due to supply chain challenges with vendors.

Mail and courier services	\$12,935
Supplies/furniture	\$99,107
Training and professional dues	\$119,950
Acquisition and rental of office equipment	\$8,307
Network maintenance and support	\$6,899
Telecommunications and IT connections	\$174,233
Travel and transportation	\$59,459
Communications and public outreach	\$35,078
Professional and special services	\$373,848
Minor Capital and Asset Pooled Item	\$106,071
Salaries	\$6,691,094
Total	\$7,686,981

Appendix 2—Human resources



Our employees

Overall indeterminate, casual, and term employee count: **73**
Overall employee count at year-end (including students): **80**
Full-time employee count at year-end: **75.9**

Ombudsman

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**We are ready
to help.**

**Nous sommes prêts
à vous aider.**

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