

Ombudsman



National Defence and Canadian Forces
Défense nationale et Forces canadiennes



Annual Report

2000 • 2001



June 2001

The Honourable Art Eggleton, P.C., M.P.
Minister of National Defence
National Defence Headquarters
MGen George R. Pearkes Building
101 Colonel By Drive
Ottawa, Canada
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Dear Minister,


I am pleased to submit the third annual report from the Office of the Ombudsman for tabling in the House of Commons.

This report provides an overview of our operations from the beginning of April 2000 to the end of the fiscal year in March 2001.

Yours truly,



André Marin
Ombudsman



The Office of the Ombudsman was created in June 1998 and its first task was to decide how best to proceed. Extensive research and consultation culminated in an action plan, *The Way Forward*, published six months later. On June 16, 1999, the Minister of National Defence set out the mandate in Ministerial Directives and the Office started handling cases.

This report details progress from April 1, 2000 to March 31, 2001. It describes reforms implemented in response to recommendations from the Ombudsman. It also includes a large number of success stories — individual cases where the Office has been able to make a difference.

This year, the Office not only concluded our longest and most complex investigation to date, it also embarked on an extensive look at gender integration in the Canadian Forces. An ever-increasing caseload speaks to the need for the services the Office of the Ombudsman offers.

The work is challenging — the issues are often complex and sensitive. But the mandate is simple: to help make substantial and long-lasting improvements to the welfare of members of the Department of National Defence and Canadian Forces (DND/CF) community. We're here to make a difference.

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Onwards and Upwards: Ombudsman's Editorial



As I embark on my brand spanking new mandate of five years, I want to take time to reflect on how far we have come. The Office of the Ombudsman started out with just three people working in a National Defence building in downtown Ottawa. Three years later, we are operating out of our own offices, separate from DND, with a staff of 50 that includes investigators across the country. We had 300 cases waiting to be addressed when we opened our doors, and every year our caseload continues to grow.

We have implemented some important innovations since 1998. For example, a memorable telephone number, 1-88-88-BUDMAN, was inspired by Canadian troops I visited in Bosnia, who found “Budman” a lot less of a mouthful than Ombudsman. When people call our number, they get a real person who can help. In many cases, our intake staff can solve the problem right there on the telephone. We also acquired a sophisticated database system to manage our caseload and generate statistics on the cases we handle.

This spring, we completed one of the most complex cases the Office has dealt with so far, involving 95 allegations and over 22 months of intensive work. What is more noteworthy about this case, however, is that it was the first case referred to my Office by the chain of command. I was pleased to see the chain of command avail itself of the Office of the Ombudsman to resolve an issue that had been outstanding for some time. I have always maintained that turning to an independent, objective investigator is a strong sign that an organization is committed to positive change. I welcome this overture and remain receptive to future referrals.

We are now preparing a major investigation into gender integration and the treatment of women in the Canadian Forces. This matter has received significant attention since the Minister's Advisory Board on Canadian Forces Gender Integration and Employment Equity concluded that there is still a lot of work to be done in this area. The board's report echoed concerns raised by members who contacted my Office, and I believe it is in the public interest to investigate this matter thoroughly.

My team and I work hard to achieve win-win solutions that are in the best interests of DND/CF members and the organization as a whole. I think this is one reason my recommendations have all been accepted so far. Unfortunately, during the course of investigations my staff and I still occasionally encounter resistance, such as was exhibited in the last year by the Military Police. Although the resistance is all too often couched in language that suggests “legal impediments” or “jurisdiction issues” are preventing cooperation with our Office, in my view these justifications are thrown up as smoke screens. I see the resistance as generally based on a philosophical opposition to the idea of an Ombudsman. Indeed, as we enter our third year of operations, there remain individuals who are still advancing through the system who do not embrace the concept of an Ombudsman as a good thing. At times, I get the impression that they would prefer to harken back to a day and age of a cloistered military operating out of reach of civilian oversight or, more precisely, out of reach of the Ombudsman. This philosophical antipathy results in unfortunate conflicts with our Office.

As Ombudsman, I possess no executive authority. I make recommendations to the organization that can either be accepted or rejected. Any fear that my existence somehow erodes the authority of managers to manage or leaders to lead is not justifiable. If individuals or parts of the organization are permitted to unilaterally “buy out” of the concept of an Ombudsman, this Office will wither away. I would urge the Chief of the Defence Staff and Deputy Minister to regularly remind leaders and managers of the importance of supporting the function of the Ombudsman, not only to fulfil the strict legalistic terms of the mandate but to wholeheartedly embrace the Office as a vehicle for positive change. I am confident that with support from senior leaders, the detractors of the Office will continue to fade away in favour of the majority who are cooperative and helpful.


Last summer, we contracted an Ekos survey of Canadian Forces members to profile general levels of awareness and perceptions of the Office. It indicated that most CF members support having an Office of the Ombudsman. Support was especially high among those serving at National Defence Headquarters. However, familiarity with the Office’s role is only moderate, especially among junior ranks, and scepticism still exists about the Office’s effectiveness. To remedy this situation, we increased our outreach efforts and produced an informational video, *A Place to Turn*, for wide distribution. I was also pleased to have the opportunity to apprise “top brass” of the results of this survey in a presentation to the Armed Forces Council in October.

Negotiations on transforming the Ministerial Directives outlining my Office's mandate into regulations under the *National Defence Act* have reached agreement in principle. I have been eager for some time to see this process finalized, since the lack of legal framework leaves the Office vulnerable to the very people it is charged to oversee. This is a real obstacle to gaining the credibility I need to be effective, as it contributes to the apprehension that my judgement and candour will be influenced by those to whom I am beholden for power and authority.

In addition to ensuring that my Office receives the legal teeth it needs to carry out the work Canadians expect of it, my team and I will be embarking on several special initiatives in the coming year. The first, which I have already mentioned, is a major investigation into gender integration in the Canadian Forces. This is in keeping with the increased focus I would like to see on issues that will result in wide-ranging improvements in the DND/CF. As we gain experience and our caseload increases, recurring problems become increasingly obvious. Our commitment to individuals and their unique situations has not changed. However, I think it is time to re-double our efforts at addressing broad-based problems that affect many members of the DND/CF community.

My staff and I are also setting up a Special Ombudsman Response Team (SORT) to act in urgent situations. Sometimes by the time members contact our Office, they are at the end of their resources and have reached "situation critical." We would like to have a team ready to respond quickly when necessary.

It has been a busy year, and I would like to thank all my staff for their hard work and dedication. I extend a special thank you to those who have cooperated in our investigations. I would also urge those who still harbour a "not in my backyard" view of the Ombudsman's Office to broaden their horizons and stand behind our efforts to strengthen the fairness of the system. Together we can help make significant improvements to the well-being of DND/CF members and contribute to an open and transparent military in which Canadians can have confidence.



André Marin
Ombudsman

On the Trail: Investigations

Complaints have increased every year as more people become aware of the Ombudsman's Office. The majority of people who contact the Office are CF members, and the main areas of complaint are benefits, releases and harassment.

Investigators attempt to solve problems at the lowest possible level in the chain of command and to obtain a win-win result for the complainant and DND/CF. The vast majority of cases are resolved through informal intervention. Should the matter not be resolved, an investigation plan is developed to collect all the information necessary for the Ombudsman to decide how to deal with the case. Formal investigations involve interviewing all parties concerned on audiotape, preparing a report and, if appropriate, making recommendations. For matters of high public interest, the Ombudsman may issue a special report that is made public within 60 days of its submission to the Minister of National Defence.

“Several members of the Forces have told us that interventions such as a phone call from the Ombudsman's Office have had a galvanizing effect, triggering prompt decisions on cases that have lingered on for years.”

André Marin

Interim Report: Allegations against the Canadian Forces

In the fall of 1999, the Ombudsman's Office began an investigation after a complaint was referred to the Office by Chief of Review Services Major-General K. Penney. The complaint, raised by Captain Bruce Poulin, who works in the Public Affairs Office at National Defence Headquarters (NDHQ), concerned harassment and retaliation after he was identified as the author of a memorandum containing allegations of misconduct against Colonel S. Labbé, Commandant of the Canadian Land Forces Command and Staff College (CLFCSC) in Kingston in 1996. Captain Poulin says this memorandum was submitted to Lieutenant-General W. Leach, Deputy Chief of Land Staff at that time.

The complaint was referred to the Ombudsman's Office in recognition of the need for an independent and unbiased external investigation to bring closure to the matter for the complainant and all others affected by the allegations.

The initial complaint submitted by Captain Poulin contained 95 allegations against 24 individuals, including the Chief of the Defence Staff (CDS), Chief of the Land Staff, members of the Canadian Forces National Investigation Service (CFNIS) — including the Canadian Forces Provost Marshal (CFPM) — and members of Captain Poulin's immediate chain of command in the Public Affairs Office. The investigation took 22 months to complete. It included interviews with 85 witnesses, extensive travel to locations including the United Kingdom, Belgium and Turkey, and the review of thousands of pages of DND/CF internal files and investigation reports.

The Ombudsman concluded that the chain of command failed in its obligations to Captain Poulin as a CF member when it did not acknowledge or respond to the concerns outlined in his memorandum. This failure caused a serious loss of faith in the chain of command and in the CF as an institution on the part of the complainant. When the existence of the memorandum became public, Captain Poulin perceived that he was isolated and alienated in his workplace, and that the chain of command was not committed to dealing with problems brought to its attention. He was subject to additional tension because his duties as a CF spokesperson came into conflict with his personal right to speak to the media about his experiences.

The Ombudsman found that individual members of Captain Poulin's chain of command did not deliberately harass or retaliate against Captain Poulin. Rather, pre-existing conflicts in the Public Affairs Office were severely exacerbated when the memorandum was made public.

On March 5, 2001, the Ombudsman's interim report and findings were submitted to the complainant, the subjects of the allegations and the people responsible for implementing recommendations. The intent was to give these interested parties the opportunity to submit their comments and responses before the report was finalized.

The final report will be presented to the Minister of National Defence. The report will ultimately be made public as a special report in light of the high public profile the issue has received and public interest in the Ombudsman's recommendations.

The Ombudsman recommended foremost that the CDS issue a formal acknowledgment of failure and regret on behalf of the chain of command to Captain Poulin and personally confirm to Captain Poulin the CF's commitment to respond to concerns raised by members. The CDS agreed with the Ombudsman that it is imperative that CF members have the opportunity to bring forth any concern that may affect their

well-being in the workplace. He also agreed that appropriate and timely action should be taken to deal with these concerns. He not only accepted this recommendation but also wrote personally to the complainant. He also accepted a recommendation to reimburse Captain Poulin for legal fees that had been incurred in dealing with a specific aspect of his complaint.

Furthermore, the CDS responded positively to the Ombudsman's recommendations relating to procedures for the tracking and monitoring of complaints by undertaking to review and strengthen current direction, where required. It is hoped that the Ombudsman's recommendations in this case will ensure that CF members' concerns about the leadership of the institution they serve are acknowledged and addressed, and will promote accountability and transparency and ultimately help strengthen trust in the chain of command and improve morale.

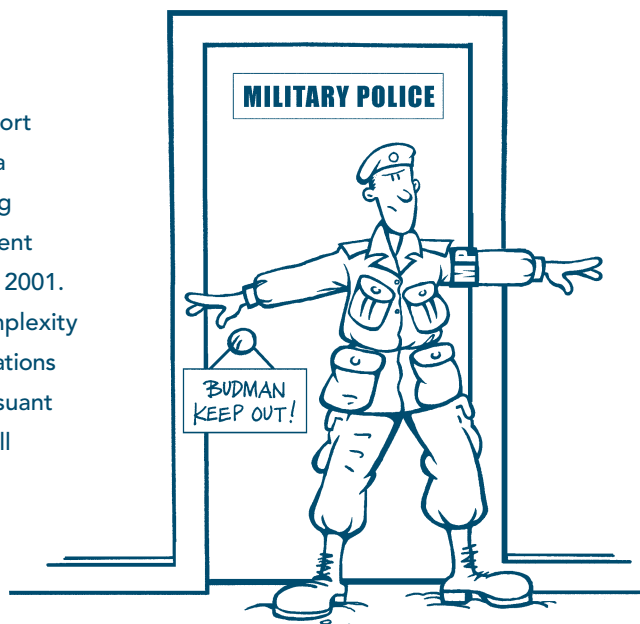
The Ombudsman's report also contained recommendations that were forwarded to the CFNIS for consideration. The recommendations related to the wording used to dismiss Captain Poulin's complaint against the Military Police and a CFNIS press release that was found to have been misleading with respect to evidence uncovered during the CFNIS's investigations of allegations that Lieutenant-General Leach had seen Captain Poulin's memorandum and failed to take action. The initial response to the Ombudsman's recommendations in relation to the Military Police has not been favourable and has resulted in questioning of the Ombudsman's jurisdiction and his mandate. The Ombudsman remains committed to using the appropriate means to ensure that jurisdictional arguments and technicalities do not get in the way of implementing his recommendations, in order to achieve a just and equitable resolution of Captain Poulin's complaint.

Reprisals against the Ombudsman?

Captain Poulin's story contains a cautionary tale about the importance of support from senior leaders and managers for continued success.

During the investigation of Captain Poulin's complaint, the interim report made several findings in relation to the Military Police, some of which were not favourable. For example, the Ombudsman determined that an October 28, 1998 news release was "misleading" and called for concrete action to correct the record.

The purpose of issuing an interim report as opposed to simply proceeding to a final report was outlined by the Acting Director of Investigations in a letter sent to concerned parties on February 12, 2001. It read as follows: "In light of the complexity of this matter, the nature of the allegations and the Ombudsman's obligations pursuant to the Office's mandate, all parties will be given the opportunity to review a copy of the Ombudsman's interim report dealing with the **specific allegations against them** [emphasis added] and will be afforded an opportunity to respond."



After due consideration of the feedback, the final report would then be prepared and be sent to leaders and managers to allow consideration of our recommendations as is established practice at this stage.

The newly appointed Canadian Forces Provost Marshal (CFPM) was not the subject of the complaint by Captain Poulin; therefore, a copy of the interim report was not provided to her. However, several members of her staff, as subjects of the complaint, received a copy of the section of the interim report pertaining to them.

At the time the interim report was issued, there were several unrelated cases for which the Ombudsman's Office was seeking the cooperation of the Military Police in supplying information. One of these cases is being investigated at the request of the Minister of National Defence. The Office was told by the Military Police that the requested information would be available on March 8, 2001. A messenger went to pick up the information at the appointed time and place, but returned empty-handed.

That same day, the Office received a message on its voice-mail from the CFPM's office protesting that the interim report had not been forwarded to her. The message continued by noting that the interim report had reviewed issues of police conduct. As a result, it went on, this raised "mandate versus mandate" issues and therefore requests for information about the outstanding unrelated matters would not be responded to until these mandate issues were sorted out. After listening to the message, the Ombudsman immediately requested a meeting with the CFPM to protest the lack of cooperation. During that meeting, she indicated that the requested files would be made available to the Office.

The Ombudsman does not possess executive or "ordering" authority over DND/CF. The continued success of the Office of the Ombudsman in improving the welfare of members of the organization therefore depends in large part on the support of senior leaders and managers. The Office should never be subjected to retaliatory action in any form, including withholding of evidence by any part of the organization, because in the eyes of leaders or managers the Ombudsman dared to express an unfavourable opinion on a matter or to tread into an area that they feel should not be subject to review. Such actions will be dealt with promptly and reported transparently.

Pre-Mandate Cases

Complaints concerning matters that arose before the Ombudsman's appointment on June 15, 1998 fall outside the Office's mandate unless special permission is given by the Minister of National Defence. In this fiscal year, 233 pre-mandate complaints were received.

Ombudsman investigators thoroughly review such complaints. If a complaint raises issues of current relevance to DND/CF members, the Ombudsman recommends to the Minister that it be investigated. In the last fiscal year, the Ombudsman recommended that 32 pre-mandate cases be investigated, which involve medical treatment standards, compulsory retirement provisions, quality of life issues and services for members suffering from mental health problems and post-traumatic stress disorder (PTSD), among other issues.

Making Progress: Recommendations Implemented

Part of the Ombudsman's mandate is to ensure that DND/CF consistently provides fair and equitable treatment to all its employees. This is critical to members' morale and fosters public confidence in DND/CF.

Therefore, when an individual's complaint has broad application to all members of DND/CF, the Ombudsman may recommend systemic changes that benefit the entire Canadian military community. To date, every recommendation the Ombudsman has made concerning systemic reform has been accepted. Furthermore, superior officers in charge of respective units within the CF have responded positively, expeditiously and cooperatively in implementing the suggested reforms.

The following changes were introduced by the Ombudsman.

Military Police Policy on Victim Assistance

Last year's annual report outlined several recommendations the Ombudsman made to the CFPM on the treatment of victims of crime. That report highlighted several changes that were made in response to the recommendations. Since then, new procedures have been adopted to ensure proper treatment of victims of crime. The new policy requires the Military Police to provide immediate information, referral to support agencies and continuous contact with the victim throughout an investigation. Moreover, every Military Police unit shall have in place a Victim Assistance Program that conforms to the new policy.

This reform was a direct result of the Ombudsman's recommendations contained in his *Special Report on the Systemic Treatment of a Sexual Assault Complainant*.

The Ombudsman recognizes and appreciates the commitment to providing improved services to victims of crime that the former CFPM demonstrated by adopting this policy.

Improved Dismissal Process for Cadets

Two senior army cadets were expelled from the cadet corps after a cadet was injured during an unauthorized weekend excursion. The parents of the two expelled cadets complained about several issues: that the expulsions were, in their opinion, unjust; that they had not been informed about the investigation into their sons' behaviour and given an opportunity to be heard by the commanding officer of the cadet corps; and that the cadets had no right of appeal on the ruling rendered by the commanding officer.

The Ombudsman concluded from the investigation that the decision to expel the two cadets was not patently unreasonable. But he recommended that parents of cadets be notified in writing and that they be informed of the reasons for the investigation when serious disciplinary action is being considered. He also recommended that an appeal process be established for cadets who are subjected to serious disciplinary action so that they have the right to appeal to a higher authority for review.

In response to the Ombudsman's recommendations, the Director of Cadets has instructed that a Cadet Administrative and Training Order be written. This order will ensure that parents are notified in writing of the reasons for dismissal and of the right to apply to a higher authority for review. The Director of Cadets has also agreed to develop a regimented dismissal process, modelled on similar processes used in the Boy Scouts and Girl Guides organizations. He has agreed to forward the draft of these policy changes to the Ombudsman to confirm that they meet the spirit of the recommendations.

At the end of the 2000–2001 fiscal year, the Office of the Ombudsman has undertaken a number of investigations into complaints brought forward by or on behalf of cadets. We are committed to these young members of our constituency and will attempt to redress problems arising within the cadet corps. Cadets are of particular concern to the Ombudsman's Office for two reasons. First, their age has the potential to make cadets more vulnerable to unfair treatment. Second, because the cadet program provides many Canadians with their first introduction to the military, ensuring that each cadet's experience is in keeping with DND/CF's policies on ethical conduct and fair treatment benefits the entire organization.

Keeping Watch: Systemic Problems

Our caseload makes it clear that much work remains to be done. In addition to addressing individual concerns, we will be closely monitoring the areas of gender integration and delays in the new CF grievance process.

Gender Integration

In February 1989, the Canadian Human Rights Tribunal (CHRT) released its decision in *Gauthier v. Canada (Canadian Armed Forces)*, which involved several complaints of sexual discrimination. The CHRT directed the CF to develop a plan for achieving the full integration of women into all occupations and employment areas within ten years, with the exception of service aboard submarines. (This exception was eliminated in March 2001, when the Oberon Class submarines were replaced with four newly-purchased Victoria Class submarines that do not present the same privacy concerns. Women can now serve aboard any vessel in the fleet.)

In accordance with CHRT orders, all areas of military employment were opened to women and a policy of full gender integration was adopted. In the decade since the 1989 decision, the CF has demonstrated its commitment to this policy by undertaking program and policy measures to address gender issues. These measures include:

- identifying and initiating the elimination of barriers and restrictions to the employment of women in the CF;
- initiating improvements and modifications to equipment to better accommodate women;
- reconfiguring decks during ship refits to provide appropriate living spaces for mixed-gender crews; and
- using identical recruiting standards and procedures for women and men.

In 1990, the Minister of National Defence created the Minister's Advisory Board on Gender Integration in the CF to monitor the full integration of women into the CF. In November 1998, it evolved into the Minister's Advisory Board on CF Gender Integration and Employment Equity as a result of the *Employment Equity Act* of 1996. Under the Act, the CF must work toward increased representation of three designated groups: women, Aboriginal peoples and members of visible minorities. The Minister's Advisory Board is mandated to monitor employment equity and gender integration by interviewing members of the CF and by reviewing policies and documentation. The board, an external agency, makes recommendations directly to the Minister.

On March 15, 2001, the board issued its second report to the Minister. The report gave the CF a passing grade for its employment equity plan, but a failing grade for results. It concluded that "many CF leaders have not demonstrated their commitment to employment equity initiatives, nor have they been held accountable to do so." However, the report states, the board "remains nonetheless confident that because employment equity is an integral part of the operational imperative, the Canadian Forces will make it happen."

Since opening its doors in June 1998, the Ombudsman's Office has received several complaints related to gender integration from women who are or were in the CF. In the interest of achieving substantial and long-lasting improvements to the welfare of CF members, the Ombudsman has established a team of investigators to review specific cases and examine gender integration issues at the systemic level.

The impetus for the Office's investigation into these issues was a complaint made by Lieutenant-Colonel (Retired) Shirley Robinson, a founding member and chief spokesperson for the Association for Women's Equity in the Canadian Forces (AWECF). She has also acted as a consultant to the Canadian Human Rights Commission on the experience of women in the military. Previously, Shirley Robinson had taken her allegations of discrimination against women in the CF directly to the Minister of National Defence and to the media.

Many women who have brought complaints forward to AWECF and to the Ombudsman have expressed reluctance to pursue their cases out of fear of retaliation. Retaliation is forbidden by the Ministerial Directives outlining the Ombudsman's mandate, and we take it very seriously. The Ombudsman is committed to protecting people from retaliation and ensuring that those who retaliate are dealt with appropriately.

The team dedicated to this investigation will examine broad issues and specific cases that reflect trends in gender integration in the CF. The Ombudsman's Office will keep the public informed of its findings in special reports or in upcoming annual reports.

Delays in the Redress of Grievance System

In June 2000, the CF announced changes to the redress of grievance system to streamline the handling of cases and reduce persistent delays. To that end, the number of levels in the chain of command responsible for handling grievances was reduced. Changes also included the creation of a new CF *Grievance Manual*, changes to the Queen's Regulations and Orders and the creation of the CF Grievance Board (CFGB) under the *National Defence Act*. The CFGB operates as a civilian agency responsible for reviewing grievances and making recommendations to the Chief of the Defence Staff (CDS) on the adjudication of individual cases.

Since these new procedures were put in place, the Ombudsman's Office has received many complaints about delays in the redress of grievance system. In individual cases where the wait is causing undue hardship, the Office attempts to expedite the consideration of complaints. The Office is closely monitoring the effectiveness of the new reforms in reducing delays.

Although some delays are inevitable in the transition to the new system, specific trends appear to be emerging, particularly at the first level of grievance adjudication (referred to as the initial authority).

Under the new CF redress regulations, the initial authority is usually the individual's commanding officer or a designated office within NDHQ. Initial authorities have 60 days to respond to a grievance. This period may be extended with the consent of the member who made the grievance. From the cases observed by the Ombudsman's Office, it appears that initial authority offices are not usually able to meet the 60-day deadline.

The Director General Military Careers (DGMC) has been identified as the initial authority for a large percentage of grievances. The Ombudsman's Office has been advised on many occasions that members who submit grievances to the DGMC are routinely told that if they do not wish to grant an extension, their file will be forwarded to the CDS level (the next and final level), where there are no regulated time limits. There appears to be a perception within the CF grievance system that once a file is referred to the CDS level, the onus to resolve the matter in a timely fashion is lifted. As a result, many CF members report feeling pressured into granting extensions at the initial authority level.

In cases where members have not agreed to extensions, they report lengthy delays in the consideration of their files at the CDS level. One factor in these delays appears to be that the CDS, via the Director CF Grievance Administration, sends files that have not been reviewed or investigated back to the same initial authority offices that could not meet the deadline in the first place. Members at the DGMC have reported that when a file is received back for investigation from the CDS, it is often placed at the "bottom of the pile" because there is no time limit to be met by the CDS in adjudicating the file.

The Ombudsman's Office has noted this trend toward delays in the grievance system with growing concern. The grievance process, inherently a lengthy one, puts considerable pressure on the individual who has brought the grievance forward, as well as on his or her family. Living with uncertainty while the grievance is under consideration creates additional stress. When grievances are not adjudicated in a timely fashion, the system does not appear responsive to concerns and members lose faith in the system's ability to effectively respond to their grievances. In the long term, significant delays in the system contribute to the belief that it is ineffective, which is detrimental to the morale of members and their families.

To date, the Ombudsman's Office has tried to assist whenever possible in expediting cases of unreasonable delay within the system. However, Ombudsman investigators are routinely advised by staff reviewing the redress of grievances that the problem is unlikely to improve in the short term without a significant infusion of resources at the level of the initial authority. As the effects of the grievance reforms continue to be felt throughout the CF, the Office will continue to investigate individual cases of delay and to monitor the problem with a view to making specific recommendations to improve grievance response times.

A Human Face: The Ombudsman Team

Since the launch of the Office in 1998, a prime objective has been to ensure that it is staffed with the best possible personnel.

Over the past year, we have been successful in attracting highly qualified candidates for investigations and support staff positions including investigators, an access to information and privacy analyst, and an articling student. The Office now has a team of 50 employees.

A human resources manager will be hired early in the new fiscal year to provide in-house human resources expertise, manage staffing requirements and help implement a regular performance appraisal system for all staff.

A general counsel will also be added to the team. To date, the Director General Investigations has carried out these responsibilities. However, increased demands have been placed on the legal services section because the Office is currently being enshrined in a regulatory framework under the *National Defence Act*.

Ombudsman André Marin (front row, 3rd from left) and Acting Director General Investigations and General Counsel Barbara Finlay (front row, 2nd from right) take a break with members of the Ombudsman investigative team during staff training at the NAV CANADA Training Institute and Conference Centre in Cornwall, Ontario.



Investigations Team

During the past year, an open competition for investigators was held. This process resulted in the hiring of 22 investigators for one-year terms, bringing the total number of investigators to 24. Four work on a part-time basis; the remainder are employed full-time. There are still six investigative positions to be staffed in 2001.

The Office of the Ombudsman is very proud of its investigations team and the diverse knowledge and experience its members contribute to each case. Investigators come from a variety of backgrounds and employ a multi-disciplinary team approach to resolve cases. Led by the Director General Investigations, the team includes two former university ombudsman, a former provincial ombudsman, a registered social worker, former police officers, former police oversight investigators, a private civilian harassment investigator, a college professor, and former commissioned and non-commissioned military members — all with investigative experience.

Ten of the investigators work in the Ottawa Office. They are responsible for the eastern provinces and Quebec. The other 14 telework from locations across Canada. The Office has investigators in Victoria, Calgary, Edmonton, Winnipeg, Northern Ontario, Toronto and on the East Coast. By ensuring regional representation, teleworking helps provide better service, and reduces travel and office overhead costs.

Intake Team

The intake staff are the backbone of the Office. They are the front-line personnel who deal initially with all of the complaints.

Priority is usually given to complaints made by phone because they tend to be more urgent, but intake officers also handle complaints sent in by fax, e-mail and regular mail. They keep up to date on all developments within DND/CF and have an expert knowledge of resources available to clients. They often act as sounding boards, lending an ear, listening to concerns and providing options for callers.

Three full-time staff members currently work in the Ombudsman's intake unit. An intake supervisor has been appointed to help the Call Centre manage a steady increase in files. A fourth intake officer will be hired in the new fiscal year.

*Dean Gottehrer, former
President of the US
Ombudsman Association,
and now an international
Ombudsman consultant,
lectures on
Ombudsmanry,
NAV CANADA Training
Centre, Cornwall.*



Training Sessions

The Office has invested significant time and resources to recruit the best possible staff. It is essential that they have the tools necessary to perform their roles. The Office has held several training sessions to provide staff with pertinent skills and knowledge. These sessions have also helped the large number of new employees who came on board during the summer make a smooth transition.

A general one-week training session for all staff was held at the NAV CANADA Training Institute and Conference Centre in Cornwall, Ontario in late August. The focus was on military culture and experience, CF rank structure and pressing issues for military members, including the grievance process, releases, postings and pensions. Training was given on civilian employee issues and grievance processes, as well as on the military justice system. In addition, all staff members participated in team-building exercises to create cohesion in the newly formed group.

***“Our own job is not to bash bureaucrats and embarrass
generals ... Not to cover up for them ... but to add to the
equity and fairness in our constituents’ lives. We must do this
— when they come to us with problems — by pursuing truth
and calling the shots as we see them ... honestly, without fear
or favour, but with civility, tact and diplomacy.”***

André Marin, training session for Ombudsman staff, August 21, 2000

A one-week training session in early October was specifically directed at investigative staff. The main themes were report writing and interviewing techniques. Investigators were given homework and had to work on practical exercises throughout the week; there was also training for investigators who telework on how to work efficiently from their homes.

A three-day training session on alternative dispute resolution and the mediation process was held in Ottawa in early December. Participants also received training on boards of inquiry and summary investigations.

The Office plans further training on a regular basis to ensure that investigators continue to refresh their skills, learn new ones and keep up to date on their knowledge of DND/CF.

Helping the Community

The Office's desire to help extends to the larger community. Over the past year, staff participated in several events to support those in need. In July, the "BUDMEN" volleyball team made its debut in the Helping Other People Everywhere (HOPE) Beach Volleyball Tournament in Ottawa to raise funds for local charities. Staff also participated in the first annual DND/Public Works and Government Services Canada Golf Challenge in September. They joined the Honourable Art Eggleton, Minister of National Defence, and the Honourable Alfonso Gagliano, Minister of Public Works and Government Services, to support the 2000 Government of Canada Workplace Charitable Campaign. Staff members were very proud to have increased their level of contribution to this United Way/Healthpartners drive over last year's total.



The 'BUDMEN' team play in the HOPE Volleyball Tournament for charity.

Taking Care of Business: Office Administration

In keeping with its mandate of confidentiality and independence, the Office of the Ombudsman is located outside of NDHQ. We continue to operate out of two locations: the Carriageway Building at 55 Murray Street in the heart of the Byward Market and the Dover Building at 185 Sparks Street in downtown Ottawa.

It is the Office's long-term goal to locate all local staff under one roof. It has approached Public Works and Government Services Canada in the hopes of having the Office occupy the same premises by November 2003.

Case Tracking Management System

Originally purchased from the Office of the Ombudsman for British Columbia, this computer program provides an ideal mechanism for the Office to deal efficiently and expeditiously with all the complaints it receives. Located on a separate, secure network, the Case Tracking Management System (CTMS) monitors and helps manage cases from the time they are reported until they are resolved. The CTMS vastly improves the Office's ability to track and report on systemic problems and trends in complaints. Data generated by the CTMS forms the basis for this report's appendix of caseload statistics and is posted on our Web site (www.ombudsman.dnd.ca).

Beginning this past year, generic statistical information on who contacts the Office and the types of issues they raise has been incorporated into quarterly reports submitted to senior DND/CF officials. Part of the Ombudsman's role is to act as a "barometer" of the well-being of members of DND/CF. By keeping the chain of command and management informed, we hope to enable them to identify problem areas and respond appropriately.

"I reviewed the Quarterly Statistical Report dated 13 October 2000 with interest. This report is a useful summary of your work and it is beneficial to my staff and myself."

Lieutenant-General

Spreading the Word: Communications and Outreach

Taking the Pulse

Just nine months into its mandate, the Ombudsman's Office commissioned a survey of serving CF members. A total of 1,070 surveys were completed and returned for a high response rate of 40 percent.

The results show that 77 percent of CF members support the Office, but there remains a high degree of scepticism and uncertainty about our role as an independent, neutral body. However, the survey showed that increased familiarity with the Office leads to increased support.

The need for an impartial body outside the chain of command to which members can turn without fear of reprisal is the top reason for supporting the Ombudsman's Office.

Scepticism is concentrated in the Army and among non-commissioned members. Generally, CF members from NDHQ are more supportive than others.

The survey results indicate that the Office needs to better explain what it does and how it contributes to the well-being of members of DND/CF. Based on the survey results, the Ombudsman's Office has undertaken new communications initiatives, such as the development of an informational video. The Office is also in the process of developing a questionnaire to provide an ongoing method of measuring client satisfaction.

Ekos Research Associates conducted the survey in collaboration with the Director Human Resources Research and Evaluation. The entire survey can be found on our Web site at www.ombudsman.dnd.ca/Reports/execsum_e.asp.

Lights, Camera, Action!

The Ombudsman Survey 2000 indicated that the level of familiarity with the Office was moderate and concentrated heavily in the senior ranks. The Office determined that a short, dramatized video would be the best way to engage a sceptical audience and would be an excellent tool for motivating change.

The video illustrates what the Office does and how it contributes to the welfare of the members of DND/CF by telling the stories of people it has helped.

The Ombudsman visits Air Cadets at Borden, Ontario.



The video is targeted primarily at members of the DND/CF constituency, especially serving members of the CF. The 12-minute video and a CD-ROM version will form an integral part of the communications and outreach program of the Office. It will be made available at CF schools, bases, recruiting centres, Military Family Resource Centres and other locations throughout DND/CF.

Here for You Too

In the past year, the Ombudsman made a concentrated effort to reach out to the members of our constituency who are not currently serving in the CF.

Former Members

Getting in touch with former CF members is a challenge for the Office. Many are not aware that they have access to the Office and they are difficult to reach because they are scattered worldwide. In an effort to inform them of available services, the Office developed a brochure that was included with the pension cheques mailed in October. Approximately 100,000 brochures were distributed in this way. Since then, about 100 people who contacted the Office indicated that they had seen the insert. The Ombudsman also addressed several groups of former members at their meetings. These groups included the United Services Institutes in Ottawa, Kingston and Peterborough, the Air Force Officer's Advisory Group and *Institut interarmées de Montréal*.

Cadets

In July, the Ombudsman conducted a whirlwind tour of six cadet camps across the country, beginning in Quebec and ending in British Columbia. He met with air, sea and army cadets enrolled in a variety of programs ranging from music to gliding. Members of the cadet movement have access to the Office but make less than one percent of complaints. The Ombudsman met with cadets and their leaders in an effort to ensure that they are aware of the Office and the services it offers. The Winter 2000 issue of the cadet magazine *Proud to Be* featured an article on the Ombudsman's visit to the cadet camps.

Military Families

The Ombudsman met with the Military Family National Advisory Board, and the Director General Investigations attended an informal Café Morning with spouses at the Military Family Resource Centre in Rockcliffe, Ottawa. In addition to these

face-to-face meetings, information on the Office will be included in the welcome packages handed out by Military Family Resource Centres across the country. A brochure on the Ombudsman's Office has also been inserted into their monthly publication, *Contact*, which is distributed to members in the National Capital Region.

Ombudsman Online

The Ombudsman Web site receives approximately 3,500 visitors per month. Both the Internet and Intranet sites were updated this past year to include a Frequently Asked Questions (FAQs) page, a sampling of cases and an online complaints form.

One of the lesser-known roles of the Ombudsman's Office is to "act as a direct source of information, referral and education." Intake staff compiled a sampling of the types of questions that they are most often asked and produced examples of the advice given to callers. The FAQs are to be used as a guide only; because each member's situation is unique, the answers may not always apply.

A new section gives samples of cases the Office has helped resolve (omitting identifying information, of course, to protect the confidentiality of the complainants). It has become one of the more popular pages of the Web site.

An online complaints form added to the Web site in August is proving to be popular. The form can be printed and then mailed or faxed to the Office. Because the form asks for all of the information required by intake officers, it streamlines the processing of complaints.

Since the launch of the online complaints form, many members have indicated that they would like to file their complaints electronically via the Internet. This service is not currently provided due to security concerns, but the Ombudsman's Office is exploring the option as a way to improve access to its services.

"Your presentation provided an excellent overview on the role of the Canadian Forces Ombudsman as well as providing insight into what we can expect from your office in the future.

The examples provided in your presentation show that your office is actively involved in ensuring that the needs of individuals are being looked after. The students came away from your presentation with a clearer understanding of the responsibilities of your office, as well as an appreciation of the challenges your office faces in meeting those responsibilities."

Lieutenant-Colonel

Ombudsman André Marin speaks on restoring pride in Canada's military to members of the Canadian Club of Ottawa and National Press Club.



"If we are going to ask our military to do their part, then we have to do ours. And our part is to recognize that the men and women of the Canadian Forces ... are ready to put their lives on the line for us. In doing this, surely, they should command our respect and pride."

André Marin, National Press Club Speech, June 2000

Speaking Up

To Constituents

The Ombudsman personally accepts invitations to speak about the Office and its mandate; he considers sharing information with constituents an important part of his role. In the last year, the Ombudsman spoke at several professional development days for various branches of the CF, including the Justice Advocate General, the Grievance Board, Wing Harassment Complaint Advisors and the Base Commanders' Forum.

The Ombudsman also made presentations to students at the CF College in Toronto, the CF School of Administration and Logistics in Borden, and *L'École de leadership et de recrues des Forces canadiennes* in St-Jean-sur-Richelieu.

To the Press

In a speech to members of the Canadian and National Press Clubs in Ottawa, the Ombudsman asked the question, "What Ails Canada's Military?" One of his key messages was that we have reason to be proud of our military and that CF members deserve recognition and respect from Canadians. The speech was well covered by the media and generated much discussion. The *National Post* headline "Canadians Urged to Give a Soldier a Hug" (June 22) prompted letters to the editor and commentary on radio in which Canadians expressed diverse opinions on how the public views the military. An article on the speech was also one of the cover stories in the September issue of *Defence 2000 News*, a publication on renewal in DND/CF.

Sharing Insight: Consultations and Conferences

As Canada's first military Ombudsman and the head of a new Ombudsman's Office, it is important for the Ombudsman to be involved in the ombudsman community, both nationally and internationally. Talking with others who deal with similar issues provides invaluable insights that help improve services, promotes sharing of lessons learned and provides other countries with the opportunity to see the inroads that Canada has made in terms of military oversight.

International Consultation

Over the past year, the Ombudsman offered advice and assistance to other fledgling Ombudsman offices. He received several international delegations, including Bulgarian Members of Parliament studying Canadian oversight bodies; Thai Parliamentary Ombudsman Mr. Pichet Soontornpipit, who sought advice on how to deal with military complaints; and Dr. Fazel Randera, Inspector General of Intelligence in South Africa. Dr. Randera has a very broad mandate that includes the South African National Intelligence Agency, the Secret Service and the National Defence Headquarters. He was here to learn more about external review as it applies to various organizations in Canada.

Workshops and Conferences

The Ombudsman also participated in several workshops with members of the ombudsman community in North America. At the Ontario Ombudsman's Staff Conference, he made a presentation on models of ombudsmanship. He was also invited to speak at the first *Forum des Ombudsman*, which brought ombudsman from all across Canada to Montréal. In June, he participated in the Ombudsman



*Ombudsman
André Marin
with Thai
Ombudsman
Pichet
Soontornpipit*

Leadership Forum in San Francisco. There, he presented a paper entitled “Using the Media to Bring about Change: Strategies and Challenges” and participated in a panel discussion on advanced investigative skills. The Director General Investigations also attended the conference and spoke on the topic of independence.

The Ombudsman also had the opportunity to chair a unique workshop at a conference held by the International Institute for Public Ethics. Called “Ethics in the New Millennium,” the conference was hosted by ethics counsellor Howard Wilson at the Ottawa Congress Centre. It attracted international participation from the private, public and non-governmental sectors. Modelled on the television series *Ethics in America*, the Ombudsman’s workshop, “The Ombudsman and Ethical Dilemmas,” explored ethical issues from a real-life perspective. Panellists played characters facing ethical dilemmas and considered the pros and cons of a hypothetical case. The workshop was broadcast on the Cable Public Affairs Channel (CPAC).

The panellists included:

- Jean-Pierre Bolduc, Canadian International Development Agency Ombudsman
- Mary Anne V. Chambers, Scotiabank Senior Vice-President
- Bernhard Dandyk, Assistant Crown Attorney
- R. Michael Lauber, Canadian Banking Ombudsman
- Rita Mezzanotte, National Public Relations
- Lieutenant-Colonel (Retired) Richard G. McLellan, Director of the DND-Veterans Affairs Canada Centre for the Support of Injured and Retired Members and their Families
- Captain (Navy) P.D. McFadden, Director of Maritime Strategy
- David M. Paciocco and Ed Ratushny, Professors of Law at the University of Ottawa
- Jane Taber, *National Post* parliamentary correspondent
- Durhane Wong-Rieger, founder and head of the Consumer AdvoCare Network

Ombudsman Advisory Committee

When members of the CF were initially consulted about who should work at the Ombudsman's Office, it was clear that they preferred civilian staff. However, they also suggested that the Ombudsman would benefit from additional input concerning military culture. Based on this feedback, the idea for the Advisory Committee was born.

The group meets quarterly and serves as a sounding board for the Ombudsman on broad, systemic issues. The confidentiality of cases is preserved and the group does not make decisions on specific complaints.

The first meeting of the Advisory Committee was held at the Ombudsman's Office in November, with a second meeting at the end of March. The members are Major-General (Retired) Clive Addy, Major (Retired) Deanna M. Brasseur, Captain Sharon Donnelly, Major-General Keith Penney and Mr. W.F.G. (Grant) White.

Currently the group does not reflect all constituents; a group that did would be too large and unwieldy. However, the Ombudsman intends to have a turn-over of members so that all constituents will be represented at some point. The committee proposed that its membership be increased to six, to include a non-commissioned member from another environment. Four core members will be appointed for two years to preserve the corporate memory and experience of the group and two members will be appointed on an annual basis to ensure broad representation.



*Major General (Retired)
Clive Addy, OMM, CD*



*Major (Retired) Deanna
M. Brasseur, CM, CD*



*Captain Sharon
Donnelly*



*Major-General Keith
Penney, CMM, CD*



*Mr. W.F.G. (Grant) White,
CD*

Ombudsman's Commendation

The Advisory Committee discussed plans for the first Ombudsman's Commendation. The Ombudsman created the commendation to recognize individuals who bring pride to the DND/CF community.

To qualify for the award individuals must have shown, through their actions, exemplary dedication to one or more of the following values: integrity, honesty, fairness and openness. These actions should enhance the well-being of the DND/CF community. Furthermore, it should be evident that promoting awareness of these actions will enhance pride in the CF, both within the military and among the Canadian public.

All members of the Ombudsman's constituency are eligible for the citation. To launch the Ombudsman's Commendation, names of individuals will be put forward to the Ombudsman by the Advisory Committee. In the future, we anticipate that nominations will be accepted from members of the DND/CF community and the public.

Success Stories: Case Summaries

The following summaries demonstrate how the Ombudsman's Office has successfully resolved matters in a number of cases. Identifiers are removed to protect the confidentiality of the people who approached us for assistance.

The Ombudsman's mandate states that unless there are "compelling circumstances," a complainant should first use existing mechanisms: either the chain of command or the CF redress of grievance system.

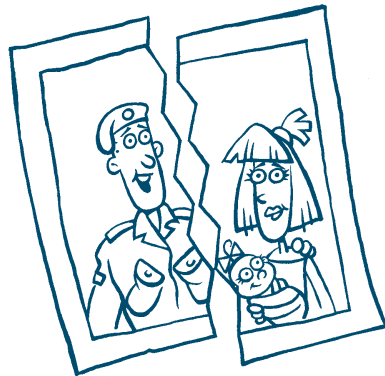
In most cases, members have access to the CF redress of grievance system, but sometimes the Office determines that a complainant would experience undue hardship if the matter were allowed to run its course through existing channels. In these cases, a significant delay could have a serious financial impact or health implications leading to deterioration in the person's quality of life or physical well-being.

The decision to invoke the "compelling circumstances" clause is taken by the investigator handling the file. This process involves a review of the intake notes and pertinent documentation, as well as interviews with the principals and witnesses involved in the case.

The Ombudsman and his staff always attempt to resolve cases at the lowest possible level in the chain of command. However, sometimes a higher authority needs to be involved to resolve a complaint. A cooperative effort in resolving cases generally results in a 'win-win' solution being found.

Reuniting Families¹

Private Christopher Bone injured his back during basic training. He was in Wainwright, Alberta, miles away from his wife Amanda and two-year-old daughter Ceara in Northern Ontario.



Private Bone was trapped there by bureaucracy. He could not be considered for a posting closer to his family because he was not yet in a trade. He could not be considered for a trade because his back injury made him ineligible for several jobs. Eventually he received a notice that the military intended to release him. Bone tried to be considered for other trades, but after several career managers turned him down he decided to have his case reviewed under the new Universality of Service standards. Universality standards require that CF members be fit for operational service and deployable. At the time, the standards were being revised and the new standards were not ready.

Meanwhile, Bone had been away from his family for two years and was not yet qualified for any trade. His pleas to move closer to his family or have them moved nearer to him were denied pending a decision on his career.

The Office accepted the case and the investigator attempted to resolve the matter at the base level. When that didn't work, the investigator contacted the Commander of Land Force Western Area, Brigadier-General Fitch, who immediately intervened to reunite the family. Bone was posted close to home to await the decision.

Not only was Private Bone's situation resolved, but General Fitch also requested the files of all members who had been awaiting training for more than six months so that he could review the current protocol. Bone was back with his family and General Fitch thanked the Office for bringing the matter to his attention.

¹ Writer Andrew Mitrovica profiled this case in *The Globe and Mail* in October 2000; therefore actual names are used in this summary.

In a similar case, the Office intervened when the spouse of a non-commissioned member was forced to move to another province because as a unilingual franco-phone she was unable to find work near her husband's post. The member wanted to be posted closer to his wife, but had been denied a compassionate posting. After the Office contacted his career manager, the investigator learned that the member was scheduled to move during the summer posting period. The career manager went one better and offered an earlier posting in March. The member accepted.

A non-commissioned member serving in British Columbia wanted to move closer to an elderly parent living on the other side of the country. He asked for the Office's assistance in expediting his move.

The investigator made inquiries and facilitated the signing of the release documents by the member. The office of the Director Compensation and Benefits Administration approved the request and the family has now relocated. The member is satisfied with the assistance provided and is considering withdrawing the grievance he filed when he was denied a posting.

A Little Compassion

The spouse of a CF member called about a request for a compassionate posting. A child in the family was seriously ill and required frequent visits to the hospital. The member had been waiting for an answer to the request for more than five weeks. The investigator arranged the immediate referral of the request to NDHQ for consideration. The posting message was issued one week later.

In a similar case, a corporal's mother was very sick. She lived in another province, so her son requested a posting to be closer to her. His son from a previous marriage also lived in that province. In August, the corporal's request was denied. A month later, the corporal asked the chain of command to review its decision. By November, he still had no response, so he contacted the Ombudsman's Office. This was a compelling case and the investigator intervened as soon as he received additional supporting documents from the member. After a meeting with career personnel, the decision was reversed and the member was granted a compassionate posting to the province.

Keeping Promises

A non-commissioned member was told that she was being posted and promoted to a higher rank. She was sent on a house-hunting trip and received the posting orders. She purchased a new home, made all the necessary financial arrangements and her spouse quit his job to accompany her.

The promotion message took nearly two months to arrive at her unit. In the interim, the member became the subject of an administrative review. Certain issues that came up during the review made the commanding officer decide to withhold his approval of the promotion and leave the final decision to the new commanding officer. Had the message not gone astray, the promotion would have taken place before the incident that resulted in the administrative review.

After considering the member's financial situation, the Ombudsman determined that compelling circumstances existed and decided to intervene. With the assistance of the member's career manager, the new commanding officer was contacted and made aware of the situation. The member received her promotion on the date she reported to her new position.

Just Six Days' Notice

A junior non-commissioned member contacted the Office after he received a release message and instructions from his commanding officer to be out of the CF in six days.

The issue was not the release itself, but that the member needed more time to find a home for his family. He has three children, including one with special needs.

The member also disagreed with the release category and felt that a review of his circumstances could result in a more favourable release item. The short notice did not provide sufficient time for him to address these problems.

This case was considered compelling. The investigator received the file the day before the proposed release date and was successful in obtaining a deferral of two weeks to allow for a complete review of the file, including the release item. The intervention was made possible through a cooperative effort on the part of the Office of the Ombudsman, the DND-Veterans Affairs Canada Centre for the Support of Injured and Retired Members and their Families and the office of the Director Military Careers Administration and Resource Management.

After the member was released, he contacted the Office again to follow up on the status of his grievance and the review of his release category. He also complained that he had been given a nominal allowance to live on pending the processing of his severance pay and return of his pension contributions.

The Office intervened again and very quickly, with cooperation from Director Military Careers Administration and Resource Management and Director Accounts Processing, Pay and Pensions, obtained copies of the adjudication on the grievance, a decision on the release category and an advance of funds.

Getting Members Their Due

A former member had served in the Primary Reserves for more than 20 years. In July 1996, the member's unit was disbanded. He was unable to transfer to a post in another city because he could not give up his regular job. There were several disagreements about the category to be assigned to his release, so he was not released until January 1998. However, his release papers were dated retroactively to July 1996.

In April 1997, the Reserve Force Retirement Gratuity came into effect. This is a payment to recognize long-term service in the Primary Reserves. The member was denied the gratuity because his release was dated July 1996. The Deputy Judge Advocate General subsequently stated that legally the release date used for eligibility purposes must be the date on which the release authority finalizes the documentation. Nevertheless, the former member was told his request had been handled appropriately and he was ineligible for the gratuity.

The former member contacted the Office for assistance. With excellent cooperation from individuals within Director Military Careers Administration and Resource Management and Director Pension and Social Programs, the investigator was able to facilitate a gratuity payment to the member of more than \$20,000. Furthermore, the CF committed to reviewing the personnel files of all other former members of the disbanded unit so that anyone who was eligible would also receive their due.

Helping Families

The daughter of a non-commissioned member was the victim of a criminal offence. Her father requested a compassionate posting out of the area because the offender was living nearby. Unfortunately, there were no postings available in the member's trade. The investigator was, however, able to refer the member to the branch that would determine whether the family was eligible for financial aid.

A few weeks later, the member called to tell the investigator that the CF had agreed to provide him with a cost move to a Private Married Quarters and to cover the legal and real estate fees associated with selling his house.

The cooperative effort between the Office of the Ombudsman and the Director Compensation and Benefits Administration produced a satisfactory result.

The wife of a member was suffering from a serious neuromuscular disorder. He was serving in eastern Canada and had been trying unsuccessfully for some time to be posted to another province where his wife could receive the most advanced treatment available. He approached the Office when it appeared that his latest request had become bogged down at the base. The Office intervened and with the cooperation of the career manager the member was posted to an area where his wife could receive the best treatment, as well as family support.

An Aboriginal member was having problems in his trade. To assist the member, his superior arranged an interview with an elder. The member missed the first meeting because he was in surgery. A second meeting was arranged. In the interim, a serious situation developed in his family and he was given 14 days of compassionate leave to go home to deal with the issue. However, his superior wanted him to do the interview with the elder before he left.

The member contacted the Office because he felt that this was unfair. The interview with the elder could seriously affect his career and his mind was simply not on his work. In fact, he was very concerned about his family's predicament. He asked the Office for help to get the interview postponed so that he could go home.

The Office made contact with the commander who, after consulting with senior personnel at NDHQ, agreed that the interview should be postponed and the member allowed his compassionate leave.

A Safety Net

A CF member who was the victim of a criminal offence contacted the Office because the perpetrator, also a CF member, continued to harass her. The non-commissioned member knew that the harasser was going to be posted elsewhere and wanted the Office to speed up the planned posting.

The investigator received excellent cooperation from the base commander who recognized the potential for further problems. The harasser was warned to stay away from the victim and the posting date was moved forward. The Office followed up to confirm that the posting occurred.

A corporal filed a harassment complaint and was removed from the “poisoned work environment.” However, she got wind of plans to send her back to the old workplace and called the Office for help. Its intervention resulted in assurances from the commander that she would not be returned.

A short time later, the Office received another call from the corporal. She was upset because she had just learned that her personnel evaluation forms were going to be completed by the members of her old unit, including the two persons she had complained about.

The same commander took care of the matter. The member was assured that input from her former superiors would relate only to their short period of supervision. Her current warrant officer would complete the rest of the evaluation, then the commander would act as the final reviewing authority. Her contract was also extended in order to evaluate her performance in the new position properly.

The wife of a CF member was subjected to spousal assault, which resulted in criminal charges against her spouse and his removal from the home. While in the process of obtaining assistance from local social service agencies, she received word that she would be required to vacate her Private Married Quarters (PMQ) within a month, which meant that her children would have to change schools prior to the end of the school year.

The Office intervened and, with the assistance of the base commander, was able to gain the assurance that the family would be allowed to remain in the PMQ until at least the end of the school year. The base commander went so far as to offer to pay rent on the PMQ for this family, if necessary, while the question of support from the spouse was being resolved.

A Shoulder to Lean On

A reserve member filed a grievance in May 1999 after being harassed by her immediate supervisor. A year later the matter had still not been resolved, so she contacted the Office.

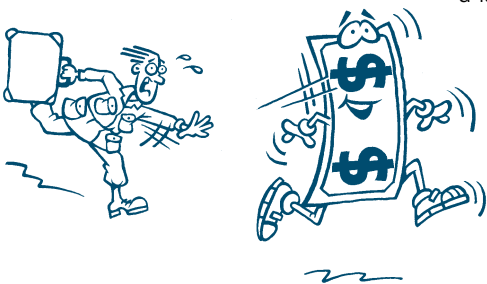
Coincidentally, the day after our first contact with the member the commander contacted her. He met with her for almost an hour and supported her grievance. He then directed a colonel to address her concerns and take the necessary steps to resolve the matter.

However, after meeting with the colonel the member was not satisfied. She again contacted the commander who stepped in to take charge of the matter and transferred her to another location as she had requested. The member asked that her file be closed and expressed her thanks for the Office’s understanding throughout the process.

Not Enough Cash

After about seven years of service an injured member was to be released. He was entitled to a paid move and was told he would be allowed \$85 per day for accommodation and \$119 per day for food for himself and his young family for a transition period of approximately 21 days.

He received an advance of only \$650 from the company that administers the Integrated Relocation Pilot Project. When his request for a larger advance was refused, he contacted the Ombudsman's Office.



When an investigator made calls to the relocation office, it was determined that an error had been made in the file. They agreed to advance the member up to 80 percent of the total allowance.

Some Categories Are Important

A member had requested a compassionate posting to be closer to his wife, whose health was deteriorating. Because of their jobs, they were living in different provinces. It was determined that he did not meet the requirements for a compassionate posting and his request was denied. Because the enforced separation was exacerbating his wife's medical condition, the member requested the Office's assistance in obtaining a release from the CF instead.

The member's request was supported by his superiors and by the social worker. The release was eventually approved, but the member was released under an item other than the one he had requested.

In the view of the investigator, release under the recommended category would have caused the member and his family further difficulties and undue hardship. A meeting was arranged to discuss the case with the officer in charge.

After a lengthy meeting with Ombudsman investigators, the officer in charge agreed to review the file again. The matter was successfully resolved through the cooperative efforts of the Office and the career managers. The member's release item was changed to his benefit to better reflect his unique circumstances.

The House That Jack Built

An officer posted from the United States back to Canada signed up for Private Married Quarters (PMQ). At the same time, he bought land with the intention of eventually building a house. When he mentioned to the CF Housing Agency (CFHA), that he was planning to build a house, they said he was ineligible for a PMQ and removed his name from the waiting list.

Seeing no other option, the member immediately hired a contractor to begin building the house, but it could not be completed before his posting. Requests to delay his posting date were refused and operational requirements made it impossible for him to take leave to look for interim housing. He explored the possibility of leaving his family in the States until the new house was complete, but U.S. immigration officials would not let them stay in the country without him.

The member and his family moved to the new posting and tried unsuccessfully to find short-term housing while waiting for their new home to be finished. The rental market in the new posting area was very tight. The member has four children: a teenager and three children under three years old. In the end, the family wound up living in an inexpensive motel, cooking over a hot plate for almost two months.

When the new home was finally ready, the member requested reimbursement of interim lodging for 18 days more than is normally permitted. He was refused on the grounds that it had been his choice to build his own house. The member submitted the reasons that he had been obliged to live in interim housing, including the fact that he had been denied a PMQ. By the time he got a final "no" to his request, he had left the Forces and was no longer eligible to grieve, so he contacted the Ombudsman's Office.

The investigator determined that the CFHA was relying on an unwritten local regulation intended to prevent people who owned homes in the area from profiting from an expensive rental market by moving into a PMQ and renting out their homes. The intent of the policy was reasonable but it did not apply to this particular situation. The Office was able to negotiate reimbursement for the additional days of interim lodging with the office of the Director Compensation and Benefits Administration, less a deduction in lieu of the rent that the family would otherwise have had to pay for housing.

A second issue was that the member took his young children with him on the house-hunting trip rather than leaving them in the U.S. without a parent. He asked for reimbursement for their expenses. Policies on house-hunting trips only allowed for babysitting costs and not for the cost of taking children along. The investigator negotiated with the Director Compensation and Benefits Administration and the former member received reimbursement of \$280, the maximum he would have received for childcare costs. Recent changes to the regulations provide for children to accompany their parents on house-hunting trips if the member has prior approval.

Show Me the Money

Effective April 1999, the allowable break in qualifying service was increased from three to five years. A private who re-enlisted in 1997 believed that he was entitled to incentive pay because the break in his service was less than five years. His base orderly room disagreed. The private made two unsuccessful attempts to resolve the matter before he decided to contact the Office.

The investigator assisted by putting the base orderly room directly in contact with the office of the Director Pay Policy and Development who provided clarification on the policy. As a result, it was agreed that the member would get his incentive pay. The Office therefore closed the file in June 2000.

However, in December 2000 the file was re-opened because the member had not received his money. The member recently received a cheque for his incentive pay and is now awaiting an explanation of the formula used to calculate the amount.

A former private needed our help to get his allowances from the Director Accounts Processing, Pay and Pensions (DAPPP). When the Office approached DAPPP, the reviewing officer complained that he had a backlog of files. After some persuasion, however, he agreed to look at the file. The reviewing officer determined that the former member was indeed owed money. He agreed to provide the Office with proof of payment and copies of the relevant documents to show that the member received the allowances to which he was entitled.

It Took Over a Year!

On the advice of his Member of Parliament, a former civilian employee contacted our Office. He resigned from DND in January 1999 and had been trying for over a year to get his contributions to the pension plan refunded from the base where he used to work.

The investigator intervened and made numerous calls to the pay office, the pension office and the former base. Each section blamed the other for the problem. The former employee finally received his contributions in June 2000. An error was made in the calculations, however, and the employee had to return an overpayment.



Children Need Support

The wife of a serving member contacted the Office. She was separated from her husband and had not been receiving support payments for their children. Her efforts to have the matter resolved had been unsuccessful.

The investigator made contact with the base social worker, who quickly filed the necessary paperwork on behalf of the spouse. Payments were expected to begin within 30 days.

Nearly Missed the Boat

A young man applied to the Naval Reserves and expected to begin basic training in the summer. He had completed all the necessary steps but suddenly was told that his application was too late. His father contacted the Office because he believed that applicants from their province were being discriminated against.



The investigator called the recruiting authorities. The problem had resulted from a combination of factors, including faulty communication between the recruiting authorities, the lateness of the application and an unexpected shortage of spaces in the unit.

Thanks to the investigator's intervention a space was found elsewhere. Three days later, the young man was packed and ready to go.

Don't Touch My Pay

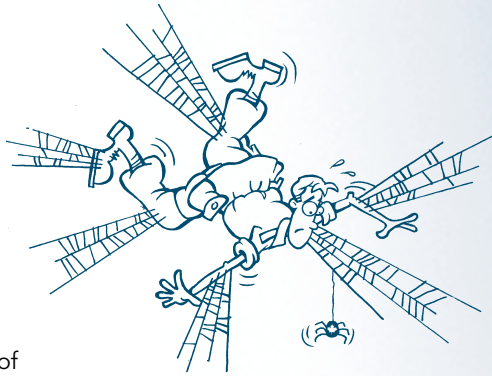
A non-commissioned member contacted the Office because the CF was attempting to recover money from him even though a court order had directed someone else to make the reimbursement. This individual had been given two years to make the repayment and there was still a substantial amount of time remaining.

The member submitted a redress, which was denied by his commanding officer. The commanding officer directed that the member comply with certain time restraints or face garnishment of his pay to recover the funds. In view of the serious financial implications for the member, the Office decided to intervene.

The investigator gained assurances that the member's pay would not be touched until at least the repayment time had elapsed for the person who was under court order. The investigator was also assured that if the member submitted evidence that he did not have knowledge of the circumstances surrounding the loss of funds by the CF, his pay would not be threatened at any future time.

A Bureaucratic Web

A non-commissioned member wanted to switch trades. He was sent on a course, which he was unable to complete. As a result, he was sent back to his old unit. In the process of his transfer, his file got stranded between career managers and ended up on the desk of someone who had been on extended sick leave.



The member's commanding officer made inquiries on his behalf, but did not get any answers. In the meantime, the member was assigned menial tasks around the base and was not being used in his trade.

The investigator contacted the office of the Director Military Careers Administration and Resource Management and with its cooperation identified the member's career manager. The career manager called the base involved and the member was placed back in his trade.

Given the Boot

A former master corporal wrote to the Office after receiving a copy of his personnel file. A document on file indicated that he should have been offered an indefinite period of service. If he had received the offer, he would have been able to continue serving up until his 55th birthday.

The former member had requested the extension prior to his release but had never received a response.

The Office contacted the Director Military Careers Administration and Resource Management and forwarded a copy of the former member's letter requesting a review. As an amicable resolution, an offer of an indefinite period of service was sent through the Office to the former member. He was satisfied with the assistance from the Office and accepted the offer.

While a senior non-commissioned member was on exercise he had two harassment complaints filed against him. Because of these accusations, he was released in 1998.

He filed a grievance alleging that the harassment complaints were unfounded and had not been properly investigated. After several inquiries, he was finally told that his file should be completed in the spring of 1999. But by the middle of the summer he still had no answers. He was concerned by the delay.

The investigator made several calls to the appropriate offices in the department to locate the file. Once the file reached Ottawa, it was determined that the member had been wrongfully dismissed and it was recommended that the member be re-enrolled. He was satisfied and feels that the Office helped expedite the process.



Thinking Ahead

A former officer contacted the Office after being told that he was not eligible for spousal survivor benefit coverage under the *Canadian Forces Superannuation Act*. Since 1994, the Act has provided that a pensioner who marries at age 60 or older can purchase spousal benefit coverage within one year of marriage.

As soon as he received a notice in 2000, he submitted an application but was denied because he had missed the one-year deadline.

The investigator contacted the office of the Director Accounts Processing, Pay and Pensions (DAPPP), which agreed to provide estimates for the coverage to the member. However, once the member realized the cost involved he decided not to pursue his complaint further.

Nevertheless, this case and other inquiries from pensioners resulted in changes to procedures. Effective this year, DAPPP will include information about spousal benefit coverage in pension envelopes once per year.

Compromise

The CF refused to release a corporal because he has a skill that is in high demand. He wanted to be released on a specific date so that he could start his new job in the private sector. However his superiors took the position that they did not want to release the member until a replacement had been trained.

After intervention by the investigator, a compromise was proposed. They offered half days off until his release date, which would allow him to work at his new job. His new company agreed to the proposal.

Cheque's in the Mail!

Although a Reserve member was serving at the rank of corporal, he was paid as a private for about a year in 1995.

Finally, in December 1999 he was notified that he would get retroactive pay. However, by June 2000 he still had not received the money. He was constantly told that the cheque was in the mail. By July 2000, his patience had run out and he contacted the Office. Once the investigator got involved, the retroactive pay was calculated and a cheque was processed. The member finally received his cheque for about \$4,400 in August 2000.

Quarrelling Neighbours

A family member contacted the Office because of a dispute with a neighbour in a Private Married Quarters. The base and the CF Housing Agency (CFHA) had attempted to mediate the situation without success. The situation had become intolerable.

The investigator worked with the CFHA and the base to achieve a compromise. After consultation with the base, the CFHA allocated to the member the alternative accommodation he had requested, which was larger than that to which he was entitled. In return, the member paid all costs related to the move and agreed to the possibility of an increase in rent.



Don't Know Where to Turn?

During the past few years there was significant restructuring in some areas of the Air Force, with some trades being amalgamated or closed. Through several messages and briefings, members in some trades were encouraged to consider other employment options, whether in the CF or outside it. A junior member serving under a three-year basic engagement decided to relocate with his wife to a larger urban area and seek civilian employment there.

In September, his wife received and accepted an employment offer with a start date of November. They rented an apartment and moved their furniture at their own expense to the new location in November. The member then moved to single quarters.

In October 2000, the base commander widely distributed a memorandum stating that effective November 1, 2000, he would no longer approve early release requests from members as the trades had become stable.

Therefore, on October 30, 2000, the member submitted his release application and memorandum. He assumed that 30 days' notice would suffice. His chain of command, including both his commanding officer and the base commander, approved his release, so he felt that the official message from Ottawa was just a formality.

Early in November 2000, the member received a job offer and was asked to start work on December 4, 2000. He accepted the offer, assuming that there would be no problem because the start date was after the 30-day notice period. However, on November 29, 2000, he received a message from Ottawa denying his release. The refusal message stipulated that the member must finish his three-year term.

Everything had gone awry. His new job was to start on Monday, December 4, 2000, and he did not want to lose it. His pregnant wife had already moved and was working in another part of the province. He contacted the Office on the Friday before he was to report to the new job simply because he did not know where else to turn.

He provided a copy of his request for release and supporting documents. The investigator reviewed the documentation and noted that his release had been recommended by his immediate chain of command through to the base commander. There was no indication that the member had been advised that requests for voluntary release from members on three-year engagements had to be approved in Ottawa and not by the base commander. There was also no record indicating that the member had been told not to incur any financial obligations or sign contracts before receiving the official notice.

Telephone conversations with the member and his commanding officer confirmed that the member had not been counselled. The commanding officer appeared unaware that the base commander did not have releasing authority.

Because it was already late Friday afternoon, the investigator determined that the problem could not be resolved before Monday. She suggested that the member contact his new employers, advise them of the situation and request a few days' delay in reporting for work.

The member's career manager could not be reached for the remainder of the day, so a senior official with Director General Military Careers (DGMC) was contacted. The investigator explained the situation and reviewed a CF general message. The message pertained to release policy and outlined that individual members of the CF will not suffer as a result of poor administration or bad advice by either the chain of command or NDHQ.


Officials at DGMC agreed that the message might apply in this situation. However, they wished to speak to the member's base commander before making a final decision. It was agreed that no further action could be taken before Monday morning, when the base commander would be contacted.

On Monday morning, a senior official from DGMC notified the Office that he had approved the member's release. The base commander was off that day so the matter had been discussed with the base's acting commander. He was of the opinion that the member had received bad advice and that the matter had not been properly handled administratively. The release notification was finalized and issued that day.

The following day, the member contacted the Office. He had received his notice and was completing his release clearances. He expected to be reunited with his family in their new home by the end of the day.

Please Release Me!

A Leading Seaman was granted a voluntary release from the CF on condition that he repay an amount owing on his obligatory service. Therefore, the case was closed in June 2000. However, in October the file was re-opened because the member was still awaiting his release. He was concerned that the delay would hinder his family's ability to relocate. With cooperation from the career manager, the release process was expedited.




In a similar case, a corporal was told in April 1999 that he would be released for medical reasons. Almost a year later, he learned that the paperwork had not yet been processed at the base and contacted the Office.

By the end of March 2000, the file had been located and sent for processing. By mid-April, the first stage was complete and the file moved on to the next level of review with about a thousand others. At the end of April, the Office secured an agreement that the corporal's file would be in the next batch sent to the review board for a decision.

In mid-May, the Office gave the member the good news: a decision had been reached and he could be released in January 2001 or sooner if he wished. However, that same day he received an e-mail stating that the release could not be processed until the impact of the new Universality of Service guidelines had been clarified.

Finally, in June Director Military Careers Administration and Resource Management agreed that if the corporal wished, his release could be processed under the old guidelines that had been in effect until April 1, 2000. In mid-August, the member received notification authorizing his medical release on or before January 8, 2001.



A private contacted the Office for help in getting his voluntary release. He had several family and personal reasons. His father was in poor health and he wanted to return home to take care of him. He had also decided to pursue educational opportunities outside the military.

The private submitted his request in September 2000 but was told by the commanding officer that it would take up to six months for his release to be processed. To compound the problem, the private had difficulty discussing the problem with his chain of command because he was not fluent in English and could not be assisted in French. The Office accepted the case and made several calls to the base. Eventually the base took action and in October requested authorization for a voluntary release on compassionate grounds. The Director General Military Careers sent the release message to the base on November 17, 2000, and started release procedures that same day. On November 21, the member left the CF in time to start school and help his ailing father.

Sometimes We Just Listen

A retired major called because, without warning, Revenue Canada had seized half of her pension cheque for payments on arrears. She had sent a series of post-dated cheques for amounts that she could afford but Revenue Canada refused to accept these arrangements.

The situation was causing her great financial hardship: she was worried about keeping up with her bills and rent. All her efforts to work out a resolution with Revenue Canada were unsuccessful. She called the Office to get information on her rights and find someone to advocate on her behalf. She was extremely frustrated. A staff member explained that Revenue Canada is completely outside the mandate of the Ombudsman's Office.

In this case, all staff could do to help was to listen and make some phone calls to find out more about Revenue Canada's complaints procedures.

The member welcomed the information and appreciated the fact that someone took the time to listen to her and provide her with some direction.

Mixed Messages

Two corporals in the Regular Forces are married and have four children. The father was posted overseas for three months. While he was away, the mother received a posting to sea. She couldn't leave on the posting because her spouse was still away. Someone had to take care of the children, particularly one child with special needs. Eventually, the member was granted a delay in posting but felt that her chief warrant officer was not happy about the delay.

When the father returned, he was posted to another base effective July 15, 2000. The mother requested a compassionate posting so that she would be able to move as well and keep the family together. After some delays, they were told that the request was granted. However, when the posting messages arrived, only one was specified as compassionate.

The parents were really worried. Their special needs child would require the presence of one or both parents for at least another two years. They were particularly concerned about the possibility that the mother could be posted to sea. They became more disturbed when they found out that the company administering the relocation program had not received any funds for the mother's move. Her career manager was away and they were unable to get an authoritative explanation. She heard that her posting message had been divided into two parts and that the second part of the message would confirm her compassionate status. They were concerned about the two-part message and, more importantly, the lack of funds for the move.

When the investigator became involved, he was able to get answers from another person at the career management office. The investigator confirmed that both parents were to be granted compassionate postings and that a second message would be issued for the mother when her career manager returned. Meanwhile, they could draw funds and proceed with the move on the basis of the father's posting message.

Helping Those Who Help Others

A non-commissioned member made a posting request in November 1999. As of March 2000, there was still no response so she decided to contact the Office for help. The member assisted at the scene of a tragic incident during the course of her duties and as a result suffers from depression and post-traumatic stress disorder (PTSD). She was receiving treatment when a promotion resulted in a posting in June 1999. At that time, she said that she did not want to be moved because of her treatment and family circumstances, but her entreaties fell on deaf ears.

Since January 2000, this member has been on sick leave. Her elderly father is terminally ill and her mother is also in very poor health. These problems, in concert with her own situation, led her to request a posting back to her old base, which is closer to her parents and family support. Specific PTSD treatment is also available there.

After meeting with the career managers, the investigator was hopeful that the member would be put on the Service Personnel Holding List, which would facilitate the posting. However, after two months there was no activity and the investigator went to a higher authority. Within a week, he was able to gain a posting order for the member. The intervention of senior CF personnel was largely responsible for a speedier resolution of the member's problems.

The member sent the investigator a copy of the posting message with a note attached stating, "Take a copy and put it in a frame ... Thank you so much, you are the best."

Saying Sorry

An unhappy retired member contacted the Office. He had received a copy of the medical files of his son, who had died at a young age in the service. Notes on the file by his son's treating doctor disturbed him. In particular, he wanted remarks about himself and other members of the family corrected or deleted from the file.

This case was handled by an intake officer and required several phone calls to various sections of the National Archives and the Privacy Commissioner's Office. Finally, the intake officer was able to determine the proper procedure for the member to follow. He needed to submit his concerns in writing to the Access and Privacy Division of the National Archives. If he was not satisfied with the results, he could then take the matter to the Privacy Commissioner. This information was passed on to the former member. The intake officer also suggested that he approach the Director General Health Services to inform her of his concerns.

A few weeks later, the Director General Health Services reviewed the matter and sent the former member the following explanation. Treating physicians' notes on medical files are confidential, as is information conveyed by the patient in the context of the doctor-patient relationship. In this case, the comments contained in the notes may have been attributable to the patient's illness and are not necessarily factual.

The Director General's letter concluded, "I noted with interest the lengthy and honourable service that you and your family has given to our country's armed forces and I recognize the sacrifices involved. Any disrespect or disservice felt was certainly never intended. I hope that this explanation offers some comfort to you and your family."

During follow-up discussion with the Office, the former member indicated he was satisfied with the response.

The Anonymous Letter

A former Reserve member and cadet unit volunteer contacted us. He had completed his assessment at the CF Recruiting Centre and was told that he had been found suitable for enrolment as an officer in the Cadet Instructor Cadre. However, the Regional Cadet Headquarters subsequently advised him that his application was denied for unspecified medical reasons.

He was concerned because his application to the Cadet Instructor Cadre had been denied. He alleged that the enrolment process was unfair and claimed that there was an unreasonable delay in processing his application, as well as an unfair medical assessment. He was also disturbed that the reasons for turning down his application had not been disclosed.

He reported that during the application process an anonymous letter alleging that he abused alcohol was copied to Regional Cadet Headquarters. The member had contacted personnel at Headquarters to tell them that the allegations were false and asked if the letter would affect his chances for enrolment. He was assured that the contents of the anonymous letter would not jeopardize his enrolment.

Ombudsman investigators interviewed the applicant as well as several persons at Regional Cadet Headquarters and the CF Recruiting Centre. All parties were aware of the existence and the contents of the anonymous letter but no one could say where it was. It was not attached to the application file.

Personnel at Regional Cadet Headquarters denied that the anonymous letter had influenced their decision. However, notes discovered on a minute sheet in the application file indicated that he was refused for medical reasons and because of suspected alcohol abuse.

The applicant's compulsory medical test showed that he had achieved the minimum level (G404) needed for admittance to the Cadet Instructor Cadre. Several other applicants had been accepted at that rating.

Through the intervention of the investigators, all parties agreed that the applicant take a second medical examination. To avoid interrupting the applicant's work schedule, the examination was expedited and conducted on a weekend.

In the second medical exam, the applicant again received the same designation (G404) that he had complained about. After a year, the applicant was finally accepted into the Cadet Instructor Cadre.

Fear of Weapons?

During basic training, a young private learned how to fire several rifles without any difficulty. He felt adequately trained and confidently passed his range firing tests. However, when it came to firing larger weapons during anti-tank training the young member was not quite so confident. In fact, he felt uncomfortable, unsafe and unprepared to fire. He estimates that he received a 45-minute crash course in firing the weapon, which had heavy recoil, so he requested extra training and assistance from a specialist.

When he did not receive any additional help, he felt he had no other choice but to document his concerns in a lengthy memo and request a voluntary release from the CF. His request was quickly granted. Over the next few months, he upgraded his education and then decided to reapply for enrolment. He believed that "the military was the greatest accomplishment [he had] achieved in life."

In the meantime, he was notified that the category of his release had been changed from voluntary to medical. Noted on the assessment was a limitation stating that he "should not be employed where required to handle weapons and explosives."

The medical category and assessment affected his reapplication to the CF. The Recruiting Medical Officer denied his application.

At this point the young man decided to contact the Office. After the investigator discussed the matter with the Recruiting Medical Officer it became clear that the recruiting and enrolment authorities were missing information that would have been helpful in their deliberations and might have resulted in a different decision. For example, they were not aware that the therapist and the private's family doctor of over 20 years had collaborated on a letter written by the therapist to the recruiting personnel, which stated that the private did not have a phobia of weapons. In fact, they had concluded that he was "a young man who wants to excel and be sure that he has received adequate training in order to do the best job possible."

The Recruiting Medical Officer agreed to a re-evaluation if the private satisfied three conditions: first, that he practice firing and provide proof; second, that he write a letter explaining why he was now confident that he could fire the anti-tank weapons; and finally, that he see the therapist for a follow-up assessment.

After a few months and considerable expense, the young man completed all the requirements. He was ready for his re-evaluation. Recently, a letter notified him that the restrictions had been lifted and he now met the enrolment standard. He went into the Recruiting Centre that same day.

Later, he told the investigator that he was overwhelmed with joy. "The Ombudsman really works. Without the Ombudsman and [the warrant officer at the CF Recruiting Centre and the therapist], I never would have made it. Thanks to you I have my life back. My parents are so proud. I'm just so happy. Thank you from the bottom of my heart."

Good to Hear from You: Feedback

*We take complaints, but we like compliments too.
Below is a sample of the comments we received this year.*

"The Office of the Ombudsman is to be commended for its ongoing progress in contributing to the welfare of military and civilian personnel. I am equally pleased with the successful results of your investigator in the case involving the posting of a military member as portrayed by the letter of appreciation, which you enclosed. The case is testimony to the importance of working with the appropriate chain of command and the benefits accrued with this kind of cooperation."

Minister of National Defence

"I can't believe you came all this way to talk to me ... It's nice to know someone really cares."

Widow of CF Member

"I read about the Ombudsman in the newspaper and called in my complaint. I am amazed you are actually at my house looking into this matter."

Mother of Cadet

"My brothers' medals mean everything to me and you taking the time to come and see me to trace their whereabouts is much appreciated."

Retired Veteran

"Your visit to [eastern Manitoba] and the interest you have shown in our case is heart-warming and shows us there is someone who will finally listen."

On Behalf of a Group of Reservists

"Well now you can get rid of that file of mine ... two weeks ago I got a cheque from the CF for that compensation. Come to an end. Closed the doors ... I would like to thank you for having an ear for me ... if [my request] was rejected, I may have needed you. Now I don't. Thanks!"

Reserve Member

"It is just a shame that while going through that irritating process, no one even mentioned your name. I've found out about you by pure luck while explaining what was going on to a friend of mine. From then everything went along fairly well. Just to know that somewhere someone I could trust was working with me to get through that process was really helpful ... It is why you are so important — because people need you to show them that they are not alone and that they can count on someone to walk beside them.

Leading Seaman

"Excellent Web site! I found that the "Cases" section of your Web site is fantastic. These cases should be included in such things as the *Maple Leaf* so that members have an opportunity to see what sort of action can be taken. I think it is imperative that the Ombudsman's Office receives better exposure and this would certainly be one way for members to see that things are being done. Not everyone has access to the DIN throughout the day to read these articles."

Warrant Officer

"It's good to know that we have a vessel to voice our concerns with."

Reserve Private

"To further reiterate, I once again cannot say enough about [your investigator's] conduct and professionalism. He went above and beyond the call of duty by providing me with the feeling that someone actually cared about my well-being and livelihood."

Private

"I am pleased to have this opportunity to thank you for the information that you sent me. It is extremely gratifying to see the efficiency with which our public servants do their jobs."

Former Sergeant

"It is my intent to continue the excellent relations that have been established between our offices."

Lieutenant-General

"Please be advised that my complaint has been resolved to my satisfaction within the official redress system; as such I am requesting that my file be officially closed. Please extend my sincere thanks to your staff for their time and effort. I am confident that my file was properly addressed as a result of the external appeal process of the Office of the Ombudsman. Accountability to an external review process only serves to encourage fair and equitable treatment."

Captain

"This was my first contact with an office such as yours, and the experience was enlightening. Your staff member was very professional in her questioning and investigation of the complaint. I am encouraged to see the outcome of the report."

Major

"After months of hitting every wall, I finally called your office in Ottawa. I was assigned a caseworker. He called me at least twice per week, [and] even gave me his cell number in case I needed to talk. Imagine that! He must have phoned every person that has been in contact with my case and more. Today, I received my posting ... so I can get the help I need and mostly the support, so that I can continue to achieve in my career.

Member Suffering from Post-traumatic Stress Disorder

"Regardless of the pain it brought and the courage it took, this has been the first ever that [my husband] has been afforded the opportunity to tell his tale from "A-Y." (I say 'Y' because the tale is not yet over.) The gift to [my husband] has been sleep. Pure, honest, simple sleep. Something which most of us take for granted. Something which has eluded [my husband] for the seven years of which I have known him.

Member's Spouse

"I would like to express my appreciation for the work that you do in support of those personnel who feel that they have been caught up in the "wheels of bureaucracy." I have been in the military for just over 20 years now and I wish that we had had someone like yourself to act on our behalf when I was a young private ... I remember what it felt like when older members who had been in the military longer than you would treat you with derision. A popular retort at that time, if you were to ask for anything, was "get some time in, kid." It's great that the attitude has changed now and I admire all the hard work that your staff puts in on behalf of the "little guy."

Corporal

"I was lucky that the system actually worked as it should. By going through the chain of command, and with the support of people who are not only good at their jobs, but caring individuals, my case had a happy outcome. For those cases that don't work out as they should, it is comforting to know that we now have an ombudsman to turn to when all else fails."

Corporal

"I would like to thank you and your staff for taking the time to look at my case and for helping me to be reunited with my family after two years of separation. I now get to spend quality time with my daughter after missing out in the last two years."

Private

"Your Office has been a Positive Force for the "Little Guy" against the "Giant" and everyone will appreciate knowing they have a Positive Help Line!"

Navy Spouse

"My wife and I view you as a person who took hold of our request with heart and believed in what you were going to fight for. I'd heard from a fellow co-worker of yours that you did not lack commitment or intestinal fortitude. I knew then that we had someone who would take this as far as he needed to get what he wanted. That was very encouraging to a couple who was near the end of their rope. Our confidence was restored."

Corporal

"Over a period in excess of five years I have lobbied the CF in vain for a fair hearing and resolution of my situation and complaints. Without in any way attempting to influence decisions, I am now of the opinion that I will receive such a courtesy through the auspices of your office. After all, that is all that I have ever desired."

Former Reserve Captain

How to Contact Us

There are several ways to reach the Office of the Ombudsman:

Call us toll-free at **1-88-88-BUDMAN** (**1-888-828-3626**) and speak to an intake officer.

Write us a letter describing your situation and mail it with any supporting documents to:

Office of the Ombudsman

The Carriageway Building
55 Murray Street, Suite 500
Ottawa, Ontario K1N 5M3

Send us a fax at **613-992-3167** or toll-free at **1-877-471-4447**.
Please call 613-992-0787 for information about sending a secure fax.

Fill out the online complaints form and mail or fax it to us.

Visit our Office for a private consultation. Appointments are recommended.

For further information about the Office, please visit us online at:

Internet (D-Net): www.ombudsman.dnd.ca

Intranet (DIN): ombudsman.mil.ca

or call our general enquiries line at **613-992-0787**.

Please do not send confidential information by e-mail as we cannot guarantee privacy at this time.

Appendix I: Caseload Statistics

During the 2000–2001 fiscal year, the Office received 1,242 complaints and closed 1,236 cases. The Office investigated 237 cases, the majority of which (80 percent) were substantiated and resolved. The remaining investigated cases were either abandoned by the complainant or were not substantiated.

The majority of complaints were resolved without a formal investigation. In many cases, the Office provided advice and guided complainants to existing mechanisms, such as the CF redress of grievance system. Approximately 20 percent of complaints received fell outside our mandate, such as complaints about matters relating to Veterans Affairs Canada. Others were simple requests for information (13 percent).

The following table and charts provide a breakdown of cases from April 1, 2000 to March 31, 2001 by type of complaint, complainant category, cases by element and the region where the problem arose. This year we are also introducing statistics by province and statistics broken down by element within each region.

The discrepancy between the number of complaints and the number of complainants arises from the fact that some individuals raised more than one issue.

Number of Cases per Province

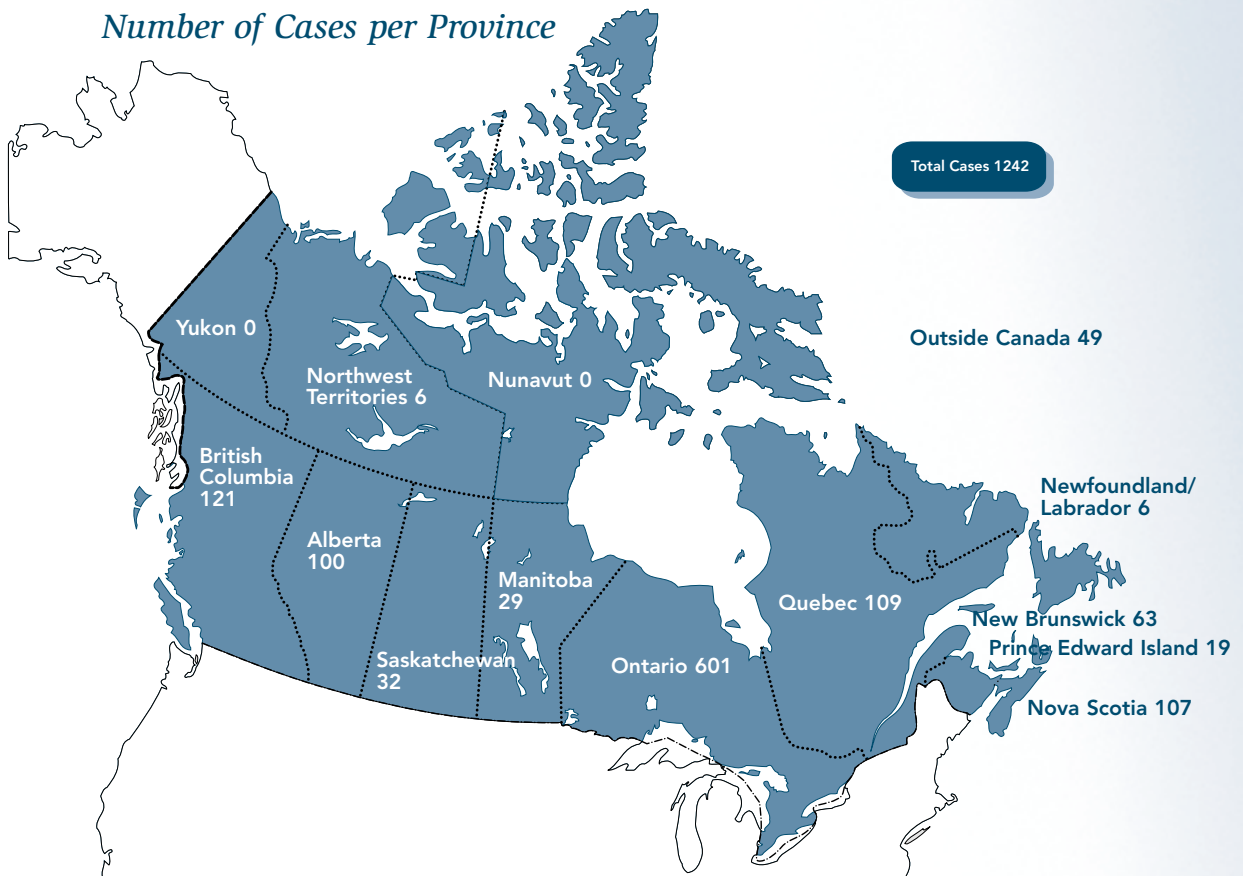


Table 1 – Types of Complaints

Benefits	298
Release	135
Harassment	124
Request for Information	106
Posting	82
Redress of Grievance	73
Recruiting	64
Military Justice	54
Improper Exercise of Authority	49
Private Married Quarters (PMQ)	34
Medical Treatment	32
Promotions	31
Awards/Medals	15
Leave	12
Discrimination	11
Personnel Evaluation Report (PER)	11
Training	11
Access to info/privacy	8
Assault	8
Dismissal (Civilian)	7
Medical	7
Civilian Grievance	5
Input Only	5
Taxation	5
Deployment Issues	4
Gender Integration	3
Sexual Assault	3
Obligatory Service	2
Contracts	1
Safety	1
Travel	1
Other*	171
Total	1373

* Includes complaints such as private business issues, international relations, taxation concerns, etc., that do not fall into any of the established categories, as well as complaints that were too general to categorize.

Chart 1 – Complainant Category

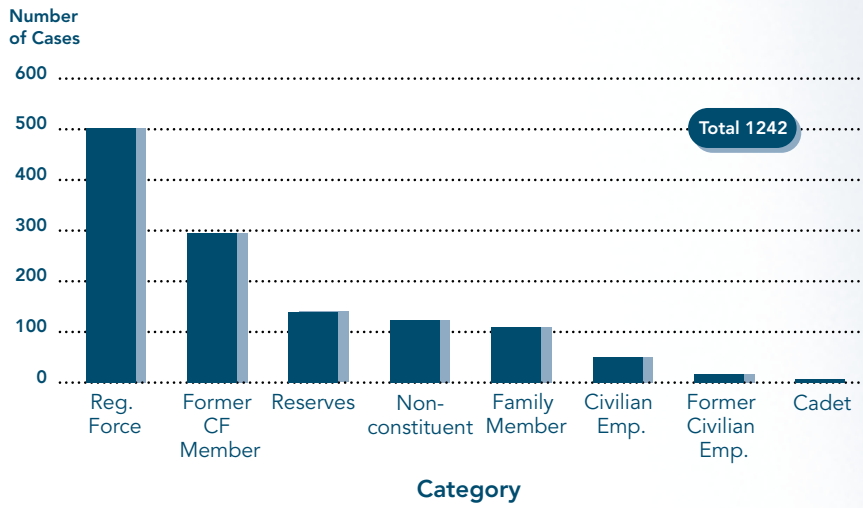


Chart 2 – Cases by Element

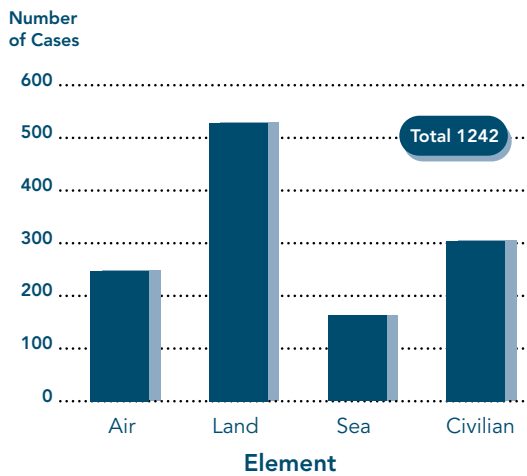
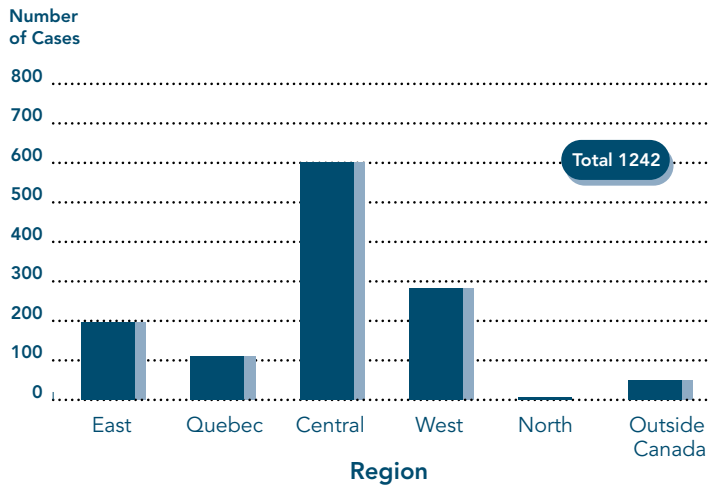
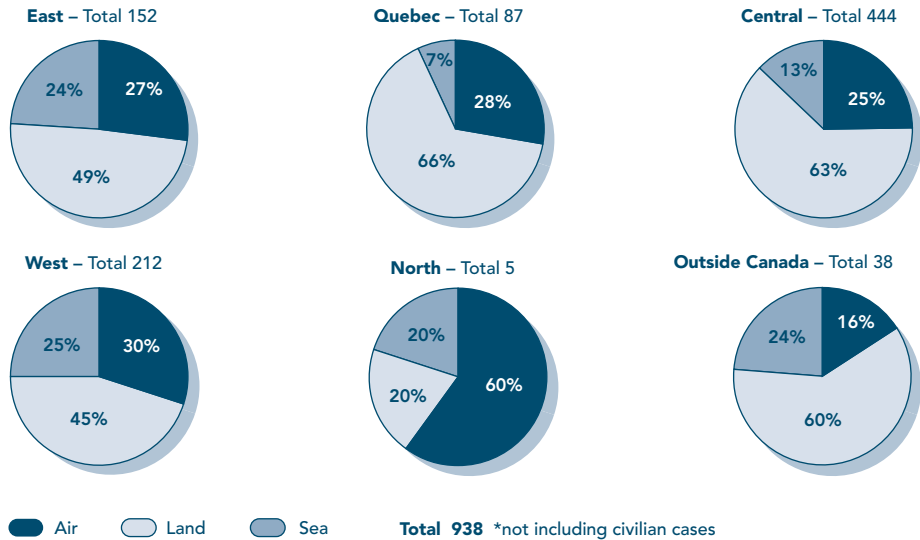


Chart 3 – Cases by Region



Legend:
East: New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland/Labrador
Quebec
Central: Ontario, including NDHQ
West: British Columbia, Alberta, Saskatchewan, Manitoba
North: Yukon, Northwest Territories, Nunavut
Outside Canada

Chart 4 – Cases by Element in Each Region



Appendix II: Summary of Expenditures

During the fiscal year 2000–2001, the total budget for the Office was \$5.4 million. Actual expenditures for 2000–2001, including final year-end adjustments, were \$3.5 million. Of this amount, the largest category of expenditure is salaries at \$1.6 million, followed by professional and special services (such as translation and temporary help). Together these categories account for 72 percent of total expenditures.

The Minister of National Defence approves the Ombudsman’s budget.

See below for more details of expenditures for April 1, 2000 to March 31, 2001.

Summary of Expenditures

	2000–2001
Salaries	\$1,635,091.65
Office rent	\$200,450.59
Office furniture	\$34,180.77
Transportation	\$384,847.96
Communication and public outreach	\$101,597.31
Professional and special services	\$895,721.80
Materials and supplies	\$103,730.57
Acquisition of computers and other equipment	\$34,162.65
Training and professional dues	\$10,079.80
Telecommunications	\$66,982.55
Courier services	\$25,394.60
Miscellaneous	\$6,827.93
Total	\$3,499,068.18

Appendix III: Organizational Chart

