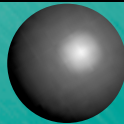


1999-2000
Annual
report

Ombudsman



National Defence and Canadian Forces
Défense nationale et Forces canadiennes

Ombudsman



National Defence and Canadian Forces
Défense nationale et Forces canadiennes

June 2000

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
K1A 0K2

Dear Minister,

Pursuant to the June 1999 Ministerial Directives, I am pleased to submit the second annual report from the Office of the Ombudsman for tabling in the House of Commons.

My report provides an overview of our operations from April 1999 to the end of the fiscal year in March 2000.

Yours truly,

André Marin
Ombudsman

Table of Contents

Building on Success: Message from the Ombudsman	1
The Year in Review: Introduction	3
On the Trail: Investigations	4
Major Investigations	5
Special Reports to the Minister	7
Marking the Milestones: Public Reports	10
Taking Care of Business: Office Administration	11
Location	11
Case Tracking Management System	11
Budget	12
Human Resources	12
Spreading the Word: Communications and Outreach	13
Ready to Serve	13
Getting Wired	13
We're Listening	13
Speaking Out	14
Networking	14
The Office in Action: Case Studies	15
Urgent Intervention	15
Sometimes It Just Takes a Phone Call	15
Giving Members a Voice	15
A Question of Dollars and Sense	16
Informal Mediation	16
Keeping Promises	16
A Misplaced File	16
Health and Safety Come First	17
Working with Existing Mechanisms	17
A Source of Information	17
How to Contact Us	19
Appendix I: Caseload Statistics	20
Appendix II: Summary of Expenditures	23
Appendix III: Projected Organization Chart	24

Building on Success: Message from the Ombudsman

At the time of writing my last annual report, we were in the final stages of negotiating the Office's mandate and I was eagerly looking forward to opening our doors. Even though the Office had not yet opened for business, we had already received approximately 300 cases — a sure sign that members of the Department of National Defence and the Canadian Forces (DND/CF) were well aware of our existence, but also a clear indication of a pent-up need for our services.

On June 16, 1999, the Minister of National Defence approved our mandate through Ministerial Directives and the Office became fully operational. The phone lines were opened up and our investigations staff began examining cases. A mere three months later, when I presented my *100 Day Report Card*, the caseload had already doubled. I expect that the demand for assistance will continue to grow in the year ahead.

When the Ministerial Directives were approved, it was agreed that after six months of operation they would be reviewed and amended as required before being incorporated into regulations under the *National Defence Act*. On December 16, 1999, the date on which the six-month "trial" period came to a close, I issued a report entitled *A Regulatory Regime for the Ombudsman*, outlining my experiences of the previous six months and indicating the changes needed to the directives. To facilitate the transition to regulations, I included draft regulations that were written with the assistance of a team of legal and legislative



experts acting as independent legal counsel. It is my hope that the negotiations currently under way will achieve a speedy resolution, leading to incorporation of our mandate into regulations and resulting in enhanced efficacy and greater permanency for the Office of the Ombudsman.

As always, I will continue to approach my position from a strategic perspective with particular emphasis on two objectives:

1. The Office must possess and maintain the ability to meaningfully contribute to an open and transparent military in which CF members, DND employees and the public can have confidence.

2. We must have the means to contribute to the fair treatment of all DND/CF personnel. (We can achieve this objective through different approaches, whether by means of quick, informal, mediated settlements, by conducting balanced investigations or by making recommendations to solve systemic problems.)

Since my six-month report was issued, I have been engaged in discussions with departmental officials about my mandate. My focus has been on preserving the jurisdiction of the Ombudsman. I must ensure that we retain our capacity to assist the institution and its members with individual and systemic problems and that the issues that arose in the first six months are properly addressed before the mandate is translated into regulations.

Frank discussion and vigorous debate on significant public policy issues are healthy and necessary steps in the establishment of the Office. Regrettably, however, the good rapport and substantial goodwill fostered between DND/CF and the Office of the Ombudsman has often been overshadowed by the intransigence of a small minority who have yet to fully accept the role of the Office.

Unfortunately, not everyone in DND/CF and related agencies, commissions and boards has bought into the concept of the Ombudsman. In the last year, we devoted a great deal of energy and resources to promote more positive perceptions, increased acceptance and greater understanding of the Office's role. Our efforts have been largely successful. However, in the year ahead, I am committed to bringing all parties on board.

I am pleased to report that we have received good support from the vast majority of DND/CF leaders and managers, from the grassroots and up. I hope that we can build on that spirit of goodwill, as cooperation is essential to the success of our case interventions and to the effective functioning of the Office overall.

Contributing to long-lasting improvements to the welfare of DND/CF members remains the Office's *raison d'être*. I believe greater transparency, accountability and fairness can only benefit the entire institution.

When any DND/CF members call my office, they can rest assured that their concerns will be given every consideration. My staff and I are committed to providing effective, impartial and fair assistance.

A handwritten signature in black ink, appearing to read 'André Marin', with a long horizontal line extending to the right.

André Marin
Ombudsman

The Year in Review: Introduction

THE SECOND ANNUAL REPORT OF THE OFFICE OF THE OMBUDSMAN COVERS THE PERIOD FROM APRIL 1, 1999, TO MARCH 31, 2000, WITH PARTICULAR EMPHASIS ON THE MONTHS AFTER THE OMBUDSMAN'S MANDATE WAS ANNOUNCED ON JUNE 16, 1999.

Since the Office started operations there has been a keen interest expressed about the types of cases it handles. This report includes statistics that describe the caseload.

The Office deals with individual complaints with a view to resolving matters through informal interventions. However, the Ombudsman also has the ability to make recommendations that will bring about positive changes for the welfare of the DND/CF community as a whole. During the year, some cases required more formal interventions, as detailed in the Investigations section of this report.

In addition to handling a growing number of cases, the Office was kept busy on a number of other fronts. This report sets out the details of a recent move and covers such issues as the Office's hiring processes and the implementation of the Case Tracking Management System. In keeping with its pledge of openness and transparency, the Office issued a number of publications and reports over the course of the year, including the December release of *A Regulatory Regime for the Ombudsman*. At the time of writing, negotiations are under way that will see the Office's mandate enshrined in regulations.

On the Trail: Investigations

The first line of contact for most complainants is the intake staff who answer the Office's toll-free telephone line, which is accessible both across Canada and internationally. The Office also accepts written complaints by mail, by fax and electronically. Complainants are cautioned, however, that the regular fax and e-mail are not secure lines of communication. The Office also has secure fax capability.

Intake staff members are specially trained to assist callers in identifying their specific concerns and to provide information and referrals, where appropriate. They also maintain a vast library of the resources that are available to current and former DND/CF personnel and their families.



Intake officers at work

Where an individual has access to existing DND/CF complaint mechanisms, intake staff will advise as to how to use them and will explain the complaints process. In other instances, individuals may be referred to outside agencies and departments such as Veterans Affairs Canada. Intake staff provide complete information to help complainants find their way through the bureaucracy.

When a case appears to fall within the Ombudsman's jurisdiction, a confidential file is opened. The file contains any documents provided by the complainant and a written summary of the details of the complaint. Once the Office's Case Tracking Management System is fully operational, the case will be entered directly into the database and will then automatically be forwarded for review and assignment. This state-of-the-art system will also allow staff to track specific types of cases and to cross-reference the complaint with similar cases that may have come to the Office's attention.





Staff members discuss the Case Tracking Management System.

Once the intake process is complete, the case is reviewed by the Director General of Investigations or an investigation team leader and is assigned to a member of the Ombudsman investigation team for action. Investigation teams include members from a wide variety of backgrounds, including former ombudsman,¹ police officers, CF members and DND civilian employees. In-house counsel also give investigators ongoing legal advice.

Once assigned to a file, investigators attempt to resolve the problem at the lowest level possible and obtain a win-win result for both the complainant and DND/CF. Should the matter not be initially resolvable, an investigative plan is developed to allow the investigator to collect all the factual information necessary for the Ombudsman to make informed recommendations about how to deal with the case. Owing to the

extensive mobility of DND/CF members and employees, in some cases investigators may need to travel across Canada or abroad to speak to witnesses and obtain or review documents.

Investigation team members also review and assess cases that occurred before June 15, 1998, the date on which the Ombudsman took office. Based on a review of this assessment, the Ombudsman then makes a recommendation to the Minister of National Defence as to whether it is in the public interest and the interests of DND/CF members to investigate the matter. To date, the Minister has accepted all of the Ombudsman's recommendations in these cases.

Major Investigations

Most cases brought to the Office's attention are successfully resolved through informal intervention by a member of the investigation team. In some cases, however, it becomes necessary to conduct a major investigation. These cases include one or more of the following situations:

- there is dispute over the central facts underlying the complaint;
- there are alleged or apparent systemic implications, such as the need to evaluate the fairness of a policy or procedure;
- an investigation has been initiated by the Ombudsman;
- the Minister of National Defence has directed that an investigation be conducted; or
- resolution of the complaint requires reaching an explicit conclusion about whether any person has been afforded fair or unfair treatment by DND/CF and making recommendations to remedy any injustice.

¹ The word ombudsman is Swedish in origin and is not intended to be gender-specific. For this reason, the plural form is not ombudsmen, but ombudsmen.

A major case investigation begins with a comprehensive case review and assessment by an experienced investigator. The investigator reviews all the information available, prepares a detailed case analysis outlining the issues arising from the complaint and proposes an investigative plan. The plan includes detailed information on the steps anticipated, such as a list of witnesses to be interviewed and the documentation required. The analysis also indicates the resources needed and an estimate of the time required to complete the investigation.

The Ministerial Directives for the Office provide that the Ombudsman will, wherever possible, attempt to complete an investigation of any matter within 60 days. If, once an investigation has begun, investigators assess that it cannot be completed within 60 days, they will provide an explanation as to why it will take longer. Ombudsman investigators endeavour to keep all parties informed of the progress of an investigation to the greatest extent possible.

Once the plan is approved by senior staff, the investigation begins. If more than one investigator is assigned to the file, a lead investigator is designated. The lead investigator may be part of a team of two or more investigators, depending on the complexity of the file. In most cases, a minimum of two investigators work together.

The investigators interview all parties involved, on audiotape. Audiotape is the preferred method for taking statements as it ensures accuracy and allows the interviewers to focus on the interview rather than on taking notes. The investigators also gather and review all relevant documentation, including (if applicable):

- legislation;
- Queen's Regulations and Orders (QR&Os) and/or Defence Administrative Orders and Directives (DAODs);

- policies and procedures, including Canadian Forces General Messages (CANFORGENS);
- internal or external correspondence;
- notes, e-mail or other documents completed by parties involved;
- minutes of meetings; and
- personnel files.

Ombudsman investigators have direct access to all DND/CF personnel, facilities and documents. It is not necessary for staff to request documents under the *Access to Information Act* or to go through designated bureaucratic channels. This cuts down substantially on delays and allows investigators to ensure that they have obtained all relevant documents.

Once the investigation is complete, a report is prepared detailing the facts of the case. A copy of the Ombudsman's report is sent to the person or agency within DND/CF who has the authority to implement the recommendations, if any are made. A copy is sent simultaneously to the complainant.

Major investigations are conducted in a neutral, thorough and objective manner, using recognized investigative techniques. The Ombudsman and his staff do not act as an advocate for any party. The purpose of the investigation is to ascertain all relevant information about a case. Investigative reports are reviewed by senior staff and general counsel to ensure that the investigations have been properly conducted and the report is fair and balanced in both substance and presentation.

The Office completed several major investigations and many others are ongoing. The Ombudsman made wide-ranging recommendations for systemic changes. The Ombudsman's recommendations have to date been accepted in principle by all parties. The Office is also

committed to following up to ensure that any recommendations accepted by DND/CF are implemented in a timely fashion.

Investigators have been and will continue to be subjected to intense scrutiny by all parties, including the public and the media. The Office aims to ensure the quality of the investigations by adopting the highest investigative standards.

Special Reports to the Minister

Special Report on Allegation of Conflict of Interest

The complainant in this case is a former Forces member who is a key witness in the Canadian Forces National Investigation Services (CFNIS) investigation of the alleged destruction of medical documents relating to members who had served in Croatia. He contacted the Ombudsman

alleging a conflict of interest because one of the lead CFNIS investigators involved in the case had previous dealings with the complainant. In particular, the complainant alleged that the CFNIS investigator had been involved in laying a charge against him. In view of this history, the complainant was of the opinion that it was inappropriate for the CFNIS investigator to be involved in the case and that his involvement constituted a conflict of interest.

Two investigators were assigned to the case. They met with the complainant and tape-recorded a statement. Based on the information received, they attempted to resolve the complaint by meeting with a senior CFNIS member. This attempt was unsuccessful. They then conducted a series

of tape-recorded interviews with all parties involved, including the CFNIS officer in question, as well as senior CFNIS staff. They obtained all relevant documentation about the case from DND/CF and other federal agencies, with full cooperation from all parties. The investigators reviewed DND/CF policy on the subject and contacted other agencies to ascertain their policies in such situations. The Ombudsman reviewed the material and made several recommendations.

THE CFPM SPECIFICALLY EXPRESSED APPRECIATION FOR THE SINCERE AND DILIGENT EFFORTS BY MEMBERS OF THE OMBUDSMAN INVESTIGATION TEAM IN THE INVESTIGATION AND RESOLUTION OF THE COMPLAINT.

The Ombudsman's report and recommendations were sent to the Canadian Forces Provost Marshal (CFPM). Given the urgency of the matter and the high level of public interest in the case, the Ombudsman requested a response to the recommendations and action on the file within three days.

The CFPM responded within the requested time and took the action recommended, which was to remove the officer from the case to avoid tainting perceptions of the investigation. The CFPM also accepted the recommendation that complete and binding conflict-of-interest guidelines be established for personnel under her command. The Deputy Provost Marshal, who is in charge of implementing this recommendation, has sought the input of the Ombudsman in formulating the CFNIS guidelines.

The CFPM specifically expressed appreciation for the sincere and diligent efforts by members of the Ombudsman investigation team in the investigation and resolution of the complaint. She also acknowledged the report as "a balanced,

objective assessment of the situation, as you see it.” She further commented that the focus of the Office appears to be “the best interests of the Canadian Forces and Department of National Defence.” The matter was concluded by the submission of the report to the Minister of National Defence with an expression of gratitude for the cooperation and assistance of the CFNIS and CFPM.

The Ombudsman’s report was made public 60 days after being submitted to the Minister in keeping with the provisions of Ministerial Directive 24.

Special Report on Systemic Treatment of Sexual Assault Complainants

The complainant in this case was a former CF member who reported an allegation of sexual assault to the CFNIS Western Region in May 1998. She advised that for six months after reporting the incident, she was not contacted by CFNIS investigators in charge of the case and that she was only contacted after she had complained directly to the CFPM. She also alleged undue delay in the completion of the investigation and unfair treatment with respect to remarks that were made by the CFPM in a related article published in the *Maple Leaf*, a CF newspaper.

Two Ombudsman investigators were assigned to the case. They met with and took tape-recorded statements from the complainant, as well as from the CFNIS investigators assigned to the case, their superiors and the CFPM. They reviewed CFNIS policies and procedures, the investigative file and files relating to resources and staffing at CFNIS Western Region. The investigators also contacted a civilian police agency and reviewed its policies and procedures for dealing with allegations of sexual assault.

The Ombudsman reviewed the investigators’ report and made seven recommendations. The recommendations addressed a number of issues relevant to complainants who bring matters forward to the CFNIS, including:

- the need for a binding policy requiring CFNIS to contact complainants at regular intervals and specifying the frequency of contact required;
- the need to review CFNIS staffing levels to ensure that such policies can be implemented;
- the need to study models used by civilian police agencies to enlist the expertise of trained civilian support workers in providing information and assistance to victims;
- specialized stress management training programs for CFNIS investigators; and
- changes to the *Maple Leaf* editorial policy to ensure that complainants are given an opportunity to comment when articles refer to their specific cases.

The response from both the CFPM and the Director General Public Affairs (DGPA) was overwhelmingly positive. The DGPA pledged that the *Maple Leaf* would ensure that the pertinent recommendation, which was generally part of their practice, be formally adopted as a written editorial policy. The CFPM agreed with several issues raised in the report and took action in a number of areas, including implementing personal stress management training and undertaking a study to see “how best to provide victims with the information they need to be comfortable with the investigative process.” The report was made public.

Special Report on Provision of Compensation and Counselling Services to Sexual Assault Victims

The Office received a complaint on behalf of a Reserve member concerning her treatment by the CF after reporting that she had been sexually assaulted while off duty. She complained about issues related to the provision of counselling services by the CF and that she had been denied compensation for remuneration lost as a result of the incident.

Ombudsman investigators met with all parties concerned and obtained relevant documentation, including the pertinent rules and regulations. They also contacted senior-level policy makers within DND/CF. The investigators then monitored the case while the complainant's unit attempted to facilitate the provision of any necessary counselling.

At the time the Ombudsman's report was

completed, the complainant had succeeded in finding alternative means to access civilian counselling. However, the Office also referred her to the Canadian Forces Member Assistance Program (CFMAP), which came into existence after the incident in this case had occurred. CFMAP, which was introduced in April 1999, provides assistance to all CF members, including Reservists, "who have personal concerns that affect their personal well-being and/or work performance." The program is designed to provide short-term assistance and offers up to eight counselling sessions with a civilian professional.

In his final report, the Ombudsman commented on the issues of both compensation and access to counselling services. With respect to compensation, the CF had concluded that the complainant was not entitled to compensation as she had not been on duty at the time the incident occurred. The Ombudsman found that in the specific circumstances of this case, the policy on entitlement to compensation had been fairly applied. He also noted that the policy itself appeared to be fair in this particular set of circumstances.

... THE INTRODUCTION OF CFMAP CONSTITUTES A "SIGNIFICANT AND WELCOME STEP FORWARD IN THE RIGHT DIRECTION" AND REPRESENTS A "TANGIBLE AND PRACTICAL RESPONSE TO THE CONCERNS OF MANY CF MEMBERS."

The Ombudsman found that although the complainant's unit acted in good faith, there was an unfortunate breakdown in communication between the CF and the member, which resulted in delays in the complainant accessing the help she required. The Ombudsman emphasized the importance of eliminating any delays in the provision of information to victims of sexual assault.

The Ombudsman noted that the establishment

of CFMAP will go a long way toward improving immediate access to counselling services for all CF members. In view of the establishment of CFMAP, he did not make any specific recommendations on the issue of access to counselling services, but he did note the importance of ensuring that victims of sexual assault are routinely and immediately provided with information on CFMAP. He added that the introduction of CFMAP constitutes a "significant and welcome step forward in the right direction" and represents a "tangible and practical response to the concerns of many CF members."

Marking the Milestones: Public Reports

The Ombudsman issued two significant reports in 1999. The first one, the *100 Day Report Card*, was released on September 23, 1999, at a newsmaker breakfast at the National Press Club. The report's release was followed in the evening by an open house at the Office of the Ombudsman. The open house marked the first visit to the Office by the Minister of National Defence. Also present at the event were senior military and civilian personnel from DND/CF, representatives from a number of embassies, the Human Rights Commissioner, the Government of Canada's Ethics Counsellor and ombudsman from local colleges.

The aim of the report card was to give a general overview of the work being carried out by the Office during its first three months of operations. To this end, the report included a clear statistical overview of the Office's caseload, including the origin and types of complaints being handled. The statistics demonstrated that in the first 100 days of operation, the Office received some 600 cases, of which 299 had already been completed at the time the report was issued. The report also provided the Ombudsman with an opportunity to announce his priorities for the following months and identify the changes needed to ensure the continued success of the Office.

The second major report, *A Regulatory Regime for the Ombudsman*, was issued on December 16, 1999, the day marking the end of the first six months of operations. When the Office was



(from l. to r.) Defence Minister Art Eggleton, Deputy Minister Jim Judd, and Vice-Chief of the Defence Staff, Vice-Admiral Gary Garnett, enjoy a light-hearted moment at the 100 Day Open House.



Defence Minister Art Eggleton signs the guest book on his first visit to the Office, September 23, 1999. Ombudsman André Marin looks on.

established under Ministerial Directives, it was on the understanding that the directives would be reviewed at the six-month mark and then incorporated into regulations. *A Regulatory Regime for the Ombudsman*, which was written with the assistance of expert independent legal counsel, set out the areas in which improvements or adjustments were needed to ensure the long-term independence, efficacy and credibility of the Office. To facilitate the adoption of regulations, the report included a set of draft regulations written in proper form and language by an experienced and respected legislative drafter.

Taking Care of Business: Office Administration

Location

In March 1999, the staff of the Office of the Ombudsman moved into its new office facilities in the heart of the Byward Market in Ottawa. After the release of the Ministerial Directives for the Office on June 16, 1999, Office staff reviewed the level of investigative resources required to effectively fulfil the mandate. It quickly became apparent that the Office in the Carriageway Building would soon be too small to adequately accommodate the staff of investigators that would need to be hired to tackle the increasing caseload.

The ensuing search for office space conducted by Public Works and Government Services Canada (PWGSC) determined that no suitable accommodations were available in the immediate vicinity. However, PWGSC was successful in finding temporary accommodations for investigations staff in the Dover Building, until accommodations closer to the Carriageway Building can be found. The Dover Building, which is on Sparks Street, can accommodate 23 staff and is within walking distance of the Carriageway Building. The facilities had been recently vacated by another federal government department and required minimal resources in the way of new furniture and fixtures — a definite plus for the Office of the Ombudsman in terms of controlling operating costs.

The investigations and intake staff, along with some administrative support staff, moved into



Ombudsman André Marin and British Columbia Ombudsman Howard Kushner sign the Memorandum of Understanding for the purchase of the Case Tracking Management System.

their temporary accommodations in December 1999. Both DND and PWGSC staff were very helpful and worked tirelessly to expedite the move and installation of equipment.

Case Tracking Management System

Last year the Office completed a comprehensive review and evaluation of several computerized case management systems including those used by other ombudsman offices. The Office selected the Case Tracking Management System (CTMS) that was designed by the Office of the Ombudsman for British Columbia.

In December, the CTMS was installed at the Dover Building and the first priority was to ensure that the data and information from the hundreds of cases that had already been received by the Office were entered in the CTMS. The system is accessible only to Ombudsman staff and provides a secure method of ensuring confidentiality for individuals who turn to the Office for assistance.

The CTMS supplies the Office with an essential tool to manage its caseload from initial intake to closing of individual cases, thereby ensuring



The swearing-in of new staff.

that cases are dealt with effectively and expeditiously. The system also provides management with a comprehensive information base that will help identify trends and possible systemic issues in a timely manner, as well as compile statistics.

Statistical information on the Office's caseload can be found in Appendix I.

Budget

Over the past year, the Office has worked hard to ensure that it has the resources necessary to carry out its role efficiently. The Office's total budget for the 1999–2000 fiscal year was \$2 676 800. Actual expenditures for 1999–2000, excluding final year-end adjustments, were \$2 605 730. Of this amount, personnel costs were \$707 120 and professional and special services were another \$776 976, together accounting for about 57% of total expenditures. Costs associated with setting up the Office, including rent, furniture and equipment, amounted to \$847 458 or 32.5% of all expenditures. All other expenditures, including travel, postage, telephone, communications, and office materials and supplies accounted for the remaining \$274 176.

See Appendix II for an accounting of expenditures from April 1, 1999, to March 31, 2000 in comparison to the period June 15, 1998 to March 31, 1999.

Human Resources

One of the key priorities in creating an effective and independent Office has been to ensure that it

is staffed with skilled and motivated personnel. With the assistance of DND/CF personnel specialists, the Office staffed several positions through the competitive process over the past year and grew from a skeleton staff of 14 to the current complement of 35. An organization chart setting out the projected staffing and reporting structures for the Office is in Appendix III.

The staffing competition process for investigators is under way. The interest demonstrated in these positions, both inside and outside DND/CF, has been encouraging. The Office received 800 applications from candidates interested in joining the Office as investigators — a response that was all the more remarkable given the relative newness of the Office.

All employees are required to swear an oath of secrecy when they join the Office. This is done with the aim of ensuring confidentiality for DND/CF members who contact the Office for assistance. During the swearing-in ceremony, employees promise not to disclose any information or document in their possession unless authorized by the Ombudsman and they pledge to perform their duties in a fair and impartial manner, in good faith, and to the best of their judgement and ability. Two major swearing-in ceremonies were held during the year. The first of these was held on May 19, 1999, before Madam Justice Claire L'Heureux-Dubé of the Supreme Court of Canada; the second was conducted on February 3, 2000, by the Office's Acting General Counsel, Barbara Finlay.

Spreading the Word: . Communications and Outreach

While CF members and DND employees are the Office's focus, the communications plan is also directed at other interested parties, including Members of Parliament, other ombudsmen and the public. This scope is reflected in the variety of strategies used to communicate messages over the past year.

Ready to Serve

Whereas in the first year, the focus was on consulting with DND/CF members to define the mandate of the Office, in the second year the primary objective has been to spread the word among constituents that the Office is open and ready to serve them. The Office also wanted to get back to DND/CF members to update them on developments since the consultations were held. To this end, Office staff developed an educational presentation on the mandate and structure of the Office, and the Ombudsman began a coast-to-coast tour of CF bases, making presentations to some 6 000 persons over four months.

In addition to building awareness of the Office through face-to-face meetings, the communications strategy included ways of spreading the word about the Office. An information brochure entitled *We Can Help* was quickly developed and given wide distribution. The brochure provides a straightforward introduction and clearly sets out the options for contacting the Office for

assistance. Members were also reached through information articles in numerous CF newspapers. By using the nickname given to the Ombudsman by CF members in Bosnia, Office staff came up with a catchy and easily remembered phone number for the new inquiry line: 1-88-88-BUDMAN.

Getting Wired

The Ombudsman's Intranet site (ombudsman.mil.ca) was launched this year to provide another way for DND/CF individuals to seek information on the Office of the Ombudsman. In response to requests from DND/CF members, an online complaints form has been added to the Intranet and Internet sites. Improvements were made to the Internet site (www.ombudsman.dnd.ca) to facilitate site navigation. Visitors to the site have made good use of the "Contact Us" option and have provided helpful feedback.

We're Listening

To evaluate the success of the Office's outreach program, plans are under way to survey DND/CF members on their awareness of the Office of the Ombudsman. The survey will also ask members how they would like to communicate with the Office and the type of information they would like to receive. By conducting a survey early in its mandate, the Office will be able to evaluate

progress over the coming years as it becomes more well-established. To benefit from the input of individuals who have used the services of the Office, staff will be developing an evaluation form for complainants.

Speaking Out

The year was a busy one for media and public relations. On June 16, 1999, the Ombudsman appeared at a news conference with the Minister of National Defence to announce the signing of the mandate making the Office fully operational. One hundred days later, the Ombudsman spoke at a newsmaker breakfast at the National Press Club in Ottawa where he released the *100 Day Report Card*. In December, at the end of the first six months of operations, a news conference was held to highlight the release of the report *A Regulatory Regime for the Ombudsman*.

The Office of the Ombudsman was the subject of much positive media coverage, and the Ombudsman participated in editorial boards with a number of leading publications, including the *Globe and Mail*, the *Ottawa Citizen*, *Le Soleil*, the *Halifax Chronicle-Herald*, the *Montreal Gazette*, the *Vancouver Sun* and *Maclean's*. The Office also received significant coverage from Canadian television and radio stations and the Ombudsman was interviewed by Newsworld, RDI, Radio Canada, CFRA and CBC Radio, among others.

With interest growing in the work of the Office, the Ombudsman received and accepted many invitations for speaking engagements. Among the audiences addressed were military family members, retired and serving military members, and Royal Canadian Legion service officers. The Ombudsman was also invited to speak during National Nursing Week and at an open house of the Faculty of Law at the University of Ottawa.

Networking

With a view to sharing information, the Ombudsman established strong ties with a number of provincial ombudsmen. He attended the joint conference of the Canadian Ombudsman Association/United States Ombudsman Association and participated in the Ombudsman Association conference in Phoenix. Outreach to government audiences included presentations to the Standing Committee on National Defence and Veterans Affairs and the Departmental Executive Board of Veterans Affairs Canada. On the military side, the Ombudsman attended the Base Commanders Forum, the Conference on Ethics in Defence and the Armed Forces Council. On the civilian side, he addressed the Assistant Deputy Ministers of DND and participated in the National Civilian Human Resources Symposium.

**WITH A VIEW TO SHARING
INFORMATION, THE OMBUDSMAN
ESTABLISHED STRONG TIES
WITH A NUMBER OF PROVINCIAL
OMBUDSMAN.**

The Office in Action: Case Studies

The following section provides a summary of some of the cases the Office has handled over the past year and outlines how they have been resolved.

Urgent Intervention

A CF member called to make a complaint to the Office about not receiving appropriate medical care for a serious health condition.

In ordinary circumstances, the Office would not have taken on the case because the member had not used all the mechanisms available to address the complaint. Owing to the serious and urgent nature of the case, however, the investigator felt it was important to take action on the complainant's behalf.

As a result of a few key calls made by the investigator, the complainant was admitted to hospital and given the care required.

Sometimes It Just Takes a Phone Call

A veteran called the Ombudsman's Office in some distress about the time it was taking for Veterans Affairs Canada to reimburse him for claims he had submitted.

Although Veterans Affairs matters are not within the jurisdiction of the Ombudsman's Office, the investigator determined that in view of the veteran's predicament it would be helpful to make a call to the Department on his behalf.

Shortly after the investigator contacted the Department, Veterans Affairs Canada called back to advise that an employee had contacted the veteran to assure him that his file would be promptly reviewed.

The investigator subsequently followed up with the veteran, who expressed his appreciation for the Office's intervention.

Giving Members a Voice

The Office was contacted by a complainant who was concerned about the maternity leave benefits for CF members. She advised that she had in fact left the CF because she wanted to spend more time with her new baby than the leave provisions would allow.

The member had written a submission on the subject and wanted her views to be passed on by the Ombudsman's Office to the appropriate parties within DND/CF. The investigator followed up on the complainant's request and sent a copy of her submission to the Policy Development section. In a subsequent phone call, the investigator was informed that the issue of maternity leave was currently under consideration and would be addressed within the following six months.

The Ombudsman's Office was later advised by the Quality of Life Project Management Office that changes would be made on January 1, 2000, to increase maternity leave benefits for CF members to match those provided to public servants.

A Question of Dollars and Sense

The Office received a call from a DND employee who had suffered a job-related injury. The complaint dealt with the fact that the individual's disability benefits had been cancelled for more than a year over a disagreement between DND and the Workplace Safety and Insurance Board (WSIB) regarding whether the employee was fit to return to work.

The investigator called the appropriate DND personnel office, which then made arrangements for the complainant to be assessed by a doctor with a view to determining whether the employee was fit to return to work. The investigator also contacted WSIB, stressing the urgency of the case. The complainant's file was referred to the WSIB medical advisor, who advised the investigator that she would be kept apprised of any developments.

As a result of the investigator's intervention, the review of the file was expedited. The review led to the complainant receiving full back-payment of benefits in the amount of \$38 000 and the resumption of monthly payments.

When the Office's involvement was completed, the complainant advised the investigator that everything seemed to be in order and thanked the Office for the assistance provided.

Informal Mediation

A CF member made a public statement that displeased a senior member of the unit. The complainant felt that the subsequent behaviour on the part of the senior member verged on harassment, but efforts by the member to clarify the issue seemed to make the situation worse, to the point that the complainant was afraid that charges would be laid.

The issue was resolved through informal mediation between the complainant and the senior member. The complainant was assured by the

senior member that no further action would be taken and that the matter would be dropped.

Both parties stated that they felt the intervention by the Office of the Ombudsman had been beneficial.

Keeping Promises

A released CF member discovered by chance that he might be entitled to newly created moving benefits. When he contacted the closest CF base to make an enquiry, he was advised that he was indeed entitled to these benefits.

After having made arrangements to move and being given an advance on the benefits, the member was told that he was not in fact entitled to the benefits and would have to pay back the advance. At this point, the individual contacted the Office of the Ombudsman.

Following a review of the case and an investigation by the Office, the investigator was able to intervene and ensure that the complainant received all the benefits he had been promised.

A Misplaced File

The Office received a complaint from a CF member who had been waiting over a month and a half for a review of punishment. (According to the regulations, the appropriate authority should reply within 21 days of receipt of such a request.) As the punishment consisted of a reduction in rank, the complainant was eager to see the case reviewed.

A phone call from the investigator to the appropriate office revealed that the delay was caused by a number of circumstances, including the fact that the file had been misplaced. As the individual responsible for the file did not have a tracking system for review of punishment requests, the fact that the file was missing went unnoticed.

Further to the Office's intervention, the review process was resumed and the complainant was eventually reinstated. As well, procedures were put in place to address the initial causes of the delay, thereby ensuring the same problem would not arise with future requests.

Health and Safety Come First

A CF member contacted the Office to express concern about an overseas posting order. The individual was suffering from tinnitus, a condition that is exacerbated by noise, and was concerned that the posting would worsen the condition.

Despite presentation of a case against the posting, the complainant's superiors were insistent that it proceed as planned. The investigator contacted the member's superiors and suggested that they take noise meter readings in the posting area before reaching a final decision on the proposed posting.

A short time later, the investigator was advised that further to consultations with the Judge Advocate General, it had been decided not to proceed with the posting. A letter from the complainant's specialist confirmed that the matter had been resolved to the member's satisfaction.

Working with Existing Mechanisms

The Office was contacted by the parent of a cadet who advised that the cadet had been harassed and retaliated against by an officer.

The Ombudsman investigator assigned to the case began by interviewing the complainant. It soon became apparent that other parents had similar concerns but were afraid to come forward for fear of retaliation against their children. A few parents were contemplating retaining legal counsel or going to the media.

The Office decided to begin by attempting to resolve the issue through mediation. The investigator approached Peter Sterne, Executive Director of Conflict Management at DND, to invite him to be the mediator. The Office did not participate in the actual mediation, but monitored the situation throughout and consulted with Mr. Sterne on numerous occasions.

The mediation, set up by the Office of the Ombudsman and conducted by Mr. Sterne, was successful in resolving the situation and prevented it from escalating as it might otherwise have done.

A Source of Information

A number of individuals, mostly civilian employees, contacted the Office to express concerns about the relocation of the Regional Cadet Headquarters (Central) in Trenton and the Regional Cadet Instructor School in London to the Canadian Forces Recruiting, Education and Training System (CFRETS) in Borden.

The individuals concerned felt they were getting little explanation as to the rationale for the move and, in some cases, they had not received any written documentation about the move. With only six months to go before completion of the relocation, they were concerned about their work and personal situations.

The Office was able to assist by contacting personnel in Trenton and Borden who provided both background information and up-to-date information on the plans for the move. The investigator followed up by providing complainants with the Web site address for coordination of the move and referring them to the specific sections of the draft implementation plans that corresponded to their concerns.

Comments Are Always Welcome

Obtaining feedback on the services the Office provides is important because it allows the Office to find out what it is doing right and to identify the areas in which there is room for improvement. If members would like to provide the Office with their comments, they can reach the Office online by using the "Comments" section of the Internet site at www.ombudsman.dnd.ca or Intranet site at ombudsman.mil.ca.

Below are a few excerpts from some of the letters sent to the Office:

"... we must admit at being impressed by both the quality and the thoroughness of your responses as well as the overall tone of your explanations; we cannot fail to notice the genuine care for individuals, the obvious desire to provide efficient service as well as the certain efforts taken to give prompt and punctual replies. This would be a most impressive performance for any government bureaucracy ... however, considering the Ombudsman Office has been stood up only recently, you and your staff merit a compliment of felicitations."

"I truly believe that this position [the Ombudsman] is needed permanently. It is expected by our officers and soldiers who now insist and expect that their voice be heard beyond their chain of command. An objective focal point, such as that offered by the [Office of the] Ombudsman reassures all that they have recourse against abuse by process or person. Other armies have and continue to use varying types of similar offices. The rapid, quiet and amicable resolution of some 90% of issues addressed to the Ombudsman bear witness to the objectivity and effectiveness of this office and its head."

"I again wish to thank you for your hard work regarding this matter. I know that if it was not for you, my file would still be sitting in Ottawa."

"I was having the most awful time trying to track down a telephone number. ... no one seemed to be interested in whether or not I was connected to the right party. When I called your office, I was met with courtesy and friendliness and the correct phone number. I just wanted to thank the woman ... who answered the phone at 888-828-3626 for making my day."

"I would like to bring to your attention the efficient and expedient manner in which [your investigator] handled _____'s dilemma. Throughout [the] investigation, _____ was treated with ... dignity and respect. ... [Your investigator's] professionalism and personable character enabled [us] to function through this extremely trying period. ... Especially comforting was his regular contact with us, which helped in lessening some of our anxieties. Thanks to [your investigator], we, as serving members of the Canadian Forces, now have a renewed sense of confidence in an organization that we are willing to give the ultimate sacrifice. ... Please convey to [your investigator] our deepest appreciation and heartfelt gratitude for his outstanding efforts in handling our case."

"I congratulate all the staff in your office for doing a difficult job. The Canadian Forces needs your support."

"Thank you for your prompt response in reference to the case of _____. It is refreshing to note the sincerity demonstrated by your office and staff. The DND/CF Ombudsman continues to demonstrate an earnest commitment towards achieving substantial and long lasting improvements to the welfare of members of DND/CF and their families. The dedication to duty and honourable intent that personnel envisage deserves no less than a just avenue for concerns and issues to be heard. Again, thank you for your prompt response."

"We firmly support you and your team. Your adoption of a 'conciliatory' tone towards the powers that be is the only realistic approach. ... Yes, you proffered the olive branch but nevertheless, you did it in such a way as to make it altogether clear the Ombudsman has a mandate at some point perhaps in the next six months or so to 'come clean' with the members of the Canadian Forces about the workability of this process. That puts the onus where it belongs!"

"Your telephone number, 1-88-88-BUDMAN, is a remarkable contortion. Bilingual too!"

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

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

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

For further information about the Office, please visit us online at one of the site addresses below:

Internet (D-Net) **www.ombudsman.dnd.ca**
Intranet (DIN) **ombudsman.mil.ca**

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

Appendix I

Caseload Statistics

DURING 1999–2000, THE OFFICE RECEIVED A TOTAL OF 1 294 COMPLAINTS AND CLOSED 855 CASES. THE OFFICE ALSO RECEIVED 326 CASES PREDATING JUNE 15, 1998, THE DAY ON WHICH THE OMBUDSMAN TOOK OFFICE.

The following four tables provide a breakdown of cases for April 1, 1999 to March 31, 2000 by type of complaint, complainant category, complainant element and region. The discrepancy between the number of complaints (Table 1) and the number of complainants (Table 2) arises from the fact that some individuals raised more than one issue.

Table 1

Types of Complaints

Access to Information / Privacy	8
Assault	6
Awards/Medals	6
Benefits	213
Civilian Grievance	5
Conflict of Interest	3
Contracts	2
Croatia	20
Demotions	2
Deployment Issues	5
Discrimination	11
Dismissal (Civilian)	7
Harassment	111
Improper Exercise of Authority	48
Input Only	13
Leave	18
Medical	13
Medical Treatment	68
Military Justice	106
Personnel Evaluation Report (PER)	20
Personnel Married Quarters (PMQ)	23
Posting	73
Promotions	14
Recruiting	44
Redress of Grievance	73
Release	156
Request for Information	74
Safety	2
Security Clearances	2
Sexual Assault	2
Taxation	9
Training	14
Travel	2
Other	121
Total	1 294

Table 2

Complainant Category

Cadet	11
Civilian Employee	41
Military Family Member	57
Former CF Member	246
Former Civilian Employee	18
Regular Force	564
Reserves	100
Other	114
Total	1 151

Table 3

Complainants by Element

Air	231
Land	561
Sea	129
Total	921

Table 4

Cases by Region

West: British Columbia, Alberta, Saskatchewan, Manitoba	242
East: New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland/Labrador	174
North: Yukon Territory, Northwest Territories, Nunavut	3
Ontario	565
Quebec	123
Outside Canada	44
Total	1 151

Appendix II

SUMMARY OF EXPENDITURES

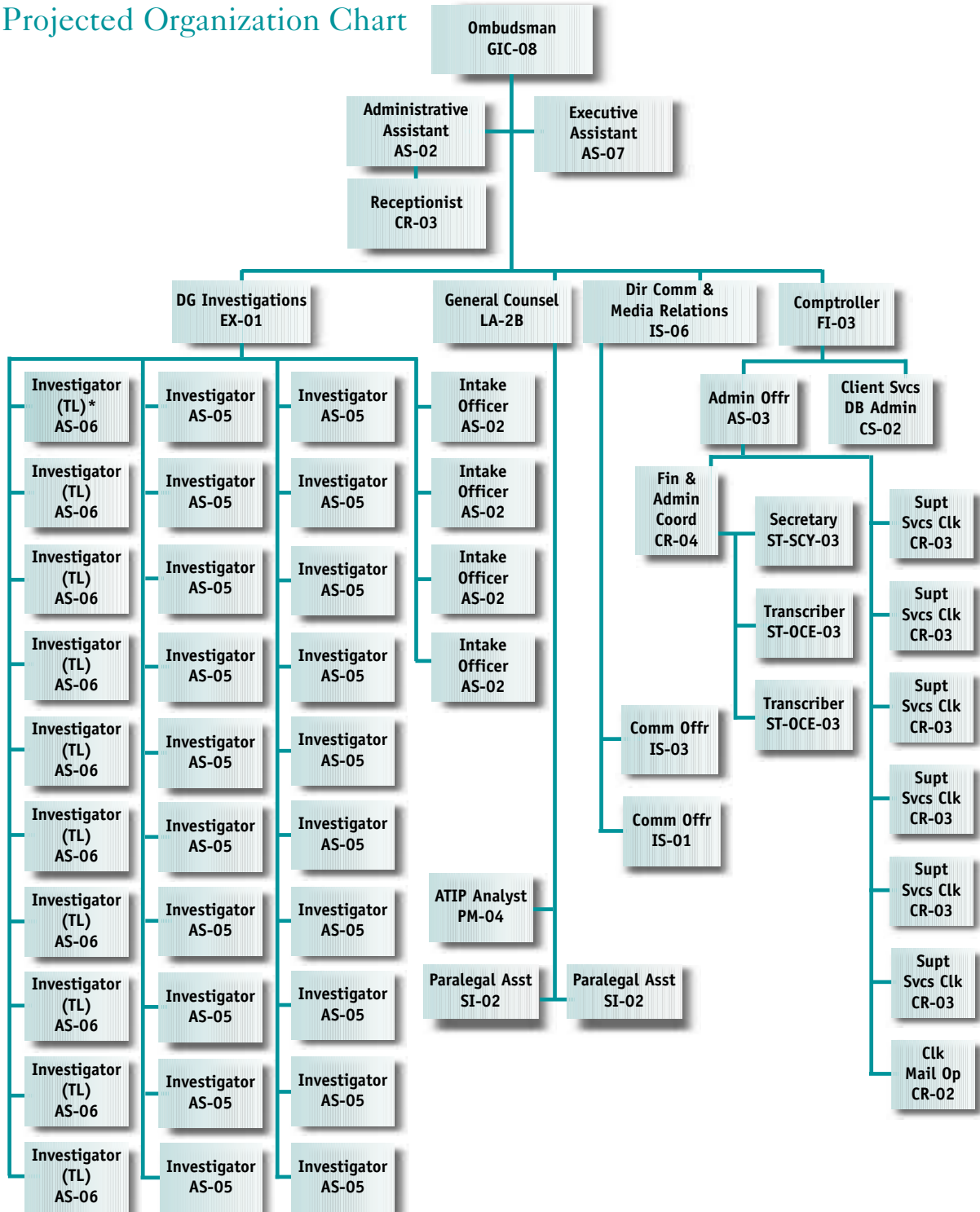
	1998-99 ¹	1999-00 ²
Salaries	\$201 453	\$707 120
Office rent	61 052	141 850
Office fit-up	299 271	53 106
Office furniture	153 376	77 397
Transportation	89 124	131 041
Communications and public outreach	28 650	13 530
Professional and special services	234 146	776 976
Materials and supplies	28 855	98 918
Acquisition of computer and other equipment	195 630	575 105
Training and professional dues	5 675	7 511
Rentals	474	-
Miscellaneous	2 584	23 176
Total	\$1 300 290	\$2 605 730

¹ 1998-99 figures for period June 15, 1998 to March 31, 1999.

² 1999-00 figures for period April 1, 1999 to March 31, 2000. Final year-end adjustments processed after May 9, 2000 are not included.

Appendix III

Projected Organization Chart



* (TL) Team Leader