



Defending **Fairness**

2007-2008 ANNUAL REPORT



Canada

Ombudsman
National Defence
and Canadian Forces



Défense nationale
et Forces canadiennes

June 27, 2008

The Honourable Peter Gordon MacKay, P.C., Q.C., M.P.
Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
101 Colonel By Drive
Ottawa, Ontario
Canada
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Dear Minister,

I am pleased to submit to you *Defending Fairness*, the 2007-2008 Annual Report for the Office of the Department of National Defence and Canadian Forces Ombudsman.

This report provides an overview of our activities and operations from the beginning of April 2007 to the end of March 2008. It highlights, in particular, the achievements of our office as we work to ensure openness and fair treatment for members of Canada's Defence community.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Mary McFadyen', with a stylized flourish at the end.

Mary McFadyen
Interim Ombudsman for the Department of National Defence
and the Canadian Forces



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OMBUDSMAN'S MESSAGE

This year marks the tenth anniversary of the creation of the Office of the Ombudsman for the Department of National Defence and the Canadian Forces, as well as the appointment of Canada's first military ombudsman. In that time, the office has made a real and lasting contribution to the welfare of our men and women in uniform, our civilian employees and countless family members in the Defence community.

I was extremely honoured when the Minister of National Defence asked me to serve as Interim Ombudsman earlier this year. Having worked as General Counsel to the Ombudsman since 2002, I was well aware of the important difference that our office has made in the daily lives of Canada's military members and National Defence employees. And, with the continued support of our staff, I am committed to building upon an impressive decade of dedicated service and positive results for the Defence community.

We serve a unique and complex community. Our office is responsible for ensuring fair treatment for military members who, by the very nature of their work, must follow the lawful orders of a hierarchical organization. We are also here to help their families who make significant sacrifices for their loved ones and the operational needs of the Canadian Forces. Our mandate includes National Defence employees and their family members who have different, albeit no less important, issues and problems than their Canadian Forces counterparts. And we are here to help

those who have retired from the military or National Defence, as well as those who have applied to become members.

In order to meet the needs of this diverse community, we are – and must remain – completely independent of the military chain of command and the civilian management structure of National Defence. Independence is absolutely critical to ensure that “influence” (real or perceived) does not taint our actions, findings or recommendations. Only a truly independent Ombudsman, who has no formal ties to the broader organization and no potential conflicts of interest, will be trusted and respected by the members of the Defence community and by those whose actions or decisions are being investigated.

Over the past decade, our office has been placed, wrongly, in the same category as other internal complaint mechanisms within the Department and the Canadian Forces. We serve an entirely different function. Our role is to ensure that members of the Defence community are treated fairly and equitably in all matters, including the treatment they receive from the internal complaint mechanisms. By existing outside of the broader organization, accountable only to the Minister of National Defence, we are able to ensure that all members of the Defence community can have their concerns reviewed by a neutral and impartial third party without fear of retaliation or retribution.

In 2007-2008, we received 1,338 individual complaints. From these, we were able to determine a number of trends. We found, for example, that the majority of problems involved allegations of unfair treatment due to decisions based on existing human resources policies and regulations. In these cases, our role is to ensure that the policies and regulations are both fair and applied evenly.

Given that individual complaints make up the most important part of our work, I am proud to say that we have enhanced our ability to respond to them in a more timely and effective manner. Indeed, through the determined efforts of our staff, we were able to eliminate a significant backlog of cases in early 2008 and help resolve nearly 1,200 complaints over the course of the full fiscal year. Our complainants deserve a quick response to their problems and we are determined to ensure that this happens.

In addition to our focus on individual complaints, we continued to pursue a number of systemic problems within the Canadian Forces last year. For example, last spring we released a special report, entitled *Reserved Care: An Investigation into the Treatment of Injured Reservists*. The investigation was launched after we received complaints from Canadian Forces Reserve members who indicated that different standards of health care were applied to those injured while serving Canada. After receiving input from hundreds of people – the majority of whom were Reservists – and examining hundreds of documents, Ombudsman investigators found that Reservists from across the country who are

injured in the course of their duties face a host of challenges in accessing timely, adequate and ongoing medical care that Regular Force members simply do not.

Over the past year, we also continued to follow up on problems that Francophone students were experiencing in getting access to training and essential services in their first official language at Canadian Forces Base (CFB) Borden. We first raised these issues with the Chief of the Defence Staff in January 2007 as a fundamental unfairness and were assured, later that year, that the problems were being addressed. Unfortunately, this was not the case. Indeed, when our investigators visited CFB Borden in June 2007, they found that no tangible action had, in fact, been taken. They also found the situation at the base was worse and more widespread than originally thought. Following a number of additional interventions from our office, we are now beginning to see some progress. However, I was extremely disappointed to learn, earlier this year, that many of our most serious concerns have yet to be addressed.

In 2007-2008, we also addressed, as a systemic investigation, approximately twenty complaints from Canadian Forces recruits (or former recruits) at the Canadian Forces Leadership and Recruit School in St-Jean, Quebec, who were released from the military as a result of an injury that they received during basic training. Our investigators found that, in May 2007, the Commandant of the school directed that any recruit who was injured and could not participate in their basic training

course for more than thirty cumulative days be released from the Canadian Forces. We found this to be fundamentally unfair to a number of recruits who were not given enough time to recover from their injuries. We also found that, as a result of this direction, injured recruits were being denied the same benefits and protections as other Canadian Forces members injured in training or during the course of their duties.

In going forward, there are many other issues that we are actively monitoring and investigating. Of course, our most pressing priority will be to finalize and publish our second follow-up review on the topic of operational stress injuries, including post-traumatic stress disorder, by the end of September 2008.

We are also in the process of conducting a follow-up review of our January 2005 special report, entitled *When a Soldier Falls*. The recommendations in this report were aimed at improving the way in which the Canadian Forces deals with family members when their military loved ones are killed in the course of their duties, as well as strengthening the Board of Inquiry process. Although we are aware that progress has been made in these areas, we still believe, given our current work, that the Canadian Forces needs to be more compassionate and responsive in its dealings with families of deceased or injured military personnel. I expect this follow-up to be completed and published before the end of 2008.

Over the past several years, we have received a number of complaints regarding the Canadian Forces 'Redress of Grievance' process – a process

designed to allow Canadian Forces members to informally and expeditiously seek resolution concerning a decision made against them. Unfortunately, it is clear from the complaints that we have received that the system is not working as it was intended. For example, although the Chief of the Defence Staff is the final decision-maker in the process, he is unable to deal with all aspects of a grievance. Certain matters have to be sent to the National Defence and Canadian Forces Legal Advisor for review and a decision. In a number of cases, these decisions have contradicted – or nullified – fair and positive decisions of the Chief of the Defence Staff. I believe the system is flawed and unfair to our military members and we will be addressing this over the coming months.

Finally, we will be following up on problems that have been identified at certain Defence establishments – most notably CFB Petawawa – as a result of the Afghanistan mission and other significant demands and pressures currently facing the Canadian Forces.

Our office exists to help our men and women in uniform, our civilian employees and their families deal with problems and concerns when they have exhausted all other avenues and have nowhere else to turn. We take this responsibility very seriously. As an impartial and independent office, we are absolutely committed to ensuring openness, transparency and, above all, fairness for all members of Canada's Defence community.

Mary McFadyen
Interim Ombudsman

AN OFFICE THAT CAN HELP

The Office of the Ombudsman was created in 1998 to increase openness and transparency in the Canadian Forces and the Department of National Defence, as well as to ensure the fair treatment of concerns raised by Canadian Forces members, departmental employees, and their families.

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

The office is also responsible for reviewing and investigating concerns and complaints from current and former Canadian Forces members, departmental employees, military family members and other constituents who believe that they have been treated improperly or unfairly by the Department of National Defence or the Canadian Forces.

Ombudsman investigators always attempt to resolve complaints informally and at the lowest level possible. However, complaints can also be the subject of thorough investigations, leading to a formal report with findings and recommendations that are made public.

More broadly, the Ombudsman has a mandate to investigate and make recommendations to improve the overall well-being and quality of life of the members of the Defence community. Investigations from the office have produced substantial and long-lasting improvements in the Canadian Forces, including important changes in the areas of

post-traumatic stress disorder and operational stress injuries, and improvements in the treatment received by the families of military members who are killed in the course of their duties.



Our mission is
to bring positive
change to the Defence
community because
we care about the
people we serve.



The Ombudsman is completely independent of the military chain of command and senior civilian management, reporting directly to the Minister of National Defence. The Ombudsman is designated through a Governor-in-Council order, pursuant to section 5 of the *National Defence Act*. The office, itself, derives its authority from Ministerial Directives and their accompanying Defence Administrative Orders and Directives.

The Ombudsman is supported by an office of more than fifty public servants, including investigators and intake officers with a great deal of knowledge and expertise in military matters. Ombudsman investigators include former local and national police officers, former Canadian Forces members of all ranks and occupations, public servants from across the federal government and a former ombudsman from another jurisdiction.

The Ombudsman also receives advice and guidance on key issues from an advisory committee which is chaired by a retired Lieutenant-General and profits from a number of prominent members from the military community as well as a former Ontario Ombudsman.

The Office of the Ombudsman stands ready to help members of the Defence community, including:

- Current and former members of the Canadian Forces (Regular Force and Reservists);
- Individuals applying to become a member of the Canadian Forces;
- Current and former members of the Cadets;
- Current and former employees of the Department of National Defence;



Independent
and impartial, we are
dedicated to fairness
for all.

- Current and former Non-Public Fund employees;
- Immediate family members of any of the above-mentioned; and
- Individuals on exchange or secondment with the Canadian Forces.

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

How to Contact Us

Members of the Defence community can submit a complaint to us:

- Through our secure online complaint form located at: www.ombudsman.forces.gc.ca;
- By telephone at 1-888-828-3626;
- By fax at 1-877-471-4447; or
- By mail at:
Office of the Ombudsman
100 Metcalfe Street, 12th Floor
Ottawa, Ontario K1P 5M1

For additional information about the Office of the Ombudsman, please call our general inquiries number at 1-888-828-3626 or visit us online at www.ombudsman.forces.gc.ca.

A Hardship Prevented

A Regular Force member suffering from a serious medical condition, and in the care of a specialist, was informed that he was going to be posted to a new location in Canada. This posting would significantly delay an impending surgery and require the member to find a new specialist and begin treatment all over again. As the member was nearing the end of his military career, he was concerned that this posting would also prevent him from completing his treatment before having to retire.

The member's commanding officer sent a letter to the Director of Military Careers requesting a 'compassionate status' in order to cancel the member's posting and allow him to undergo surgery. Unfortunately, a decision was delayed as more documentation was required. At this point, the member came to the Ombudsman's office for advice and assistance.

An Ombudsman investigator recommended that the member proceed with a formal request for the 'compassionate status.' At the same time, the investigator immediately contacted staff at the Director of Military Careers group in order to prevent this significant hardship on the member. As a result of the investigator's intervention, the member's posting was cancelled and he was able to continue with his medical treatment.



THE YEAR IN REVIEW: 2007-2008

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

Throughout 2007-2008, the office received 1,338 new cases and 172 requests for information from Canadian Forces members, civilian employees, military family members and other constituents. Ombudsman investigators and intake officers handled 1,671 cases, including eliminating a backlog of 333 cases that were left over from previous fiscal years. As in past years, the top five categories of complaints were related to benefits, releases from military service, medical care, recruiting, and harassment.

In addition to the individual cases that were handled by the Operations group, the office also finalized two systemic investigations and published two special reports last year. In April 2007, the Ombudsman released *A Sniper's Battle – A Father's Concern*, which examined the treatment received by Master Corporal Graham Ragsdale, who was a sniper with the Third Battalion, Princess Patricia's Canadian Light Infantry, deployed to Afghanistan between February and July 2002. Through this investigation, the Ombudsman found that Master Corporal Ragsdale and the other snipers were generally treated fairly by the Canadian Forces before, during and after their deployment to Afghanistan. However, he also found that the Department of National Defence and the Canadian Forces did not treat Master Corporal Ragsdale's father in an appropriate manner or in a way in which any other concerned family member of a soldier

injured in operations would legitimately expect to be treated.

In early 2008, the office also finalized its first systemic investigation and published a special report focused on Canada's Reserve Force. Entitled *Reserved Care: An Investigation into the Treatment of Injured Reservists*, the report made clear that Reservists from across the country who are injured in the course of their duties face a host of challenges in accessing timely, adequate and ongoing medical care that Regular Force members do not. The report provided 12 recommendations to the Minister of National Defence intended to ensure that all Reservists are treated fairly.

In 2007-2008, the office continued to work to resolve serious problems that Francophone students were experiencing in getting access to training and essential services in their first official language at CFB Borden. The Ombudsman first raised these issues with the Chief of the Defence Staff in January 2007 as a fundamental unfairness and was assured, later that year, that the problems were being addressed. Unfortunately, when Ombudsman investigators visited CFB Borden in June 2007, they found that no tangible action had, in fact, been taken to address the problems. They also found that the situation at the base was worse and more widespread than originally thought. In an attempt to end this unfairness, the Ombudsman met with the Minister of National Defence, published a series of letters to the Chief of the Defence Staff, and briefed the House of Commons Standing Committee on Official Languages. Investigators also

undertook examinations of CFB Gagetown and the St-Jean Garrison in order to determine if there is a systemic problem across Canadian Forces training establishments.

In a June 2007 letter, the Ombudsman called on the Minister of National Defence to implement the two outstanding recommendations made in the office's 2003 special report, entitled *Unfair Deductions From SISIP Payments to Former CF Members*. The Ombudsman reiterated his strong view that it was fundamentally unfair to deduct *Pension Act* disability payments from SISIP Long Term Disability benefits. The Ombudsman also urged the Minister to take steps to put an end to that deduction as soon as possible, and to provide retroactive compensation. Finally, he pointed out to the Minister that the pending lawsuit in this matter should not preclude the implementation of the two outstanding recommendations.

The office also launched a systemic investigation regarding the treatment received by approximately 20 Canadian Forces recruits (or former recruits) at the Canadian Forces Leadership and Recruit School in St-Jean, Quebec, who were released from the military as a result of an injury that they received during basic training. Specifically, Ombudsman investigators attempted to verify allegations that the injured recruits were being denied the same benefits and protections as other Canadian Forces members injured in training or during the course of their duties. It is expected that the investigation will be completed, and a special report published, before the end of summer 2008.



Over the past fiscal year, the office proceeded with follow-up reviews on two previous special reports: *When a Soldier Falls: Reviewing the Response to Master Corporal Rick Wheeler's Accidental Death and Heroism Exposed: An Investigation into the Treatment of 1 Combat Engineer Regiment Kuwait Veterans (1991)*. The purpose of these reviews is to determine the progress that has been made by the Department of National Defence and the Canadian Forces in implementing the 43 recommendations contained in the two special reports. It is expected that these reviews will be completed, and the findings published, before the end of 2008.

In 2007-2008, the office also worked to finalize its follow-up review regarding the issue of operational stress injuries. This review is focused on assessing the level of implementation of 31 recommendations made by the office in two previous special reports,

Systemic Treatment of Canadian Forces Members with Post-Traumatic Stress Disorder and Review of DND/CF Actions on Operational Stress Injuries.

The review has also identified a number of emerging issues of concern that will be monitored and analyzed by Ombudsman investigators over the coming years. It is expected that an operational stress injuries update will be published by the end of September 2008.

With the goal of developing a deeper understanding of the Defence community and the important work that it does, and increasing awareness and understanding of the office's mandate, the Ombudsman, the Director General of Operations and Ombudsman investigators visited several military establishments and participated in a number of conferences, leadership courses and meetings with key stakeholders over the past year.

Most notably, in November 2007, the Ombudsman and Director General of Operations traveled to CFB Petawawa to better understand some of the issues and challenges facing the military base, particularly given its significant contribution to the mission in Afghanistan. The Ombudsman met with supervisors, staff and clients of the Military Family Resource Centre; large numbers of officers and non-commissioned members; and several doctors, social workers and padres. Prior to visiting the base, the Ombudsman also met with the Director of the Phoenix Centre, which is charged with providing mental health services to children in the region, including children of military families. As a result of these meetings, the Ombudsman and Director General of Operations were presented with a number of serious problems that have required further investigation by the office. This work should be published in the fall of 2008.

In addition to delivering on the office's mandate in 2007-2008, the Ombudsman also finalized a significant reorganization of the Operations group in order to allow the office to respond to complaints and/or requests for information in a more timely fashion. The new structure consists of three investigative teams, each of which is led by a director of investigations who is responsible for handling both individual and broader, systemic investigations. The intake section has also expanded to allow for more timely interventions and informal resolutions to complaints and concerns, and is now able to identify and resolve cases that were previously sent to investigations.

In January 2008, Mr. Yves Côté departed as the National Defence and Canadian Forces Ombudsman for a position as Associate Deputy Minister of the Department of Justice Canada. He was replaced by an Interim Ombudsman, Ms. Mary McFadyen. As General Counsel in the Ombudsman's office for more than five years, Ms. McFadyen had the opportunity to work very closely with the two previous Ombudsmen, and, in some fashion, on all of the major investigations and cases. She has also served, on several occasions and for extended periods, as the Director General of Operations responsible for all of the work of our investigators and intake officers. Prior to joining the Office of the Ombudsman, Ms. McFadyen was employed at the Department of Justice where she served as Counsel to the War Crimes Section. She later became Senior Counsel/Coordinator to the Criminal Conviction Review Group.



Fairness Served

The Office of the Ombudsman was contacted by two Canadian Forces members seeking assistance in obtaining a reimbursement for significant damage done to their personal vehicles by flying debris from a low flying military helicopter on a training exercise. This incident resulted in damage to the vehicles of more than 30 military members, leaving some to pay thousands of dollars in emergency repairs to make them roadworthy again.

Although the incident was immediately reported to authorities and the appropriate claims were made, the military members had been waiting for more than six months for compensation.

After receiving the first complaint, an Ombudsman investigator immediately spoke to a claims analyst at the regional office of the Assistant Judge Advocate General. The analyst was aware of the unfair and unreasonable delay but was unable to process any claims until the base

provided its final report on the incident, which the analyst had made numerous attempts to obtain.

Upon learning this, the investigator contacted the commander of the unit responsible for the report in order to explain his concerns and resolve the problem. Within a couple of weeks, the incident report was completed, sent to the claims analyst and the review of the claims was started.

In relatively short order, both Canadian Forces members received full compensation for their claims, ranging between \$1,800 and \$8,000. The Ombudsman investigator was also informed that all of the claims had been approved in this matter.



FOCUSED ON POSITIVE RESULTS

In addition to handling some 1,671 individual cases, and successfully closing 1,196 of them over the past year, the Office of the Ombudsman also made significant progress on a number of systemic investigations.

Highlights

A Sniper's Battle – A Father's Concern: An Investigation into the Treatment of a Canadian Forces Sniper Deployed to Afghanistan in 2002

In the spring of 2007, the Ombudsman released *A Sniper's Battle – A Father's Concern*, which examined the treatment received by Master Corporal Graham Ragsdale, who was a sniper with the Third Battalion, Princess Patricia's Canadian Light Infantry, deployed to Afghanistan between February and July 2002, on the first rotation of *Operation Apollo*.

The investigation followed a complaint by the father of Master Corporal Ragsdale alleging that his son, and the other snipers in his son's group, were ostracized by their unit and treated unfairly by their chain of command in a number of ways, including: being denied access to stress debriefings; being denied recognition by their chain of command; and being subjected to unfounded criminal and other investigations. He believed that this treatment led to the development of post-traumatic stress disorder in his son

and in other snipers in his son's group. Master Corporal Ragsdale's father also alleged that the Department and the Canadian Forces were not providing him with adequate and timely information in response to his inquiries. On September 20, 2004, the former Chief of the Defence Staff referred the complaint to the Office of the Ombudsman.

The subsequent investigation covered both aspects of Mr. Ragsdale's allegations: namely, how Master Corporal Ragsdale and the other snipers were treated before, during and after their deployment to Afghanistan; and how the Department and the Canadian Forces responded to Mr. Ragsdale's concerns.

As part of their investigation, Ombudsman investigators conducted a total of 147 interviews. They also reviewed all directives and publications relevant to the deployment of troops, obtained and examined the operational mission reports specifically related to the sniper missions, and analyzed correspondence and interactions that took place between Mr. Ragsdale and the Department and the Canadian Forces.

Through this investigation, the Ombudsman found that Master Corporal Ragsdale and the other snipers were generally treated fairly by the Canadian Forces before, during and after their deployment to Afghanistan.

However, the Ombudsman also found that the Department of National Defence and the Canadian Forces did not treat Master Corporal Ragsdale's father in an appropriate

manner or in a way in which any other concerned family member of a soldier injured in operations would legitimately expect to be treated. The Ombudsman made it clear that, from a human perspective, a close family member going through what Mr. Ragsdale was going through deserved to be treated in a much better way.

A Sniper's Battle – A Father's Concern contained seven recommendations aimed at:

- Ensuring family members of Canadian Forces personnel who are injured or killed in the course of their duties are treated with compassion and respect and in a timely manner;
- Preventing and addressing operational stress injuries;
- Improving the awards and honours policies and practices of the Department of National Defence and the Canadian Forces; and
- Training and educating Canadian Forces members regarding their rights and responsibilities in dealing with journalists.

During the course of their work, the investigative team faced considerable resistance in obtaining documents from the Department and the Canadian Forces in a timely manner – a problem the office had not encountered previously in an investigation. Although investigators were ultimately provided access to all relevant documentation, the ability of the office to treat this complaint in a timely manner was hindered.



In order to ensure that this type of situation does not happen again, the Ombudsman recommended that the office be provided with the same legislated investigative powers as other federally and provincially appointed Ombudsmen.

Fundamental Unfairness Related to Official Languages

In January 2007, the Ombudsman wrote to the Chief of the Defence Staff asking him to take immediate action to address serious problems that Francophone students were experiencing in getting access to training and essential services in their first official language at CFB Borden.

Following this, the office was informed, in April 2007, that these concerns had been addressed. However, when Ombudsman investigators returned to CFB Borden in June 2007, they found that no tangible action had, in fact, been taken to address the problems.

In July 2007, the former Minister of National Defence intervened at the request of the Ombudsman, directing that immediate action be taken by the Canadian Forces to ensure that the problems at CFB Borden were addressed on a priority basis. Specifically, he asked that:

- Senior leadership make a formal written commitment regarding short-term actions and initiatives to be undertaken at CFB Borden;
- A senior military leader travel to CFB Borden to communicate the official languages vision of the Canadian Forces, and provide clear direction to Base leadership and Francophone students;
- An effective assistance mechanism be established immediately to provide an avenue for students to get help in resolving linguistic problems; and
- The Canadian Forces provide a progress report to the Ombudsman by December 1, 2007.

In November 2007, the Ombudsman published the correspondence regarding the problems raised by Francophone students at CFB Borden and briefed the House of Commons Standing Committee on Official Languages.

Following this, Canadian Forces personnel at CFB Gagetown and St-Jean Garrison contacted the office with similar concerns about a lack of services in both official languages. Due to the seriousness of the

matters raised, Ombudsman investigators were dispatched to the two military bases on December 3-7, 2007, to conduct an assessment. In a letter dated January 30, 2008, the office communicated a number of concerns to the Chief of the Defence Staff.

In terms of the problems faced by Francophone students at CFB Borden, the Chief of Military Personnel advised the office on December 5, 2007, that steps had been taken and that immediate changes were underway to address the fundamental unfairness at that establishment.

In order to verify and measure the effectiveness of these changes, Ombudsman investigators visited the Canadian Defence Academy at CFB Kingston on January 25, 2008, to interview the Commander and various officials who are responsible for the Canadian Forces Support Training Group at CFB Borden. The office also sent investigators to CFB Borden from January 28 to February 1, 2008, where they met with approximately 200 students and numerous officials responsible for providing training and services to students. Investigators also collected information via confidential surveys and discussions in an open forum.

In general, Ombudsman investigators observed improvement in several areas at CFB Borden. However, the investigative team also found that many of the most serious concerns raised by the office over the past year had yet to be addressed.



Reserved Care: An Investigation into the Treatment of Injured Reservists

In the spring of 2008, the Ombudsman released a special report, entitled *Reserved Care: An Investigation into the Treatment of Injured Reservists*. The investigation marked the office's first systemic investigation involving Canada's Reserve Force.

The investigation was launched in 2006 following complaints from Canadian Forces Reserve members who indicated that different standards of health care were applied to those injured while serving Canada.

After receiving extensive input from almost 400 people (the majority of whom were Reservists) and examining hundreds of documents, Ombudsman investigators found that Reservists from across the country who are injured in the course of their duties face a host of challenges in accessing timely, adequate and ongoing medical care that Regular Force members do not.

"In return for their commitment to train and serve their country, military members rightfully expect to receive the best care possible when they are injured or become ill as a result of their service," said Mary McFadyen, Interim Ombudsman, in releasing her report. She added, "Double standards – one for the Regular Force and another for the Reserve Force – are not fair to anyone. In fact, I believe it constitutes a significant inequity in Canada's military."

The Interim Ombudsman noted that these problems have existed for decades, despite some attempts by the Canadian Forces to get control of the day-to-day issues plaguing Reservists and health care providers.

The investigation identified four major areas of concern, including significant inequities in the provision of health care to injured Reservists. Overall, the quality and quantity of medical care provided to Reservists was found to be largely unpredictable, with some Reservists receiving no medical care at all from the Canadian Forces.

Investigators uncovered various reasons for Reservists to be denied military care, including the fact that the injury is a result of events other than performance of duty, such as fitness training, and because wording in policies is confusing and inconsistently applied by medical authorities.

The office also identified significant inequities in the benefits provided to Reservists. For example, certain Reservists receive only 40 percent of the amount of accidental dismemberment benefits. Another matter of concern involves inconsistent standards in the areas of periodic health assessments, immunizations, the treatment of injuries resulting from fitness training, and the handling and storage of medical records.

Despite the fact that both Regular and Reserve Force members may be exposed to the same risks, a number of Reservists do not have current medicals on their file, nor do they receive periodic health assessments and routine immunizations from the Canadian Forces. This means that members could be sent on missions or training in Canada with inadequate screenings and protection, resulting in risks to their well-being and that of others.

Additionally, investigators found that Reserve units lack the resources and training to conduct the administration they are mandated to perform, resulting in inadequate support to injured Reservists and their families.

"It became obvious during the course of this investigation that the policies that dictate medical entitlements are obscure, complex and confusing," stated Ms. McFadyen. "The result is that the care being provided to Reservists by Canadian Forces health care providers varies – even for similar injuries – from full and continuing treatment to no treatment at all. This is unacceptable."

In releasing *Reserved Care*, the Interim Ombudsman made 12 recommendations to the Minister of National Defence intended to ensure that all members of Canada's Reserve Force are treated fairly.

Work in Progress

When a Soldier Falls: Reviewing the Response to Master Corporal Rick Wheeler's Accidental Death

Over the past year, the office proceeded with a follow-up review of its special report, *When a Soldier Falls: Reviewing the Response to Master Corporal Rick Wheeler's Accidental Death*. This 2005 special report responded to complaints from Mrs. Christina Wheeler and Lieutenant-Colonel (Retired) J.M. Lapeyre about the way in which they were treated by the Department of National Defence and the Canadian Forces after the death of Master Corporal Rick Wheeler during a training exercise in 1992. Mrs. Wheeler felt abandoned by the military and was frustrated by her inability to obtain information from the various investigations conducted into her husband's death. Lieutenant-Colonel Lapeyre, the Commanding Officer of Master Corporal Wheeler's unit at the time of the accident, complained about the lack of procedural fairness and subsequent findings of a military Board of Inquiry convened in 1996 to review the circumstances of Master Corporal Wheeler's death.

In 2007-2008, Ombudsman investigators reviewed a significant amount of documentation from the Department of National Defence and the Canadian Forces, and interviewed a number of families of deceased military members, military assisting officers, senior officials, and policy and program officers in order to determine the progress that

has been made in implementing the special report's 34 recommendations.

From this work, it is clear that a number of important changes have been made. At the same time, shortcomings have been identified by military families and their assisting officers. It is expected that this review will be completed, and the findings published, by the end of 2008.

Operational Stress Injuries – An Update

On February 5, 2002, the Ombudsman released a special report, entitled *Systemic Treatment of Canadian Forces Members with Post-Traumatic Stress Disorder*. The report focussed on the Canadian Forces' treatment of Corporal Christian McEachern, a soldier and former member of the Princess Patricia's Canadian Light Infantry who was diagnosed with post-traumatic stress disorder in the fall of 1997 and released from the military in July 2001. The initial report contained 31 recommendations designed to help the Canadian Forces improve the way in which it deals with stress-related injuries.

A follow-up report, *Review of DND/CF Actions on Operational Stress Injuries*, published nine months later, examined the military's progress in enhancing the welfare of its members suffering from post-traumatic stress disorder and other operational stress injuries.

Over the past fiscal year, the office worked to finalize a second follow-up investigation, originally launched in 2006, regarding the issue of operational stress injuries. This investigation is focussed on assessing the level of implementation of 31 recommendations made in two previous special reports. To date, the Ombudsman has identified a number of emerging issues and challenges related to operational stress injuries, including: a growing communications gap between the

military chain of command and caregivers; support for military families; and the coordination of activities related to operational stress injuries at the national level. It is expected that an operational stress injuries update will be published by the end of September 2008.

Release of Injured Recruits at St-Jean

In 2007-2008, the office addressed, as a systemic investigation, approximately 20 complaints from Canadian Forces recruits (or former recruits) at the Canadian Forces Leadership and Recruit School in St-Jean, Quebec, who were released from the military as a result of an injury that they received during basic training. Complainants specified that:

- Their release category was incorrect – given that they were unable to complete their training due to an injury, they believed that they should have been given a medical release rather than being released as “Not Advantageously Employable;”
- They were not given a fair amount of time to recuperate so that they could continue their basic training course;
- They were left without any medical benefits, with no assistance in transitioning to provincial medical care, and with no source of income as a result of not being released medically;
- There was a stigma attached to being released under the category of “Not Advantageously Employable;” and
- They would have difficulty re-enrolling in the Canadian Forces should their injury improve because they were being released under item 5(d).

Ombudsman investigators found that, in May 2007, the Commandant of the school directed that any recruit who was injured and could not participate in their basic training course for more than 30 cumulative days be released from the Canadian Forces. The Ombudsman considered this direction to be fundamentally unfair to a number of recruits who were not given enough time to recover from their injuries. The Ombudsman also believed that, as a result of this direction, injured recruits were being denied the same benefits and protections as other Canadian Forces members injured in training or during the course of their duties. Although the Commandant subsequently issued a verbal instruction cancelling, until further notice, this May 2007 direction, the Ombudsman remained concerned about all of the individual cases of unfairness resulting from the May 2007 release criteria. It is expected that this investigation will be completed, and the findings published, in the summer of 2008.

Insufficient Services and Support at CFB Petawawa

In November 2007, the Ombudsman traveled to CFB Petawawa to gain a better appreciation of some of the issues and challenges facing the military base, particularly given its significant contribution to the ongoing mission in Afghanistan. During this outreach visit, the Ombudsman met with supervisors, staff and clients of the Military Family Resource Centre; large numbers of officers and non-commissioned members; and several doctors, social workers and padres. Prior to visiting the base, the Ombudsman also met with the Director of the Phoenix Centre, which is charged with providing mental health services to children

in the region, including children of military families. As a result of these meetings, the Ombudsman was presented with a number of serious problems that have required further investigation by the office. This work should be published in the fall of 2008.

Unfairness in the Redress of Grievance Process

In recent years, the office has received a number of complaints concerning the Canadian Forces 'Redress of Grievance' process – a process designed to allow Canadian Forces members to informally and expeditiously seek resolution concerning a decision made against them. It is clear from these complaints that the system is not working as it was intended. Most notably, although the Chief of the Defence Staff is the final decision-maker in the process, he is unable to deal with all aspects of a grievance. Certain matters have to be sent to the National Defence and Canadian Forces Legal Advisor for review and a decision. The system seems flawed and unfair to our military members. The office will be addressing this problem in 2008-2009.

Heroism Exposed: An Investigation into the Treatment of 1 Combat Engineer Regiment Kuwait Veterans (1991)

On November 2, 2006, the Ombudsman released a special report, entitled *Heroism Exposed: An Investigation into the Treatment of 1 Combat Engineer Regiment Kuwait Veterans (1991)*, regarding the treatment received by Canadian Forces members exposed to toxic environmental substances more than a decade and a half ago.

The Ombudsman's report followed a comprehensive, three-year investigation into concerns raised by Major (Retired) Fred Kaustinen, former Deputy Commanding Officer of 1 Combat Engineer Regiment, that members of his Regiment were exposed to harmful substances throughout their deployment to Kuwait in 1991, and that their significant health concerns were systematically ignored during and after their service to Canada.

Through this investigation, the Ombudsman found that members of 1 Combat Engineer Regiment on deployment in Kuwait were exposed to toxic environmental materials of various kinds for which they were not adequately prepared and about which they were not adequately informed. Ombudsman investigators also found that the real and significant health concerns of 1 Combat Engineer veterans were not taken seriously when they returned to Canada from Kuwait.

In May 2007, Ombudsman investigators began the follow-up phase to this investigation, requesting an update from the Chief of Military Personnel for the Canadian Forces on the level of implementation of the nine recommendations in the special report. It is expected that this review will be completed, and the findings published, by the end of 2008.





ABOUT THE OFFICE

Office Structure

Since its creation in June of 1998, the Office of the Ombudsman has contributed to substantial and long-lasting positive change for the men and women of the Canadian Forces, employees of the Department of National Defence, and their families.

The office acts as a direct source of information, referral and education, helping members of the Defence community navigate a large and complex organization in order to access existing channels of assistance when they have a complaint or concern. The office is also responsible for reviewing and investigating complaints from Canadian Forces members, departmental employees, and their families who believe they have been treated improperly or unfairly by the Department or the Canadian Forces. More broadly, the office has a mandate

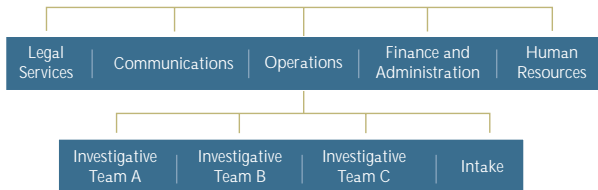
to investigate and make recommendations to improve the overall well-being and quality of life of the members of the Defence community.

In fulfilling this important mandate, the Ombudsman is completely independent of the military chain of command and senior civilian management, reporting directly to the Minister of National Defence. The Ombudsman is designated through a Governor-in-Council order, pursuant to section 5 of the *National Defence Act*.

The Ombudsman is supported by more than 50 public servants who are organized into these five sections: Legal Services, Communications, Operations, Finance and Administration, and Human Resources.

Some 30 intake officers and investigators perform the office's core function. Together, they have significant knowledge of, and

OMBUDSMAN



expertise in, military matters. Ombudsman investigators include former local and national police officers, former Canadian Forces members of all ranks and occupations, public servants from across the federal government and a former ombudsman from another jurisdiction.

A significant reorganization of the Operations group over the past two fiscal years has enabled the office to respond to complaints and/or requests for information in a more timely manner. The new structure consists of three investigative teams, each of which is led by a director of investigations who is responsible for handling both individual and broader, systemic investigations. The intake section has also expanded to allow for more timely interventions and informal resolutions to complaints and concerns, and is now able to identify and resolve cases that were previously sent to investigations.

In 2007-2008, the Operations group introduced new service standards in order to increase the quality, consistency and timeliness of the services provided by Ombudsman investigators and intake officers to members of Canada's Defence community.

Finally, over the past year, the Operations group began dividing case files into three categories: those that are resolved at intake; those that warrant an investigation but could be resolved informally; and complex cases that need extensive investigation and resources. As a result, the group is upgrading the case-tracking management system used to gather statistics in order to better support all three levels of intervention. The office has assigned a project manager to determine the group's requirements for customization and for migrating existing data.



Investigative Process

Individual Complaints

The Office of the Ombudsman serves as an office of last resort. Unless there are compelling circumstances associated with a complaint or concern, members of the Defence community coming to the office for assistance must exhaust all existing internal review mechanisms, including:

- The Canadian Forces grievance process;
- The Public Service grievance and complaints process; or
- The Military Police Complaints Commission.

When individual members of the Defence community approach the office for assistance or information, they are welcomed by an experienced intake officer who will:

- Review the complaint and provide needed information;
- Refer the individual to the appropriate resource or review mechanism;
- Forward the complaint to a complaint resolution officer who will attempt to resolve the issue informally at the lowest level possible; or
- Forward the complaint for assessment or investigation to an investigator.

Complaint resolution officers handle complaints or concerns from members of the Defence community. They verify facts and either attempt to resolve problems informally or forward them to investigators for a more

formal examination. Whenever possible, Ombudsman staff use alternate dispute resolution techniques to achieve positive results for all parties. In all cases, the actions of Ombudsman staff are based on the fundamental principles of impartiality and fairness.

When no resolution is found, the office can intervene in different ways, depending on the seriousness and urgency of any specific matter. These interventions can take the form of the Ombudsman engaging in discussions with, or sending letters to, the Minister of National Defence, the Chief of the Defence Staff or other senior Canadian Forces officers or officials of the Department. In significant cases, if an intervention is made by way of a letter, both the Ombudsman's letter and the reply he/she receives are generally made public on the office's website.

Systemic Investigations

Cases that demonstrate an emerging trend, or that may have potentially broad systemic implications for the Defence community or the institution, may be assigned to teams of Ombudsman investigators for in-depth examination. The results of these investigations, including recommendations for change, are made public.

The following is a brief description of the typical investigative process for a systemic investigation. In general, the process can be broken down into four 'blocks' involving investigative work, report preparation, follow up and file closure. Steps in this process, as well as the time associated with the steps, will differ slightly for each investigation.

It should be noted that, prior to launching a systemic investigation, investigators conduct an assessment of the issue of concern. This includes researching similar complaints, scoping out relevant areas of investigation and estimating resource requirements. Investigators also undertake investigative planning, including: establishing an investigative strategy, obtaining research on all

applicable rules, regulations and guidelines associated with the issue(s) being investigated, and establishing a list of witnesses to interview.

Once a systemic investigation is officially launched, the Office of the Ombudsman aims to make public its findings and recommendations within nine to twelve months.

An Injustice Avoided

A Canadian Forces member, who believed that he had joined the military for a five-year period, was advised that the contract he had signed was in error, and that he would have to remain in the Canadian Forces for a sixth year or pay back \$40,000 in obligatory service.

The complainant had already been through the military release process, returned his supplies, and had notified his landlord that he was leaving when he was advised of this problem. With a new job and new living arrangement in jeopardy – and facing a bill of \$40,000 from the Canadian Forces – the member contacted the office.

Documents provided to an Ombudsman investigator indicated that, when the complainant enrolled in the military, he was required to stay for 36 months. When the

investigator contacted the complainant's career manager to resolve the matter, he was advised that the complainant had only provided a few weeks of notice of his intention to leave the military. However, upon verification, the investigator was able to establish that the complainant had, in fact, provided his chain of command with the proper confirmation of his intention to request a release.

With this new information, the career manager briefed the Director of Military Careers who agreed to conduct an administrative review. After a brief deliberation, the complainant's release was approved.



BLOCK ONE – INVESTIGATIVE WORK (SIX MONTHS)

Step One – Evidence Gathering

During this step of the investigative process, a dedicated team of investigators conducts field visits and interviews with all identified stakeholders, in addition to collecting all relevant documentation.

Step Two – Review and Analysis of Evidence

This step of the process involves reviewing and analyzing all of the information that was gathered by investigators. Some of the activities undertaken in this step include:

- Identifying contentious issues and obtaining a legal interpretation of them;
- Verifying policy application standards with military staff at the appropriate headquarters level;
- Conducting comparative research;
- Researching precedence cases;
- Establishing a list of findings and recommendations;
- Consolidating supporting evidence and verifiable facts; and

- Deciding on the format of the final product (i.e., letter or report).

Step Three – Drafting of Report or Letter

This step of the investigative process includes:

- Drafting a report or letter;
- Determining the requirement for external consultation;
- Identifying and consulting with stakeholders who need to review the final draft;
- Analyzing comments from stakeholders and making factual changes to the final draft, as appropriate; and
- Establishing a timeline for the implementation of the recommendations contained in the report or letter.

The Ombudsman and Director General of Operations are involved in the report or letter drafting process and, ultimately, approve the final product.

BLOCK TWO – REPORT PREPARATION AND SUBMISSION TO MINISTER (THREE MONTHS)

After the investigative work is completed, the report or letter is formatted, translated and printed. At this point, the Ombudsman also determines how the report or letter will be made public.

Once the report or letter is finalized and translated, a copy is provided to the Minister of National Defence. According to the office's mandate, the Minister has 28 calendar days

to review the report or letter before it can be made public.

After the Minister's review of the report or letter, it can be released publicly if it is deemed in the public interest to do so. Typically, the Ombudsman does this through a press conference and/or by posting the report or letter on the Ombudsman's website.

BLOCK THREE – FOLLOW-UP ACTION

The Operations group typically conducts a follow-up review to assess the status of implementation of the recommendations contained in a report or letter six to nine months after its public release. This follow-up review includes:

- Developing a matrix of recommendations, actions to be implemented and timelines for each recommendation;
- Obtaining and analyzing documentation and information from the Department of

National Defence and the Canadian Forces regarding the status of implementation of each recommendation;

- Conducting follow-up interviews and research, as required; and
- Making public any concerns, or potentially launching a new investigation, if not satisfied with the results of the follow-up review.

The timelines for the completion of this block will differ with each investigation.

BLOCK FOUR – FILE CLOSURE

Once the follow-up review is completed, the Operations group conducts a review of the file to gather 'lessons learned' prior to its closure.

Depending on the type of issue, the Operations group may continue to monitor the file over time.





OMBUDSMAN'S ADVISORY COMMITTEE

The Ombudsman's Advisory Committee consists of volunteers with specialized expertise in military matters and/or comprehensive knowledge of the ombudsman profession. The committee provides the Ombudsman with strategic advice and guidance related to the mandate, professional principles and structure of the office.

Over the past year, advisory committee members provided important input on some of the broader issues facing the Department of National Defence and the Canadian Forces, including: the impact of the Afghanistan mission on the Defence community; the current state of the military health care system; potential changes to the "universality of service" concept; the military's treatment of operational stress injuries and post-traumatic stress disorder; and the significant challenges facing military families.

In 2007-2008, the Ombudsman bid farewell to three long-standing advisory committee members: Major Eve Mallette, Chief Warrant Officer Mike Nassif and Sergeant (Retired) Tom Hoppe. Their contributions to the office and the broader Defence community were extraordinary and very much appreciated by the Ombudsman.

Over the past year, the Ombudsman also welcomed Lieutenant-Commander Brigitte Boutin, Ms. Brenda Ebear, Lieutenant-Colonel John Conrad and Chief Warrant Officer Jimmy Labrie to the committee. The current advisory committee membership is as follows:

- Lieutenant-Commander Brigitte Boutin is the Deputy Comptroller for the West Coast Navy;
- Lieutenant-General (Retired) Michael Caines is the Chair of the Ombudsman's Advisory Committee. He retired from the role of Assistant Deputy Minister (Human Resources-Military) in 2000 after 35 years of service;
- Ms. Colleen Calvert is the Executive Director of the Halifax and Region Military Family Resource Centre;
- Lieutenant-Colonel John Conrad is an instructor at Canadian Land Forces Command and Staff College. He has served as the Commanding Officer, National Support Element in Kandahar, Afghanistan;
- Ms. Brenda Ebear is the Greenhouse Supervisor and Roads and Grounds second-in-command at 4 Wing Cold Lake;
- Chief Warrant Officer Jimmy Labrie is the Command Chief Warrant Officer for the Chief Military Personnel;
- Mr. Clare Lewis, Q.C., is a former Ombudsman of Ontario;
- Lieutenant-Colonel the Reverend Canon Baxter Park is the Maritime Command Chaplain; and
- Mr. Bill Tanner is a Second World War Veteran and an honorary member of the committee.



A Just Conclusion

A Canadian Forces member with 35 years of military service came to the office for assistance after being informed that he was required to pay back approximately \$1,600 in relocation expenses.

The member had moved to another city after leaving the Canadian Forces, using a personal line of credit to secure a new home while awaiting the sale of his existing residence. Some of his relocation expenses were initially refunded but were later rescinded after a review of the Canadian Forces relocation policies in force at the time. When the member was requested to pay back the funds, he did so immediately; however, he also grieved the decision to the Directorate of Compensation Benefits Administration. His initial grievance was denied, as was a second appeal, on the grounds that the benefit he was seeking did not exist in the relocation policy.

After being contacted by the complainant, an Ombudsman investigator interviewed the realty consultant assigned to the Canadian Forces member during his relocation. As a result of this discussion, the investigator determined that the member had acted in good faith upon the advice provided by the consultant; unfortunately, the advice had been wrong.

Finding that the member was being unfairly penalized for following the advice of the consultant, the investigator contacted the Directorate of Compensation Benefits Administration in order to retrieve the money paid by the member. A few weeks later, the investigator was advised that his argument had been successful and that the member had been repaid the \$1,600 in full.



OMBUDSMAN'S COMMENDATIONS

The Ombudsman's Commendations, awarded annually, recognize individuals and groups across the Defence community who have gone above and beyond the normal requirements of their job to help bring positive and lasting change to the Department of National Defence and the Canadian Forces. The awards also recognize those who demonstrate exceptional problem-solving and complaint resolution skills.

In the fall of 2006, the Ombudsman, in consultation with the Ombudsman's Advisory Committee, replaced the *Commendation for Ethics* with the *Ombudsman's Special Recognition Award*. The change was the result of a review of the office's awards and commendations regime, including: the overall vision for the awards; the selection criteria; the marketing program; and the overall commendation process. The new award better reflects and reinforces the ultimate mission of the

Ombudsman's office: contributing to substantial and long-lasting improvements in the Defence community.

At a special ceremony held in Ottawa on Parliament Hill on May 30, 2007, the Ombudsman honoured four members of the Defence community with commendations. Parliamentarians, including Mr. Rick Casson, Member of Parliament for Lethbridge and Chair of the House of Commons Standing Committee on National Defence, attended the event. Major-General Daniel Benjamin, Commander, Canadian Operational Support Command, and senior staff from the Department of National Defence and the Canadian Forces were also present to recognize these outstanding members of the Defence community.

Information on the commendations can be found on the office's website at: www.ombudsman.forces.gc.ca.



(L-R): Major-General Daniel Benjamin, Colonel Claude Wauthier, Mr. Yves Côté, Ms. Brenda Ebear, Captain Jean-François Tchernoff, and Mr. Rick Casson. Not pictured: Mr. Shawn Hearn.

*Recipients of the Ombudsman's Special
Recognition Award*

Ms. Brenda Ebear

Ms. Ebear consistently goes above and beyond her duties as Greenhouse Supervisor and Roads and Grounds second-in-command at 4 Wing in Cold Lake by volunteering her time to help others. As Workplace Relations Advisor, Ms. Ebear often assists in the resolution of potential workplace conflicts. She also regularly organizes unit and wing-wide events that promote pride in the workplace, teambuilding and camaraderie, and she helps to keep the unit running effectively through proactive and innovative solutions. Ms. Ebear's initiative and profound interest in the quality of life of 4 Wing personnel has earned her the deep respect of her peers and her supervisors.

Captain Jean-François Tchernoff

In his G1 Services duties at 35 Canadian Brigade (CBG) Headquarters in Quebec City, Captain Tchernoff has always sought to improve the institution while never losing sight of the rights of the members who comprise it. He does this by striving to solve personnel-related problems with sensitivity, respect, fairness and the utmost professionalism. The courage that he has shown in addressing problems and in finding fair solutions has helped the Canadian Forces prevent a large number of grievances. Through his remarkable loyalty to the values of integrity, dedication and sacrifice, Captain Tchernoff is a proud and worthy ambassador of 35 CBG and its "Honour and Courage" motto.

*Recipients of the Liz Hoffman Memorial
Commendation for Complaint Resolution*

Mr. Shawn Hearn

As Peer Support Coordinator for the Operational Stress Injury Social Support (OSISS) program in Newfoundland, Mr. Shawn Hearn has participated in a number of initiatives aimed at implementing new ways for members in remote areas to access medical treatment. Mr. Hearn has saved many lives by being aware, caring and present. Whenever called upon by the Office of the Ombudsman to obtain information, advice or guidance, Mr. Hearn has always been very prompt and thorough in responding. He has offered his insight into important systemic investigations and has shown great interest in the issues with which the office deals.

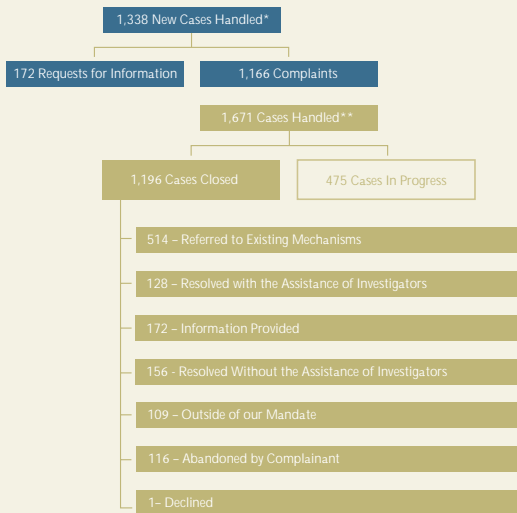
Colonel Claude Wauthier

In his duties as Director General Canadian Forces Grievance Authority, Colonel Claude Wauthier has proven to be an important ally of the office. Using a global approach and his systemic understanding of conflict resolution, Colonel Wauthier has provided unconditional support to Ombudsman investigators. Additionally, in collaboration with other organizations responsible for conflict resolution in the Canadian Forces, Colonel Wauthier has developed feedback mechanisms and processes aimed at improving and expediting conflict prevention and decision-making in grievance cases. "Early, local and informal" is at the heart of Colonel Wauthier's vocabulary and his day-to-day work.



APPENDIX I – COMPLAINTS

**Table 1: Disposition of Cases
(2007-2008)**



* This does not include cases re-opened in 2007-2008 or cases carried over from previous fiscal years.

** This includes cases that were carried over from previous fiscal years.

Table 2: Top Five Complaints (2007-2008)

The most common types of complaints received by the office in 2007-2008 are as follows:

1. Benefits: including complaints concerning the unfair denial of benefits and the forced repayment of monies by members due to an administrative error.
2. Release: including complaints by members who feel they are being unjustly released; where their voluntary release requests are delayed; and/or where members are contesting the assessment of their medical condition.
3. Medical: including complaints related to the treatment of people who believe they have been exposed to hazardous substances in the workplace or on deployment; complaints related to inadequate medical treatment and/or follow-up care; and complaints related to operational stress injuries.
4. Recruiting: including complaints related to the unfair rejection of applications; the rigid application of the medical conditions for enrolment; and delays with the recruiting process.
5. Harassment: including complaints involving the abuse of power; improper procedures; and delays with the complaint process.

The office also assists people with complaints regarding postings, promotions, leave, access to information and privacy, training and more.

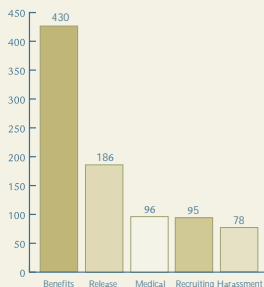


Table 3: Cases by Category (2007-2008)

New Complaints By Category (2007-2008)

Regular Force	559
Reserve Force	181
Former Military	322
Family Member	92
Regular Force Applicant	35
Civilian Employee	42
Reserve Force Applicant	12
Former Civilian Employee	12
Cadet Instructor Cadre	0
Anonymous	10
Cadet	7
Non-Public Fund Employee	1
Other	65
Total	1,338



APPENDIX II – FINANCIAL REPORT

Summary of Expenditures

During the past fiscal year, the Office of the Ombudsman was able to deliver its services under its allotted budget.

In 2007-2008, the Minister of National Defence approved a budget of \$6.04 million for the office; actual expenditures totalled \$4.19 million, of which \$3.47 million was related to salaries.

Miscellaneous	\$1,000
Mail & courier services	\$6,000
Supplies	\$2,000
Training & professional dues	\$29,000
Acquisition/rental of IT & office equipment	\$87,000
Telecommunications & IT connections	\$106,000
Travel & transportation	\$105,000
Communications & public outreach	\$69,000
Professional & special services	\$313,000
Salaries	\$3,471,000
Total	\$4,189,000



