

# Ombudsman

National Defence  
and Canadian Forces



Défense nationale  
et Forces canadiennes



## Caring for Canada's Defence Community

2009-2010 Annual Report



Canada



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July 16, 2010

The Honourable Peter MacKay, P.C., Q.C., M.P.  
Minister of National Defence  
National Defence Headquarters  
Major-General George R. Pearkes Building  
101 Colonel By Drive  
13<sup>th</sup> Floor, North Tower  
Ottawa, Ontario  
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Dear Minister,

I am pleased to submit to you *Caring for Canada's Defence Community*, the 2009-2010 Annual Report for the Office of the Ombudsman for the Department of National Defence and the Canadian Forces. This report provides an overview of our activities and operations from April 1, 2009 to March 31, 2010.

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

Yours truly

A handwritten signature in dark ink, appearing to read 'Daigle', with a long horizontal line extending to the left.

Pierre Daigle  
Ombudsman  
Department of National Defence and Canadian Forces

# Table of Contents

<b>Ombudsman's Message</b> .....	<b>2</b>
<b>An Office That Can Help</b> .....	<b>3</b>
<b>The Year in Review: 2009-2010</b> .....	<b>5</b>
Individual Cases .....	5
Broader Investigations .....	7
<b>Looking Ahead</b> .....	<b>12</b>
Broader Investigations .....	12
Corporate Priorities and Initiatives .....	14
<b>Outreach</b> .....	<b>17</b>
<b>Ombudsman's Advisory Committee</b> .....	<b>20</b>
<b>Ombudsman's Commendations</b> .....	<b>22</b>
<b>Appendix I – Disposition of Cases (2009-2010)</b> .....	<b>25</b>
<b>Appendix II – Financial Report</b> .....	<b>26</b>

# Ombudsman's Message

After completing my first full year as Ombudsman, I am pleased to report on the results we have achieved for Canada's Defence community.

As always, our priority has been on the individuals who come to our office for assistance. Over the past year, I am proud to say that our staff handled 1,392 individual cases from Canadian Forces members, departmental employees, Defence families and other constituents.



We have also focused on reaching out to our constituents to ensure they are aware of our role and mandate, and, more importantly, to listen to any concerns they may have. During our outreach visits, we met with senior leaders, non-commissioned members of all ranks and occupations, health care providers, chaplains, social workers and civilian employees of National Defence. We make it our duty to listen to everyone we serve.

We also made a special point of meeting with the families of Canadian Forces members who sacrifice so much so that their loved ones can serve their country. I truly believe that our military families are national entities and have a very important role to play in ensuring the overall effectiveness of the Canadian Forces.

I made this clear last year when I released our follow-up review of our 2005 special report, *When a Soldier Falls*. In my letter to the Minister of National Defence, I informed him that we were still receiving too many complaints from military families who were not getting the information, support and assistance they needed after their loved one died as a result of military service.

Although I was disappointed by the Minister's original response to our concerns, I was pleased that he met with us to discuss the issue in greater detail. I was also pleased to provide him with a summary of several disturbing cases that are being ignored or mishandled by the Canadian Forces. As this report goes to print, I am optimistic that the Minister will act to ensure that military families who lose a Canadian Forces loved one are treated with the dignity and respect they deserve. We will be following up on this issue vigorously over the next year.

In 2010-2011, we will also be launching a follow-up investigation on the issue of operational stress injuries. The military has made progress in treating individuals suffering from mental health injuries; however, I remain concerned about a number of problems that have yet to be addressed. At the same time, the large number of current military sufferers – and even larger number of anticipated sufferers – demands additional review and evaluation by our office.

It is a challenging time for Canada's Defence community with operations in Afghanistan and elsewhere in the world; with the need to support civilian authorities during the Olympics, G-8 and G-20; with the ongoing transformation agenda; and with new budgetary pressures on the military. All of these demands have increased the strain on the men and women of the Canadian Forces, civilian employees of National Defence and our military families, and they have made our role within the Defence community even more important.

In these difficult times, we are committed to ensuring that everyone is treated fairly. We are committed to helping individuals who may have fallen through the cracks. And we are committed to bringing positive change to the Defence community because we care about the people we serve. This is our mission and we will fulfill it as a dedicated office.

Pierre Daigle  
Ombudsman





## An Office That Can Help

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

The Office of the Ombudsman was created in 1998 to increase openness and transparency in the Department of National Defence and the Canadian Forces, 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 complaints from current and former Canadian Forces members, departmental employees, family members and other constituents who believe 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 during their service to Canada.

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 appointed to the position under legislation. The office itself derives its authority from Ministerial Directives and their accompanying Defence Administrative Orders and Directives.

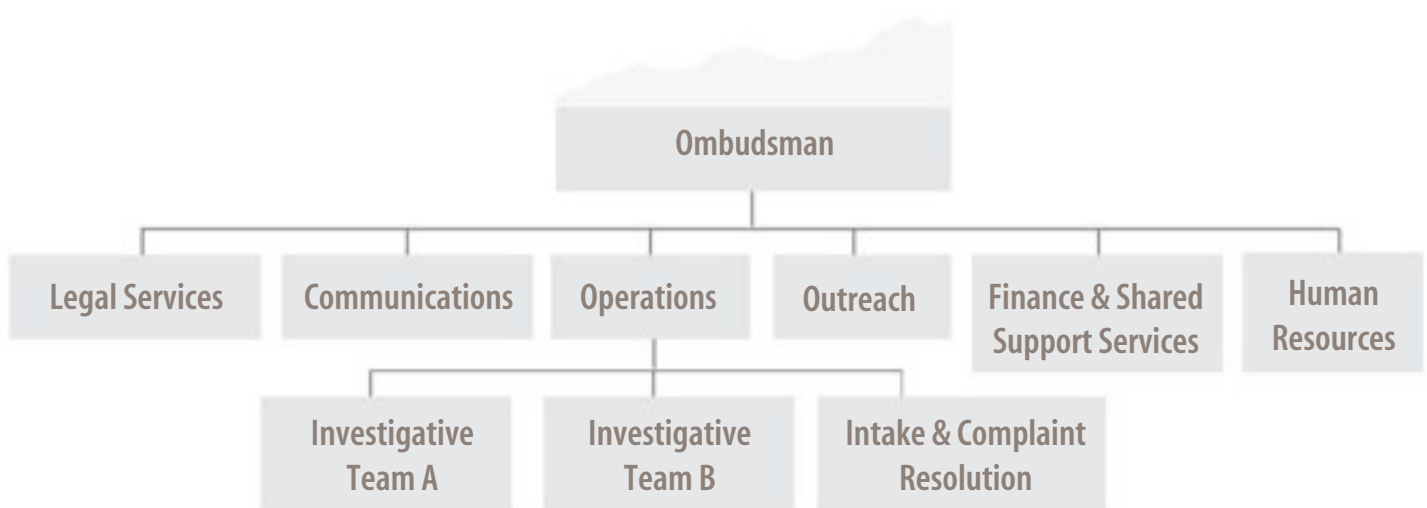
*Independent and impartial, we are dedicated to fairness for all.*

The Ombudsman is supported by an office of approximately sixty federal public servants, including investigators, complaint resolution officers and intake officers with a great deal of knowledge and expertise in military matters. Ombudsman investigators include former 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 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);
- Current and former employees of the Department of National Defence;
- Current and former members of the Cadets;
- Current and former Non-Public Fund employees;
- Individuals applying to become a member of the Canadian Forces;
- 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.







## The Year in Review: 2009-2010

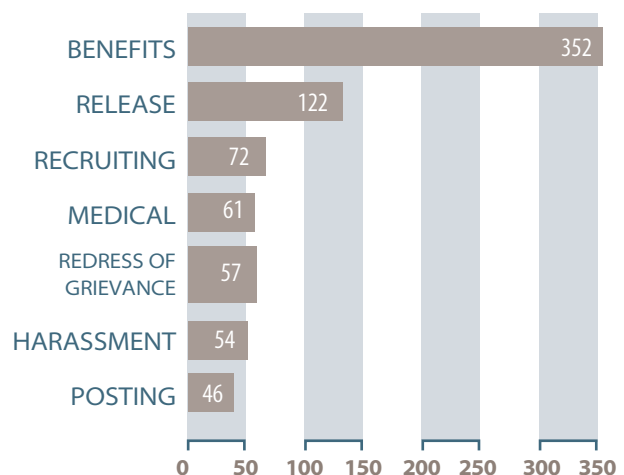
Over the past year, the Office of the Ombudsman achieved real and positive results for Canada's Defence community.

### Individual Cases

Throughout 2009-2010, the office received 1,203 new cases from Canadian Forces members, civilian employees, military family members and other constituents. The top seven categories of new cases were related to: **benefits** (including the denial of benefits and the forced repayment of monies by members due to an administrative error); **release from military service** (including members who felt they were being unjustly released and those whose voluntary release requests were delayed); **recruiting** (including complaints related to the unfair rejection of applications and delays in the recruiting process); **medical issues** (including complaints related to inadequate medical treatment and/or follow-up care); **redress of grievance** (including complaints related to the unfair denial of financial compensation); **harassment** (including complaints involving the abuse of power); and **military postings** (including complaints related to the denial of compassionate and cost-contingency posting requests).

The Ombudsman's office also assists members of the Defence community with complaints and concerns related to promotions, leave/vacation, access to information, training, disciplinary action and more.

#### TOP SEVEN COMPLAINTS



## Common Complaints (2009-2010)

In total, Ombudsman investigators and intake officers closed 1,095 cases over the past year, including new cases, cases re-opened and cases left over from previous years. As of March 31, 2010, 297 cases were still in progress.

As in past years, the majority of new cases were brought to the office by serving and retired members of the Canadian Forces. The office also received 195 cases from civilian members of the Defence community, including employees and former employees of the Department of National Defence, family members of military personnel or civilian employees and non-public fund employees. This marks a thirty percent increase in overall complaints from civilians (including families) in the Defence community over the past fiscal year.

### NEW COMPLAINTS BY CATEGORY (2009-2010)

Regular Force	478
Former Military	263
Reserve Force	165
Family Member	109
Civilian Employee	61
Regular Force Applicant	30
Former Civilian Employee	18
Cadet	11
Reserve Force Applicant	8
Non-Public Fund Employee	7
Anonymous	7
Non-Constituent	46
<b>Total</b>	<b>1,203</b>

### NEW COMPLAINTS BY CATEGORY (2007/2008 – 2009/2010)

	Fiscal Year		
	07-08	08-09	09-10
Regular Force	559	449	478
Former Military	322	238	263
Reserve Force	181	128	165
Family Member	92	83	109
Civilian Employee	42	47	61
Regular Force Applicant	35	20	30
Former Civilian Employee	12	17	18
Cadet	7	11	11
Reserve Force Applicant	12	4	8
Non-Public Fund Employee	1	4	7
Anonymous	10	4	7
Non-Constituent	65	76	46
<b>Total</b>	<b>1,338</b>	<b>1,081</b>	<b>1,203</b>

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

*— Widow of a Canadian Forces Member*

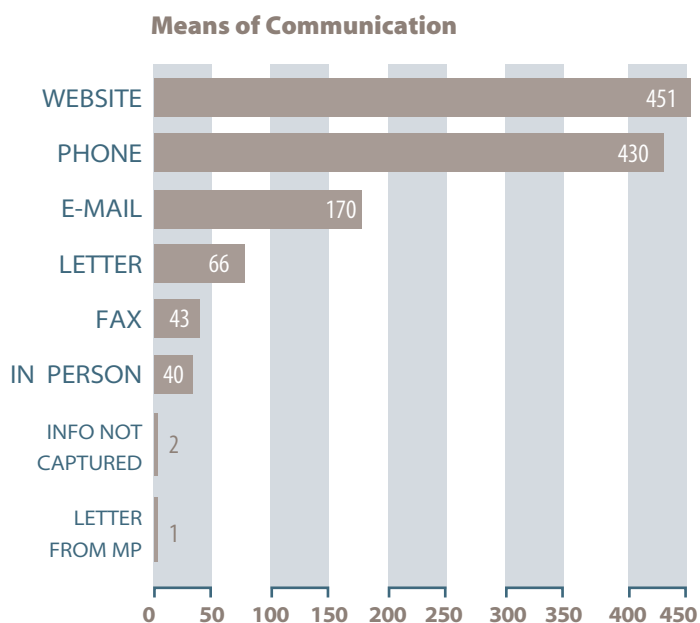
In 2009-2010, the largest number of new complaints originated in Ontario (399), followed by the Western Region (237), the Atlantic Region (234) and Quebec (232).

#### NEW COMPLAINTS BY REGION (2009-2010)

<b>Atlantic Region</b>	<b>234</b>
New Brunswick	64
Newfoundland/Labrador	15
Nova Scotia	152
Prince Edward Island	3
<b>Quebec</b>	<b>232</b>
<b>Ontario</b>	<b>399</b>
<b>Northern Region</b>	<b>6</b>
Nunavut	1
Northwest Territories	2
Yukon Territory	3
<b>Prairies</b>	<b>67</b>
Manitoba	55
Saskatchewan	12
<b>Western Region</b>	<b>237</b>
Alberta	125
British Columbia	112
<b>Outside Canada</b>	<b>28</b>
<b>Total</b>	<b>1,203</b>

Over the past year, the majority of new complainants contacted the Ombudsman's office through the Ombudsman's website (including its secure online complaint form) and through the office's toll-free telephone number: 1-888-828-3626. Members of the Defence community also contacted the office by e-mail, letter, fax and in person.

#### COMMUNICATING WITH THE OFFICE (2009-2010)



### Broader Investigations

#### Fundamental Unfairness Related to Official Languages

On May 7, 2009, the Ombudsman released the findings of the office's follow-up review regarding problems that unilingual students were experiencing in getting access to training and essential services in their first official language at Canadian Forces Base Borden, Gagetown and St-Jean Garrison.

As part of the 2008 review, investigators observed improvement in several areas and identified steps that had been taken to address some of the office's initial concerns. However, the investigative team also found that the majority of the office's observations and recommendations related to Borden, including those meant to address the most serious problems and concerns, had not been implemented by the military chain of command. These outstanding issues were referred to the Commissioner of Official Languages given that his office was beginning an audit of training establishments within the Canadian Forces.

*"This is an issue of fundamental fairness for the men and women of the Canadian Forces. It is essential that all Canadian Forces personnel receive equal opportunities for training and equal access to services, no matter their first language."*

*— Pierre Daigle, Ombudsman*

On May 26, 2009, the Ombudsman appeared at the House of Commons Standing Committee on Official Languages to discuss the office's earlier follow-up review. The Ombudsman informed committee members that the Canadian Forces had not done enough in previous years to address the problems and ensure that unilingual students could access training and essential services in their first official language. He also committed to monitoring the progress made in implementing the office's recommendations and to dealing with all individual complaints regarding official languages.

Additional information on the investigation and follow-up review can be found on the office's website at [www.ombudsman.forces.gc.ca](http://www.ombudsman.forces.gc.ca).

### **Release of Injured Recruits at St-Jean Leadership and Recruit School**

On June 4, 2009, the Ombudsman released the findings of the office's investigation into complaints from 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 they received during basic training.

Ombudsman investigators found that, in May 2007, the Commandant of the school had 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's office considered this direction to be unfair to a number of recruits who were not given enough time to recover from their injuries. The office 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 his May 2007 direction, the Ombudsman remained concerned about the individual cases of unfairness resulting from the May 2007 release criteria.

Following the completion of its investigation, the office submitted two recommendations to the Canadian Forces. The Chief of the Defence Staff accepted these recommendations and corrective action was taken to ensure that all injured recruits would be treated fairly and equitably.

*"It is always heartening to see an institution take action to correct a fundamental unfairness."*

*— Pierre Daigle, Ombudsman*

Additional information on the investigation and response from the Minister of National Defence can be found on the office's website at [www.ombudsman.forces.gc.ca](http://www.ombudsman.forces.gc.ca).



## Case Study

### Assisting a Member Meet his Obligations to the Forces and his Family

A Regular Force member contacted our office after the chain of command denied his request to have his posting date changed. The member indicated that his spring posting date (or even a mid-year move) would have a detrimental impact on his children who had learning disabilities. Instead, he hoped to get a posting date that would coincide with the end of his children's school year.

Although the member tried to resolve the situation on his own, he was only able to obtain a 30-day extension, which did nothing to alleviate his concerns regarding the well-being of his children. After the member contacted our office, a complaint analyst spoke to his career manager and others in his chain of command to try to reach a mutually agreeable posting date.

In a matter of days, the complaint analyst managed to negotiate a posting date for the member that would not involve a move in the middle of the school year. The office's intervention in this case enabled the member to fulfill the requirements of his job while, at the same time, giving him peace of mind, knowing that his two children would not have their school year disrupted.





## Treatment of Military Families

On October 14, 2009, the Ombudsman released the findings of his follow-up review of the office's special report, *When a Soldier Falls: Reviewing the Response to Master Corporal Wheeler's Accidental Death*. This review tracked the progress made by National Defence and the Canadian Forces in implementing the 34 recommendations from the office's 2005 special report regarding the treatment of military families after a member dies as a result of military service, and the investigations into non-combat deaths of military members.

Following this review, the office found that the overall situation had improved and progress had been made. However, the Ombudsman also informed the Minister of National Defence that there were many areas in which the chain of command needed to take more aggressive action to fully implement the office's recommendations.

In his letter to the Minister, the Ombudsman pointed out that the office was still receiving a number of complaints from military families who were not getting the information, support and assistance they needed after their loved one died as a result of military service. In particular, the Ombudsman criticized the Canadian Forces for excluding family members from Boards of Inquiry convened into the death or serious injury of a Canadian Forces member. He also noted that the military had not yet put in place a national policy for support to families of deceased Canadian Forces members even though commitments had been made in this regard.

*"Our families sacrifice a great deal for their military loved ones and their country. They deserve to be supported and treated with the utmost dignity and respect."*

*— Pierre Daigle, Ombudsman*

In terms of improving the investigations into non-combat deaths of military members, the Ombudsman recognized that significant progress had been made by the Canadian Forces. At the same time, he pointed out

that a number of recommendations had not yet been implemented and he asked the chain of command, "if Master Corporal Wheeler died today in the same circumstances, can we be sure that the same errors which occurred during the various investigations into his death would not be repeated?"

On December 14, 2009, the Minister of National Defence replied to the Ombudsman's follow-up review, thanking the office for its work and highlighting the progress that had been made by the Canadian Forces in the treatment of military families after the death of a military loved one and in the investigations undertaken following these deaths.

The Ombudsman responded to the Minister's letter on December 24, urging him to reconsider his position that the Canadian Forces' efforts to date were sufficient to address the very serious problems that continued to exist. In his letter, he stated:

It is inconceivable to me that the Canadian Forces is still acting in a way that denies families fair and proper treatment after the death of a loved one. And yet, of the families we interviewed for the follow-up investigation, some are still waiting for information that was promised to them. In one case, the widow of a Canadian Forces member is facing her fourth Christmas without answers about the circumstances of her husband's death. Additionally, we are assisting other family members who complain that they are currently experiencing similar situations. I made a commitment to these individuals to do everything I can to see that they and other families in their situation are treated fairly, based on the level of care that this office set out in *When a Soldier Falls*. In the coming months I will be reporting to you on these cases, which I believe could have been avoided by the implementation of the recommendations in *When a Soldier Falls*.

The office is in the process of taking a comprehensive look at the overall support and treatment received by military families in order to determine whether a broader investigation is warranted.

Additional information on the follow-up review and the office's recommendations can be found on the office's website at [www.ombudsman.forces.gc.ca](http://www.ombudsman.forces.gc.ca).



## Looking Ahead

As of the end of March 2010, the Office of the Ombudsman continued to finalize a number of broader investigations and reports.

The Ombudsman and his management committee were also in the process of implementing a number of corporate priorities and initiatives to ensure that the office is able to deliver quality service to the Defence community and value-for-money to Canadian taxpayers.

### Broader Investigations

#### Unfairness in the Redress of Grievance Process

At the end of March 2010, the office had concluded an investigation and was finalizing a special report on the Canadian Forces redress of grievance process – a process designed to allow Canadian Forces members to seek a quick and informal resolution to an action or decision made against them. The purpose of this investigation is to determine if the system is working as it was intended.

As a result of the investigation, the office found that the redress of grievance process, which is supposed to provide soldiers, sailors, airmen and airwomen with

an informal mechanism to challenge Canadian Forces actions and resolve matters without the need of the courts or other processes, is flawed and unfair.

The unfairness is largely attributed to the fact that, although the Chief of the Defence Staff is the final decision-maker in the grievance process, he does not have the authority to deal with all aspects of a grievance, including monetary compensation. These matters have to be sent to the National Defence and Canadian Forces Legal Advisor for review and a decision. Unfortunately, in the majority of these cases, the Director Claims and Civil Litigation refuses to pay the monetary compensation to the Canadian Forces member, even when the claim is supported by the Chief of the Defence Staff.

When claims are rejected, Canadian Forces members are informed by Director Claims and Civil Litigation that they must initiate legal action against the Government of Canada in order to obtain compensation. However, legal action will rarely be heard by a court because previous courts have ruled that there is no legally enforceable employment contract between the Crown and Canadian Forces members.

It is expected that the special report on the redress of grievance system will be published in May 2010.

## Investigation of a Pension Denied

A complainant contends that her deceased husband, a Royal Canadian Naval Voluntary Reserve veteran of the Second World War and a retired post-war member of the Royal Canadian Air Force, was unfairly denied the option of receiving a reduced annuity upon his voluntary release from the Canadian military in September 1965. In a letter to the Ombudsman, the Minister of National Defence determined that it was in the public interest for the Office of the Ombudsman to investigate this issue.

A formal investigation was started in late 2009 to determine if the complainant's late husband was treated fairly when he was given a return of contributions instead of a reduced annuity. The investigation will be completed and recommendations submitted to the Minister of National Defence in the summer of 2010.

## Canadian Forces Housing Agency

In 2009, the Office of the Ombudsman conducted a preliminary investigation concerning complaints about Canadian Forces housing as well as the managing body for this housing, the Canadian Forces Housing Agency. The office's initial findings were shared with the Chief of the Defence Staff and included serious concerns related to the rent assessment process, service delivery and the state of repair of housing units.

Following this preliminary investigation, the office received additional complaints about the Canadian Forces Housing Agency's inappropriate responses to requests for repairs, unsatisfactory repairs and problems that pose a direct risk to the health and safety of Canadian Forces members and their families. The Ombudsman met with various stakeholders, continues to track common themes and remains committed to investigating and resolving complaints associated with military housing. Canadian Forces members and their families are encouraged to continue to share their experiences and ongoing concerns with the office.

## Operational Stress Injuries Follow-up Review

In December 2008, the Ombudsman's office published a second follow-up report, entitled *A Long Road to Recovery: Battling Operational Stress Injuries*, which was intended to track the progress made by the Department of National Defence and the Canadian Forces in implementing the office's 2002 recommendations related to post-traumatic stress disorder and other operational stress injuries. The report also highlighted some new and evolving issues and problems. The overriding aim of the office, however, was to establish whether Canadian Forces members who suffered from post-traumatic stress disorder or other operational stress injuries were being diagnosed and getting the care and treatment they needed in order to continue to be contributing members of Canadian society – either within the Canadian Forces or as civilians.

In releasing *A Long Road to Recovery*, the Ombudsman made nine recommendations to the Minister of National Defence which were intended to ensure that mental health sufferers in the Defence community received consistent, quality and timely care. The Ombudsman also stated that these recommendations would form the basis of all future monitoring and reporting by the office.





In 2009-2010, the Ombudsman announced that the office will be launching a third follow-up investigation into the issue of post-traumatic stress disorder and other operational stress injuries in the Canadian Forces. While recognizing that progress has been made by the Canadian Forces to prevent, identify and treat military personnel suffering from mental health injuries, the large number of current military sufferers – and even larger number of anticipated sufferers – has led the Ombudsman to the conclusion that this issue demands additional review and evaluation by the office. The Ombudsman has also made it clear that he remains concerned about a number of problems related to mental health injuries that have yet to be addressed – or adequately addressed – by the Canadian Forces.

It is expected that this follow-up investigation will begin in the winter of 2010-2011.

### Follow-up Review of 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*. Following an

extensive investigation, the Ombudsman found that Reservists from across the country who were injured in the course of their duties faced a host of challenges in accessing timely, adequate and ongoing medical care that Regular Force members did not.

The investigation identified a number of 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.

The office also identified significant inequities in the benefits provided to Reservists. For example, certain Reservists were entitled to only 40 percent of the amount of accidental dismemberment benefits available to Regular Force members. Another matter of concern involved 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.

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

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

The Ombudsman will begin a follow-up investigation in 2010-2011 to determine if the situation has improved for Canada's injured Reservists.

## Corporate Priorities and Initiatives

In 2009-2010, the Ombudsman and his management committee established four key priorities and began to put in place a number of initiatives in order to enhance the services and support the office provides to the Defence community.



## Outreach to Constituents

During the past fiscal year, the Ombudsman created a new Strategic Outreach, Planning and Research unit to: enhance the overall awareness and understanding of the Ombudsman's role and mandate within the Defence community; make the office more readily available to Canadian Forces members, civilian employees of National Defence and their families; and gather a better understanding of the issues and challenges facing individual members of the Defence community.

In order to achieve these objectives, the office will, among other things: visit a number of military bases/wings over the next year, meeting with all members of the Defence community at those military installations; provide community, local and regional media surrounding significant military installations with appropriate information about the office; investigate and, as appropriate, implement new social media tools aimed at specific members of the Defence community; and proactively seek out opportunities to discuss the role and services provided by the office.

The Strategic Outreach, Planning and Research unit will also be responsible for developing, implementing and monitoring a strategic plan, creating an office-wide accountability and performance management framework, and conducting research on the role, mandate and structure of the office. This research will be used to determine, among other things, the need for new special or own motion investigations.

## Information and Referral

Over the next fiscal year, the office will also focus on improving its ability to be a direct source of information and referral, as well as its capacity to provide more comprehensive and effective assistance to members of the Defence community in need of help.

To do this, the office will revise and update service standards to clarify and improve the quality of initial contacts with complainants, including: ensuring that quick, accurate assessments of cases are done; creating a quality assurance capacity and/or process to ensure that complainants are getting the most up-to-date information, referral and assistance in a timely manner; and establishing a research capacity to be current on policies, procedures and programs in order to support continuous learning for intake staff.

## Investigation and Complaint Resolution

In 2010-2011, the Ombudsman's office will also improve its ability to investigate and resolve individual complaints. This includes focusing on the early resolution of individual complaints and engaging senior leaders and civilian managers to a greater, and more informal, degree through the discussion of major issues and trends, as appropriate.

Over the next fiscal year, the office will: refine standard operating procedures (in accordance with the *2009-2010 Public Service Renewal Action Plan*) that improve quality and consistency in the investigative process while allowing enough flexibility to be responsive in providing timely and effective service to constituents; revise and update service standards and guidelines to ensure quality and timely investigations; establish a decision-making process for special and/or own motion investigations based on the analysis of trends and types of complaints; and adopt a project management approach with timelines and deliverables to ensure effective resourcing of special and/or own motion investigations.

As is the case with information and referral, the office will also create a quality assurance capacity in order to ensure accurate, timely, and factual investigations and impartial recommendations based on rigorous analysis.

## Organizational Effectiveness and Efficiency

In 2010-2011, the office will also focus on strengthening its management processes, systems and structures in order to ensure timely and effective results for members of the Defence community and value-for-money for Canadian taxpayers.

Specifically, the Ombudsman will: revise the organizational structure of the office, as required, to ensure that it is aligned with core functions and key priorities; establish management controls and measures consistent with the Management Accountability Framework; identify workforce strengths and weaknesses in accordance with the *Public Service Renewal Action Plan*; review current job descriptions for each position to ensure the office has the capacity to fulfill core functions and key priorities; and establish and adopt a more rigorous approach in the application of an effective performance measurement system to provide staff with regular feedback on work expectations and deliverables in order to ensure consistency and quality assurance in the services provided to the Defence community.

## Case Study

### Helping a Member Leave an Unsettled Workplace

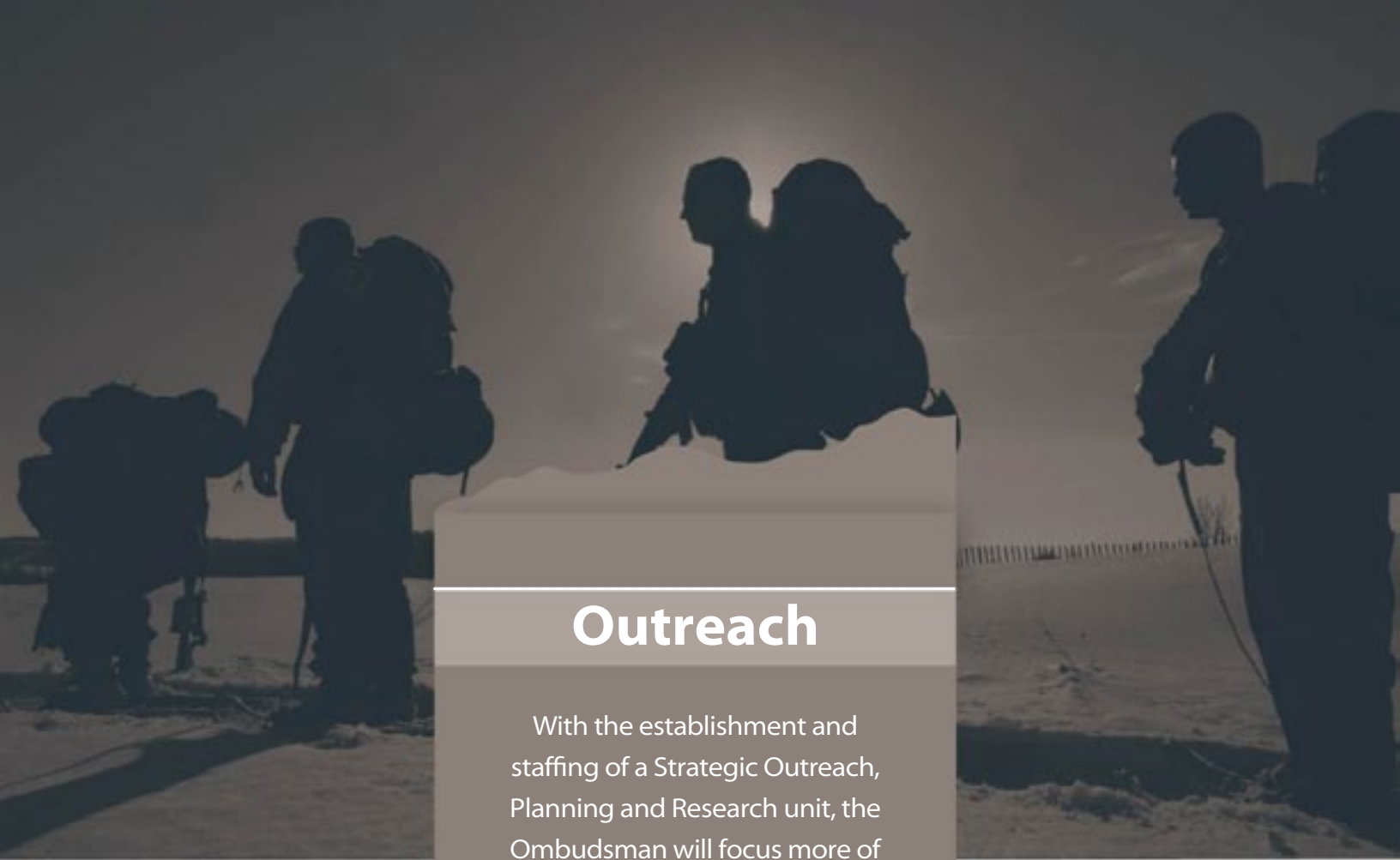
A complainant came to our office claiming to have suffered insults and harassment in the workplace and looking to be placed on the Service Personnel Holding List until his medical release from the Canadian Forces could be processed.

After Ombudsman investigators met with the complainant's Base Commander and others involved in his case, the complainant was able to leave his unit and was placed on the Service Personnel Holding List unit pending his formal release date. The Base Commander also agreed to investigate the allegations of insults and harassment in the complainant's workplace.

The complainant expressed his appreciation to the Ombudsman investigators for their intervention and the positive result achieved in his case.







## Outreach

With the establishment and staffing of a Strategic Outreach, Planning and Research unit, the Ombudsman will focus more of his attention over the next twelve months on reaching out to the members of Canada's Defence community to ensure they are aware of the role and mandate of the office and to gain a first hand appreciation of the realities on the ground at military bases and wings across Canada.

In 2009-2010, the Ombudsman worked to strengthen relationships on a number of fronts. For example, throughout the past year, he met with the Minister of National Defence, the Chief of the Defence Staff, the Deputy Minister, and all senior leaders in the Canadian Forces and the Department of National Defence to discuss his role and mandate and address individual and broader concerns related to the Defence community.

The Ombudsman also met with the head of the Canadian Forces Grievance Board, the Director General Canadian Forces Grievance Authority, the Director General Alternate Dispute Resolution, the head

of the Union of National Defence Employees and the Ombudsman for Veterans Affairs in order to facilitate a clear understanding of the roles and responsibilities of the organizations currently in place to assist and support individual members of Canada's Defence community.

Over the past year, the Ombudsman and senior staff also undertook two targeted outreach visits. On November 23-26, 2009, the Ombudsman traveled to 17 Wing in Winnipeg, Manitoba, to meet with military and civilian base personnel and their families to inform them of the services offered by the Ombudsman's office, learn more about their individual situations, and assess their overall well-being.

During the visit, the Ombudsman and staff met with the wing chain of command, senior and junior officers, non-commissioned members, the Acting Commander of 1 Canadian Air Division, the Commander of 2 Canadian Air Division, health care providers, chaplains, public servants, military families and Military Family Resource Centre staff.

At these meetings, a number of issues and concerns were raised with the Ombudsman related to: military housing; the Integrated Relocation Program and the door-to-door move requirement; post-living differential; medical services for families; operational tempo and its effect on military personnel and their families; post-deployment decompression for families; post-deployment medicals for Reservists; and the need to focus on care for the caregivers.

On February 15-19, 2010, the Ombudsman conducted an outreach visit to Canadian Forces Base Halifax and 12 Wing in Shearwater, Nova Scotia. During the visit, the Ombudsman and staff met with the base and wing chain of command, health care providers, chaplains, non-commissioned members from the fleet and ground formations, non-commissioned members of 12 Wing, as well as public servants and military families. A meeting was also held with the Halifax & Region Military Family Resource Centre in order to obtain their perspective on the issues and concerns that affect their clientele.

During these meetings, members of the Defence community raised a number of issues and concerns related to: operational tempo and its effect on military personnel and their families; pension-related issues including Reserve pension buy-back; terms of service; access to health care for Reservists; recruitment incentives for certain technical trades; and potential reductions to the Defence budget and their impact on military and civilian personnel who work at Canadian Forces Base Halifax and 12 Wing Shearwater.

Over the next fiscal year, the Ombudsman will lead outreach visits to Canadian Forces Bases Esquimalt, Valcartier and Kingston.

Throughout the past year, the Ombudsman's office also undertook a number of outreach activities targeting all members of Canada's Defence community. Beginning in the fall of 2009, Ombudsman staff provided presentations at five orientation courses for new National Defence employees. The office also set up information kiosks at significant National Defence and Canadian Forces ceremonies and events, including National Public Service Week activities. And the Ombudsman provided a presentation on the role and mandate of his office at the annual course for Chief



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

*E-mail the details of your request to the Director of Strategic Outreach, Planning and Research at [ombudsman-communications@forces.gc.ca](mailto:ombudsman-communications@forces.gc.ca) or call 1-888-828-3626.*

Warrant Officers in St-Jean. These outreach activities, and many more, will be continued in 2010-2011.

During the past reporting period, the Ombudsman also had the opportunity to help advance, as a representative of the Government of Canada, issues of fairness and human rights for armed forces personnel around the world. In May 2009, the Ombudsman and the office's General Counsel took part in a discussion of best practices related to the role of ombudsman institutions in military deployments abroad at the 'First International Conference of Military Ombudsman Institutions for Armed Forces' in Berlin, Germany.

The Ombudsman was also asked to present papers and participate as a panellist in discussions related to his work in ensuring the care and treatment of military families and of those military members suffering from post-traumatic stress disorder and other operational stress injuries at the 'Second International Conference of Military Ombudsman Institutions for Armed Forces' in Vienna, Austria, in April 2010.



The Ombudsman meets with a Russian delegation to discuss the role and mandate of his office.

In July 2009, the office welcomed a dozen or so delegates from various levels of the Russian government who were visiting Canada as part of the Public Administration Reform Program. The Russian guests

showed a keen interest in the office's role and mandate within the Defence community, and provided staff with valuable insight into the ombudsman-like organizations in their country, including the Parliamentary Human Rights Commissioner.

## Case Study

### Working for Compassionate Treatment for a Family in Crisis

A military couple who were living apart wished to reunite and live together as a family with their young child. The complainant requested a contingency cost move to bring his family together again; however, for operational reasons, the member's request was denied. Although he was told that he would be put on a priority list for the next posting season, the member's spouse was undergoing diagnostic testing for a medical issue and he was very concerned about her and reluctant to wait another year.

In the meantime, given the uncertainty of his wife's condition, the member contacted our office hoping we could help reunite him with his ailing spouse and young child. He also submitted a request for a voluntary release from the Canadian Forces.

The couple's desire to be together took on a new urgency when it was discovered that the wife had cancer. Upon learning of the severity of his spouse's condition, the complainant requested a compassionate posting and an Ombudsman investigator looked into the possibility of having the member attach posted to his spouse's location.

With the intervention of the Ombudsman investigator, compassionate leave was granted until a decision on the posting or release could be reached. Ultimately, the member was approved for a regular posting and was reunited with his wife and child.

The complainant was very happy with the help he received from our office, and Ombudsman staff were equally pleased that the Canadian Forces came through for this family in a time of crisis.



## 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 advice related to the mandate, professional principles and structure of the office.

In May and November 2009, the committee met to discuss a number of the broader issues facing the Department of National Defence and the Canadian Forces, including: the current strain on the Canadian Forces and the Defence community; the significant challenges facing military families and the services and support available to them; the state of the military health care system; and the military's treatment of post-traumatic stress disorder and other operational stress injuries.

At the November 2009 meeting, the Ombudsman's Advisory Committee said farewell to two members: Lieutenant-General (Retired) Michael Caines, who served for six years on the committee and was both the longest standing member and Chair; and Chief Warrant Officer Jimmy Labrie, who joined the committee in October 2007. Mr. Caines and Chief Warrant Officer Labrie have been invaluable sounding boards for initiatives and recommendations being considered by the office. Their contributions have been greatly appreciated by the Ombudsman, committee members and office staff.





(L-R) Back: Mr. Pierre Daigle, Lieutenant-Colonel John Conrad, Commander the Reverend Canon Baxter Park, Ms. Brenda Ebear. Front: Mr. Clare Lewis, Lieutenant-General (Retired) Michael Caines, Ms. Colleen Calvert and Chief Warrant Officer Jimmy Labrie. Absent: Commander Brigitte Boutin.

At the end of March 2010, the Minister of National Defence approved the inclusion of three new members on the Ombudsman's Advisory Committee.

The following members will take part in the May 2010 committee meeting in Ottawa:

- Commander Brigitte Boutin is the Deputy Comptroller for the West Coast Navy.
- Ms. Colleen Calvert is the Executive Director of the Halifax & Region Military Family Resource Centre.
- Lieutenant-Colonel John Conrad is an Instructor at Canadian Land Forces Command and Staff College. He served as the Commanding Officer, National Support Element in Kandahar, Afghanistan, in 2006.
- Chief Warrant Officer J.W. Dalke enrolled in the Canadian Forces as a Supply Technician and has served in a variety of positions throughout Canada. Currently, he is the Chief Warrant Officer for 2 Canadian Air Division in Winnipeg.
- Ms. Brenda Ebear is the Greenhouse Supervisor and Roads and Grounds second-in-command at 4 Wing Cold Lake. In 2007, she received a *Special Recognition Award* from the Office of the Ombudsman for her work as a Workplace Relations Advisor and for her extensive volunteer work at 4 Wing Cold Lake.
- Mr. Clare Lewis, Q.C., is the former Ombudsman of Ontario.
- Commander the Reverend Canon Baxter Park is Formation Chaplain for Maritime Forces Atlantic.
- Ms. Annie Vaillancourt is on the Board of Directors of the Valcartier Military Family Resource Centre and is the spouse of a Canadian Forces member. Ms. Vaillancourt has been a member of the Defence community for over ten years.
- Mr. Howard Sapers was appointed as Correctional Investigator of Canada in 2004. He has a strong background in corrections, rehabilitation of offenders and crime-prevention gained through employment and community service. He has also authored several publications and a number of articles regarding the role and principles of ombudsmen. Mr. Sapers will serve as the committee chair.
- Mr. Bill Tanner is a Second World War veteran and an honorary member of the committee.



## 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.

At a special ceremony held in Ottawa on May 27, 2009, the Ombudsman honoured four members of the Defence community with commendations. Rear-Admiral Bryn Weadon, Assistant Deputy Minister for Finance and Corporate Services, and senior staff

from the Department of National Defence and the Canadian Forces were 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](http://www.ombudsman.forces.gc.ca).





(L-R): Dr. Andrea Hoffman, Lieutenant-General (Retired) Michael Caines, Lieutenant-Colonel Helen Adam, Dr. Robin Lamoureux, Major Jacques Bouchard, Mrs. Harriet McCready, Rear-Admiral Bryn Weadon, Mr. Pierre Daigle.

## Recipients of the Ombudsman's Special Recognition Award

### Lieutenant-Colonel Helen Adam

Lieutenant-Colonel Helen Adam has dedicated her entire career to looking out for the welfare of Canadian Forces members. As an officer with the Logistics (Human Resources) branch, Lieutenant-Colonel Adam's contribution to the Canadian Forces grievance system, her genuine motivation to resolve grievances informally, her advice, guidance and experience on complex issues, and her drive to study and raise awareness on systemic issues affecting the workplace have contributed immeasurably to the well-being of the Defence community. This past year, as Director of Grievances (Analysis and Resolutions), Lieutenant-Colonel Adam was instrumental in raising awareness of release guidelines for members with post-traumatic stress disorder. She was also invaluable in calling attention to inequities in the current policy for acting rank and pay.

### Mrs. Harriet McCready

In her six years with the Mental Health Department of the Canadian Forces Health Services Centre in Halifax, Mrs. Harriet McCready has been the driving force behind changes in the Canadian Forces' delivery of

mental health care in Atlantic Canada. Since joining the unit, her tireless work has had a profound impact on the daily lives of Canadian Forces members who struggle with mental health-related issues. Mrs. McCready is blessed with extraordinary interpersonal skills which have allowed her to facilitate the resolution of very complicated issues while providing a refreshing alternative to more intensive formal dispute resolution processes. She has created the only integrated addiction services program in the Canadian Forces and it is a model for others to follow.

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

### Major Jacques Bouchard

As the Official Languages Champion of Canadian Forces Base Borden, Major Jacques Bouchard has demonstrated a willingness and ability to resolve problems informally and quickly prior to, and throughout, the investigations conducted by the Ombudsman's office. Major Bouchard has made a tremendous effort over many years to identify and resolve issues of unfairness with regard to official languages, particularly for those with little time and experience in the Canadian Forces. In his role as Deputy Administrative Officer and later

as the Official Languages Champion of Borden, Major Bouchard was an instrumental player in contributing to substantial and long-lasting improvements in the well-being of base members and civilian employees. Always open to new ideas, Major Bouchard has been resourceful and innovative in spearheading many novel initiatives. He is a dedicated individual whose perseverance in fighting for a fundamental right has set an excellent example for all in the Defence community.

**Dr. Robin Lamoureux and Major William Patton  
(Group Nomination)**

Through open communication with the Ombudsman's office and timely assistance, Dr. Robin Lamoureux and Major William Patton have demonstrated vigilance, professionalism and sincere dedication to the well-being of Canadian Forces members and their families. Dr. Lamoureux and Major Patton have proven to be passionate, cooperative and resourceful members of the medical team at the Edmonton Garrison. Their strong team ethic and oversight practices have greatly contributed to enhancing the well-being of the Defence community. In particular, Dr. Lamoureux and Major Patton's involvement in the medical care

and administration of several Canadian Forces members has revealed a sincere desire to help resolve the concerns of those who feel they have been treated unfairly.

***Changes to the Ombudsman's  
Commendations Schedule***

*Instead of the traditional spring ceremony, the office will hold the 2010 Ombudsman's commendations ceremony in the fall. The nomination process began in April 2010. Please visit our website for more information on the awards, including nomination criteria and the review process:  
[www.ombudsman.forces.gc.ca](http://www.ombudsman.forces.gc.ca).*

## Case Study

### Defending Fairness for a Civilian Employee

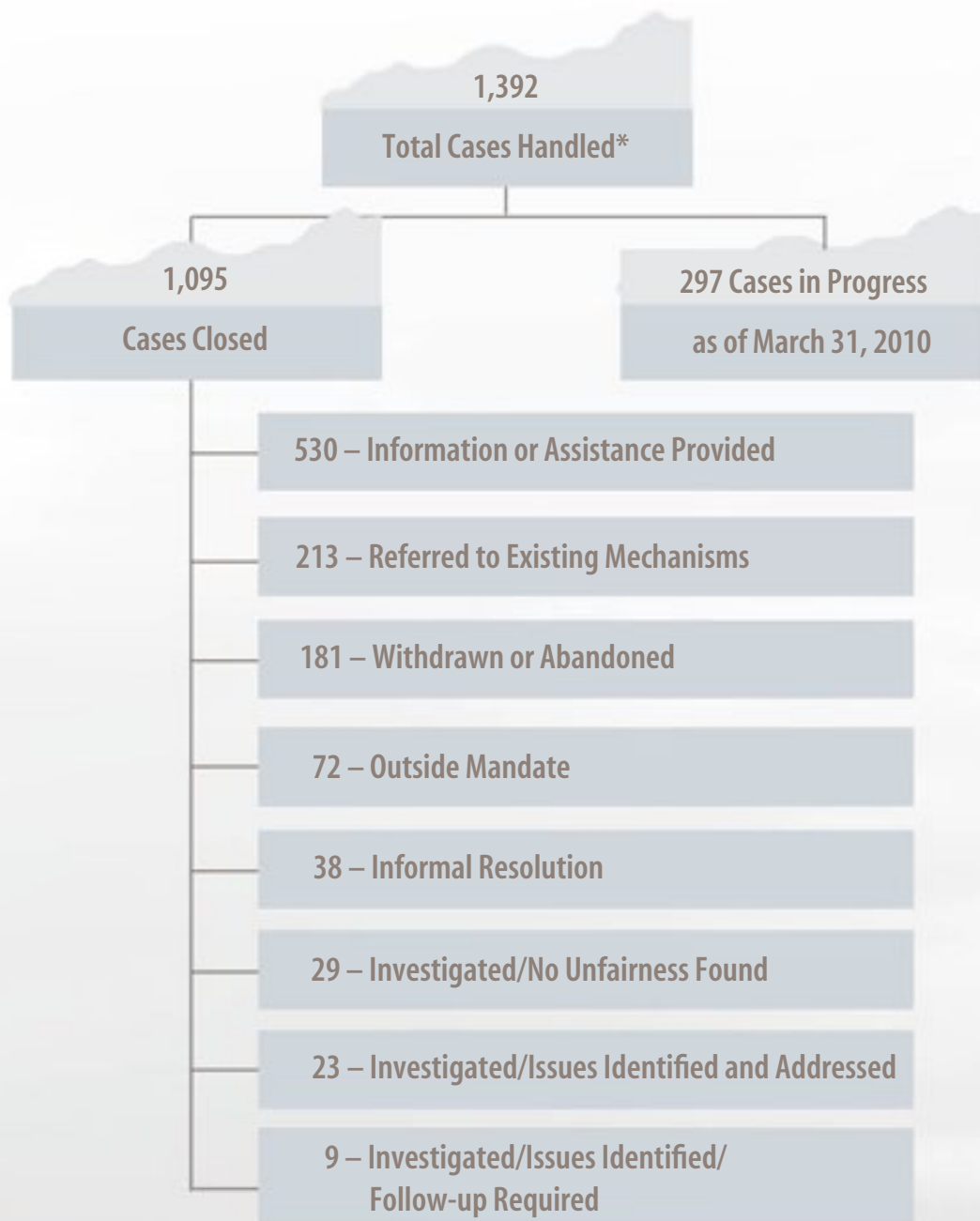
A National Defence employee contacted our office after she was unable to stop transportation deductions being taken from her pay. Even though she had discontinued the service and had submitted a cancellation form to the Department, she advised us that payroll deductions continued for four additional months.

After speaking with her compensation advisor and the manager of Compensation Services, the complainant was told that they had tried on three separate occasions to get a refund from the transportation company without success and that she would have to resolve the problem on her own. Not knowing where else to turn, the complainant came to our office for help.

In order to resolve her problem quickly, an Ombudsman complaint analyst immediately contacted a number of people at the transportation company, including the program coordinator and her manager. Following this intervention, the transportation company provided the complainant with a \$400 refund.

# Appendix I

## Disposition of Cases (2009-2010)



\* This includes new cases, cases re-opened and cases carried over from previous fiscal years.

# Appendix II

## Financial Report

### Summary of Expenditures

In 2009-2010, the actual expenditures of the Office of the Ombudsman totalled approximately \$5.07 million, of which \$4.3 million was related to salaries.

Mail and courier services	\$6,928
Supplies/furniture	\$45,804
Training and professional dues	\$56,019
Acquisition/rental office equipment	\$18,919
Network maintenance and support	\$116,295
Telecommunications & IT connections	\$125,979
Travel and transportation	\$75,906
Communications & public outreach	\$62,810
Professional & special services	\$268,619
Salaries	\$4,292,691
<b>Total</b>	<b>\$5,069,970</b>