



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

43rd PARLIAMENT, 2nd SESSION

Standing Committee on National Defence

EVIDENCE

NUMBER 015

Friday, February 19, 2021

Chair: Mrs. Karen McCrimmon



Standing Committee on National Defence

Friday, February 19, 2021

• (1450)

[English]

The Chair (Mrs. Karen McCrimmon (Kanata—Carleton, Lib.)): I call this meeting to order.

Welcome to meeting number 15 of the House of Commons Standing Committee on National Defence.

[Translation]

Today's meeting is taking place in a hybrid format, pursuant to the House order of January 25, 2021. Therefore, members are attending in person in the room or remotely using the Zoom application.

[English]

Before speaking, please make sure you wait until I recognize you by name. If you're on video conference, please use the microphone icon to unmute yourself. To those of you in the room, your microphone will be controlled as normal by the proceedings and verification officer.

I'll remind you that all comments by members should be addressed through the chair. When speaking, speak slowly and clearly in order to help our interpreters. Please, when you are not speaking, your mike should be on mute.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Tuesday, February 9, 2021, the committee is commencing its study of addressing sexual misconduct issues in the Canadian Armed Forces, including the allegations against former chief of the defence staff Jonathan Vance.

With us today by video conference for the first hour is the Honourable Harjit Sajjan, Minister of National Defence. From the Department of National Defence, we have Madam Jody Thomas, deputy minister and Admiral Geneviève Bernatchez, judge advocate general of the Canadian Armed Forces.

After the opening remarks from the minister, we will proceed with rounds of questions. I would like to advise the committee members that I will be quite rigid with time-keeping today. Please track your time because even though you may not believe it, I really do hate interrupting you. I would also like to caution the members that we only have a limited amount of time with the minister today. I would like to make the most of his and our time.

With that said, we would like to welcome the Honourable Minister Harjit Sajjan. I would like to invite you to make your opening statement.

Hon. Harjit S. Sajjan (Minister of National Defence): Thank you, Madam Chair.

Members of the Standing Committee on National Defence, thank you for allowing me to address the serious concerns that were brought forward regarding the former chief of the defence staff.

I was as shocked as everyone else at the allegations that were made public two weeks ago. I want to stress that any inappropriate behaviour, harassment or sexual misconduct is completely unacceptable in the Canadian Armed Forces and in the Department of National Defence.

Regarding the allegations involving the former chief of the defence staff, the Canadian Forces national investigation service has initiated an investigation, so I can't comment on the specifics of the case. I have full confidence the investigation will proceed fairly and in accordance with the law. I am confident this process will make sure that if the evidence shows wrongdoing, we will hold those responsible accountable. Nobody in Canada is above the law, no matter their rank or position.

I know how important it is for any investigation by CFNIS to occur independently from outside influence. The last thing I want, the last thing we want here, is to undermine the independence of the process, preventing a just outcome.

I'm deeply troubled that members of the Canadian Armed Forces have felt trust has been broken and that people believe they could not come forward. No matter the rank, no matter the position, sexual misconduct and harassment is not acceptable. We want it reported. We want it investigated. We want to support those impacted.

Eliminating sexual misconduct and creating a safe work environment for everyone on the defence team has been one of my top priorities as the Minister of National Defence. We have more work to do to ensure that any member of the Canadian Armed Forces or civilian in the Department of National Defence feels able to come forward with complaints without fear of any sort of reprisal.

I also want to recognize the women who have come forward with these allegations. We're offering all available resources to them to help support them through this difficult time. Ensuring their well-being must be our focus.

We recognize how difficult it can be to bring forward allegations, and we must do more to eliminate the barriers that prevent people from reporting. I treat all allegations of inappropriate behaviour, harassment or sexual misconduct with the utmost seriousness. I can assure this committee and all Canadians that any allegations that were brought forward were aggressively and very quickly put forward to the proper authorities. All the proper processes were followed.

Along with the defence team, I will continue ensuring the recent allegations are addressed through the proper authorities. We will have a thorough and deep independent investigation separate from the chain of command.

You want answers, Canadians want answers and I want answers, but most importantly those who have stepped forward with allegations deserve answers.

Madam Chair, any inappropriate behaviour, harassment or sexual misconduct damages our institution beyond repair. These actions undermine morale, they jeopardize operational readiness and they break the trust of those who have volunteered and stepped up to serve Canada. It is a betrayal of the trust between our defence team members and their leadership.

Our members and all Canadians expect the Department of National Defence and the Canadian Armed Forces to embody a culture where all are treated with dignity and respect. This work will and must continue. This is an ongoing and enduring effort. It is one on which we need to do more, and we will do more.

When incidents of misconduct do occur and are reported, our members rightfully expect that we undertake a thorough and meaningful investigation. That is what Canadians expect. That is what I expect. I have no tolerance for sexual misconduct.

Each and every allegation needs to be investigated, no matter the rank or position of those involved. Whenever any concerns were brought to my attention, I've always insisted and ensured they were brought to the proper authorities for any and all investigations that may be warranted.

● (1455)

We will do absolutely everything in our power to make the changes that need to be made to eliminate and discourage sexual misconduct from the Canadian Armed Forces and the Department of National Defence. We took meaningful steps by releasing a policy on sexual misconduct last year to prevent and address sexual misconduct and to support those who have been affected by it.

I also know how hollow this may sound given the situation, but there are those like Dr. Preston, those in the sexual misconduct response centre and many members of the Canadian Armed Forces and the Department of National Defence who are tirelessly working to make our institution a safer place for all.

We have also launched a panel meant to uncover systemic discrimination and bias within the Canadian Armed Forces. This panel will make recommendations for systemic change based on a number of factors, including gender. As an organization, it is our collective responsibility to support those who have been harmed and to ensure that people are treated fairly. When people come forward

with allegations, we must believe and support them to allow the appropriate authorities to investigate. It is the responsibility of every single person in the defence team to respect one another, to hold themselves and their peers accountable, to act according to the values and principles that Canadians expect of us and to recognize, address and report unacceptable behaviour.

We know that we need to do more to help people feel safe and empowered to bring forward their stories. We must eliminate the barriers and the fear that prevent people from coming forward and reporting. When they do come forward, we must take their concerns seriously. Just as importantly, we must make sure that they are heard. We must ensure that they do not face any retaliation or reprisal, even informally. We must support them through every step of the process. We must show every single member of the defence team that we are committed to this through meaningful action.

Our work has not stopped since 2015, and it will not stop now. Though we have made meaningful progress, we have more work to do. We need a complete and total culture change. Our actions to root out this insidious behaviour must match our words. We need to ensure that, no matter your rank or position, your behaviours and attitudes must match the values that Canadians expect and that we ensure a safe and respectful workplace for everyone.

The Canadian Armed Forces has traditionally had a culture of masculinity. There are toxic elements of masculinity that have risen to the fore on numerous occasions. To be serious about genuine culture change, we need to acknowledge this and tackle this head-on. Though institutional culture change is complex and takes time, the time for patience is over. Change will not and cannot happen on its own. It requires a persistent and complete acknowledgement that we must do better, and we will.

Every member across the organization must be invested in it. Every member must be accountable for their actions, no matter their rank, no matter their position. It involves everyone in the chain, from the bottom up and the top down. It goes without saying that the same rules and standards must apply to all.

We must continue building trust in each other and in our organization, trust that must be continually earned. We will continue to work to earn it.

Madam Chair, thank you for this opportunity to speak. I welcome your questions.

● (1500)

The Chair: Thank you very much, Minister Sajjan.

I will now open the floor for questions.

First up today is Mr. Bezan, please.

Mr. James Bezan (Selkirk—Interlake—Eastman, CPC): Thank you, Madam Chair.

I would like to thank the minister for appearing.

Minister, of course this has been a lot in the media. It's been reported that former military ombudsman Gary Walbourne had a meeting on March 1, 2018 with you. Is that true, yes or no?

Hon. Harjit S. Sajjan: Madam Chair, I have had many meetings with the former ombudsman to discuss important issues.

Mr. James Bezan: Are you denying that you met with him on March 1, 2018?

Hon. Harjit S. Sajjan: Madam Chair, as I stated, I have met with the ombudsman on many occasions. Obviously, our conversations are confidential.

Mr. James Bezan: Well, when did you first learn of the allegations against the chief of the defence staff? According to multiple media sources, they were raised with you at that March 1 meeting.

Hon. Harjit S. Sajjan: Madam Chair, one thing I can assure all honourable members of this committee and all Canadians is that any reporting or any allegations brought to me were always taken to the appropriate authorities very quickly and were taken very seriously.

Mr. James Bezan: Mr. Minister, according to media sources, multiple individuals have said that General Vance was alleged to have engaged in sexual misconduct that was brought to your attention on March 1, 2018. What did you do with that information?

Hon. Harjit S. Sajjan: Madam Chair, as I stated earlier, our conversations with the ombudsman are obviously kept confidential so that people can feel comfortable to come forward to the ombudsman.

One thing I can assure you is that any allegations or any information that was brought forward was always quickly taken to the appropriate authorities for the appropriate action.

Mr. James Bezan: Minister, when did you first become aware of the allegations against former chief of defence staff Jon Vance?

Hon. Harjit S. Sajjan: As I stated, Madam Chair, any information that was at any time brought forward was always taken to the appropriate authorities for the appropriate action.

Mr. James Bezan: When did that happen?

Hon. Harjit S. Sajjan: Madam Chair, as I stated, the information, when it comes to our discussions with the ombudsman, is always kept confidential to make sure that everybody has the confidence to be able to come forward to the ombudsman's office.

One thing I can assure you and the members, to answer the member's question directly here, is that any information that was brought forward was always taken very quickly to the authorities.

Mr. James Bezan: Minister, you are just repeating yourself over and over again.

You've said many times that you have zero tolerance for sexual misconduct. You said it on CTV on May 13, 2018. You said it on November 20, 2018 on Twitter. In 2018 you said zero tolerance, sexual misconduct of any kind has no place, so if you believe that, then when you first had these allegations about General Vance brought to your attention, why didn't you do anything right away?

Did you just willfully turn a blind eye?

Hon. Harjit S. Sajjan: Madam Chair, I want to make it very clear here. If somebody had come forward with allegations.... Now that there's an independent investigation currently going on. I want to make it very clear that any information that was brought forward was always taken to the appropriate authorities. For obvious rea-

sons here, we need to make sure that we protect the integrity of the investigation—

Mr. James Bezan: I'm not disagreeing with you on that, Minister.

Hon. Harjit S. Sajjan: —to give confidence to people who finally come forward so that there a fair process can take place.

Mr. James Bezan: Mr. Minister, under the National Defence Act, part 1, section 4, it says under "Duties":

The Minister holds office during pleasure, has the management and direction of...all matters relating to national defence...

This includes everything in the Canadian Armed Forces. Are you aware of your duties under the National Defence Act?

Hon. Harjit S. Sajjan: Madam Chair, I'm not only aware of my duties, but I also know that I am not the investigative body. In our democracy, the investigative system is through our police, and we need to always follow the processes to give fairness to anybody who has come forward so that any allegations can be taken to the appropriate authorities so that they can be investigated properly.

• (1505)

Mr. James Bezan: Mr. Minister, now the chief of defence staff reports to you, doesn't he serve at the pleasure of the government? Yes or no.

Hon. Harjit S. Sajjan: Yes.

Mr. James Bezan: So General Jonathan Vance was under your direct command. These are extremely serious allegations of sexual misconduct that were made known to you, and you had the sole responsibility to act and took all that investigation, so why didn't you immediately start that investigation after your March 1 meeting in 2018?

Hon. Harjit S. Sajjan: Madam Chair, the member should know, because he was a parliamentary secretary, that, as the Minister of National Defence, I don't have the power to launch investigations. That is independent of us. That is why, when any information is brought forward, it has to be given to the appropriate authorities so not to undermine any processes so that, if justice needs to be done, it can be done through the appropriate process.

No one outside the police or the appropriate authority should have that power, and the member should know this.

Mr. James Bezan: Mr. Minister, let's make a link. As minister, Vice-Admiral Mark Norman at the time was suspended based upon some unproven allegations about him. The government moved very quickly to suspend him, yet here we are. General Vance stayed in position for three years without any suspension or investigation. Why did that happen?

Hon. Harjit S. Sajjan: Madam Chair, as I stated, the discussions with the ombudsman are always kept confidential so that anybody can feel confident to bring anything forward, and I can assure this committee, all parliamentarians and all Canadians that any allegations that were brought to me were always taken to the appropriate authorities.

The Chair: Thank you very much.

We go on to Mr. Spengemann, please.

Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.): Madam Chair, thank you very much.

Minister, thank you for your time this afternoon and for your opening statement.

You'll recall from past appearances before this committee that, like yourself, this committee has been very engaged in questions of gender equality, equity, diversity and inclusion since our government took office in 2015.

In your opening remarks, I very much appreciated that you referenced trust. You made reference to it in a number of different contexts, and this is about trust on the battlefield, trust in theatres of deployment, trust in the hallways of defence headquarters in Ottawa and trust anywhere else in between.

Minister, in light of recent circumstances, what do we need to do to restore the trust of our Canadian Forces members, particularly female members, and beyond that, how do we work together, not only to restore trust, but to empower victims and witnesses of sexual misconduct within the Canadian Armed Forces?

Hon. Harjit S. Sajjan: Given the current situation, I can understand how this trust has been undermined. One thing I can assure you is that we will be getting to the bottom of what more we can do to determine why somebody could not have the confidence to come forward. We want to create an environment for everybody to feel comfortable to come forward with any allegations, so that they can be investigated. Ultimately, we want to get to the bottom of trying to prevent these types of situations from happening.

These are some of the questions that I have currently. I know that the work Dr. Preston and some of the defence team members have done has moved the yardstick forward, but obviously we need to do more here. We will get to the bottom of determining exactly what type of recommendations are needed [*Inaudible—Editor*] so that we can rebuild that trust.

Mr. Sven Spengemann: Minister, thank you very much.

I wonder if you can share with the committee your thoughts on the importance of having an independent organization that might be responsible for monitoring and advising on any necessary changes to the Canadian Forces with respect to sexual misconduct.

You mentioned independence earlier in your exchange with Mr. Bezan. I think it's very important that we maintain principles of independence and accountability, particularly when it comes to investigations.

What are your thoughts going forward on an independent organization?

Hon. Harjit S. Sajjan: Obviously, we need to do more here. I'll have the deputy minister speak to this, but I would also like to say that Dr. Preston's office is independent from the chain of command, as are the ombudsman's office and the national investigation service when it comes to investigations.

Here, we need to do more. We need to make sure of what more independence we need to create. These are the questions that I also have myself. I'll have the deputy minister take this question.

Mr. Sven Spengemann: Thank you, Minister.

Ms. Jody Thomas (Deputy Minister, Department of National Defence): Thank you, Minister. Thank you, Madam Chair.

There are a number of things that we could look at in terms of independence. The sexual misconduct response centre reports to the deputy minister but is independent of the chain of command. It is an avenue for members of the armed forces to go to discuss sexual misconduct.

The ombudsman is independent. The national investigation service is independent of the chain of command. There are other avenues for reporting misconduct. Certainly we have our ADM review services, which is responsible for disclosures in the Canadian Armed Forces. There is, for civilian members, the public service disclosure process as well.

What we need to do is not create more bodies, but look at the barriers to reporting and the lack of confidence in the system within the chain of command right now by members who don't feel that their concerns will be acted upon or who have a fear of reprisal. I think those are the two things we really have to look at in the department right now.

● (1510)

Mr. Sven Spengemann: Thank you so much, Deputy Minister.

Minister, I wonder if I could return to you for my final two questions. I wonder if you could share with the committee the actions that you've taken since assuming your role to eliminate sexual misconduct. More importantly, perhaps, could you speak to the measures that are in place to assess the progress and effectiveness of these actions?

Hon. Harjit S. Sajjan: Thank you very much.

A lot of action has been taken. Dr. Preston's team and many members of the defence team have worked very hard to break down those barriers.

In terms of the work that we need in terms of legislation, Bill C-77 was passed. Now our JAG is working very diligently with the tiger team to get the legislation and the processes in place to be able to put those support mechanisms in.

We have a lot more work to do here. As I stated, our mission here is to make sure that we can actually prevent these types of situations from happening and to make sure that we give confidence to the people that they can come forward.

We're going to be looking at the current systems we have in place and at what other barriers we need to break down.

Mr. Sven Spengemann: Minister, thank you very much.

I'm almost out of time. In the context of what you said, the transparency and public visibility of the mechanisms that we have to assess progress would be fundamental in restoring and creating trust.

Hon. Harjit S. Sajjan: Absolutely. I think this is something that we have been doing. We have been making sure that we are very transparent with the work that we do.

It pains me right now that we had members who felt that they could not come forward. This is something that pains the senior members of the defence team. We do need to do more and we will do more.

Mr. Sven Spengemann: Thank you very much for your candid comments, Minister.

The Chair: We'll go on to Monsieur Brunelle-Duceppe, please.

[Translation]

Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): Thank you, Madam Chair.

I want to thank all the witnesses for being with us this afternoon on this beautiful Friday.

Minister, we understand that you will not tell us exactly when you were officially made aware of these allegations, but we understand that you were made aware of them.

At the time you were briefed on the situation, did you discuss it with General Vance?

[English]

Hon. Harjit S. Sajjan: Obviously, there's an investigation currently going on, and it's extremely important that we protect the integrity of this investigation. But what I will say, as I said in my statement, if I—

[Translation]

Mr. Alexis Brunelle-Duceppe: Thank you for your answer.

I imagine that, logically, you then notified the Prime Minister when you found out. What did he do when he found out?

[English]

Hon. Harjit S. Sajjan: As I stated, Madam Chair, there's currently an investigation going on. I am not, nor is the Prime Minister, the investigative body. Every allegation needs to be taken extremely seriously and taken to the appropriate authorities. But I will say, as I stated in my statement, I was shocked, just as much as everybody else, to learn about the allegations that everybody learned about two weeks ago.

[Translation]

Mr. Alexis Brunelle-Duceppe: Perfect, I understand all that. Forgive me for rushing you a bit, Minister, but I don't have much

time, and I don't see how the investigation could be compromised if you tell us what the Prime Minister did when he became aware of the allegations.

[English]

Hon. Harjit S. Sajjan: As I stated, all the information was given to the appropriate authorities for the investigation. That's what's always needed to make sure that any complaint is looked at thoroughly so that it can be determined what actions need to be taken. Neither I nor the Prime Minister should now be interfering in any type of investigation.

• (1515)

[Translation]

Mr. Alexis Brunelle-Duceppe: Fantastic. In that case, my next question will be on a topic that I can't imagine will be related to the investigation.

When you found out, what did you do to assist the alleged victims who remained General Vance's subordinates?

I'm sure I'll get an answer this time.

[English]

Hon. Harjit S. Sajjan: As I stated, Madam Chair, about the allegations that we learned about two weeks ago, I was just as shocked as everyone else. Any time during my tenure as Minister of National Defence, if anything was ever brought to me, I always made sure that it was quickly sent to the appropriate agency for thorough investigation. That's one thing I can assure you. Right now we do have an investigation that's currently going on, and we need to protect the integrity of it so that it can follow the appropriate process.

[Translation]

Mr. Alexis Brunelle-Duceppe: I understand. Because an investigation is ongoing, you won't tell us what you've done to help the victims. That's fine.

When your government was attacking the reputation of Vice-Admiral Mark Norman, our friend Justin Trudeau said that his case would surely end up in court. In the end, Mr. Norman had done nothing wrong, by the way.

Were you aware of the allegations against General Vance, at that time?

[English]

Hon. Harjit S. Sajjan: As I stated previously, when it comes to any types allegations, once it's out, you cannot comment once the investigation starts, and I'm not going to undermine the investigation. We owe it to the women who have come forward to make sure that the appropriate process takes its course, and it's so important for all of us to be able to make sure that we protect the integrity.

[Translation]

Mr. Alexis Brunelle-Duceppe: Absolutely. I didn't think my question would jeopardize the investigation, but I'll move on to another topic.

Military justice does not permit the highest-ranking officers, such as the Chief of the Defence Staff, to be charged with disciplinary offences. Are you going to propose any changes to that?

[English]

Hon. Harjit S. Sajjan: What I will say is that we'll allow the investigation to take its course. However, we will take an independent investigation and look at what changes need to be made when it comes to the administrative aspect. One thing I am very concerned about is that members felt that they could not come forward. This is something we need to change, and so those are the answers that we need, but we'll take the time to make sure that we get this right, so we can get the appropriate recommendations. I'm open to suggestions from anyone when it comes to how we can do things better, and that's something we're committed to doing.

[Translation]

Mr. Alexis Brunelle-Duceppe: In this case, Mr. Vance is the only person who could have laid disciplinary charges.

Furthermore, if the new Chief of the Defence Staff decides to lay disciplinary charges against Mr. Vance, he will request a court martial. This type of trial requires a five-member jury of a rank equal to or higher than that of the person charged. Since Mr. Vance has the rank of general, only the new Chief of the Defence Staff has a rank equal to that of Mr. Vance. I remind you that the jury must be composed of five members and, of course, the person laying the charges cannot be on the jury. So this is a serious problem that will have to be addressed, and quickly.

What is the usual reaction of subordinates when their superior engages in sexual misconduct? Are they usually reluctant to report it?

How does the current system protect victims and whistleblowers if the supervisor may be made aware of the charges against him?

[English]

Hon. Harjit S. Sajjan: Madam Chair, I can't prejudge any outcome, nor should I. Protecting the integrity of the investigation is extremely important. I know that a lot of people have questions. We all want answers, but we need to protect the integrity of the investigation.

More importantly, we need to make sure that the women who are coming forward.... It has always been my focus to make sure that we give them the confidence to be able to come forward and if there are any more out there, that they can come forward. They will be heard and listened to and the allegations will be investigated.

[Translation]

The Chair: Thank you very much.

[English]

Mr. Garrison, please.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Thank you very much, Madam Chair. Thank you to the minister for being here today.

Mr. Minister, there seems to be an obvious contradiction in what you're saying today. In your opening statement, you say that you were "as shocked as everyone else" to hear these allegations, yet you imply that you knew about the allegations. These can't both be true at the same time.

Let me ask you this very specifically. There are many ways you could have learned about these allegations. They might have come from the previous government, which knew about allegations of sexual conduct against General Vance and had them investigated before he was appointed. They could have come from the ombudsman. They could have come from many sources. I'm not asking you to give me the source of your knowledge. I'm asking for you to confirm to me whether you knew or did not know about these allegations before they became public.

• (1520)

Hon. Harjit S. Sajjan: Madam Chair, I want to make it very clear here. I'm not implying anything. What I'm saying here is that the conversations in the meetings are confidential when it comes to the ombudsman's office. I'm saying that any allegations that were brought forward were always taken to the appropriate authorities.

I'm not implying anything. I'm also stating here that I was just as shocked as...two weeks ago. Right now, it's very important for us to protect the integrity of the investigation.

Mr. Randall Garrison: No one's asking about the investigation. We're asking about your actions as the minister.

If you knew about this, you had two different responsibilities that are before the committee today. One was to act to make sure that those were investigated.

There's a second responsibility as the minister. That's to protect the integrity of Operation Honour and to protect the ability of women to serve equally in the Canadian Armed Forces.

Your responsibility as the minister seems to have been breached, I guess I would say. You knew that there were allegations of a very serious nature against the person in charge of the program for rooting out sexual misconduct in the military. Without disciplining the chief of the defence staff, there are other actions you could and should have taken. One would be to transfer responsibility for that program away from the person who had already been accused.

When Operation Honour was launched, General Vance himself said, "It does not matter, for even a single incident is too many...even unintentional harm or offence is unacceptable."

If that's true and you actually believe that, why didn't you transfer the responsibility for Operation Honour to another officer as soon as you knew of these very serious allegations?

Hon. Harjit S. Sajjan: Madam Chair, I think it's extremely important for members not to make assertions or make it appear that I am implying anything here. I'm stating that I need to protect the integrity of the investigation. As difficult as this may be—and we all want answers on this—we have to go through the appropriate process.

One thing I can say is that if anything was brought to my attention, it was always taken seriously and very quickly taken to the appropriate authorities, so that the appropriate processes could take place and it could be investigated.

Mr. Randall Garrison: But, specifically, Mr. Minister, I'm asking about your other responsibility, which is to protect the integrity of Operation Honour and the ability of women to serve equally. You have two responsibilities. One is to make sure it's investigated, but I'm not asking you about that today. The second responsibility is to protect the integrity of the program, to attack sexual misconduct within the Canadian Armed Forces.

I'm asking you today why you did not take that action. It did not require prejudging General Vance at all; it required you to act to protect the integrity of that program by removing the shadow of doubt from it at the highest level.

Hon. Harjit S. Sajjan: Madam Chair, one thing I can assure all members is how seriously I take my responsibility when it comes to looking after our people, how seriously I take chapter 1 of our defence policy when it comes to situations like this. Now, I can't imagine what these women have gone through, because I'm a male. But one thing I can say is that I've gone through similar situations of not being heard. I can assure all the members here that I take my responsibility to look after our people extremely seriously, regardless of rank or position. All processes were always followed.

I'm here talking to the Canadian Armed Forces members—the women—who need that confidence right now to come forward. I can assure you that I and members of my defence team have been taking this extremely seriously.

Mr. Randall Garrison: Well, let me say, Mr. Minister, that, obviously, all of us recognize that it's the bravery of women who have come forward to tell their stories that allows any progress on these issues whatsoever. But, at the highest level, we cannot have a person with multiple allegations of sexual misconduct in charge of the program to combat sexual misconduct in the military. Without judging whether or not he is guilty of any of those allegations, it's a mark that impairs the ability to build trust within the Canadian Forces.

• (1525)

Hon. Harjit S. Sajjan: Madam Chair, two weeks ago allegations were brought forward, and now the appropriate authorities are taking the steps for the formal investigation. When it comes to an investigation, it is very important now for all of us to make sure that we protect the integrity of the investigation. As the member stated, Madam Chair, it is absolutely important. The courage that it took for the women to come forward...

Those are the questions that I want answered as well, and that Canadians want the answers on. Why didn't the women have the confidence to come forward? Obviously something went wrong

there. Those are the questions we want answered so that we can make the changes, so that they can come forward.

More importantly, how do we find the steps to make sure that we can prevent these types of situations?

The Chair: All right. Thank you very much.

We'll move on to Madame Alleslev, please.

Ms. Leona Alleslev (Aurora—Oak Ridges—Richmond Hill, CPC): Thank you very much.

Minister, could you confirm, by providing your calendar of the March 1 ombudsman meeting in 2018? This doesn't affect the investigation. This is just to confirm that, in fact, on March 1, 2018, you had a meeting with the ombudsman. Would you please provide that to this committee?

Hon. Harjit S. Sajjan: I meet and have met with the ombudsman on many different occasions, but one thing I can assure you—

Ms. Leona Alleslev: Will you provide your calendar to confirm what those occasions were?

Hon. Harjit S. Sajjan: I can assure you that I have met with the ombudsman on many occasions, and quite regularly, to make sure.... But it's extremely important that we protect the confidentiality of the conversations and the meetings, so that the people come forward.

Ms. Leona Alleslev: Absolutely. Could you please provide a copy of your calendar to this committee to confirm those meetings?

Hon. Harjit S. Sajjan: Madam Chair, when it comes to the actual meetings, I don't see the relevance of the question here.

Ms. Leona Alleslev: Under the National Defence Act you have the authority to remove the CDS from his position.

Under the Defence Administrative Order and Directive section 6.2, it states that, "Upon becoming aware of alleged sexual misconduct...a CO must consider whether it is appropriate to remove the respondent from a supervisory, instructional or command position". Did you do this in the case of the allegations of sexual misconduct against the former chief of the defence staff?

Hon. Harjit S. Sajjan: Madam Chair, first, to answer the question directly, as the Minister of National Defence, you do not have the authority to remove a chief of defence staff—

Ms. Leona Alleslev: The minister does.

Hon. Harjit S. Sajjan: One thing I can assure you is that when it comes to any type of information, any allegation on anybody, it was always quickly given to the appropriate authorities for the appropriate investigation to take place.

[Translation]

Ms. Leona Alleslev: While he was Chief of the Defence Staff, General Vance suspended Vice-Admiral Mark Norman from duty 96 hours after he became aware of allegations, and therefore unproven facts. You supported this decision.

Why didn't you use the same standard for General Vance?

[English]

Hon. Harjit S. Sajjan: Madam Chair, it is extremely important that we protect the integrity of the investigation right now.

Two weeks ago, allegations were brought forward and now they're being properly investigated by the appropriate authorities.

Ms. Leona Alleslev: Are you saying Minister, that Mark Norman's investigation was compromised because he was suspended from his position? That's why you didn't want to risk the same thing happening in this investigation and that's why you decided not to remove General Vance from his position as CDS?

Hon. Harjit S. Sajjan: Madam Chair, I completely disagree with the premise of this question. You're making a lot of implications.

I can assure you that if any allegations were ever brought to me, they were always very quickly taken to the appropriate authorities so that appropriate action could be taken. When it comes to looking after our people, I take my responsibility extremely seriously. Especially when it comes to hateful conduct and sexual misconduct. These are the types of things we want removed.

I want answers. Everybody wants answers right now. Right now, with the appropriate investigation, we will get the appropriate answers.

• (1530)

Ms. Leona Alleslev: Minister, are you aware of the possibility of any other reports of sexual misconduct, fraternization, harassment or other inappropriate behaviour by any of your general officers currently serving in the Canadian Armed Forces?

And, have any other investigations or concerns been raised involving officers assigned to the U.S., NATO headquarters, or any other foreign assignment?

Hon. Harjit S. Sajjan: Madam Chair, we have to be extremely mindful. We are not the investigative body. Any allegations that come forward have to be given to the appropriate authorities. That's the process we have. It has to be independent of my position. It has to be independent of any politician, so it can be thoroughly investigated independent of any type of interference.

I can assure you if any allegations are ever brought forward, they are always taken with the utmost seriousness.

The Chair: Thank you very much.

We'll move on to Mr. Baker, please.

Mr. Yvan Baker (Etobicoke Centre, Lib.): Thank you very much, Chair.

Thank you, Minister, for being here today.

Minister, in my view, ensuring that our senior military officials and our chief of the defence staff went through a thorough selection process is key to safeguarding our members' safety and confidence in the chain of command.

I understand that the chief of the defence staff is a Governor in Council appointment. In other words, it's not a regular Canadian Armed Forces promotion. It's my understanding that the minister can't appoint or remove a chief of the defence staff.

What can you tell us about the selection process of a prospective chief of the defence staff?

Hon. Harjit S. Sajjan: Obviously, I can't talk about the selection process for the previous chief of the defence staff, because we weren't here as the government at that time.

Because it's a Governor in Council appointment, it's not the minister's responsibility. It's led by PCO. This process is extremely vigorous and thorough to make sure the appropriate questions are asked and the appropriate person is selected. I believe that PCO can answer some of these questions.

Mr. Yvan Baker: Does PCO want to weigh in on that? I guess we'll get that later.

Minister, can you share more about why you can't talk more about the CFNIS investigation? You said that in your opening remarks. Can you clarify why you can't talk about it more?

Hon. Harjit S. Sajjan: I'm glad that question was asked, Madam Chair.

In our democracy, our police are separate entities and independent for investigations. When complaints come forward, they need to be thoroughly investigated, because there's a process that takes place. As a former police officer, I know that the integrity of the investigation has to be independent. If it ever goes to court, you need to be able to defend the entire process. That's what we're trying to do here.

We have people who have just come forward, and to make sure that they receive the proper respect and that the process is followed we need to protect the integrity of the investigation and not accidentally undermine it. It is completely independent of me, as minister; it is independent of the chain of command. That's exactly what we want, so that we can give the confidence to the members who have come forward that they will get the appropriate process and mechanism to support them during this difficult time.

Mr. Yvan Baker: Minister, media have reported on a meeting that occurred between you and the ombudsman. I understand that there is a ministerial directive saying that those conversations are private and confidential. Can you explain why this is necessary?

Hon. Harjit S. Sajjan: First of all, it is absolutely important that the conversations and meetings be kept confidential, because the ombudsman's office itself is an independent body so that people can come forward; so that when people come forward, they can have trust that their allegations will be heard and also that their conversation can be kept private.

The ombudsman's office independently has the ability to go to the appropriate agencies to start those types of investigations. I as a minister don't have the authority to conduct criminal investigations; nor should I, in our democracy.

It's to protect the people who are coming forward; it's also making sure that we encourage people to come forward. We need these independent bodies to give confidence to the system. Otherwise, we'll be undermining it.

I also want to state here, as I stated two weeks ago, that I was just as shocked as everyone else to learn about these allegations that are currently under investigation.

• (1535)

Mr. Yvan Baker: Thank you, Minister.

Minister, you've said that you followed all appropriate processes. You've said that several times.

Can you tell us more about what the process is, if someone makes a complaint to one of the independent organizations?

Hon. Harjit S. Sajjan: To make sure that this is answered properly, I will have my deputy minister or JAG answer that question.

Ms. Jody Thomas: Thank you, Minister.

I can begin and will ask JAG to jump in.

The process will depend on where the complaint goes. If it comes informally to my office, I would refer it to, for example, the NIS. I would certainly bring in the civilian lawyers and the judge advocate general.

A complaint can go directly to the national investigation service from a complainant; it can go from the chain of command to the national investigation service; it can go into the chain of command and, depending what the complaint is, the chain of command can investigate it.

What we have done under the processes to improve transparency and stop interference from the chain of command into sexual misconduct—or any other kind of inappropriate behaviour—is open multiple avenues for affected members to come forward.

Once it's in the national investigation service process, no one in the chain of command or the departmental management structure, nor the minister, is aware of the investigation, for the independence reasons that have already been stated.

However, there is a very transparent process to ensure that complaints can come forward, and they can be dealt with through a variety of options. As stated earlier as well, the ombudsman can certainly investigate, again depending upon the nature.

The Chair: Thank you very much.

We will move on to Monsieur Brunelle-Duceppe, *s'il vous plaît*.

[Translation]

Mr. Alexis Brunelle-Duceppe: Thank you, Madam Chair.

Mr. Minister, on January 14, you wrote this in social media:

Thank you, General Vance, for your four years of service and dedication to Canada. Your work over the past five years has been important in protecting the health and safety of Canadians. We owe a great deal to you and your family and you have our gratitude.

Were you aware of the allegations on January 14?

[English]

Hon. Harjit S. Sajjan: Madam Chair, as I stated, I was just as shocked as everyone else when learning of the allegations two weeks ago. That's all I can say there.

[Translation]

Mr. Alexis Brunelle-Duceppe: From the beginning, we haven't been able to get many answers, because an investigation is underway. I understand the situation, but I think we were entitled to some answers.

This means that once the investigation is complete, you will be able to tell us exactly when you became aware of the allegations. At this time, we do not know, due to the ongoing investigation. However, once it is completed, you will be able to tell us all of this.

[English]

Hon. Harjit S. Sajjan: Madam Chair, I know the complete desire for all of us to have answers and want answers.

As I stated, it's so important for me to make sure that what I say always protects the integrity of the investigation. When it comes to conversations, what the ombudsman—

[Translation]

Mr. Alexis Brunelle-Duceppe: I don't have much time...

[English]

Hon. Harjit S. Sajjan: I'm trying to answer your question.

[Translation]

Mr. Alexis Brunelle-Duceppe: We always get the same response, Madam Chair. The question is, however, very easy to understand.

[English]

Hon. Harjit S. Sajjan: But I'm trying to answer your question.

[Translation]

Mr. Alexis Brunelle-Duceppe: When the investigation is complete, will the minister provide answers to our questions?

[English]

Hon. Harjit S. Sajjan: I think it is extremely important.

I know you're asking about questions, but we also have questions about wanting people to come forward. We want to create the appropriate institutions. We will just undermine that. Please, it's extremely important that we don't undermine the ombudsman's office. You need to create that confidence and independence so that people feel safe. Otherwise, we actually undermine these things.

The main objective here is for people to come forward, and I have to—

• (1540)

[*Translation*]

Mr. Alexis Brunelle-Duceppe: I fully agree with you, Minister.

[*English*]

Hon. Harjit S. Sajjan: I can't undermine the confidentiality working with the ombudsman's office.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: I fully agree with you, Minister. We absolutely must protect the victims.

From the beginning, you've repeated that you can't answer our questions because an investigation is underway. I understand that and can appreciate where you are coming from. You're using the investigation to not answer, and that's legitimate. However, when this investigation is completed, you will be able to answer our questions and tell us when you became aware of the allegations.

[*English*]

Hon. Harjit S. Sajjan: Madam Chair, I'm not fudging anything here. What I'm trying to say is that it doesn't matter when and where. Protecting the ombudsman's office and the conversations are extremely important, regardless of what the situation is. Changing that—me undermining that—will undermine the confidence that's built here.

Life would be so much easier for me to just be able to come out and say things, but, no, you need to protect the institutions that we have put into place. We need to protect the investigations that are currently in place.

I know this is extremely difficult. It's difficult for me. However, we have to right now protect the institutions that we have. We have to protect the investigations. Most importantly, we have to protect the women who have come forward and give them the confidence that they're going to have a fair chance in this process.

The Chair: All right. Thank you very much.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Thank you very much, Minister.

[*English*]

The Chair: We will move on to Mr. Garrison, please.

Mr. Randall Garrison: Thank you very much, Madam Chair.

With respect, Mr. Minister, no one is suggesting that we should undermine the independence of the office of the ombudsman. However, you have a second duty here that I've been talking about, and that is to protect your government's commitment, and indeed all of Parliament's commitment, to the ability of women to serve equally in the armed forces without facing sexual misconduct.

We are in a situation where, if you do not answer the question of when you knew, then the suspicion will be there in public that you knew about this and took no action to remove the chief of the defence staff from his responsibilities. It would not interfere in any way for you to tell us when you knew about this.

I'm not asking you to say what you did in terms of launching an investigation or who you talked to. All I'm asking is, when did you know about these allegations? If you can't answer that question, the suspicion will linger that this commitment that you and the government supposedly have to women serving equally in the armed forces isn't real.

Hon. Harjit S. Sajjan: With all due respect, as I stated, no, I do take my responsibility extremely seriously. When it comes to your words and the implication that you're trying to create with that, and the "suspicion" word that you're using, I don't have the luxury to be able to come out and do this. My responsibility as the Minister of National Defence is to protect our people. By doing so, I need to protect the institution when it comes to the ombudsman's office, so that the process is protected, so that women can feel comfortable to come forward, and so that anytime there's hateful conduct, somebody feels comfortable to come forward.

I know how difficult this may be. We want answers when it comes to this. I know how difficult it used to be when I was a police officer. We would love to talk about things, but, no, we have a system in place that has to be protected, and right now the integrity of the investigation.... I can understand some of the politics that some people would like to play as well, but one thing I can assure you is that what I've said is what I can say: Two weeks ago, I was just as surprised as everyone else.

Mr. Randall Garrison: If you were just as surprised two weeks ago, then you couldn't have known about these allegations.

I also have serious questions about the parallel with Admiral Norman. There were allegations against him and he was promptly removed. You and others in the government commented at length on his situation when he was removed on the basis of allegations. However, similar—and I would argue even more serious—allegations against the chief of the defence staff warrant completely different treatment. I'm having trouble understanding why that's the case.

Hon. Harjit S. Sajjan: As I stated, Madam Chair, when it comes to any allegations ever brought forward, they were always taken to the appropriate authorities very quickly.

The Chair: All right, thank you very much.

On to Madam Gallant, please.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Thank you, Madam Chair.

I'm referring to the minister. Who were the proper authorities—the Privy Council, the JAG—that the allegations were reported to when you learned of it?

• (1545)

Hon. Harjit S. Sajjan: Madam Chair, I don't understand the premise of the question.

Mrs. Cheryl Gallant: Who were the proper authorities that you keep on referring to, once you learned of the allegations? Who were they reported to, the Privy Council or the JAG? Who were the proper authorities?

Hon. Harjit S. Sajjan: Madam Chair, when it comes to any type of complaint, there are multiple authorities that we can bring it to. I can assure you that any information that was brought forward was taken to the appropriate authorities.

Mrs. Cheryl Gallant: Which ones? Which ones did they take them to, Madam Chair?

Hon. Harjit S. Sajjan: Madam Chair, as I stated, when it comes to any information that was brought forward, it was always reported to the appropriate authorities.

Mrs. Cheryl Gallant: Minister, you were just as surprised when the news came out. Were you surprised because it was the first time you learned of these allegations, or were you surprised that everyone else had found out?

Hon. Harjit S. Sajjan: Madam Chair, I have to be very careful when it comes to what I say to make sure that we protect the integrity of the investigation. As I said in my statement two weeks ago, I was just as surprised to learn about the allegations, but when it comes to any allegation that is ever brought forward, it is always taken very seriously. This is something that I took to heart when I became minister. It's from my previous experience working as a police officer. Also, when it comes to having a voice, I know what it feels like not to be heard. It's very important to put the right institutions in place and protect the integrity of—

Mrs. Cheryl Gallant: The integrity of the investigation.... Is the minister under investigation? Are your actions or inactions in this scandal under investigation?

Hon. Harjit S. Sajjan: Sorry? Can you repeat that, please?

Mrs. Cheryl Gallant: You keep on saying that the investigation must be protected. Are you talking about an investigation into your actions or inactions in this scandal?

Hon. Harjit S. Sajjan: Madam Chair, I don't know how to answer assertions, ridiculous assertions, in this case.

Mrs. Cheryl Gallant: It's a question. Are you under investigation for your inaction or action in this scandal?

Hon. Harjit S. Sajjan: No, I'm not under investigation. If anybody ever was, that wouldn't be known.

Mrs. Cheryl Gallant: Okay.

We're wondering why you can't answer any questions about the meetings and the timelines. Can you tell us whether or not...according to the military officers, you could have done more to address the allegations against a former chief of defence staff when you learned about them in March of 2018. You could have done more. Could you have? Yes or no?

Hon. Harjit S. Sajjan: Madam Chair, as I stated, if any information was at any time brought forward, it was always taken to the appropriate authorities very quickly.

Mrs. Cheryl Gallant: These were reported in 2018. Is the minister saying he is not the proper authority? Would these not come across his desk? Would he not be told?

Hon. Harjit S. Sajjan: When it comes to the process for allegations, I can have the deputy minister go through this—

Mrs. Cheryl Gallant: No, I asked you—

Hon. Harjit S. Sajjan: —as a matter of fact, as the minister, you don't have the authority to conduct the—

Mrs. Cheryl Gallant: —whether or not the proper authorities were the JAG or who the proper authorities were. You just simply said "the proper authorities". I want to know who the proper authorities are. We're trying to figure out process here.

As Mr. Garrison said, women and men in the Canadian Armed Forces need to know that if they lodge a complaint about sexual assault, it is going to be addressed. Did you speak with former military ombudsman Gary Walbourne following the March 1, 2018, meeting? Yes or no.

Hon. Harjit S. Sajjan: I have met with the former ombudsman on a number of occasions because of the work that the ombudsman does and the report that he writes. It's extremely important. However, when it comes to the actual process, I can have the deputy minister kind of walk through the process again.

Mrs. Cheryl Gallant: When a report of sexual misconduct of this level comes to you, generally speaking, who is it reported to? Is it the Privy Council, the JAG or someone else? Who are the proper authorities?

Hon. Harjit S. Sajjan: Deputy Minister, can you run through the process again and the—

Mrs. Cheryl Gallant: No, not the process. I want to know who the proper authorities are. You've repeated the process. I get the process. I want to know who it is reported to once you learn of it.

Hon. Harjit S. Sajjan: I'll have the deputy minister walk you through the various processes that are there to help answer that question.

Mrs. Cheryl Gallant: But before she does that, Minister, do you think you've lived up to the goals of Op Honour?

Hon. Harjit S. Sajjan: Madam Chair, I have taken my job looking after our people very seriously, and I can assure you that as I stated, no rank, no position comes into play when it comes to any types of allegations that come forward. I was just as surprised as anybody else two weeks ago. Having said this, right now it's—

• (1550)

The Chair: Thank you very much.

We'll move on to Madam Vandenberg, please.

Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.): Thank you, Madam Chair.

Thank you very much, Minister, Deputy Minister and JAG for being here today.

I'd like to delve into what I think is becoming an erroneous perception of an inconsistency here and ask you a little more specifically.

The fact is that this is an independent body. If somebody goes to that ombudsperson and provides information but does not wish to make a formal complaint, hypothetically—and I know you have to be very careful about what you say about this—whether or not something like that was ever told to you, you can't say if it was or if it wasn't. Presuming that, if you didn't know anything, if nothing was told to you, you would not be able to tell this committee that either.

I wanted to clarify that, and I know you have to be careful. The fact is that when you're saying you were surprised, you were shocked, I don't think that is inconsistent, given that you cannot even reveal what may or may not have been told to you in the past.

Hon. Harjit S. Sajjan: As I stated, it is so important to protect the integrity of that office so the confidentiality is always there and that regardless of what the conversation might be, regardless of what somebody else might think those conversations might be, we have to protect that so people can come forward. That office is so important.

As we're talking about sexual misconduct now, it takes many different complaints. We need to create multiple avenues so people can come forward. I've been in a place at a time when you feel you're not being heard, and protecting the integrity of not only this office but of the various processes that are independent when it comes to investigations is extremely important to build that confidence.

Ultimately I know that every member of the committee here, when we're talking about trying to put a system in place to have people come forward...but at the same time, you can't assert and try to accidentally undermine that either, and it pains me that this has taken place, that women did not feel comfortable to come forward. We take this very seriously; we do need to look at it deeply, and this is why I've said we will conduct an independent investigation administratively to take a look at those types of issues.

What are the changes we need to make? But now that women have finally come forward, we need to protect the importance and the integrity of the investigation to allow a process to take place, and I can't say more than that. Regardless of how uncomfortable it makes me feel, I have to make sure the protection is there.

The Chair: I'm afraid we're over an hour for our first panel, so thank you to the witnesses for coming forward today.

Mr. James Bezan: Madam Chair.

The Chair: Mr. Bezan.

Mr. James Bezan: I want to quickly point out, there have been numerous times here today when we've asked the minister about his schedule. I'd ask that he save us time on having to do requests for papers or ATIPs or order paper questions by supplying us with the dates and times he met with Gary Walbourne, the former ombudsman, just to help with our study.

The Chair: Go ahead, Madam Vandenbeld.

Ms. Anita Vandenbeld: Madam Chair, I do believe that asking for a calendar itinerary would require an order of the House, not of a committee.

The Chair: Mr. Bezan, we'll look into it. We'll see what's available to us.

Thank you very much, and thank you to all our witnesses for joining us here today.

We'll now suspend for about two or three minutes so we can change panels.

Thank you, everyone.

• (1550)

(Pause)

• (1600)

The Chair: I call this meeting back to order.

The committee is continuing its study of addressing sexual misconduct in the Canadian Armed Forces, including the allegations against former chief of the defence staff, Jonathan Vance.

With us today by video conference for the second hour are the following witnesses from the Privy Council Office: Christyne Tremblay, deputy clerk; and Janine Sherman, deputy secretary to the cabinet, senior personnel and public service renewal.

I extend a heartfelt welcome to the two of you.

I would now like to invite Madam Tremblay to make her opening statement. Then it will be followed by questions from the floor.

[Translation]

Ms. Christyne Tremblay (Deputy Clerk, Privy Council Office): Thank you very much.

Madam Chair and members of the committee, thank you for the opportunity to appear before you today.

Before I begin, I would like to acknowledge that the land from which I am joining you virtually today is the traditional unceded territory of the Huron-Wendat people, while my colleague Janine Sherman is joining you from land that is the traditional unceded territory of the Anishinabe people.

I am Christyne Tremblay. It is my pleasure to be meeting with you today. I am the Deputy Clerk of the Privy Council, Associate Secretary to the Cabinet and Deputy Minister of Intergovernmental Affairs. I was appointed to this role a little over five months ago. Since my arrival, in the context of the COVID-19 pandemic, my primary focus has been to support and advise the Prime Minister, the Minister of Intergovernmental Affairs and cabinet on federal-provincial-territorial relations, but also on coordinating federal support when provinces or territories face particular issues relating to the pandemic.

With me today is my colleague Janine Sherman. As the Deputy Secretary to the Cabinet for Senior Personnel and Public Service Renewal, she is responsible for advising the Prime Minister and cabinet on Governor in Council appointments, which we commonly refer to as "GICs."

Before I delve further into the roles and responsibilities of the Privy Council Office, PCO, I would like to underscore the importance of safe and inclusive workspaces. Every person working within the Government of Canada has the right to work in a safe, healthy and inclusive environment.

As deputy clerk, I take this important issue very seriously. I understand that every situation is unique, but that the right to a safe workplace, free from harassment, applies to all people who work within public organizations. I also understand that it is our responsibility to take all appropriate measures when there is evidence of inappropriate conduct.

To give the committee some background and context for what I can say today, I will provide further details about PCO's responsibilities with respect to GICs.

PCO supports the Prime Minister in the exercise of his prerogative for appointments by providing policy and operational advice. In practical terms, this translates into the recruitment, appointment and management of GICs over the span of their tenure.

As the deputy secretary to the cabinet responsible for senior personnel, my colleague Ms. Sherman advises the government—that is to say, the Prime Minister and cabinet—on: policy and operations related to GIC appointments; the terms and conditions of employment for GICs; and the management of GICs throughout their appointment. In the context of the committee's study, this last element includes advice on any complaints made against a GIC.

Four main principles are central to managing a complaint: respecting procedural fairness for all parties; supporting investigations that are independent, fair and free from bias; safeguarding personal information of those implicated to respect legislative frameworks—in particular, the Access to Information Act and the Privacy Act; and respecting the confidentiality of advice provided to ministers and the government of the day.

In general, when we have information to provide advice on an issue related to the conduct of a GIC, we rely on the legislative and policy frameworks based on the four principles I just described.

Every case is unique, and our advice takes into account the specific circumstances. At all times, respecting the confidentiality of the process and personal information is paramount. Officials have a legal responsibility, as well as a general duty, to protect the personal information provided in the context of complaints.

• (1605)

On the specific issue the committee has chosen to study, I would note that the Canadian Forces National Investigation Service has opened an investigation, as it was mentioned during the previous panel's appearance.

When an active investigation of a GIC is underway, we must respect the rule of law and preserve the integrity of the investigative process. Consequently, Ms. Sherman and I will be limited in our ability to respond to questions related to specific circumstances.

We would both be pleased to answer your questions within these limitations.

Thank you.

The Chair: Thank you very much, Ms. Tremblay.

[*English*]

I will now open the floor for questions.

Mr. Benzen please.

Mr. Bob Benzen (Calgary Heritage, CPC): Thank you, Chair.

Thank you to the witnesses.

So I'm curious; it's been reported in the media—in March of 2018—that these allegations of sexual misconduct against the former chief of the defence staff, General Jonathan Vance, were brought to the attention of the Privy Council. Is that correct?

[*Translation*]

Ms. Christyne Tremblay: At that time, I was deputy minister at the Government of Quebec's ministry for sustainable development, the environment, and the fight against climate change. I was not a member of the federal public service. I was appointed to the federal government only in August 2016 as deputy minister at the Department of National Resources, a position I held until last September.

You will understand that I cannot answer any questions relating to the mentioned events that occurred on those dates, as I was in no way associated with them. That is why, with your permission, I invite the committee members to allow my colleague Janine Sherman to answer those specific questions.

• (1610)

[*English*]

Ms. Janine Sherman (Deputy Secretary to the Cabinet, Senior Personnel and Public Service Renewal, Privy Council Office): Thank you, Madam Chair.

I would say that the information we would have is personal information. It is nothing that could be spoken about here. It is our obligation, as my colleague noted, to be respectful of the Privacy Act and the confidentiality of the processes and information that we receive. We are not in a position to respond to that.

Mr. Bob Benzen: Well, I mean, it's very important for us to create this timeline of when this information first came about. We know that March 1, 2018, there was a meeting where the minister was informed of an alleged misconduct. We know that—again, reported in the press—the Privy Council decided in March that there wasn't enough information to have an investigation.

So it's important to know when you got this information. When in March did you first find out, in the Privy Council, about these allegations?

Ms. Janine Sherman: Well, I think as mentioned, I believe the issues that have been reported in the press are, you know, reported in the press. The facts, on which the Privy Council Office response is based, are that we did not have information at that time that would have allowed us to take any action.

Mr. Bob Benzen: Okay: So you did have some information, because it was enough to make a decision not to do anything.

Ms. Janine Sherman: We—

Mr. Bob Benzen: Do you know if anybody in the Privy Council talked to anybody in the Prime Minister's Office about these allegations?

Ms. Janine Sherman: If I may, Madam Chair, the allegations that I believe are being spoken about came to light, as the minister commented, I think, in his recent testimony, only a couple of weeks ago. So I think the comment by me and the Privy Council Office in terms of the information that has been talked about is that we did not have information that would have allowed any action to be taken.

Mr. Bob Benzen: So there were no conversations between the Privy Council and the Prime Minister's Office. That is a no.

Ms. Janine Sherman: In respect of the allegations that you were asking about that have recently arisen?

Mr. Bob Benzen: Yes.

Ms. Janine Sherman: That is correct.

Mr. Bob Benzen: So there were no conversations between the Privy Council and anybody in the cabinet or the Prime Minister himself.

Ms. Janine Sherman: I cannot speak to the allegations that have given rise to the investigation, as we cannot get in the way of that investigative process, so there is nothing I can say in that respect.

Mr. Bob Benzen: There is an order in council, number 2019-0496, dated May 9, 2019; backdated to April 1, 2018. This order in council was to give General Vance a \$45,900 raise. Since the allegations occurred before this, I am assuming that, as this order in council was going through, there would have been a review done of his job and his performance—a performance review or a professional review of General Vance.

Obviously these allegations would have needed to be reviewed at that point. Do you have any comment about that?

Ms. Janine Sherman: I would say that you are correct. The orders in council are done on an annual basis in respect of setting terms and conditions for GIC appointees, and changes in their rates of pay are also reflected in those orders in council.

There is the performance management program that is applicable to Governor in Council appointees. The information and structure of that applies across all GICs. It is available on the website. It is an annual process, by which individual GIC appointees submit objectives in written form. On evaluation, there is a rigorous process of review each year in respect of what we call "pay at risk", so a portion of a GIC appointee's salary is re-earned every year. That review process takes place, and recommendations are made to the Governor in Council in respect of what that pay at risk may be in the case of each individual. That is a process that does apply to all Governor in Council appointees.

• (1615)

Mr. Bob Benzen: Certainly, if there had been on March 1, 2018—as we have been told—this conversation where this allegation of abuse was brought forward, this certainly would have im-

acted whether he would have received his raise. He probably would not receive a raise with that allegation. It is troubling to think that this information was out there, and that this raise happened after the fact.

The other thing I would like to ask here is about the way the Privy Council has handled this. When there was the slightest allegation against the Governor General, immediately, there was a big investigation done through a third party. Consultants were brought in, and it was a very broad investigation. There was, in fact, at that time not even any formal complaint. Now we are talking about allegations, yet then nothing was done at all.

Is there not a double standard going on here with the Privy Council and the way it handled one versus the way it is handling the other one?

[Translation]

Ms. Christyne Tremblay: Madam Chair, do you want me to answer?

[English]

The Chair: Yes, please.

[Translation]

Ms. Christyne Tremblay: In the case of the Office of the Secretary to the Governor General, it was reported that the organization's employees felt they had no other recourse. So they turned to the media. The media reports were consistent with the information obtained through a survey of federal public servants.

As each case is unique, our advice takes into account specific circumstances.

Concerning the case the committee is considering today, in light of the comments made by the previous panel, it is clear that various other avenues of recourse were possible, both inside and outside the organization.

The case that was just brought up is different.

[English]

The Chair: Thank you very much.

We will move on to Mr. Bagnell, please.

Hon. Larry Bagnell (Yukon, Lib.): Thank you very much, Madam Chair.

Thank you to the witnesses for being here today.

We all understand the need for and importance of ensuring that those who come forward with allegations of sexual harassment and assault have to not only be encouraged to come forward and not be afraid to speak out, but also that when they do speak out, they are heard.

How is the Privy Council Office ensuring that people who come forward with harassment claims are heard and protected from any sort of professional reprisal?

[Translation]

Ms. Christyne Tremblay: Madam Chair, could my colleague Ms. Sherman answer this question?

[English]

The Chair: Yes, go ahead.

Ms. Janine Sherman: Thank you, Madam Chair.

Like all federal departments, the Privy Council Office, as an employer, takes the importance of a safe workplace for our employees very seriously. We do have a broader role as well, in terms of my own responsibilities in respect of Governor in Council appointees who work in numerous organizations across the federal family.

We do have terms and conditions of employment for GICs. Those set expectations for GIC appointees in terms of a level of conduct that is respectful and in line with all the federal requirements, such as those set out in the Treasury Board policies against harassment and workplace violence. We adhere to those kinds of guidelines, policies and practices in how and when we manage GIC appointees. We try to ensure that there are known avenues, such as ombudspersons, in place or accessible to people.

In 2017, the Privy Council did conduct a review, entitled “Safe Workspaces”, which was published and shared widely with Governor in Council appointees and indeed with all federal departments and leadership across the enterprise. It outlined some of the policies, procedures and the legislative frameworks that are in place. Broadly speaking, they are effective. They provide many avenues of recourse for people.

We also understood that there are situations where people don't come forward. There were several recommendations out of that report that apply across the government, as well as in our own situation as a department and Privy Council Office.

It is about getting better information, building awareness about some of the avenues that people have for bringing issues forward and making sure that we are listening and providing people access to the various recourse mechanisms.

We take it very seriously. In terms of practices and procedures, we do make sure that all of those guidelines are followed by GIC appointees. We offer information to them, in terms of how they manage. When there are complaints about GIC appointees, my office does get involved. We will work with the portfolio departments that may be involved as well. We make sure that we take the appropriate steps to investigate where there are allegations. Where there are not allegations but concerns, we try to make sure that we are doing everything we can to open that conversation for people to feel comfortable coming forward.

• (1620)

Hon. Larry Bagnell: Thank you. I appreciate that and all those efforts.

Still, from the testimony today, it appears like a lot of work still needs to be done as we improve the processes you're talking about in encouraging people to come forward and feel comfortable coming forward without fear of reprisal.

Can you talk about how we could improve the system when it comes to sexual harassment, assault allegations or even rumours?

Ms. Janine Sherman: Absolutely. Thank you, Madam Chair.

[Translation]

Ms. Tremblay, do you want to answer this question?

[English]

Ms. Christyne Tremblay: Maybe I could start and you could complete it.

I think it's a very good point. We spoke about barriers. We spoke about having to change the culture. We have to improve the process. We have to increase accountability.

[Translation]

Recently, in order to strengthen policies that protect federal public service employees and to ensure that violence and harassment would not be tolerated, condoned or ignored within the public service, the Treasury Board Secretariat issued the new directive on the prevention and resolution of workplace harassment and violence. That directive is in line with the recent amendments to the Canada Labour Code concerning federally regulated workplaces.

The directive requires departments to improve harassment prevention and the way they respond to harassment, and to support those affected by harassment and violence in the federal public service. It also requires departments to investigate all harassment and violence complaints in their organization, to identify them and to report them.

We continue to work closely with our bargaining agents to promote a work environment that is positive, safe and healthy across our workplaces to foster a diverse, inclusive and accessible public service.

This new directive came into force on January 1, 2021. We are already working on it. Much like other initiatives, like the recent creation of the Canadian Centre for Diversity and Inclusion, this directive is one of the important changes we are implementing within the federal public service to help all public servants—including those who are most vulnerable—remove barriers and make cultural changes that will encourage victims or people who feel wronged to file a complaint and to have full trust in us to deal with the complaint.

• (1625)

The Chair: Thank you very much, Ms. Tremblay.

[English]

We will go on to Mr. Brunelle-Duceppe, please.

[Translation]

Mr. Alexis Brunelle-Duceppe: Thank you, Madam Chair.

Good afternoon, Ms. Sherman and Ms. Tremblay. Thank you very much for joining us today.

Ms. Tremblay, when you were appointed, in September, did you start from scratch or were you briefed on the ongoing files?

Ms. Christyne Tremblay: Thank you very much for the question.

I was appointed to a dual role: that of deputy clerk and that of deputy minister of intergovernmental affairs. My mandate is to mainly work on federal-provincial-territorial issues in the context of the COVID-19 pandemic. This situation is unique. Although I am aware of the policies that apply in the types of issues we're discussing today, PCO has the expertise required to provide expert advice. That is more the role of my colleague Ms. Sherman, who is with us today. I would like to....

Mr. Alexis Brunelle-Duceppe: Sorry to interrupt you. I certainly don't want to be impolite. My question was about whether, when you took office, you were briefed on the ongoing files at your workplace.

Ms. Christyne Tremblay: I support the Clerk of the Privy Council in his role of Deputy Minister to the Prime Minister. He is the one who decides on which files I will work and on which files to brief me.

Mr. Alexis Brunelle-Duceppe: That's great.

You said earlier that you could not answer certain questions because you were appointed only in December. Does that mean the file we are discussing today was already being handled at PCO?

Ms. Christyne Tremblay: As this is not a file I was briefed on, I cannot answer.

Mr. Alexis Brunelle-Duceppe: Okay.

Can you expect the Minister of National Defence to inform you of ongoing allegations? I am talking about allegations in general, and not about this allegation in particular.

Ms. Christyne Tremblay: I will turn to my colleague Ms. Sherman for an answer to this specific or technical question.

Mr. Alexis Brunelle-Duceppe: That's great, thank you.

[English]

Ms. Janine Sherman: Thank you.

I would just clarify that the PCO's role with respect to other departments and complaints or issues of harassment and the role that I, in particular, carry out in support of the Prime Minister and other ministers is about the Governor in Council appointees, not generally. In terms of the department head, a deputy minister of a department would be responsible for investigations or issues that were within the department—for public servants in particular.

Our role here is about the Governor in Council appointees—

[Translation]

Mr. Alexis Brunelle-Duceppe: To your knowledge, does the Minister of National Defence have to normally inform your office when allegations are made, yes or no?

[English]

Ms. Janine Sherman: I would say that with respect to a Governor in Council appointee—if there were a case of a GIC appointee—within a portfolio of a department, we would work with them, yes.

Our role, in terms of managing GIC appointees in a general way, ultimately would be that we would want to support that department in terms of a process around the complaints so that if there is an allegation, there is, as my colleague mentioned, procedural fairness and a bias-free and independent investigation.

The outcome of that investigation is very important in terms of informing next steps. Our job in supporting both the minister and the Prime Minister around the GIC appointee is to make sure that information is collected and that the investigation is undertaken in a way that will enable us to provide advice on next steps.

So, yes, we could be generally aware of a case of a GIC appointee.

• (1630)

[Translation]

Mr. Alexis Brunelle-Duceppe: Thank you.

If you learn of such allegations concerning a high-ranking individual, who is required to act in cabinet?

Ms. Christyne Tremblay: Madam Chair, can I let Ms. Sherman answer?

The Chair: Yes, please.

[English]

Ms. Janine Sherman: Thank you.

I think the question is this: “Who would be aware at cabinet?” I think that while an investigation of particular allegations against a GIC appointee is under way, that information is closely held in the sense that we are working to ensure procedural fairness to protect confidentiality for all parties. The investigation that takes place is, indeed, for the purpose of determining whether or not there are findings of harassment or misconduct or whatever it may be. It is up to the minister who is responsible for that portfolio—perhaps a Crown corporation within a portfolio, for example—and then the minister would make recommendations to the Governor in Council in terms of next steps.

Sorry, I had a bit of reverberation there. Could you hear me?

[Translation]

Mr. Alexis Brunelle-Duceppe: This was a general question. It did not concern the allegations we are discussing today. I wanted to know who would be required to act, in cabinet, if such allegations were made. I think that you can tell us this. I don't think there is anything confidential there, normally. It's just a matter of procedure.

Ms. Janine Sherman: Can I answer?

The Chair: Yes, please.

Ms. Janine Sherman: Thank you, Madam Chair.

[English]

It isn't something that would necessarily be discussed by all of cabinet. As I mentioned, it is up to the responsible minister to make recommendations following an investigation about a particular case. I think you're asking when and how people will become aware of those allegations. The point is that while they're allegations, they need to be investigated. When there is a formal complaint, there is a very clear process that is followed in terms of procedural fairness for the complainant and the respondent. That information is managed on a confidential basis. An independent reviewer will conduct the investigation in general, and the findings from that will determine what the next steps may be. If there are findings, that minister would make recommendations about, potentially, removal of that GIC appointee from his or her position. If the findings are such, that recommendation would go—

[Translation]

Mr. Alexis Brunelle-Duceppe: So if there are allegations of a sexual nature concerning the chief of the defence staff, the Prime Minister would not be made aware of them until the complaint was official. That is my take-away from this.

[English]

Ms. Janine Sherman: I would say, I think, that as my colleague mentioned, every case is unique.

If there is a situation in which allegations are made and there is a danger to someone in the workplace, if there is a situation in which the workplace is under duress in some shape or form, if I can use that word, it is possible—and again, specific to the case and the circumstances—to remove the person who is being complained about from the workplace on a temporary basis while an investigation is done.

Until allegations are proven, we try to manage that kind of process in a way that is confidential for all parties. In respect to the rule of law and procedural fairness, you have a right to hear what the complaints are and to have those be investigated, proven, responded to. There is thus quite a process that must be followed when a formal complaint comes forward.

I would say it is not something that is presented in terms of its not being an issue that goes to a number of ministers in the form of cabinet; it is something that a minister, who is responsible, would be aware of.

• (1635)

The Chair: Thank you very much.

We will move on to Mr. Garrison, please.

Mr. Randall Garrison: Thank you to the witnesses for being here today.

I want to follow up where Mr. Brunelle-Duceppe was going.

What I believe I heard you say was that if there were a risk to the workplace, someone could be removed temporarily while allegations were being investigated.

Clearly, if the chief of the defence staff, who is in charge of eliminating sexual misconduct in the military, is accused of that very

thing, surely this would be a situation that would qualify as something that required his removal, at least temporarily.

I'm not going to ask you to judge that, but I am going to ask, shouldn't it be the role of the minister to inform you, if that were the case? If it were perceived to be that he couldn't do the job because of the allegations without potentially causing serious damage to the program and to the Canadian Forces, is it the responsibility of the minister to inform the PCO, if that were the case?

[Translation]

Ms. Christyne Tremblay: Madam Chair, would you allow my colleague to continue her explanations?

The Chair: Yes, please.

Ms. Christyne Tremblay: Thank you.

[English]

Ms. Janine Sherman: Thank you.

I think the question, Madam Chair, and the example I gave, are very specifically about formal allegations that have been brought to bear by a complainant. I would distinguish here between that situation and issues of unfounded rumours.

When we conduct an investigation, there is a first-level assessment as to whether the particular issues brought forward in a complaint constitute—or would constitute, if they had indeed occurred—harassment, for example; that's an assessment of whether they would, if they were true. Once we understand that such is indeed the case, an investigation is undertaken.

There are a number of steps. The short version of this is that there are a number of steps to properly respect procedural fairness, to make sure that we are undertaking investigations—

Mr. Randall Garrison: Excuse me, but with respect, that's not what I am asking you.

I am asking you: if a minister feels that the person cannot stay in the job because of damage to the organization, is it their responsibility to make you aware of that?

Whose responsibility would it be, if that determination were made? I'm not asking you to judge whether this is the case here, but whose responsibility it would be.

Ms. Janine Sherman: Thank you, Madam Chair.

To answer the more specific question, it is up to a minister. I'm being careful here in that a Governor in Council appointee can be a CEO of a Crown corporation or a head of a tribunal. It can be any number of those sorts of positions. The information that does come forward about someone's suitability to be in a position can come from various places.

It would be something that the minister would be consulted on and a view would be brought forward to the Governor in Council to say that for all these reasons, this person is not suitable. Again, it would depend on the kind of appointee. We have Governor in Council appointees who serve at good behaviour. We have some who serve at pleasure. In any case, if concerns are raised, a GIC appointee is entitled to procedural fairness. They would have a chance to respond to the concerns that are being raised as to whether or not those were legitimate concerns.

Often those concerns do come through an investigation. It is possible that they could come through some other avenues, but procedural fairness and the right of the individual to make representations would still be considered.

• (1640)

Mr. Randall Garrison: With respect, the standard has to be higher than “not a criminal”. We demand the highest standards of behaviour, so it may not take an incident-based finding to determine that the person can't continue to do the job they are supposed to do.

In this case, we have fairly good information that there had been previous investigations of accusations of sexual misconduct against General Vance and that there had been previous allegations made. All I'm saying here is that it's not for you to judge the specific allegations, but when you have a pattern of behaviour that affects someone's ability to do the job, it would seem to me the minister has a responsibility.

There may be other things in performance evaluation. I personally have another question about General Vance's suitability. When we went through six vice chiefs of the defence staff in six years, it would seem to me the minister would be asking some questions about that. That's highly unusual. What's going on in an organization that loses senior leadership at that level?

Again, that's a different kind of concern than a complaint, but I'm going to raise it. Wouldn't it be the minister's responsibility, if he had a concern about that, to raise that with the Privy Council Office?

Ms. Janine Sherman: May I go ahead, Madam Chair?

[*Translation*]

The Chair: Yes, please.

[*English*]

Ms. Janine Sherman: As I've pointed out, the performance management process that does apply to GICs is an annual opportunity for considerations about leadership and performance of individuals to be brought to bear. Yes, there are avenues for that. A minister would absolutely have a view on that.

In the case of GIC appointees, it could come from a board that is responsible for a CEO. There are a number of avenues that we do review in terms of overall performance.

The Chair: All right, thank you.

I'm sorry, Mr. Garrison. I tried to let her go as long as I could.

Mr. Randall Garrison: Thank you.

The Chair: We'll go on to Mr. Bezan, please.

Mr. James Bezan: Thank you, Madam Chair.

Thanks to our witnesses for appearing.

Just following up on Mr. Garrison's line about performance, let's go back to the situation we have with General Vance. There are allegations that came forward, reportedly in 2018, and then he was given a raise on May 9, 2019 in the amount of \$45,900.

Does the PCO do that performance themselves, or is that performance coming from the deputy minister? Is that coming from the minister? How does it happen that the CDS is then approved for such a performance bonus?

[*Translation*]

Ms. Christyne Tremblay: Madam Chair, would you let Ms. Sherman explain our performance review process?

The Chair: Yes, please.

Ms. Christyne Tremblay: Thank you.

[*English*]

Ms. Janine Sherman: Thank you, Madam Chair.

The performance review process is managed by PCO in support of and as part of our responsibilities in managing the Governor in Council community, which, as I mentioned, is very broad. It does have some general parameters for the process that is used. In terms of chief executive officers of Crown corporations and tribunals, they are not usually part of a performance process, given their independence. They have a different pay structure—

Mr. James Bezan: What would be applied in the CDS? Would that—

Ms. Janine Sherman: Deputy ministers are another category.

The chief of the defence staff is a bit unique. He is a Governor in Council appointee and therefore is subject to the same pay at risk schedule. The recommendations are brought forward based on his objectives, his self-evaluation and some due diligence around performance.

• (1645)

Mr. James Bezan: Would that due diligence look back from March 2018 until the raise was issued in May of 2019?

Ms. Janine Sherman: It would cover the year. We go on fiscal years, so something that took effect on April 1 would be in respect of the previous year.

Those are recommendations. We support the recommendations that come forward to the Governor in Council. It is the Governor in Council that makes decisions on the pay at risk for all Governor in Council appointees.

Mr. James Bezan: Madam Chair, according to media reports on February 5, a spokesperson for the PCO acknowledged the fact there was a complaint made about General Vance in March 2018, yet with respect to your question, they say, “no information was provided to PCO which would have enabled further action to have been taken.”

Again, we come back to what the PCO knew and why didn't they act compared to when there was an allegation made against the former Governor General, which resulted in a full investigation and, ultimately, her resignation.

The Chair: We'll allow the witness to answer that question, if she can.

Ms. Janine Sherman: Thank you, Madam Chair.

I want to be very specific here. You're asking me about allegations. I believe the information that PCO did provide in terms of the response to media inquiries was that we did not have information that enabled any action to be taken. That's the situation.

When we are speaking about allegations—and when I'm using the word “allegations”, I am talking about formal complaints—there is going to be a difference in how a formal complaint is managed, as we have described here, versus other information that may be rumours or concerns.

My colleague did explain that every case is unique and circumstances differ from one to the other and it is difficult to compare. The one other point I would make is that the process that was used in respect to the office of the secretary to the Governor General was a fact-finding review. It was about the workplace.

Mr. James Bezan: If it was a fact-finding review, why wouldn't we do a fact-finding review when allegations were first presented on General Vance? Why is the information being dealt with here so differently, especially when you're talking about sexual misconduct?

The Chair: Go ahead, Madam Sherman.

Ms. Janine Sherman: Thank you.

It is very difficult, and I would counsel not to compare situations from one organization to another.

As my colleague has mentioned, there were a number of people who had come forward to the media, feeling that recourse mechanisms were not working for them. There was a great similarity between some of those concerns and some of the results from the public service employees survey, and therefore there was a recognition that more information was needed.

Mr. James Bezan: I have a final question, Madam Chair.

It's on the appointment process of the chief of the defence staff. He's Governor in Council, but he's also one of the highest security clearance members of the armed forces and the civil service. Who does that Governor in Council appointment report to? Wouldn't it be the Minister of National Defence? Is it to the Prime Minister directly?

[Translation]

Ms. Christyne Tremblay: Madam Chair, do you want me to describe the process or do you want us to answer this question specifically?

[English]

The Chair: No, you—

Mr. James Bezan: Ms. Tremblay, who does the CDS report to? It's a general question about all CDSs.

[Translation]

Ms. Christyne Tremblay: I will ask Ms. Sherman to answer this specific question.

[English]

The Chair: Go ahead.

[Translation]

Ms. Janine Sherman: Okay, thank you.

[English]

The CDS is appointed under the provisions of the National Defence Act by the Governor in Council. He does report to the minister in the context of his responsibilities, but he, as you know, has the management of the forces under his—

• (1650)

Mr. James Bezan: Thank you so much.

The Chair: Thank you very much.

[Translation]

Mr. Robillard, go ahead.

Mr. Yves Robillard (Marc-Aurèle-Fortin, Lib.): Thank you, Madam Chair.

Ms. Sherman, what is the complaint process for a Governor in Council appointment? Is the process different?

Ms. Christyne Tremblay: Madam Chair, Mr. Robillard's question is specifically for Ms. Sherman, so I will ask her to answer.

[English]

Ms. Janine Sherman: The process is the same as for the public service in the sense that it is a process that does involve procedural fairness and independent investigations. When people bring complaints forward, they are evaluated in terms of whether or not they would meet, for example, the test if it's an issue of harassment. If there are grounds for that, then an investigation is undertaken, and they do follow the same process. The Treasury Board process is the guide by which we and relevant departments would conduct an investigation on it for a Governor in Council appointee.

Hopefully that answers your question.

[Translation]

Mr. Yves Robillard: Yes.

Ms. Sherman or Ms. Tremblay, what other recourse can be used if no official complaint is filed?

Ms. Christyne Tremblay: Madam Chair, can Ms. Sherman answer?

The Chair: Yes, please.

[English]

Ms. Janine Sherman: Thank you, Madam Chair.

If there is no complaint launched, I think it very much depends on the context of the information, how it is brought about, what it is about. It's a difficult question to answer. I think I would say that we all are motivated and responsive to these things in the context of the government's approach, the policies and procedures that exist, and our efforts to ensure safe and healthy workplaces for all employees.

We do have to look into situations where there are concerns raised about the behaviour or conduct of a GIC appointee. It is a difficult question to answer because a lot depends on where that information is coming from. However, I would say that we do take concerns seriously. We do want to make sure that workplaces are safe and harassment free. As my colleague has spoken about, there's zero tolerance in terms of behaviour that is not conducive to that. Part of the terms and conditions for Governor in Council appointees and the Prime Minister's guidance in open and accountable government requires GIC appointees to act in ethical, honest and respectful ways in carrying out their responsibilities.

[Translation]

Mr. Yves Robillard: Thank you very much.

[English]

The Chair: Thank you very much.

[Translation]

Mr. Brunelle-Duceppe, go ahead.

Mr. Alexis Brunelle-Duceppe: Thank you, Madam Chair.

As I don't have much time, I will be brief.

You advise people who hold important positions in the government. What advice would you give them on dealing with allegations of sexual misconduct concerning a high-ranking individual in the future?

Ms. Christyne Tremblay: Madam Chair, I will start answering, and then my colleague could add comments.

As we said, we want to establish a climate of zero tolerance and openness. We want to further encourage people to file complaints and thereby avoid remaining at the allegation stage. We hope that all the new approaches and culture changes we are implementing will enable people in the future to take steps if they are subject to misconduct or sexual harassment.

• (1655)

Mr. Alexis Brunelle-Duceppe: Have you already given that advice in the past?

Ms. Christyne Tremblay: Honestly, I was deputy minister for a number of years and, in my own organization, we had to deal with various cases where actions had to be taken.

Mr. Alexis Brunelle-Duceppe: Is it possible that this was done in the case we are discussing today?

Ms. Christyne Tremblay: I could not answer regarding this specific case.

Mr. Alexis Brunelle-Duceppe: Could Ms. Sherman answer?

[English]

Ms. Janine Sherman: I cannot speculate on that either.

[Translation]

Mr. Alexis Brunelle-Duceppe: In practice, could the Privy Council Office contact a high-ranking staff officer to validate the information with them?

Ms. Christyne Tremblay: I will let Ms. Sherman answer, but I would say that the Privy Council Office has conversations with all deputy ministers and individuals appointed by the Governor in Council.

I will let my colleague complete my answer.

Mr. Alexis Brunelle-Duceppe: No, that's not necessary. You have sort of answered my question.

Just quickly...

[English]

The Chair: I'm sorry. Your time is up.

[Translation]

Mr. Alexis Brunelle-Duceppe: Ladies, thank you very much for joining us today. This has been very informative.

[English]

The Chair: Mr. Garrison, please.

Mr. Randall Garrison: Thank you very much, Madam Chair.

I would like to ask a very specific question about cases of sexual misconduct.

In the case of General Vance, we have had both media reports and comments from the general himself that he was twice—before he was appointed chief of the defence staff—accused of sexual misconduct and, on at least one occasion, was investigated by the Canadian military.

Would that material be maintained in the personnel file of a GIC appointee? I am not asking you to confirm it in this case, but if that's the case—and General Vance has confirmed it—would that material be maintained in a personnel file that would be accessible to the PCO?

[Translation]

Ms. Christyne Tremblay: Madam Chair, if I may, I will let my colleague answer, as this question is really related to her area of expertise.

The Chair: Yes, please.

[English]

Ms. Janine Sherman: Thank you, Madam Chair.

I would make a distinction here. An investigation by the military would not be part of our file. I think it is important.... As I said, the CDS is a bit of a unique function in that the CDS is part of the military and a Governor in Council appointee, but we would not have military files in our records.

Mr. Randall Garrison: Even though this investigation was done either just before or after he had been appointed chief of the defence staff?

Ms. Janine Sherman: The actual investigative report would not be something that we would have. Any information about an individual that is related to that individual's appointment would be personal information that would be protected as such.

Mr. Randall Garrison: I think what makes this all so unique is that it's not just the chief of the defence staff but it's sexual misconduct, and we all know from looking at it that this is usually not a case of one slip-up by someone; this is a case of a revealing of attitudes toward women. This is why, when we have a pattern of allegations—whether they are proven allegations—it brings into question the ability of someone to meet the highest standards of behaviour in their job as chief of the defence staff. It would be of concern to me if you didn't keep that kind of information about people who were occupying the highest offices.

However, I want to know whether ministers could access whatever files you do have. If a minister had concerns about a GIC ap-

pointee's performance, can that minister ask you to see what's in that appointee's file?

• (1700)

Ms. Janine Sherman: Madam Chair, I think I would just clarify that a minister who is responsible for a GIC appointee within their portfolio would indeed have access to that performance information. They would potentially have had a view on the person and may have been consulted in terms of their perspective on the performance of that individual.

Would they have access to it? It is personal information about an individual, and the minister would not necessarily have access to it after the fact.

I would also highlight that our job, in the public service context, is to support the government of the day. We do so in a way that respects all of our legal obligations around such things as the Privacy Act and the confidentiality of the offices we hold.

The Chair: With that, I would like to thank our witnesses. Thank you for your patience. It's been a long afternoon; it's been four hours. Thank you for joining us today for the excellent questions from the committee members.

The meeting is adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>