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# Standing Committee on National Defence

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Chair: Mrs. Karen McCrimmon





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• (1105)

[*English*]

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

Welcome to meeting 16 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, 2020. Committee members are attending in person or remotely using the Zoom application.

The proceedings will be made available via the House of Commons website.

The webcast will always show the person speaking rather than the entirety of the committee.

[*English*]

We're all experienced at this. We know how this all works, so I'm going to move this ahead. I will quickly remind you that all comments by members should be addressed through the chair. When speaking, especially those who do not have a headset this morning, and answering questions, please speak very slowly and clearly. This will give our interpreters what they need in order to interpret what you're saying. Written statements are fine, because the interpreters were able to review them in advance, but when answering questions, if you're not wearing a headset, please slow down and speak clearly.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Tuesday, February 9, 2021, the committee is resuming 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 and 15 minutes, we have the Honourable Marie Deschamps, former justice of the Supreme Court of Canada, who will join us shortly, and retired Colonel Michel Drapeau.

From the Department of National Defence, we have Brigadier-General Andrew Atherton, director general of professional military conduct, and Dr. Denise Preston, executive director of the sexual misconduct response centre.

Up to six minutes will be given for opening remarks, after which we will proceed with rounds of questions.

I welcome all of you. Thank you all for coming to the committee. We understand how valuable your time is and we appreciate that you are willing to spend some of it with us today.

I invite Dr. Denise Preston to begin with an opening statement of up to six minutes.

• (1110)

**Dr. Denise Preston (Executive Director, Sexual Misconduct Response Centre, Department of National Defence):** Good morning, Madam Chair and members of the committee. Thank you for the invitation to join you today.

My name is Dr. Denise Preston. I'm a forensic and clinical psychologist with over 30 years of experience dealing with harmful and criminal behaviour. I've been the executive director of the sexual misconduct response centre, or SMRC, since May 2017.

As many of you know from my past appearances, I report directly to the deputy minister of National Defence. As such, I am independent of the chain of command and do not speak on behalf of Operation Honour or the Canadian Armed Forces; however, my team and I work closely with the CAF to ensure we meet the needs of CAF members and the organization.

SMRC's mandate consists of three broad pillars: to provide support services to CAF members who are affected by sexual misconduct; to provide expert advice on all aspects of sexual misconduct in the CAF, including policy, prevention, reporting and research; and to monitor CAF's progress in addressing sexual misconduct. It's important to note that the counsellors who provide support are civilians who do not have the duty to report. As such, calls are confidential, and we do not require identifying information in order to provide assistance.

As part of the final settlement agreement related to sexual misconduct, SMRC is leading on the development of a restorative engagement program that will provide opportunities for class members to share their experiences of sexual misconduct with senior defence representatives. The goals of the program are to allow class members to be heard and acknowledged, to begin to restore relationships between class members and the CAF and to contribute to culture change.

SMRC has evolved significantly in the five years since its inception. Demand for our services and expertise has increased year after year, and we have helped shape Operation Honour policies and programs. Despite the work that has been done, there is undeniably more to do. Meaningful culture change is a top priority, because the sexualized culture observed by Madam Deschamps persists.

While reporting of sexual misconduct is an institutional priority, it is also a very personal decision. We cannot expect reporting to increase significantly when many barriers to reporting remain. The duty to report has been repeatedly identified as a significant barrier, because affected members lose autonomy over whether, when and how to report their experiences, and it can silence them from speaking to potential sources of support in the Canadian Armed Forces. Retaliation and reprisal in response to reporting are frequently identified as barriers, and these are not well documented or addressed.

Finally, there's a need to collect analysis and reporting on sexual misconduct to enable better organizational understanding, response and accountability. SMRC will continue to press on these and other priorities going forward.

Thank you again for this opportunity. I look forward to your questions.

**The Chair:** Thank you very much, Dr. Preston.

I'd like to invite General Atherton, please, for his opening statement.

**Brigadier-General Andrew Atherton (Director General of Professional Military Conduct, Department of National Defence):** Good morning, Madam Chair and committee members. Thank you very much for the opportunity to discuss Operation Honour and our efforts to provide a safe and respectful environment for all.

[*Translation*]

I am the Director General of Professional Military Conduct. My organization leads the strategic level planning and coordination for the Canadian Armed Forces' efforts to address sexual misconduct.

Our group engages with internal and external groups, such as subject matter experts, academics and advocacy groups, to discuss our approach, and solicit input, feedback and advice.

[*English*]

While Operation Honour remains very much a work in progress, the CAF has taken significant steps to address all forms of sexual misconduct in support of this crucial mission. We have implemented important foundational work in the areas of policy, procedures, training and education, and support for those affected. We acknowledge that there is much more work to do and I want to assure you that we are continually striving to enhance our approach.

Any form of sexual misconduct is unacceptable. It harms our people, erodes team cohesion and jeopardizes our operational effectiveness. All CAF members have a duty to report all incidents to the chain of command. However, depending on the nature of the incident, it may be reported to the military police, Canadian Forces national investigation service, civilian police or the integrated conflict and complaint management service.

We acknowledge that reporting can be the source of significant stress for affected persons. When people come forward, we must ensure that they are heard, supported and that any allegations are referred to the appropriate authorities. For this reason, there are a number of options for individuals to seek care and support without submitting a formal report through to the chain of command, most notably through the sexual misconduct response centre, which operates independently from the CAF.

Our first concern is always with the well-being of our members. We never want the stress of reporting to prevent someone from getting the care and support that they need. That said, we know we need to do everything we can to reduce the barriers to reporting so that anyone who experiences or witnesses sexual misconduct feels safe and supported to come forward.

In her 2015 report on sexual misconduct and sexual harassment in the CAF, former Supreme Court justice, the Honourable Marie Deschamps made it clear that culture change is key to addressing sexual misconduct within our ranks. She was absolutely right.

Most recently, in the fall of 2020, we released a culture change strategy to guide and coordinate Operation Honour efforts across the CAF. The Path to Dignity and Respect includes a framework for addressing sexual misconduct through culture change, an implementation plan and a performance measurement framework.

This strategy is informed by, and very sensitive to, the experience of those who have been affected by sexual misconduct within the CAF. It also draws on research, evidence and recommendations from subject matter experts and stakeholders.

● (1115)

[*Translation*]

The strategy establishes a comprehensive, long-term approach for preventing and addressing sexual misconduct targeting culture. It is a significant step in the right direction but it is by no means the final version. We will continue to engage with experts, stakeholders and those who have been affected, to discuss the strategy, solicit feedback and refine our approach.

[*English*]

We know we have much more to do, and we will. In pursuit of the total culture change of which the minister has spoken, we know that we have much more to do, and we will. We will not stop until all CAF members can deliver operational excellence with the full support of an institution that fosters mutual trust, respect and dignity.

Madam Chair, ladies and gentlemen, thank you very much. I look forward to taking your questions.

**The Chair:** Thank you very much, General Atherton.

We'll go now to retired Colonel Michel Drapeau, *s'il vous plaît*.

**Colonel (Retired) Michel Drapeau (Professor, University of Ottawa, Faculty of Common Law, As an Individual):** Madam Chair, let me open by thanking members of the committee for giving me the honour to appear before the committee on a matter that is of interest to me as a former soldier and as an author and lawyer specializing in military law matters.

I have followed the discussion that has taken place in the public domain about the recent allegations against the former chief of the defence staff, who is also a Governor in Council appointment. Please know that I have also listened to the testimonies presented to your committee last Friday by the minister and deputy minister.

In my opening remarks, I will make three separate comments.

First, I understand that in 2018, the ombudsman received allegations of misconduct against the then chief of the defence staff. Acting in strict accord with the 2001 ministerial directives governing his role and function, the ombudsman reported these allegations to the Minister of National Defence because he lacked the authority to investigate these allegations. From that point onwards, the matter rested with the minister, who in my opinion had a duty to investigate.

In fact, the National Defence Act already provides for such an opportunity. I am referring here to section 45 of the National Defence Act, which reads as follows:

The Minister, and such other authorities as the Minister may prescribe or appoint for that purpose, may, where it is expedient that the Minister or any such other authority should be informed on any matter connected with the government, discipline, administration or functions of the Canadian Forces or affecting any officer or non-commissioned member, convene a board of inquiry for the purpose of investigating and reporting on that matter.

Furthermore, article 21.081 of the Queen's regulations and orders also empowers the minister to appoint a military judge as a board of inquiry. Under the circumstances, this is something that could have been done.

• (1120)

[Translation]

Let me now turn to my second point.

Over the past two decades, the Canadian Forces have received several warnings about the endemic sexual misconduct crisis within its ranks. Worse yet, in her 2016 report, Justice Marie Deschamps concluded that a high percentage of sexual harassment and sexual assault cases went unreported because victims were deeply suspicious that the Canadian Forces were not taking their complaints seriously and they feared repercussions that could harm their career advancement.

In her report, Justice Deschamps insisted that an independent centre for accountability for sexual misconduct be created outside the Canadian Forces. In response, the centre was placed under the control of the Department of National Defence and located at that department's headquarters in Ottawa. In my view, this is certainly not the kind of independence envisioned and desired by victims of sexual misconduct.

Let's be clear, the Department of National Defence and the Canadian Forces are both stakeholders in this crisis. They work together on a daily basis, are interdependent and share the same headquarters at National Defence. For a victim of sexual harassment or assault, these two organizations are virtually identical, and neither can be considered external or independent.

[English]

My third point refers to the 1997 report of the commission of inquiry into the Somalia deployment, in which Justice Gilles Létourneau wrote:

Members of the armed forces who feel the need to initiate a complaint often feel they face two unpalatable choices—either to suffer in silence or to buck the system with all the perils such action entails. In my view, Canadians in uniform do require and deserve to have a dedicated and protected channel of communication to the Minister's office.

As a central piece of his report, Justice Létourneau went on to recommend the creation of a civilian inspector general, directly responsible to Parliament, as an essential part of the mechanism to oversee and control the Canadian Armed Forces. The inspector general would be appointed by the Governor in Council and be made accountable to Parliament, with broad authority to inspect, investigate and report on all aspects of national defence and the armed forces.

Most importantly, Justice Létourneau emphasized that any member of the Canadian Armed Forces and any public servant in DND would be permitted to approach the inspector general directly for whatever reason and without first seeking prior approval of the chain of command.

To conclude, things would have had a very different outcome in 2018 had an inspector of the armed forces been in existence, because this would have provided potential and actual complainants access to a trusted and independent office capable and skilled to investigate any allegations of misconduct. It would have provided the minister, DND, PCO and Parliament the assurance that any such complaint would have been properly investigated. In my considered opinion, the idea of such an appointment is as valid today as it was back in 1997.

This completes my opening remarks.

Thank you.

• (1125)

[Translation]

**Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ):** I have a point of order, Madam Chair.

[English]

**The Chair:** Go ahead, Monsieur Brunelle-Duceppe.

[Translation]

**Mr. Alexis Brunelle-Duceppe:** I didn't say anything until now because our interpreter, who is doing an outstanding job, had a copy of the witness's presentation. It was therefore possible for her to interpret Mr. Drapeau's testimony. On the other hand, I am told that, if she had not had the text, she would not have been able to interpret.

I'll let you know right away that we may run into some problems. I feel he's a very interesting witness, and I hope we can resolve the situation before we ask him any questions.

Thank you.

[*English*]

**The Chair:** I agree with you, Mr. Brunelle-Duceppe. It was a question we asked the interpreters. They said that if the witnesses were to speak slowly and clearly when answering questions, they would be willing to give it a try.

We will allow Madam Deschamps to make her statement, and then we will try with questions. The interpreters also said that they have Madam Deschamps' statement.

**Mr. James Bezan (Selkirk—Interlake—Eastman, CPC):** On that point of order, Madam Chair, I would ask that when Colonel Drapeau is speaking he lean in towards the microphone on his computer. I think his voice would probably be picked up a lot better. I think the time he moved back is when his voice volume dropped.

**The Chair:** Thank you, Mr. Bezan.

Madam Gallant.

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Madam Chair, it's my understanding that the interpreters were provided with the speaking notes. It's not unc customary for members of the committee to have the introductory remarks in hand. Is there a reason the committee members were not provided with the opening remarks?

**The Chair:** They were not provided in both languages.

**Mrs. Cheryl Gallant:** Thank you.

**The Chair:** We will carry on. The plan is to allow Madam Deschamps to speak. Then we will—

**Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP):** I have a point of order, Madam Chair.

**The Chair:** Go ahead, Mr. Garrison.

**Mr. Randall Garrison:** Sorry, but I have had my hand raised.

I believe it's possible for witnesses to phone in to this meeting. I would suggest the technicians look at having witnesses who do not have a headset leave the Zoom meeting and phone back into the meeting, if that is possible. That would allow questions to go ahead even though we would lose the visual.

**Mr. James Bezan:** Actually, he doesn't need to leave the Zoom call. He can just phone from his phone, and then keep his computer muted. Then Colonel Drapeau would be able to talk through the telephone.

**The Chair:** Let us give this a try.

The interpreters felt that if we were respectful of them and spoke slowly and clearly, they would be able to do this. We will ask the witnesses who do not have headsets to keep this in mind, especially when answering questions. Also, we will reach out as we're going through this to give them the option of a call-in. Good idea.

Thank you.

**Mr. Randall Garrison:** Madam Chair, clearly during the testimony it was sometimes not even audible in the language it was be-

ing given in. I really believe that in the interest of time, we cannot afford to waste time trying something when we have an alternative that will work.

With respect, Madam Chair, I would ask that we proceed to connecting witnesses without a headset by telephone to this meeting.

**The Chair:** Once Madam Deschamps has made her statement... That gives us about five minutes for the interpreters to become comfortable and for us to make those arrangements.

**Mr. Randall Garrison:** Thank you.

**The Chair:** I would like to call upon the Honourable Marie Deschamps, former justice of the Supreme Court of Canada, to make your opening statement.

[*Translation*]

Please go ahead, Madam.

**Hon. Marie Deschamps (Former Justice, Supreme Court of Canada, As an Individual):** Thank you, Madam Chair.

Perhaps my presentation will help you—

[*English*]

**The Chair:** Stand by for one minute, please.

Madam, may I ask you to speak a little bit louder? If you could raise your voice a couple of decibels, that might make the difference. It was even difficult to hear you in your native language.

My apologies for the interruption. Go ahead, please.

[*Translation*]

**Hon. Marie Deschamps:** All right. Usually, people tell me I speak too loudly.

How is that? Can you hear me now?

**The Chair:** Yes, thank you.

**Hon. Marie Deschamps:** Madam Chair, ladies and gentlemen, thank you.

My presentation will be very brief. I have given you some notes, but this morning's headlines might make me change the order of the points in my presentation.

My report is already more than six years old, since I held my interviews in 2014. As I listen to the comments, I have the impression that today little has changed.

First, with respect to the allegations concerning General Vance, you won't be surprised to hear that I was completely unaware of them. I was in contact with General Vance on a number of occasions and, at first, I felt that he was not being given an accurate picture of the situation. However, there was a changing of the guard and afterwards I felt that the information he was receiving was a little more accurate. I know this is one of your committee's concerns.

The second concern relates to what is being done more generally in the Canadian Armed Forces regarding sexual misconduct. I have already read the strategy entitled “The Path to Dignity and Respect: The Canadian Forces Sexual Misconduct Response Strategy”. I have already shared my comments with those who have consulted me. I told them that I expected to find concrete measures in the document regarding its implementation. Unfortunately, I found none. I was told that they were in other, more tactical documents instead.

Today, I thought I would present you with some very concrete measures. I believe they should have been implemented over the past five years, but your committee could quite easily press for them. The first one I'm going to talk to you about was already among the topics I had thought of, but after reading the Global News headlines this morning, I changed the order of the points in my presentation, as I was telling you. When I read that Major Brennan did not know where to turn, I had a hard time understanding that. In fact, as early as 2015, with the creation of the Sexual Misconduct Response Centre, of which Ms. Preston is the executive director, I had indicated that the centre should have the mandate to be the primary authority for receiving reports. So when I read that Major Brennan did not know where to turn, I find it incredible that the centre has not yet been given that mandate.

I have seen the changes to the defence administrative orders and directives, and nowhere in them does it say that the centre has the authority to receive reports, let alone that it is the lead authority. As I see it, this could be implemented concretely and without delay.

The second point I want to present to you is very concrete, and one measure could be implemented as a priority. It is the issue of data.

• (1130)

You have already heard Ms. Preston indicate that data collection is her priority.

Again, in the mandate of the centre that I recommended be created in 2015, I indicated that it should be the lead authority for gathering data. By 2014, I had found that several databases existed, but that they were not communicating with each other. The data was not being collated in a consistent way.

Therefore, if you find a charge or prosecution for assault, the database will not indicate whether the charge is sexual assault. I mention that to give you an idea. I'm not going to teach you the importance of good data in assessing problems and finding solutions. It's fundamental if we want to hold people accountable.

Not only is the centre not the central authority, it does not even have direct access to the data. In my opinion, giving the centre this responsibility or at least giving it access to the data seems to me to be a priority.

I will stick to these two points because I want to give you time to ask your questions. I congratulate you in advance for the work you will be doing.

I'm curious to know whether the interpreters were able to grasp what I said.

• (1135)

**The Chair:** Thank you very much, Ms. Deschamps.

[*English*]

I will now open the floor for questions, and we will begin with Mr. Bezan, please.

**Mr. James Bezan:** Thank you, Madam Chair, and I want to thank all our witnesses for coming in today to speak about these very serious allegations.

I have to say that after seeing the interview with Major Kellie Brennan yesterday, I have to applaud her for her bravery and her candour. I'm more deeply disturbed now about these allegations than ever before.

Thinking back on the minister appearing at committee on Friday, Minister Sajjan just provided a bunch of non-answers. It upset me all weekend that he wouldn't address even the simplest thing, including confirming the meeting with former defence ombudsman Gary Walbourne. Either the minister was trying to protect himself, when really he should be worried about protecting members of the Canadian Armed Forces who, as our witnesses said so eloquently today, aren't sure where they even should be reporting to despite there being the sexual misconduct response centre, which has been established now for six years.... It is very disturbing.

Colonel Drapeau, you have made some comments in the media. I appreciate that you have that knowledge from serving in the Canadian Armed Forces as well as from being a lawyer who has specialized in the National Defence Act and military justice. Do you feel, based on what's transpired here over the last month, that Minister Sajjan properly exercised his authority and responsibilities to the Canadian Armed Forces as prescribed under the National Defence Act?

**Col (Ret'd) Michel Drapeau:** To be clear, absolutely not. As I said in my opening remarks, he had in fact the duty and the facility, if he wanted to, to have the matter investigated. He could have appointed one of the military judges as a board of inquiry to get to the bottom of it and then act on it. Why did he not do this?

General Vance and Minister Sajjan are known identities who go back to at least 2009 when General Vance recommended in fact the posting, the appointment, of Major Sajjan, as he was at the time, for service in Afghanistan. They go back at least 10 or close to 15 years—

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Madam Chair, I have a point of order.

As we expected, we are unfortunately having interpretation issues.

It's very important to me that I understand what is being said.

[*English*]

**The Chair:** Okay. Stand by.

• (1140)

**Col (Ret'd) Michel Drapeau:** Could the minister have investigated it because the ombudsman could not? Yes, he could have by relying upon section 45 and you already know that he even had the tools to do this. Had he investigated it, he would have been in a better position to report in a factual matter to the Privy Council Office as he—

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Madam Chair, I have another point of order. I don't understand why the witness is continuing. He needs to stop.

[*English*]

**The Chair:** We're having trouble understanding you, Colonel Drapeau. Stand by.

**Mr. James Bezan:** Madam Chair, would we be able to get Colonel Drapeau on the phone? I thought we were going to do that.

**The Chair:** They're trying to do that right now. Thank you.

**Mr. James Bezan:** I do have more questions for Colonel Drapeau.

**The Chair:** I've stopped your time, Mr. Bezan. You'll get your remaining two and a half minutes when we get Colonel Drapeau on the phone.

**Mr. James Bezan:** Okay.

While we're waiting for that, Madam Chair, based upon what Colonel Drapeau said in his opening comments, I'm going to drop the following motion and we can deal with it right now. I'll have my staff send it to the clerk so it can be circulated. It has been translated.

The motion reads:

That, in respect of the committee's study regarding the allegations of sexual misconduct against former Chief of Defence Staff General Jonathan Vance, that the committee summon Gary Walbourne, former National Defence and Canadian Armed Forces Ombudsman, to appear for at least two hours before the committee at a date and time determined by the Chair but no later than ten days following the adoption of this motion, that the committee hearing take place in public and be televised.

I'm putting forward that motion now. Madam Chair, we can either deal with it while we're waiting for Colonel Drapeau to be hooked up by phone, or we can save it until after these witnesses and before we start our next section of witnesses in half an hour's time.

**The Chair:** Mr. Bezan, if you would like, we could reserve 15 minutes at the end of the meeting to discuss the motion.

**Mr. James Bezan:** I do want the motion dealt with today.

**The Chair:** Would that be acceptable?

**Mr. James Bezan:** That is acceptable.

**Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.):** Going back to our previous discussion about summoning witnesses and which witnesses, I think perhaps that 15 minutes should be in camera.

**Mr. James Bezan:** I disagree. It's been tabled in public. I think we should deal with this in public. I think that in the interest of transparency, in the interest of making sure that the Canadian

Armed Forces and those members currently serving who have a lot of questions regarding whether they are being listened to.... I think it's important that we have these debates in public.

**The Chair:** Mr. Bezan, we already did invite the former ombudsman to come and testify.

**Mr. James Bezan:** I realize, Madam Chair, that the invitation was made and he took a pass on it, but this is a summons. This is by motion rather than invitation from the clerk, so this would make it very formal and require him to appear.

**The Chair:** Let's discuss that at the end of this meeting. We have some very esteemed witnesses with us right now. I will reserve 15 minutes at the end of the meeting.

Go ahead, Madam Gallant.

**Mrs. Cheryl Gallant:** I would like to remind the parliamentary secretary and the committee that we did indeed previously discuss witnesses publicly, so we're not going to be satisfied with doing this in camera.

Thank you.

**The Chair:** We normally discuss those kinds of witnesses and things like that at the steering committee, but I'll take it under advisement. I'll talk to the clerk, but we'll discuss it for the last 15 minutes of this meeting.

Thank you.

Do we have Colonel Drapeau on the phone?

**Col (Ret'd) Michel Drapeau:** Not yet. I'm still waiting for the phone number.

**Mr. James Bezan:** Madam Chair, while we're waiting, I have a point of order.

We have six witnesses appearing over a two-hour meeting. I think a number of us have raised this in numerous meetings, that it would provide—

**The Chair:** You're right, Mr. Bezan, we—

**Mr. James Bezan:** —greater information and allow greater participation by members if we had fewer witnesses. Six is significant and usually we have two. Cramming so many witnesses into one meeting is really unfair to us as members of the committee seeking to get answers to all the questions we're so interested in at this time.

• (1145)

**The Chair:** Understood, but sometimes very esteemed witnesses who have a lot to contribute to the discussion are available on only a certain day. Rather than turn away that witness who could add quite a bit to this discussion, we decided.... The witnesses are kind of designed in that the first two witnesses are from CAF-DND, the second two witnesses are two people with esteemed legal backgrounds, and the last two witnesses are academic in nature. They were paired that way to make it as efficient as possible.

I don't disagree with the theme behind your comment, but we had an opportunity for people we otherwise wouldn't have been able to hear from. So I take that on advice.



• (1146) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1153)

• (1150)

**The Chair:** I call the meeting back to order.

We will go back to Mr. Bezan to finish his six minutes of questions.

**Mr. James Bezan:** Madam Chair, how many seconds do I have left?

**The Chair:** I think you have about a minute and a half, but let me check.

**Mr. James Bezan:** I thought you said I had two and a half.

**The Chair:** You have two and a half minutes.

**Mr. James Bezan:** Thank you, Madam Chair.

I'll put my final question to you, Colonel Drapeau.

I appreciate what you're saying about Minister Sajjan not fulfilling his duty. Did former defence ombudsman Gary Walbourne fulfill his duty in bringing forward the allegations back in March 2018? What other course did he have?

I know that you have made comments about the Privy Council Office not having enough information and some blame being laid that former ombudsman Walbourne never provided that information to the Privy Council Office. Did he fulfill all his duties, including the confidentiality of the allegations?

**Col (Ret'd) Michel Drapeau:** The answer to this is yes. Mr. Walbourne had no choice but to report to nobody else but the minister the allegations made to him by the two complainants. He had also no authority to investigate the matter, so the whole thing was passed on to the minister.

The minister had fundamentally two duties. One was to investigate. He had the tools to do so by section 45 of the National Defence Act. The second duty was to report to PCO, because in fact allegations were made against somebody with a Governor in Council appointment.

As far as I understand, the minister elected not to investigate and not to appoint anybody to do so, but he could have.

• (1155)

**Mr. James Bezan:** As a final comment, we are all aware of the allegations that were made, and that proved to be untrue, against a former vice-chief of the defence staff, Vice-Admiral Mark Norman. Could the minister have acted in the same manner, where they could have suspended the chief of the defence staff the same way they suspended Vice-Admiral Mark Norman, until the investigation was complete?

**Col (Ret'd) Michel Drapeau:** I cannot respond to that in the abstract, because I would not have known until yesterday what the substance of the allegations were. I can only assume that the ombudsman would have been pretty clear in reporting in confidence to the minister the extent and maybe the seriousness of the allegation, and depending on those factors, the minister might have been well advised at the time, by prudence if nothing else, to suspend temporarily

the chief of the defence staff to have the matter investigated.

That would have seemed the reasonable, prudent course of action that was done certainly for Vice-Admiral Norman or anybody else facing these kinds of allegations.

**Mr. James Bezan:** Thank you, Madam Chair.

**The Chair:** Thank you, Mr. Bezan.

We'll go to Mr. Baker, please.

**Mr. Yvan Baker (Etobicoke Centre, Lib.):** Thank you, Madam Chair.

[*Translation*]

Thank you all for being here.

[*English*]

Thank you to all of you for making time to be with the committee today and for offering your expertise and experience.

I want to start by coming back to something that was mentioned by Colonel Drapeau in his opening statement. He made the point that allegations of harassment were made in 2018, but I also believe I heard Mr. Drapeau just say he doesn't know the content of the conversation between the ombudsman and the minister.

I just want to clarify for the record that this committee has not heard that there were or were not allegations in 2018. I think all we know is that the Privy Council Office determined that there was not any actionable information.

My question is for Justice Deschamps and Dr. Preston. It's the same question for both.

I'll direct it to you, Justice Deschamps, and then, Dr. Preston, if you would also try to answer it, I'd appreciate it.

What is the process and what should be done when someone wants to bring forward concerns of sexual harassment but doesn't want to file an official complaint?

**Hon. Marie Deschamps:** I can attempt to answer that question, because what I suggested as process is not necessarily what occurs in practice, because in practice, it was in 2014—

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** I have a point of order. I'm truly sorry to interrupt Ms. Deschamps. I believe we could hear her better before.

Unfortunately, our interpreters can't do their job right now.

**Hon. Marie Deschamps:** Okay. I wasn't talking loud enough. I will start over.

[English]

What I can say is that in 2014, when I did my interviews, it was all over the place and it was not necessarily what should have occurred. What I suggested is that whenever there is a complaint, they should first of all turn to the centre, and if they are not ready to lay a formal complaint, at least they can get support from the centre and then the centre can bring them into laying or bringing a—

• (1200)

[Translation]

**Mr. Alexis Brunelle-Duceppe:** I am so sorry. I am not doing this on purpose.

We have an Official Languages Act. Interpretation services absolutely must be provided.

[English]

**The Chair:** Madam Deschamps, could you hold your microphone out there? That's correct.

Try it again, please.

[Translation]

**Hon. Marie Deschamps:** Is this better?

**The Chair:** I believe so.

**Hon. Marie Deschamps:** Perfect. I'll start again, in the second official language. Or the first, depending on how you look at it.

In 2014, victims—mostly women—who were not ready to file a complaint really had no recourse. I recommended that victims of harassment or assault have a place to go for support. Supporting victims is the primary concern. In my mind, it had to be clear where that place was, and it was the centre.

At that point, I also recommended that someone act as an advocate. I did not mention this in the concrete points I brought up earlier. This person could take charge of the case, talk to the victim and lead them to be sufficiently recovered and comfortable to lodge a complaint. The person acting as an advocate could support the victim and help them decide where they wanted to make a complaint.

In a few words, that was the recommendation I made in 2015.

**Mr. Yvan Baker:** Thank you very much.

[English]

Dr. Preston, if you could answer that same question, I'd appreciate it.

**Dr. Denise Preston:** Thank you very much for the question.

In practice, the way it happens is very similar to what Madam Deschamps has explained.

The centre is a confidential place for people to come and lay allegations, make complaints and discuss their experiences. Our counsellors will provide whatever services, whatever support they need. We don't require reporting. We don't force reporting. We very much take our cue based on what CAF members want to do. We will support them and provide them with options and choices.

We also have a service called the response and support coordination program, where we will assign a dedicated counsellor to the

CAF members, if they so desire. That counsellor will fulfill all the roles that Madam Deschamps talked about—advocacy, accompaniment, support, helping negotiate the whole journey that they're going on—and really be a partner to them throughout the entire journey, if and when they decide to report.

**Mr. Yvan Baker:** Thank you very much.

**The Chair:** Thank you, Mr. Baker.

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

[Translation]

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

My thanks to all the witnesses for being here today. We are having some technical issues and I'm sorry for that, but the House staff are doing everything they can to make this meeting possible. I would like to commend and thank them for that.

My first question is for Mr. Drapeau. You said earlier that, under section 45 of the National Defence Act, the Minister has the power to step in.

Why do you feel he didn't step in at that time, since he had the power to do so?

**Col (Ret'd) Michel Drapeau:** Various reasons are possible, but I can't put my finger on the exact reason. He certainly had the authority to set up a commission of inquiry, as I mentioned. That would be the appropriate thing to do under the circumstances.

[English]

**The Chair:** Colonel Drapeau, you need to slow down a little bit and speak with your parade voice or we're not going to be able to use our great interpreters.

[Translation]

**Col (Ret'd) Michel Drapeau:** There is probably the fact that the Minister had known General Vance for at least a decade. If I remember correctly, they had met in 2009, when General Vance had requested that Minister Sajjan, who was a major at the time, go to Afghanistan. They served together. They were comrades-in-arms in a theatre of operations for a decade. They likely had a relatively open conversation that met the Minister's expectations and answered his questions.

In my opinion, that is the only reason that might explain why no formal action was taken at that time.

• (1205)

**Mr. Alexis Brunelle-Duceppe:** Thank you, Mr. Drapeau.

Ms. Deschamps, I found your testimony very interesting, much like that of all the other witnesses, by the way.

You said that you felt that General Vance did not necessarily have the appropriate information at one point. Could you explain how he was provided with such information, that is, a misrepresentation of the situation?

**Hon. Marie Deschamps:** I've already explained in my report that the higher people move up the ladder, the more likely they are to move on to other things. So he was surrounded by fairly high-ranking people who saw the situation in a rather rosy light. He was told that almost all of the recommendations were being implemented, that it was almost all done.

When I first met him, I was very surprised and told him that, in fact, that was not what I was hearing. Eventually there was a changing of the guard. The information then became more accurate.

**Mr. Alexis Brunelle-Duceppe:** How did he react when you told him that the view was a little too rosy for your taste?

**Hon. Marie Deschamps:** He listened.

**Mr. Alexis Brunelle-Duceppe:** Okay. That's good to know.

Thank you very much.

**Hon. Marie Deschamps:** He listened.

Things never happen very quickly in the army, but the guard changed eventually.

**Mr. Alexis Brunelle-Duceppe:** Thank you very much, Ms. Deschamps.

Ms. Preston, I'd like you to comment on what Ms. Deschamps said about the Sexual Misconduct Response Centre's lack of power.

Yesterday, in the Global News interview, the alleged victim said she did not know who to go to. Isn't that a problem?

[*English*]

**Dr. Denise Preston:** I'll address your first question, which is about the lack of power of the centre.

It is true that the centre I run does not have accountability over CAF. We have no authority over CAF. At best, what is in our mandate is that we are to monitor CAF's efforts to implement Operation Honour. In order for us to be able to monitor their efforts, we need to have access to certain information and certain sets of data. That is not something right now that is well established. It's certainly a priority we're continuing to work on.

With respect to the second part of your question about people not knowing about the centre, it is absolutely a critical priority for us to continue to raise awareness so that people are aware of the centre. Internal surveys do indicate that a large number of members are aware of the centre. They may or may not have actually used our services, but they are aware of it. However, we continue to conduct outreach on an ongoing basis. We travel across the country and visit bases and wings and do quite extensive outreach. However, clearly it's an indication that we need to do more.

Thank you.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Thank you very much, Ms. Preston.

Madam Chair, do I have any time left?

[*English*]

**The Chair:** You have about 15 seconds.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** That's not enough to ask a question. I will come back to it later.

Thank you, everyone.

**The Chair:** Thank you, Mr. Brunelle-Duceppe.

[*English*]

Mr. Garrison, please.

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

Let me apologize if there are bandwidth problems. We have now lost Internet service to my house, so I'm tethered through my cell-phone. Therefore, I have been in and out of the meeting and may have missed part of this discussion.

I want to start by thanking Major Brennan for her courage in coming forward over the weekend. I think the allegations she brought forward are extremely troubling, and I'm going to ask questions about whether Operation Honour and the Canadian forces can simply proceed as if nothing has happened here. I will not ask Dr. Preston or the brigadier-general those questions, because I believe that, as they are within the Department of National Defence or the Canadian Armed Forces, I would be putting them in a compromised position.

My first question is for Colonel Drapeau. It's a technical and legal question. Whether or not, as one of my colleagues suggested, we know if allegations were made to the minister, we do know allegations were made in 2018. That was confirmed by the Privy Council Office, whether or not they found them actionable.

In that circumstance, Colonel Drapeau, could the minister have removed the chief of the defence staff either from his position temporarily or at least from his position of being in charge of Operation Honour?

• (1210)

**Col (Ret'd) Michel Drapeau:** Mr. Garrison, as far as I'm concerned, the answer to both your questions is yes.

**Mr. Randall Garrison:** Thank you very much.

I will address my next set of questions to Madam Justice Deschamps.

First of all, let me thank you again for the work you've done, and let me thank you today for bringing some specific proposals forward.

Given the level of allegations that have been made by Major Brennan and others about the failures of Operation Honour, do you believe Operation Honour in its current form can be effective in addressing sexual misconduct within the military?

**Hon. Marie Deschamps:** General Vance presented himself as a champion of Operation Honour, and as such it affects the credibility of the operation. However, Operation Honour has been followed by another strategy, which coincided with his departure from the forces. I do believe that what we are hearing and the investigation that's going on will not impair the efforts that are made. Even though I'm not happy with the pace, and even though I'm not happy with the fact that there are not enough concrete steps being taken immediately, there is something that needs to go forward.

Chairman, this amount of effort has been put into this Path to Dignity and Respect, and a lot of people have been enrolled. I think the Canadian Armed Forces should double their efforts to build up or rebuild its credibility. I don't think they should drop the ball now. That would be the worst thing that could happen.

**Mr. Randall Garrison:** We know the channels for investigating complaints against an individual member of the forces are clear and that there is an investigation into the allegations against General Vance. I want to set that aside and ask you whether you believe there should be an investigation into the broader circumstances here and that someone should be given the authority, either through a board of inquiry or through the appointment of an expert such as you, to suggest the changes that are really necessary here to restore the confidence of serving members that sexual misconduct will be treated seriously at the highest level.

**Hon. Marie Deschamps:** Certainly having someone who is completely outside the forces helps to inspire trust. Given the fact of the allegation concerning the chief of the defence staff, it would be a positive step if someone from the outside could conduct the inquiry. This said, I'm not looking for a new job. I've done my share, and I'll continue to contribute as much as possible, but I think there are many people who have a lot of credibility who can do that.

• (1215)

**Mr. Randall Garrison:** Thank you very much, Justice Deschamps. I certainly do sincerely thank you for all the efforts you've made, and for today.

I want to ask one last thing. The allegations over the weekend are not just against General Vance; they're against the senior leadership of the Canadian Forces. Major Brennan has said that sexual misconduct, first of all, was widely known among the senior leadership, not just in the case of General Vance. Second, she's made the very serious allegation that no follow-up was made when there was an allegation of sexual assault.

Do we not really need that independent inquiry at this point?

**Hon. Marie Deschamps:** Well, I have already mentioned that because of the level of the—

[Translation]

**Mr. Alexis Brunelle-Duceppe:** I have a point of order, Madam Chair. Sadly, we have an interpretation issue again.

**Hon. Marie Deschamps:** I apologize. This reminds me that, even if the question is in English, I can answer in French.

Given that the allegations concern the Chief of Defence Staff, who, as you said, is at the highest level of authority, a fully independent investigation would be in order.

I thought I said it before, but I'll say it again.

**The Chair:** Thank you very much, Ms. Deschamps.

[English]

We'll go to Madam Alleslev, please.

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

Thank you to the witnesses for being here. This is such an incredibly important discussion.

I want to reiterate what my colleagues have said about Major Brennan and her incredible testimony over the weekend, but also how incredibly and fundamentally jarring the spectre and breadth and depth of that commentary was. That's why the work we are doing here is so incredibly important and we will want to revisit, Madam Chair, the possibility of having the two of the witnesses we have here today come back again on another occasion so that we might be able to go into more depth on their testimony.

My question is for Mr. Drapeau.

**Mr. James Bezan:** I have a point order.

I'm sorry to interrupt my colleague, but I'm having trouble hearing her. I don't know if it's just me, but it's cutting in and out. I don't know if the floor audio is still turned on or not, but it was very tough to hear.

Leona, you might have to put your mike a bit closer to your mouth.

**Ms. Leona Alleslev:** Okay, there you go. I'm sorry about that.

Mr. Drapeau, when the minister testified before committee, he said that he had always passed everything to the proper authority.

I just want to clarify from your testimony, in the case of possible allegations, whatever they may be, that the minister was, in fact, himself the proper authority and had not only the duty but the facility to act. The buck stops with him. Is that your testimony?

**Col (Ret'd) Michel Drapeau:** My testimony is, having received a caution from the ombudsman—and the ombudsman had no one else to turn to except the minister.... Now the minister is saddled with these allegations. He had a duty first to investigate and second to report, and he had the tools and the authority to investigate under section 45 of the National Defence Act.

He also had a duty to report, presumably after having investigated the matter summarily or fully, to PCO, given the CDS is a Governor in Council appointment. Along the way he might have elected to suspend—not to remove, to suspend—the CDS while this matter was being investigated. Of course, the removal of a Governor in Council is outside the authority of the minister. That would probably involve cabinet, the Prime Minister or both.

• (1220)

**Ms. Leona Alleslev:** Thank you.

In a democracy, the trust and confidence in a standing military is fundamentally dependent on elected civilian oversight, i.e., a minister of national defence. Yet we understand the possibility, as a result of this minister's friendship, working relationship, long history, and possibly other compromising information between Minister Sajjan and former chief of the defence staff Jonathan Vance, that there may in fact be a conflict of interest with the minister hindering his ability to carry out his duties as a minister.

Could you provide some comment? As members of Parliament or Canadian citizens, how do we ensure that a minister of national defence is not compromised, not able to be leveraged or influenced, and is able to carry out his critical oversight as an elected official of a standing military that has the right to bear arms?

**Col (Ret'd) Michel Drapeau:** Ms. Alleslev, permit me to say two comments in response to your questions.

First and foremost, there are two key players who should also have been involved in the decision-making by the minister. First and foremost is the deputy minister. Just by the very nature of her title and rank, she's there to advise the minister on a whole range of issues that the minister could rely upon to receive advice. Second, the minister's immediate subordinate is the judge advocate general, who is schooled and an expert in military law. Both the deputy minister and the judge advocate general should have provided the minister with all of the advice that he required to respond to this.

**Ms. Leona Alleslev:** But, Mr. Drapeau, who investigates the minister?

**The Chair:** Time is up. Thank you very much.

We go to Madam Vandenbeld, please.

**Ms. Anita Vandenbeld:** I would just like to caution that this committee needs to be very careful. When we start using words like “compromised” or “leveraged” and innuendo about relationships when referring to a minister, I really think there's a lot being said here that we really need to take a step back from. We need to be careful about things that are being alleged that have absolutely no bearing in fact.

That said, I also think there has been a lot of speculation in the media and there have been a lot of things said here that do not bear out when we look at the actual testimony. There has been nothing

here that says there were any allegations in 2018. There's nothing here that says if there was anything raised, it was even the same as what was raised two weeks ago. All we know is that whatever was raised was referred. We have heard PCO say that there was nothing actionable.

I think we need to be very careful. There is a real concern here, which is why is it that if there were women who have experienced this who came forward, these women did not want to make official complaints?

I would like Madam Deschamps and Dr. Preston to talk about the fact that if somebody comes forward and says that something has happened but absolutely does not want that to go through a formal process, does not want that to be repeated and wants it held confidential, what is it that we can do in those circumstances? What is the proper process in those kinds of circumstances, and how can we improve that?

Madam Deschamps, could you please start by perhaps talking about some of the things that have been said in the testimony today about the minister's responsibility and whether you agree with that?

**Hon. Marie Deschamps:** First of all, I'm not sufficiently familiar with the statute to comment on what Colonel Drapeau has suggested.

However, as to your point on what someone who has suffered sexual abuse, sexual harassment or sexual misconduct can do, I think the first thing that should be done is to go to the root of why that person does not want to speak out, because not reporting will only compound the problem. This is where the expert advice and expert support of the centre is very important, because if we have too many unreported incidents, what we call in the jargon “restricted reports”, which are reports that are kept confidential, signalling disclosures that are kept confidential, we will not be achieving significant progress.

One of the key roles of the centre is to support the person and walk her or him through the process to ensure that the person, first of all, will not suffer retaliation but become strong enough to speak up.

• (1225)

**Ms. Anita Vandenbeld:** Dr. Preston.

**Dr. Denise Preston:** I'll end up reiterating some of what Madam Deschamps said, but it is true that the safest place for a Canadian Armed Forces member to talk about what has happened to them is to come to the sexual misconduct response centre. I say that for two reasons. One is we are independent of the chain of command, so they are able to speak to us confidentially and the information will not get back to the chain of command. That links to the second point, which is that all of the counsellors at my centre are civilians who do not have a duty to report. Therefore, regardless of what we are told and who they are alleging has committed this behaviour, that information is held confidential. We will provide whatever support, assistance, advocacy or accompaniment members need when they so choose to do it. It needs to be their choice and their timing, and we will provide that for them.

Thank you.

**Ms. Anita Vandenberg:** Dr. Preston, what could we do to strengthen the SMRC? What could we do to give you even more tools at your disposal to be able to act on this?

**Dr. Denise Preston:** I think a number of things need to be prioritized and certainly have been on our work plan for a period of time. We want to look at reporting in terms of implementing alternatives to reporting that are outside of the chain of command. Another source of support that has been raised on a number of occasions is the provision of independent legal advice for victims. This is provided in other militaries, and it is provided in a number of provinces in Canada. There are certainly a number of priorities related to better supporting Canadian Armed Forces members.

There are other things that could be done as well to facilitate our ability to better monitor the work that CAF is doing. One of those that we've talked about already is access to data and better centralization of the data. I think the organization is seriously challenged by a lack of a full understanding of the depth and breadth of this problem. There needs to be more work on data and some research.

Thank you.

**Ms. Anita Vandenberg:** Thank you.

**The Chair:** Thank you very much.

We're going to suspend so we can do the sound check for our next two witnesses.

• (1225) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1230)

**The Chair:** We'll go on. We have probably 15 more minutes, but I think it's worthwhile to hear from our next two witnesses.

We'll begin with Dr. Eichler, please, for an opening statement.

**Dr. Maya Eichler (Associate Professor in political studies and women's studies/Canada Research Chair in Social Innovation and Community Engagement, As an Individual):** Madam Chair and members of the committee, thank you for this opportunity to speak today.

My name is Dr. Maya Eichler. I am an associate professor and Canada research chair at Mount Saint Vincent University in Halifax. My research focuses on gender integration and sexual violence in the Canadian Armed Forces.

I will take this opportunity to reflect on the limitations of Operation Honour. I will argue that it is time to refocus our attention on military culture change and accountability through external oversight. I will highlight two limitations of Operation Honour. Operation Honour aimed to eliminate sexual misconduct, but it never asked why sexual misconduct happens or how institutions change. Let me explain.

Operation Honour never addressed the root causes of sexual misconduct. Most significantly, Operation Honour did not make the link between sexual misconduct and military culture, specifically, the role of gender and masculinity in it. The Canadian Armed Forces is a unique workplace that is designed around an unstated but institutionally assumed white heterosexual male norm. The culture of the military is the outcome of a long history of legally sanctioned sex and gender discrimination against those who don't fit that male norm. Legal discriminations have been removed against women and LGBTQ2 members, but those labelled as "other" for not fitting the preconceived norm of the Canadian soldier are often still treated like less than ideal soldiers.

This entrenched white heterosexual male norm of the Canadian soldier is at the very core of military culture. It is the perpetuation of that norm that enables gender-based violence, including sexual harassment, sexual assault and such other "isms" as racism. When we talk about root causes, we need to also keep in mind the unique nature of the military as a federally regulated workplace. The military makes exceptional demands on its workers, but it has weak workers' rights. The military gives number one priority to operational readiness, demanding from its workers unlimited liability, universality of service, total dedication to work, uniformity, hierarchy, obedience, as well as loyalty to the group and mission before self. Yet there is no union or independent oversight body to truly defend military members' rights or support their work-related concerns.

It is these exceptional demands of military work that have often been used in the past to justify the military as a—if not the—quintessentially male workplace. As such, it is simply astounding to me that Operation Honour documents routinely lack any reference to gender, masculinity, or men, or the unique dynamics of the military workplace. It will require a foundational shift in the military's culture, gender and workplace in order to address sexual misconduct in a meaningful way.

This brings me to the second limitation of Operation Honour, which is its incorrect and simplistic assumptions about how institutions change. Operation Honour assumed that change can come about by ordering everyone to stop engaging in sexual misconduct, that is, by changing individual behaviours. No one took steps to ensure that CAF members had the resources and supports they needed to implement Operation Honour. This situation was compounded by a generalized lack of institutional expertise on sexual misconduct, culture change or gender issues. CAF declared Operation Honour its top institutional priority, but its words did not match what people on the ground were seeing. This disconnect produced fatigue and resistance.

Perhaps even more importantly, the problem with Operation Honour was that it was about the military reforming itself. There is no evidence that such an approach can work and bring the necessary changes. This is especially the case considering the military showed reluctance, if not some resistance, towards following the recommendations of the Deschamps report. Rather than setting up the recommended independent external accountability centre, CAF chose to self-monitor. Time has proven that this type of approach—it did not address root causes, was reactive and inconsistent, and was based on self-monitoring—was too linear and simplistic to succeed and solve the complex problem it sought to address.

• (1235)

We have an opportunity right now to capture these lessons learned from Operation Honour, and to move forward towards culture change and accountability through external oversight.

I conclude with two key points. The CAF needs culture change. First, the CAF needs a comprehensive strategy that acknowledges its institutional role and responsibility in preventing sexual misconduct, along with all other forms of discrimination and violence in the military workplace. Second, the CAF needs oversight. Given the ongoing resistance to military culture change, long-term independent, external oversight is required. This is the only way to ensure true accountability, and the only way to ensure the health and well-being of all women and men in the Canadian military.

I was pleased to hear the minister acknowledge on Friday that toxic elements of masculinity exist within the Canadian Armed Forces, and that he recognizes the need for a complete and total culture change. To me, the important question today is: What are the next steps that your committee can take to move this process along in a way that provides clear direction to the minister, the department and the Canadian Armed Forces, including on creating some form of oversight?

Thank you very much. I look forward to your questions.

**The Chair:** Thank you very much, Dr. Eisler.

May we have your testimony, Dr. Okros, please.

**Dr. Alan Okros (As an Individual):** Madam Chair, I'm speaking to you from Toronto, the traditional territories of the Mississaugas of the Credit, the Chippewa and the Wendat peoples.

[Translation]

My comments will be in English.

[English]

I have been engaged in issues of harassment in the CAF for over 40 years, and I see strengths and weaknesses in the current version of the movie.

Leaders at all levels are seeking to address issues and do the right thing. The supporting functions provided by the SMRC are helpful and the recent Path to Dignity and Respect has some promising ideas, but Operation Honour has not had the results intended. Why?

The reason has been an incomplete understanding of the issues, which has led to incomplete solutions. As heard, this is underpinned by unwillingness to critically assess certain aspects of CAF identity and culture. Six years ago, General Lawson said that CAF culture and behaviours had improved from the 1990s. While he was correct, the CAF had not been attending to evolutions across society. Expectations around the standard of workplace conduct have continued to rise. People are no longer prepared to ignore, endure or accept behaviours that may not have been called out in the past.

So while there has been some progress in the last five years, the gap has likely grown yet again. I'll note that two years ago senior leaders said they didn't know what the root causes are. External experts said they did, but weren't being listened to. The problem is that the issue has been framed as about sexual misconduct. The description of the term puts the emphasis on the first word: describing it as sexual advances, sexual overtones, flirting. There are CAF members who annoy people with overtures, but the key issue is not about sex. If I hit you with a shovel, you wouldn't call it inappropriate gardening.

It's about power. It's using sexually and racially coded language to create and police social hierarchies about who is important and who is not. And it's about the death by a thousand cuts of an individual's self-worth, identity and sense of belonging. That's what's getting broken, not people feeling uncomfortable seeing an explicit picture or hearing an off-colour joke.

The Path starts to expand the framing of the problem. It's taken 40 years, but it's a good first step. It acknowledges that there are cultural factors that can increase incidents of sexual misconduct, but the door is only opened very slightly. There are a couple of carefully worded statements that gender stereotypes, outdated conceptions of the warrior, and a male-dominated workforce can create harmful cultural dynamics, but nothing more, and nothing of substance in the rest of the document to address even those.

The key omission is the continued reluctance to name power and militarized masculinities. This requires a careful and critical analysis of how the military constructs the soldier, sailor and aviator and, equally, the leader and the commander. We need to examine the institutionalized and systemic processes that shape military identity, and ask: How much of one's identity do they have to give up in order to be successful in the CAF?

Most of those leading have not had to think about this. Left-handed people know they live in a right-handed world, but right-handed people don't. It isn't apparent to us when the world is constructed to fit us. The CAF was a good fit for most seniors and we still have some who don't realize or can't see why it isn't a good fit for others. They continue to use terms and narratives that they believe resonate with all, but actually serve to accentuate the dominant identity, hence increasing the social hierarchies and leaving some feeling isolated, ignored or not valued for who they are.

The Path indicates that work will be done to update professional development and enhance leadership capacities. Both are needed, but should be informed by analyses of CAF identity and the practices of militarized masculinities, which the minister alluded to. As part of this, I would identify a 2016 U.S. Equal Employment Opportunity Commission report that identified 12 factors that increase the risk of workplace harassment. The CAF has 10 of these and is at the high end on six: significant power disparities, encouraging alcohol consumption, a young workforce, use of coarse language, single-gender dominated culture, and a homogeneous workforce. Only two are reflected in the Path.

• (1240)

Proper considerations of the institutional and systemic factors that create the conditions where sexualized language is used to diminish others requires the CAF to shift away from the current focus on the weak individual. Harassment incidents and lack of reporting are not because people haven't read the definition or don't know how to file a report. There are strong social factors that are intentionally created by the CAF that set these conditions. Major Brennan addressed some of these.

Addressing these factors means challenging some central tenets of the profession, facets that are key to success but also create unhealthy conditions. Obedience to authority, normative conformity and group loyalty are essential. They also create intense social pressure to fit in, to conform and, above all, to stay silent. Power and hierarchies are critical to effective command, but signal that it's acceptable for individuals to use social power against others.

Members need to know their buddy will have their back when the brown stuff hits the rotating object, but this means people are constantly judging others to see if they measure up. Outdated

stereotypes continue to put women under the microscope to constantly be tested and forced to prove they can do the job.

My comments lead to a key issue. The first objective of Operation Honour is leadership-driven culture change. There is still no clarity on which aspects of the CAF culture are to be changed and which are allowed to remain the same. The central question for this committee is if that is a decision CAF leaders make on their own.

I look forward to your questions.

• (1245)

**The Chair:** Thank you very much.

Unfortunately, if we are going to reserve 15 minutes for the motion brought up earlier, we'll have to suspend here and allow our witnesses to sign off because it's now quarter to one.

I just want to say thank you to the witnesses. I apologize for the technological challenges we've had today. I think you've brought quite a lot to this discussion, which was very important, about how these things happen and how we make it so they don't happen. On behalf of all of the members of the committee, we appreciate your joining us and your time.

Thank you very much.

We're going to suspend for a couple of minutes, and then we'll reconvene and bring a motion to the floor.

• (1245)

(Pause)

• (1255)

**The Chair:** We're going to resume this meeting. Thank you, everyone, for your patience.

All the committee members will have received an email—and please raise your hand if you have not—which included the information that I think is important when it comes to this discussion. The clerk is not allowed to disclose this information in public, and that's why we took the step of sending you an email—so now you do understand.



I also need to remind everyone that when a witness declines an invitation, we can go back to that witness and escalate it and say that it's very important that this happen, but I don't believe we as a committee can compel that witness to appear, just so you understand that. If you wish, what the clerk can do is write a letter to the witness and explain the reasons it's so important for him or her to appear.

We cannot discuss what was sent to you in an email. That is considered to be confidential.

Madam Gallant has her hand up. Does anyone else want to speak to this?

We have Madam Gallant and then Mr. Bezan. Go ahead.

**Mrs. Cheryl Gallant:** Thank you, Madam Chair.

In testifying before this committee, is one granted complete immunity from any potential civilian charges, from being sued, from criminal charges or from any other charges? Does that person have complete immunity if they testify here?

**The Chair:** I don't believe that's the case. We have parliamentary privilege here, but I'm not sure that would cover witnesses.

**Mrs. Cheryl Gallant:** That testimony cannot be used against them?

**Ms. Anita Vandenberg:** I think they have privilege on what they say. They can't be sued for what they say in committee. I'm quite certain that anything said in this committee could be used in a court of law if—

**Mr. James Bezan:** Actually, you're wrong on that.

Madam Chair, some of the conversation that's happening at the table is not getting fed back into the meeting for those of us who are virtual.

**The Chair:** Go ahead, Mr. Bezan.

**Mr. James Bezan:** I actually wrote to the law clerk asking for advice. As we all know, witnesses enjoy the same privileges as MPs do at committee and in the House. They cite a number of examples. I'd circulate this, but it's only in English. Unfortunately, what you've just circulated from the clerk was only in English, and I just caution that we shouldn't be doing that.

Despite the fact that he received legal counsel, he may not have received the best legal counsel on whether or not to appear. The law clerk pointed out to me that witnesses who appear before committees are also protected from arrest and molestation as are members of Parliament, and that the legal proceedings up until this point in time have not been able to be inserted into a court of law.

In particular, the law clerk made mention of the sponsorship scandal and testimony provided by former minister Alfonso Gagliano. In that situation, the Quebec Superior Court actually struck any use of testimony from committee in legal proceedings. If Mr. Walbourne does appear because we've passed a formal motion to summon him, then he would be afforded the same protections that each and every one of us are afforded.

I would also just add that we're talking about whether or not we can force a witness to appear. I believe the rule on that is that the committee could go the next step after issuing a summons based

upon a motion from the committee that was transcribed into a letter from the clerk to Mr. Walbourne, if we wanted to. If he still declines it and if we decide to want to go one step further, we could then pass a motion to take to the House and to the Speaker to ultimately subpoena him to appear.

I'll make the argument that, based upon all the reporting that has gone on, it seems that a meeting took place in March 2018 that first raised the spectre of sexual misconduct on behalf of the former chief of the defence staff. Minister Sajjan obfuscated when he was at committee on Friday over whether or not that meeting took place. I think we need to have Mr. Walbourne appear at this committee.

I encourage colleagues to support this motion, so that we can get down to the bottom of this and ultimately, without tainting the investigation on General Vance that is taking place right now, start setting the processes in motion to change the way sexual misconduct is reported and how organizations within the Canadian Armed Forces and National Defence operate. We can make the place more protected and safer for all members of the Canadian Armed Forces, so that they can operate in a respectful and welcoming manner.

• (1300)

**The Chair:** Go ahead, Mr. Garrison.

**Mr. Randall Garrison:** Madam Chair, I agree completely and actually wholeheartedly with Mr. Bezan. It is necessary for us to take this step.

This could have been precluded by the minister being more forthcoming. If the minister, at any point, would like to write to us again and confirm when he knew or did not know about allegations—

**Mr. James Bezan:** I have a point of order, Madam Chair.

We have a visitor on the screen that should not be participating in an in camera meeting.

**The Chair:** We're not in camera, but thank you for that.

**Mr. Randall Garrison:** Madam Chair, we wouldn't be in this unfortunate situation if the minister had been more forthcoming. No one has asked him to talk about the specifics of allegations, but we are asking whether he had knowledge of allegations. It's not about whether he took action to investigate those, although we heard testimony today that he clearly could have. It's the fact that he took no action to protect serving members of the Canadian Armed Forces against very serious allegations, which have gotten a lot more serious over the weekend.

If the military ombudsman does appear, there may in fact be things that he believes he cannot say. He is free to do that before the committee.

This also illustrates a second problem that we've dealt with for a long time, which is that the military ombudsman is not an officer of Parliament, but in fact reports to the Minister of National Defence. That creates the situation we're in today. I've long called for the military ombudsman to be an officer of Parliament. We wouldn't be in this situation if he had that independence.

I think it is necessary for us to proceed, but again, I would stress it could be precluded by action from the minister to provide the information that he failed to provide in our last meeting.

• (1305)

**The Chair:** Go ahead, Madam Vandenberg.

**Ms. Anita Vandenberg:** Just for clarification on what Mr. Bezan was proposing, would this mean, Madam Chair, that you or the clerk would then write back to Mr. Walbourne and strongly encourage him to appear and explain why it would be important? Then if there's escalation, would we come back to the committee to do that? At this point it would just be a letter to Mr. Walbourne. Is that what we're debating? If that's the case, then yes.

**The Chair:** Go ahead, Mr. Bezan.

**Mr. James Bezan:** I think what we're doing is passing a motion that summons him. Mr. Walbourne can then do with it as he wishes. The motion will pass. That motion, along with the letter, will be forwarded to him by the clerk advising him that we have requested him to appear, with the wording of the motion as it's been tabled.

I think it's very straightforward. It provides direction to Mr. Walbourne that we do need to hear from him, that there are a number of questions surrounding what he knows and the sequence of events as they unfolded through his time as the national defence ombudsman for the Canadian Armed Forces. I think we need to get this on the record. He has full immunity, as described by the rules and operations in the Parliament of Canada Act. He's eligible to come forward and testify without fear of repercussions by other legal means.

**The Chair:** Are you tabling your motion, Mr. Bezan?

**Mr. James Bezan:** It's been tabled. I tabled it earlier, when I dropped it during testimony earlier today. I do request that this come to a vote.

**The Chair:** Go ahead, Mr. Bagnell.

**Hon. Larry Bagnell (Yukon, Lib.):** Madam Chair, I'm just wondering if we're setting a precedent with this motion, if the members of the armed forces won't feel they can go in confidence to the ombudsman on future issues, on any issue. This seems to be the one place they can go that's independent, where conversations are private. Will they feel that they cannot do this now that a parliamentary committee can just summon the ombudsman at any time and their information is not confidential anymore?

**Mr. James Bezan:** May I answer that, unless one of the other members wants to dive in here, Madam Chair?

**The Chair:** Yes. Go ahead, Mr. Bezan.

**Mr. James Bezan:** The Canadian Armed Forces ombudsman is responsible to appear before the committee and report from time to time. We never ask him to disclose confidential issues that they deal with on behalf of the members of the Canadian Armed Forces. As Colonel Drapeau said in his testimony earlier today, and Mr. Garrison just mentioned, the ombudsman isn't independent because he has to answer to the minister. He does have the chain of command that currently is obstructing his ability, or her ability, to do their job.

Madam Chair, I'd just say back to Mr. Bagnell that this is not about getting into the details of the allegations because we don't want to taint the investigation. I think justice needs to be served here for all parties in question. Let's actually have a serious discussion with Mr. Walbourne over the sequence of events and what he had as discussions with the minister relating to the allegations, but not the details of those allegations.

**The Chair:** Are there any other further points that people would like to bring up at this time?

Let's see if we can get this through by unanimous consent.

Is there unanimous consent?

**Some hon. members:** Agreed.

**The Chair:** I'm sorry, because we're doing this virtually, does anyone not give their consent to this motion? No.

(Motion agreed to [*See Minutes of Proceedings*])

**The Chair:** This has been passed by unanimous consent. Thank you very much. You made that easy.

We're a little bit late, so I'm going to adjourn the meeting.







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