



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

43rd PARLIAMENT, 2nd SESSION

---

# Standing Committee on National Defence

EVIDENCE

**NUMBER 022**

Friday, March 26, 2021

---

Chair: Mrs. Karen McCrimmon





## Standing Committee on National Defence

Friday, March 26, 2021

• (1310)

[*Translation*]

**The Chair (Mrs. Karen McCrimmon (Kanata—Carleton, Lib.)):** Good afternoon, everyone.

[*English*]

I call this meeting to order.

Welcome to meeting number 22 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 and remotely using the Zoom application. The proceedings will be made available via the House of Commons website. Just so that you are aware, the webcast will always show the person speaking rather than the entirety of the committee.

[*English*]

If interpretation is lost, please inform me immediately, and we'll ensure that the interpretation is properly restored before resuming the proceedings. Before speaking, please wait until I recognize you by name. If you are on video conference, please click on the microphone to unmute yourself.

I'll remind you that all comments by members should be addressed through the chair. When speaking, please speak slowly and clearly. When you are not speaking, your mike should be on mute. With regard to the speaking list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

Before we introduce our witnesses for today, there are two issues that I'd like to bring to the committee's attention.

The first is that the law clerk has completed his review of the documents pursuant to the production order issued by the committee on Monday, March 8. We received a letter from the law clerk this morning.

I'd like to bring to your attention the following extract from the law clerk's letter:

In the course of our review, we noted that certain records contain sensitive personal information that does not fall within the categories of redactions expressly allowed by the Committee's Order. My Office has highlighted this information in 'yellow' in the documents for the Committee's consideration, should it wish to redact that information before distributing the documents or making them public.

We can actually give him permission to do this or we can distribute them with certain guidelines about the confidentiality of the information that is included in these documents. Does anyone have a significant preference?

Go ahead, Madam Gallant.

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** I would like to see the documents, with your encouragement that they remain confidential to a point. I don't want to have anything redacted. We've already had too much redacted.

**The Chair:** Okay.

Go ahead, Madam Vandenbeld.

**Ms. Anita Vandenbeld (Ottawa West—Nepean, Lib.):** If you could perhaps clarify, Madam Chair—or perhaps the clerk could clarify—on the documents, what you're asking the committee is whether to send the documents to committee members with highlights from the law clerk saying “these are the things that are sensitive and personal and should not be sent publicly”. Then, as a committee, it would behoove us, I would imagine, if we plan to make this public or distribute it further, to make sure that those highlighted by the law clerk are redacted before we then further distribute. Members themselves would be able to get the unredacted version.

Is that what the law clerk is suggesting? Perhaps the clerk could clarify.

• (1315)

**The Chair:** That's what the law clerk is asking about—the permission to redact those—but we can also not redact them, and then it's the responsibility of the individual members to treat that information confidentially. That's the option.

**Ms. Anita Vandenbeld:** In that case, I would suggest that—as long as we get a nod of heads from members that we would then treat the personal information confidentially—it would be fair to give that to members knowing that members will be discreet with that information. I think that's the fair and transparent thing to do.

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

**Mr. James Bezan (Selkirk—Interlake—Eastman, CPC):** I just want to agree with the parliamentary secretary that I think if we have the areas that are highlighted that are sensitive, and that we stress upon all members of the committee that those parts of the documents are not shared, that it is held in confidence by committee, I think that's clear to everyone. For the rest of the documents—and we know some of these have already been made public—we are then more free to use as we see fit, but while protecting the private and confidential matters that are contained within those documents so as not to taint the investigation.

**The Chair:** Okay.

Madame Gallant.

**Mrs. Cheryl Gallant:** I would like to see the documents before we agree in advance to anything, and then based on what Mr. Bezan said, I think the committee will take the proper course of action.

**The Chair:** That's the impression I'm getting, that we're saying we will ask the clerk not to remove those portions, that we will share them with the committee members and then the committee members must commit to recognizing that the parts of the documents that are highlighted in yellow are confidential. The process must be treated respectfully.

That's the direction I'll go back to the clerk with, and you will see that being sent out to you probably later on this afternoon.

The other issue is about the order that came out of the House last evening for a witness to appear on April 6. We are currently working on that issue at the present time. Plan to keep your schedule free on April 6 and we will let you know as soon as we have the details.

I would also suggest that perhaps we should do our steering committee meeting on the same day. Rather than doing it days apart, we would do everything we need to do on the 6th and do our steering committee on the same date. Does anybody want to weigh in on that?

Go ahead, Mr. Bezan.

**Mr. James Bezan:** Just on that, Madam Chair, I'd say instead of just doing a steering committee, let's do the entire committee, since we're all going to be online anyway, and let the entire committee talk about what we want to do as work. It just saves one step. If the committee approves it right then and there it doesn't require us to have to have a steering committee report to take it back to the whole committee and then have that approved down the road. We can actually get moving forward on organizing our work accordingly.

I do agree that if we can have Ms. Astravas show up on the 6th.... The other witness would be Gregory Lick, the military ombudsman. Maybe we can have that happen at the same time, or if we have to do it next week, then we do it next week.

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

**Ms. Anita Vandenberg:** On that, just going back to the discussion we've had about naming witnesses and private citizens in a public forum, which then puts them on the spot in terms of explaining why they did or didn't accept the invitation to appear [*Technical difficulty—Editor*], I would just suggest that it be an in camera meeting.

**Mr. James Bezan:** I'm good with that.

**The Chair:** You're good with that? Okay, we will organize a type of steering committee with the entire committee in camera to discuss how we move forward with this particular study and our work plan going forward.

Is everyone on board with that? Good.

I think that's all I need to deal with right now.

Madame Vandenberg.

**Ms. Anita Vandenberg:** I have a question for the clerk.

I had put a notice of motion to bring Richard Fadden, who is the former national security intelligence adviser in 2015 to the Harper government. I just want to ask the clerk if I got the 48 hours' notice in when I put that in? I did not. In that case I won't move that motion until the meeting that we're planning on the 6th.

• (1320)

**Mr. James Bezan:** I was okay with you moving it. You have our support.

**Ms. Anita Vandenberg:** But I won't move it because I want to be consistent with my feeling that this committee should give 48 hours' notice when we're going to be putting motions. I'll wait until next week.

**The Chair:** Thank you.

Mr. Baker.

**Mr. Yvan Baker (Etobicoke Centre, Lib.):** Thanks, Chair.

Do we know the time of that April 6 meeting?

**The Chair:** Pursuant to the order, it needs to start at 11, so we could have our steering committee either before or after. Before might be good.

**Mr. Yvan Baker:** Okay.

**Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP):** Madam Chair, some of us are on the west coast, so no meeting before. Committees have agreed not to meet at 7 a.m. Pacific Time.

**The Chair:** Mr. Garrison, you are correct.

We'll do our steering committee meeting afterwards.

Are there any other contributions to this discussion?

Thank you. We have part of a plan going forward.

Thank you to our witnesses for being with us today and for your patience while we got done a couple of details that needed to be ironed out.

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: Janine Sherman, deputy secretary to the cabinet, senior personnel and public service renewal at the Privy Council Office; and retired lieutenant-colonel Bernie Boland. Welcome.

Up to six minutes will be given for opening remarks.

I'd like to invite Ms. Sherman to begin with her opening statement.

**Ms. Janine Sherman (Deputy Secretary to the Cabinet, Senior Personnel and Public Service Renewal, Privy Council Office):** Thank you, Madam Chair and members of the committee, for the opportunity to appear again before you today, following my appearance February 19 alongside the deputy clerk of the Privy Council.

[*Translation*]

I have been the deputy secretary to the cabinet for senior personnel and public service renewal since May 2016. Prior to that, I was assistant secretary to the cabinet for senior personnel, a position I had held since October 2014. As deputy secretary to the cabinet, my responsibilities include advising the Prime Minister and cabinet on Governor in Council or GIC appointments.

The Privy Council Office supports the government in circumstances where issues arise with GIC appointees. In doing so, we provide independent, non-partisan advice and support to the government. When there is evidence of inappropriate conduct on the part of a GIC appointee, we provide our best advice to the government on how to address the issue.

[*English*]

In my previous appearance before the committee, I felt it was important to protect the confidentiality of my discussions with the former ombudsman for the Department of National Defence and the Canadian Armed Forces, and the integrity of the ombudsman's office and its processes. Since that time, the committee has heard a number of witnesses, and further information has been presented.

With certain details having been shared by the former ombudsman, I can confirm that in early March 2018, the Clerk of the Privy Council asked that I follow up on an issue that the ombudsman had raised with the minister regarding potential allegations of misconduct against the chief of the defence staff. I was asked to follow up immediately, which I did.

A follow-up exchange of emails between me and the former ombudsman took place March 5 and 6. In that exchange, I explained that I was seeking to better understand the nature of the complaint, in order to provide advice to the minister in the context of his role in supporting the Prime Minister and the Governor in Council on appointments.

I met with Mr. Walbourne on March 16. In my email exchanges and in my meeting with Mr. Walbourne, I did not receive information upon which to take further action.

On the specific issue the committee is studying, given that the Canadian Forces national investigation service has opened an investigation, I am limited in the responses that I can provide, to respect the integrity of the investigative process. Protecting the confidentiality and integrity of any investigative process is critical for ensuring that individuals feel safe to come forward and that we respect their privacy.

I know we all agree that any instance of harassment is unacceptable. Every situation is unique, but the right to a safe workspace, where individuals are treated with respect, dignity and fairness, applies to everyone working within a federal workplace. As a senior member of the federal public service, this is a fundamental focus for me in carrying out my responsibilities.

Once again, I thank the committee for the opportunity to appear before you today. I would be pleased to answer any questions you may have to the best of my ability and within the limitations that I have noted. I can also provide information of a general nature regarding PCO's role in the management of GIC appointees, should the committee wish.

• (1325)

**The Chair:** Thank you very much, Madame Sherman.

Over to you, Mr. Boland.

**Lieutenant-Colonel (Retired) Bernie Boland (As an Individual):** Madam Chair, thank you for this opportunity to testify. I'm Bernie Boland, a retired lieutenant-colonel who served honourably in the Canadian Armed Forces for over 30 years. For the past 12 years, I was an engineer in the public service. I retired on December 30, 2020.

I'm testifying because DND has demonstrated an inability to act in an independent judicial fashion that honours due process, defends procedural fairness and respects the rule of law.

In 2016 I reported wrongdoing and misconduct when an employee I had the privilege of supervising requested that I report her harassment and human rights violations by a senior engineering manager. As compelled by oath and the code of values and ethics, I reported it. Her case is now at the Canadian Human Rights Tribunal awaiting adjudication on discrimination and deferential treatment due to age, gender, ethnicity and being a Muslim.

Once I reported, everything in the workplace changed. I faced reprisal and retaliation. I was silenced, denied due process and had my procedural fairness rights withheld. To date, external to DND, I have submitted to the Federal Court of Canada an application for judicial review of DND's grievance dismissal, given notice to the registrar of the Canadian Human Rights Tribunal to be a party to a tribunal hearing, and filed a complaint with the Ministry of Labour on DND's breach of my Bill C-65 rights. Internal to DND, I have submitted formal complaints and grievances, all to no avail.

I also provided to the deputy minister detailed analysis of the lack of due process, procedural fairness violations, conflict of interest and decision-maker bias. Additionally, I provided to both the DM and Minister Sajjan independent analysis—the Lowry report—from a retired RCMP fraud investigator that confirmed and corroborated decision-maker bias, conflict of interest, denial of due process and violations of procedural fairness. It was ignored. However, because I reported the harassment and human rights violations of the employee I supervised, DND secretly, in a formal departmental submission to the Canadian Human Rights Commission, made me the scapegoat to exonerate those responsible and culpable. This DND submission was made without my knowledge and with no opportunity to defend myself. It was condemnation without any representation.

Once I became aware of DND's secret scapegoating submission, I formally complained because the director general, workplace management, secretly made me the scapegoat; Troy Crosby, assistant deputy minister, materiel, determined that it was proper conduct for the DG to secretly make me the scapegoat; and Jody Thomas, the DM, condoned DND's secret scapegoating of me as proper departmental conduct. Without any investigation, DND dismissed my complaints.

I also submitted a grievance and a request for an independent ethical review on the myriad conflicts of interest, bias, denial of process and withholding of procedural fairness rights. DND summarily dismissed these.

DND's justification, as stated by assistant deputy minister of human resources, civilian, Mr. Choi, is the following: "Mr. Boland speaks to not having an opportunity to defend himself. It is to note that it is the parties to the CHRC complaint (the DND and the complainant to the CHRC) who are entitled to procedural fairness rights. The DND, as the respondent to the CHRC complaint has no responsibility to gather information from all potential witnesses: this is the responsibility of the CHRC appointed investigator. The conduct is therefore not considered improper. ...the complaint pertains to a single matter and does not meet the threshold for a severe incident. It will not be investigated.

He goes on to say that "the complaint pertains to a single matter and does not meet the threshold for a severe incident" and it will not be investigated. The CHRC submission is a protected document: "Mr. Boland does not have access rights to the submission and therefore Mr. Hooey could not have reasonably known that it would cause offence or harm, nor can it be considered 'directed at' Mr. Boland."

Mr. Choi's justification makes it unequivocally clear to me that DND will not act in a procedurally fair fashion. DND takes no re-

sponsibility to ensure that human rights are fulsomely and truthfully addressed in DND by DND. DND considers it proper to secretly make those who dutifully report misconduct the scapegoat for the misconduct they report.

• (1330)

Despite its zero tolerance policy, DND will unilaterally and arbitrarily dismiss misconduct to excuse its obligation to investigate it.

DND believes institutional secrecy absolves its wrongdoing.

Since 2016, in my effort to be heard, have due process applied and be treated in a procedurally fair fashion, I have formally engaged many, including the Prime Minister; Minister Sajjan; my member of Parliament, Pierre Poilievre; the Minister of Labour; and the ombudsman.

Despite these efforts, DND refuses to honour its commitments, and render due process and respect for the rule of law.

On January 1, 2021, Bill C-65 and workplace harassment and violence prevention regulations came into force. The deputy minister assigned Mr. Choi coordination and implementation responsibilities. Mr. Choi violated my rights, enshrined in this legislation, by denying my right to an investigation.

On March 3, 2021, on the advice of my legal counsel, I requested the Minister of Labour to restore my rights and remedy this breach. I have yet to receive any acknowledgement from the Minister of Labour.

Thank you, Madam Chair.

**The Chair:** Thank you very much, Mr. Boland.

I will now open the floor for questions.

Mr. Bezan, you are first.

**Mr. James Bezan:** Thank you, Madam Chair, and thank you to our witnesses.

Lieutenant-Colonel Boland, thank you for your service, and thank you for coming forward, outlining the disturbing culture within the Department of National Defence. We thought we were only dealing with the Canadian Armed Forces, but it seems there are cover-ups happening at the department. I'll be asking questions of you later on in the committee.

I want to concentrate my questions first to Ms. Janine Sherman. Welcome back to committee.

You said in your opening comments that you did not receive information upon which to take further action back in March 2018, so I suspect you'll have lots of latitude in answering the questions we have for you today, since you never found anything, in your opinion, that warranted an investigation in 2018.

Can you tell us, Ms. Sherman, exactly who, from the Prime Minister's Office, instructed the Privy Council Office? You said it was Michael Wernick, the Privy Council Clerk at that time, who asked you to meet with the ombudsman.

Who told you and Mr. Wernick to follow up with the allegations about General Vance?

• (1335)

**Ms. Janine Sherman:** I'm not sure you have seen the emails between the people who were involved and me. They have been released through access to information, and that information has been redacted as personal information...not a public servant.

**Mr. James Bezan:** I do see the email here on Friday, March 2, between you and a redacted person. I assume that was with Mr. Walbourne at the time, or was that a different individual?

**Ms. Janine Sherman:** Are you referring to the email exchange on March 2?

**Mr. James Bezan:** Yes.

**Ms. Janine Sherman:** It was not Mr. Walbourne.

**Mr. James Bezan:** It was not Mr. Walbourne.

Was it somebody else within the Privy Council Office or the minister's office?

**Ms. Janine Sherman:** All I can say is that it was not a public servant, because the information is redacted as personal information.

**Mr. James Bezan:** When you made the decision to reach out to Mr. Walbourne, did you tell Mr. Walbourne why you wanted to meet with him?

**Ms. Janine Sherman:** Yes.

As I mentioned, the Clerk of the Privy Council had asked me to follow up on the information that Mr. Walbourne had raised with the minister, so I did follow up with Mr. Walbourne in that context.

**Mr. James Bezan:** After March 2, when you reached out to Mr. Walbourne, as well as the other email conversation that you had, who else in the Prime Minister's Office and the PCO did you talk to before you met with Mr. Walbourne on March 16?

**Ms. Janine Sherman:** That is personal information at this point in time. I am not able to comment on who those people were. I worked through the Clerk, my boss, in terms of the next steps we would take.

**Mr. James Bezan:** In this study, we do need to know some details about who knew what within the department, the minister's office, the Prime Minister's Office and the PCO.

I don't believe that to say that those are personal, confidential discussions when it involves—as you describe them—a GIC appointee,... We know that means General Vance, as well as the ombudsman, Gary Walbourne, who was also a GIC appointee. Those discussions should be made available for public record. That's why we ask for the production of documents, so we can get to the bottom of who knew what.

Who drafted the memo for you that you used as your briefing note for your meeting with Gary Walbourne on March 16, which has been made publicly available?

**Ms. Janine Sherman:** First, I can maybe clarify one point. In those emails, when I refer to a GIC appointee—and as you pointed out, it is now known to be the chief of the defence staff—the emails were crafted at that time with respect for the confidentiality of who we may be speaking about. That's the reason the chief of the defence staff was referred to as a GIC appointee. It was done out of respect and confidentiality in terms of the communication with the ombudsman.

The note that you refer to was prepared here in my office by my staff.

**Mr. James Bezan:** Just so I'm clear, in all these redacted documents that came up, the redacted portions aren't necessarily the name of the victim. You're saying that this is to protect the confidentiality of political staffers.

**Ms. Janine Sherman:** No. Those redactions were made under the construct of the Privacy Act and the Access to Information Act. Personal information does not apply to a public servant. [*Technical difficulty—Editor*]

• (1340)

**The Chair:** We lost you there for just a minute, Madame Sherman.

Could you start this answer over again, please?

**Mr. James Bezan:** Please reset the clock.

**Ms. Janine Sherman:** Those redactions are done on the basis of the statutory requirements in the Privacy Act and the Access to Information Act, so public servants' names are not redacted. For non-public servants, that does constitute personal information and that is the reason it is redacted.

In the interests of being helpful, I could indicate in a generic way that those interactions were between myself and people in the Prime Minister's Office.

**Mr. James Bezan:** I appreciate that very much. Thank you.

Did you make the decision alone or under consultation with others not to pursue an investigation and not to refer this to the national security adviser?

**Ms. Janine Sherman:** As a matter of course, Madam Chair, in my responsibilities, I would not make a decision alone in that respect. I did meet with Mr. Walbourne myself. After that discussion, I would have briefed up to the people who had been involved in the discussion to pursue and try to get more information about the generality of the complaint.

I would have done a follow up in terms of, certainly, the Clerk.

**Mr. James Bezan:** That would have been up to Michael Wernick, who was the Clerk at the time, but most likely, as well, to Katie Telford, the Prime Minister's chief of staff.

**Ms. Janine Sherman:** I have shared information to say it was within the Prime Minister's Office.

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

The time—even extra time—is up.

**Mr. James Bezan:** Thank you.

**The Chair:** We'll move on to Mr. Bagnell please.

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

I wanted to start by acknowledging that it's Purple Day to enhance the understanding of epilepsy.

Thank you to the witnesses for coming. It's very helpful to help improve our understanding and to improve the processes at DND.

Ms. Sherman, I have a couple of questions for you, but I want to make sure that in the answers you don't say anything that would jeopardize the ongoing investigation.

In a general sense, could you let us know what process the PCO follows when there are allegations of any type of misconduct that are brought against one of its GIC appointees?

**Ms. Janine Sherman:** I would be happy to provide some background in terms of the processes we use.

First of all, I think the process is always dependent upon the nature of the complaint. Our role in the Privy Council Office is to provide advice to decision-makers throughout a complaint process that involves a GIC appointee. As I've mentioned, every case is unique, and our advice has to take into account the specifics of a circumstance.

There are four main principles that really underpin our approach. They are a respect for procedural fairness to all parties; supporting investigations that are independent, fair and free from bias; safeguarding personal information of all of those implicated, in accordance with legislative frameworks, and notably, as I have mentioned, the Access to Information Act and the Privacy Act; and respecting the confidentiality of the advice that we provide back to ministers and to the government of the day.

In general terms, when we have information to provide advice on an issue that is related to the conduct of a GIC appointee, we base our advice on those legislative and policy frameworks that govern workplace well-being.

We could, depending on the nature of the issue, the specific case [*Technical difficulty—Editor*] a course of action that would be an administrative review. It could be referral to an independent third party for investigation, or we could need to refer the matter to the appropriate police authorities, whether that is local police, RCMP or the CFNIS. It all depends on the nature of the information that is brought forward.

If a complaint comes forward that falls under the purview of the new Work Place Harassment and Violence Prevention Regulations, which came into force in January of this year, we would provide advice to our colleague on how best to address the complaint under that policy and legislative framework.

Our role is really providing advice to decision-makers and the officials who are overseeing the complaint at various stages throughout the process. At the initial stage, we can advise on best practices for determining whether an occurrence that was described in the complaint meets the test for the definition of harassment, and that is set out in the Canada Labour Code.

If the complainant, the principal party, requests an investigation, we can then advise on ensuring due process, for example, ensuring that the complainant and the responding parties are able to review portions of the draft report in a way that protects the appropriate level of confidentiality.

We would also advise officials on the steps that will follow upon the conclusion of an investigation in terms of assessing the findings and providing advice to a decision-maker. We do that in support of what the outcome would be from the investigation.

Then we also provide advice for the Governor in Council at the conclusion of a complaint process. That could range from a recommendation to take remedial actions—training and development, for example—or potentially a recommendation for removal if the findings of the investigation are such that the appointee has lost the confidence of the Governor in Council.

I hope that answers your question.

Thank you.

• (1345)

**Hon. Larry Bagnell:** Yes, that's very helpful for all of us to understand the process.

I wonder if there is anything more you could share with us about the meeting you had in March with the ombudsman or the email exchange that you mentioned in your opening remarks, which you had with him on March 5 and 6.

**Ms. Janine Sherman:** You've seen the emails. The important thing to note is that in my exchange the former ombudsman was clear that the information he held was being held in confidence. He had presented options to the complainant, and he was waiting for their direction. Based on whatever they determined to do, he would act in respect of that direction.

I knew in meeting with him that he had provided a complainant with some options and courses of action that could be taken. In my emails to him, my efforts were not to get in the way of a process that his office may wish to pursue on behalf of the complainant, but to find out more about the nature of the complaint so that we could provide some advice in the context of my responsibilities around supporting the Prime Minister and the minister in respect of managing a GIC appointee.

**Hon. Larry Bagnell:** Thank you very much.

[*Translation*]

**The Chair:** Thank you.

Mr. Barsalou-Duval now has the floor.

**Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ):** Thank you, Madam Chair.



Ms. Sherman, earlier in your remarks, you mentioned contacting Mr. Walbourne, who was then serving as ombudsman, after you were informed of the situation by Mr. Sajjan. At that time, you saw no evidence that warranted an investigation or the need for further action.

Does this mean that, in your view, Mr. Walbourne's concerns were unfounded?

• (1350)

[English]

**Ms. Janine Sherman:** I would not make any pronouncement, I think, based on my conversations with the former ombudsman as to how well-founded the complaint may be.

The point to be taken from my conversation with Mr. Walbourne on March 16 was that he did not provide information that would have enabled us in our role to take further action.

[Translation]

**Mr. Xavier Barsalou-Duval:** My understanding is actually that you tried to find out the identity of the victim, while Mr. Walbourne wanted to protect that information.

Isn't it rather because Mr. Walbourne would not reveal the identity of the victim to you that you decided not to pursue the allegations?

[English]

**Ms. Janine Sherman:** I would say that is not correct. My [Technical difficulty—Editor], which is with Mr. Walbourne, made it clear that I was not seeking confidential information. I was not trying to determine anyone's identity. It was to see if we could have information about the nature of the complaint.

[Translation]

**Mr. Xavier Barsalou-Duval:** Okay.

Did you contact General Vance? Did you discuss the situation with him?

[English]

**Ms. Janine Sherman:** In response to that question I think the indications from the email exchanges and what I've said about our conclusion from that discussion were that there was no information provided that would have enabled further action to be taken.

[Translation]

**Mr. Xavier Barsalou-Duval:** So I gather that you did not discuss the situation in question with General Vance, since you had no information that you believed would require further action.

[English]

**Ms. Janine Sherman:** That is correct. There was no information provided that would have enabled us to take further action. I think the other element to be conscious of was the confidentiality of the information that the ombudsman held. He indicated certainly in the email exchanges that that was of paramount importance. He would not proceed with any actions unless he had written consent from a complainant. Therefore I was not in a position to share any information. Because of that confidentiality, I should clarify, he did not

provide information that would have enabled us to take further action.

[Translation]

**Mr. Xavier Barsalou-Duval:** I imagine you also followed up with the minister, did you not?

[English]

**Ms. Janine Sherman:** As I have mentioned, my responsibilities were with respect to the Privy Council Office. I did return to the Clerk with the outcome of my conversation with Mr. Walbourne.

[Translation]

**Mr. Xavier Barsalou-Duval:** In your testimony on February 19, you were quite vague. You said you could not talk about the allegations that led to the investigation because you did not want to interfere with the investigation process. I have a hard time understanding that, because the only thing you are telling me today is that you had no information that would have allowed you to go further.

Did the information brought to your attention by the ombudsman seem to be about a serious situation? Did the information seem credible?

[English]

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

As I have mentioned, the outcome of my conversation with the former ombudsman was that we did not have information on which to take further action. I cannot therefore make any comment about whether I did not have information about the nature of the complaint.

Could I ask you to repeat...there were two parts to the question.

• (1355)

[Translation]

**Mr. Xavier Barsalou-Duval:** First, was what the ombudsman reported to you credible? Second, was it serious? Did you consider the information to be credible and serious, or in a word, reliable?

[English]

**Ms. Janine Sherman:** Thank you for that clarification.

We do the follow-up because we take concerns being raised seriously. We always do. I think by virtue of the fact that we sought to speak to the ombudsman, to better understand whether there was information outside of confidential information that could be shared and that would enable us to take further action.... I was not provided with information at that time.

I also want to loop back to your comment about being vague. We did not have information in 2018. The ombudsman had information. As I mentioned, he was clear that it was provided on a confidential basis.

[Translation]

**Mr. Xavier Barsalou-Duval:** Actually, Ms. Sherman, what I want to ask you is—

[English]

**The Chair:** Your time is up. I was trying to let that go for a little bit.

We will move on to Mr. Garrison, please.

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

I want to start by echoing the thanks to retired lieutenant-colonel Bernie Boland for being with us today. It's an unfortunate task he's had to take on in corroborating the culture within the Canadian Armed Forces and DND, which appears not to have been one of zero tolerance, but one of willful blindness toward complaints of sexual misconduct.

I'll return in my next round to him, but now I want to stay with the Privy Council Office.

Let me start by saying, Ms. Sherman, that I take no pleasure in having to question you in committee, but the committee was left with little choice since both the minister and the Prime Minister referred to your office as an independent investigating authority. They actually directed our questions to your office. I would much rather have had a more fulsome explanation by the ministers responsible.

The question I have for you to start with it, the military ombudsman came to you saying, "I have seen evidence that [*Technical difficulty—Editor*] and it requires an investigation of General Vance on the grounds of sexual misconduct."

Why do you need to know more than that before you would launch—not you personally—but before an investigation would be launched?

**Ms. Janine Sherman:** The ombudsman went to the minister, as I think has been described. I was asked by the Clerk of the Privy Council to follow up on that conversation. I did not have specific information.

That is why I sought to meet with the ombudsman to follow up on that and to try to understand the nature of the complaint, respecting the fact that he was clear that the information he had was given to him in confidence and that the complainant had not provided any permission or direction on how they wished that complaint to be managed.

**Mr. Randall Garrison:** With respect, Ms. Sherman, you're doing the same thing that the minister did. You had evidence that there was a well-founded complaint of sexual misconduct against the chief of the defence staff, and neither the minister nor, it turns out, your office did any investigation or took any action. Instead, General Vance remained for more than three years as chief of the defence staff, and we now know there are additional allegations of sexual misconduct being investigated. I fail to understand how that wasn't sufficient.

Second, did the question of national security come up in the discussion of these complaints? It's quite clear that as chief of the defence staff, General Vance would have held the highest security clearances possible and was in a very sensitive position. Anyone who's being accused of things like sexual misconduct perhaps has their ability to act compromised. Was there a discussion in any of these documents, or between you and the Clerk of the Privy Council, of the issue of national security and the threat to national security that these kinds of complaints present?

• (1400)

**Ms. Janine Sherman:** Just a clarification, I did not have information of a well-founded, investigated complaint. Indeed, we were—

**Mr. Randall Garrison:** I want to stop you right there, Ms. Sherman, because what you're doing right now is questioning the credibility of the military ombudsman. When you say that, you say he has no credibility as the military ombudsman. Is that your intent today?

**Ms. Janine Sherman:** Thank you for that question—

**Mr. Randall Garrison:** He came to you and said there's a well-founded complaint.

**Ms. Janine Sherman:** If I could clarify that, it is not my intent in any of my comments today to discredit the former ombudsman. In fact, our respect for his office, for his mandate and for his ability to manage the complainant and their wishes in regard to confidentiality and how next steps should be undertaken is what we focused on.

My concern, Madam Chair, was simply to clarify that I did not have a complaint that, to my understanding, had been investigated or for which there was an undertaking to do an investigation at that stage back in March of 2018. Because we take the safety and security of the workplace to heart—this is a very important, fundamental responsibility we have—we do in fact want to make sure that the conduct of GIC appointees is looked into, and we tried to get information that would help us to determine what those next steps were.

Our role in the Privy Council Office, and my role in supporting the minister, the Prime Minister and the government in terms of managing the conduct of GIC appointees where an issue has arisen, is to provide advice and some counsel on what next steps could be taken. That was our objective in terms of trying to understand what information the ombudsman could share that would be consistent with his responsibilities as ombudsman and in protecting the confidentiality of the person who had raised some concerns and an allegation that we did not have information about.

**Mr. Randall Garrison:** When presented with what I still will assert was the ombudsman telling you there was a well-founded complaint on sexual misconduct, did you open the file, so to speak, of General Vance, and did you have access to the fact that he had been previously investigated on the basis of similar allegations?

**Ms. Janine Sherman:** I cannot speak to the specific information about General Vance. That would be personal information. As I have said, we do take concerns that are raised very seriously. It is something that we did not...at the time of my conversation with the ombudsman in March of 2018 [*Technical difficulty—Editor*], but it was something that we definitely had to think about and be aware of. That is why I reported back to the Clerk of the Privy Council about the fact that we did not have information that would enable further action at that time.

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

Madam Alleslev.

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

Thank you to both of the witnesses for being here.

I'd like to direct my questions to retired lieutenant-colonel Bernie Boland.

You were in the air force, but currently and throughout the process that you've described in your testimony today, you and all of the other people to whom you refer were civilians. Is that correct?

**LCol (Ret'd) Bernie Boland:** Madam Chair, yes they were all civilian at the time. A number were retired military personnel.

• (1405)

**Ms. Leona Alleslev:** This whole process has been going on since early 2016. Is that correct?

**LCol (Ret'd) Bernie Boland:** It's been since late 2016. The various conflicts were brewing in our organization from early 2016 onward.

**Ms. Leona Alleslev:** Could you explain to us how you ended up having to bring it all the way to the defence minister's chief of staff, and what involvement he has had?

**LCol (Ret'd) Bernie Boland:** I brought it there because I was going to be diligent and make sure my issues came forward. I wasn't going to be satisfied to be silenced. I literally walked into the office, presented him with documentation, and had him sign for the documentation that I was providing. I sent him emails and provided him information and documentation to clearly express my concerns about what I was dealing with and, as transparently as possible, reflect what was occurring to me, what wasn't occurring to me, denial of due process, my procedural rights failing—

**Ms. Leona Alleslev:** Did he say that he would advise the minister?

**LCol (Ret'd) Bernie Boland:** I explicitly asked him to do that, and I staffed complaints directly to the minister, using his name. I sent correspondence by email to the minister's [parl.gc.ca](mailto:parl.gc.ca) email address.

**Ms. Leona Alleslev:** By doing so, you made him aware that DND officials, including the deputy minister, were aware of and had been engaged in not overturning the false report that was authored and sent on DND letterhead to the Human Rights Tribunal. Is that correct?

**LCol (Ret'd) Bernie Boland:** Yes, I complained that I was being made a scapegoat and explicitly being blamed for the alleged human rights abuses that were reported.

As I said in my opening testimony, I had no opportunity to defend myself against the allegations made against me. It was done secretly. The only reason I was aware of them was that the individual in front of the Canadian Human Rights Tribunal disclosed that information to me and asked me if I was aware of it.

**Ms. Leona Alleslev:** What was her reaction to finding out that they had blamed you rather than the person that she had filed the complaints against?

**LCol (Ret'd) Bernie Boland:** I think she was outraged, but not surprised.

**Ms. Leona Alleslev:** The reason this is so serious, to your mind, is that DND as a representative of an objective, professional and truthful document with the weight of DND behind it put that document before the Canadian Human Rights Tribunal, an outside orga-

nization, while the document in fact contained false and prejudicial information about you.

**LCol (Ret'd) Bernie Boland:** Absolutely.

In my complaint about this up the chain, I made that explicitly clear. I'm sure the expectation of any outside agency such as the Canadian Human Rights Commission is that a large organization like DND will provide vetted, verified, legitimate and validated data.

**Ms. Leona Alleslev:** You made everyone in the chain—ADM materiel, DGs and the deputy minister herself...and there's documentation signed by the deputy minister back to you. Is that accurate?

**LCol (Ret'd) Bernie Boland:** Yes, I had several letters that came back and spoke about due process. There are many different documents. The deputy minister, for the most part, didn't respond to things I sent her.

**Ms. Leona Alleslev:** But she did acknowledge through her signature that she was aware, even though she didn't respond to the substance of what you were asking her to respond to. She made a response, just not an answer to what you were asking her to respond to. Is that correct?

• (1410)

**LCol (Ret'd) Bernie Boland:** Her responses got to me, and she responded to my MP Pierre Poilievre on my behalf in [*Technical difficulty—Editor*].

**Ms. Leona Alleslev:** This must be incredibly stressful for you. Can you give us a bit of an idea? Have you had any support? How much work has this been? What kind of toll has this taken on you, when you were the one who sought to look after the person who reports to you and to do the honourable and right thing to try to stop this kind of behaviour in the Canadian Forces?

**LCol (Ret'd) Bernie Boland:** I've had absolutely no internal support from DND or anybody. As soon as I brought this up, I was ostracized. My employment was threatened initially. Disciplinary measures were recommended. I received a letter of expectation. I've moved on from that employment site, fortunately. I was able to find other work in DND.

The toll this has taken.... We're only midway through. Right now I am proceeding to the Federal Court to have things addressed and to find the opportunity to have my voice heard by a judicial body that will allow me due process and a chance to advocate for my position and represent myself. None of that was provided in DND.

**Ms. Leona Alleslev:** You're doing what is right. Thank you very much.

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

[*Translation*]

Mr. Robillard now has the floor.

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

Good afternoon to the witnesses. I thank them for being with us today.

My questions are for Ms. Sherman.

I would like to clarify one last time, did the ombudsman provide you with information that would have allowed you to investigate the allegations against General Vance?

[English]

**Ms. Janine Sherman:** No, and he did not provide me with any documents or information. We had a conversation based largely on the emails we had exchanged in terms of the importance of the confidentiality and how that was a responsibility for him and his undertaking to the complainant who had come forward. He did not provide me with information, with documents, with anything in that respect.

[Translation]

**Mr. Yves Robillard:** Did you ask him to do anything, such as obtaining the survivor's consent to disclose information that would have allowed you or other officials in the Privy Council Office to further the investigation?

[English]

**Ms. Janine Sherman:** I want to be careful in terms of the information that I can share. I'm trying to stay within the confines of the information that is available through our email exchanges. The conversation that we did have remains...I think it's important to keep that confidential

I would say, though, as a matter of course, and as I think the ombudsman's emails indicate, that the concern for the complainant who has come forward is paramount. In these kinds of situations, and I think as I have described a little bit about our role in PCO in terms of providing advice and looking at the process and the way forward, it would not be unusual for me to offer support in any way that we could in terms of whatever direction the complainant provided to the ombudsman.

As someone who is concerned and responsible for the conduct for managing the issues that arise in the conduct of a GIC appointee, we would want to be supportive and available should there be any information that could be shared. That is a general principle in how we would approach those kinds of conversations.

• (1415)

[Translation]

**Mr. Yves Robillard:** Did you pass on any of the information he gave you at that meeting or afterwards? What did you do with it? Also, if the information provided had been complete, what would have been the procedure to follow?

[English]

**Ms. Janine Sherman:** To be clear, I did not have information specifically provided by the ombudsman, either specific to the complaint or of a more general nature, but as I have described, if information is provided to us about an allegation, our role [Technical difficulty—Editor] supporting the management of Governor in Council appointees would be to assess the nature of the complaint and provide advice in terms of a review of a situation, an administrative review. The consideration could be to launch a third party independent investigation, or any of those opportunities, or, as I [Technical difficulty—Editor] to the appropriate police authorities if needed. These would all be avenues that we would have considered in terms of providing advice on next steps.

**Mr. Yves Robillard:** Madam Chair, do I have any more time?

**The Chair:** No. Unfortunately, you don't.

[Translation]

**Mr. Yves Robillard:** Okay, thank you.

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

Mr. Barsalou-Duval, you have the floor.

**Mr. Xavier Barsalou-Duval:** Thank you, Madam Chair.

Ms. Sherman, I would like to return to where I was earlier.

I am putting myself in your shoes, in your role at the Privy Council Office. The ombudsman goes to the Minister of National Defence with a serious situation, namely allegations of sexual assault against General Vance, the top man in the Canadian Armed Forces. The minister tells the ombudsman that he does not want to touch it, that the issue is too hot and that he wants nothing to do with it. The minister shares that with you. You then talk to the ombudsman. You ask him for more information, but he says he can't give you any because he doesn't want to reveal the victim's identity. You then decide to close the case and take no further action, since you do not have enough information.

Don't you feel this is still an extremely serious situation, even a critical one? The reason the ombudsman went to the minister, who then came to you, is that he was able to assess the credibility of the allegations, based on the information he had obtained from the witness and the victim.

I am trying to understand how it came to be that the case was closed without going any further.

[English]

**Ms. Janine Sherman:** I understand the point you're making, and I have said that we do take concerns being raised very seriously. We want to make sure that those concerns are heard and acted on wherever possible.

We do have to understand and respect the confidentiality of the process. First of all, the ombudsman had provided the person with options and was awaiting direction in terms of next steps. From our perspective—

[Translation]

**Mr. Xavier Barsalou-Duval:** Ms. Sherman, I know that the individual was given opportunities and all that. I am not even talking to you about the victim; I am talking to you about the admiral, and about the general who is the top man in the Canadian Armed Forces. It seems to me that this goes beyond the victim; we are also talking about the integrity of the Canadian Armed Forces and its senior leadership. Do we not take that seriously?

[English]

**Ms. Janine Sherman:** Yes, I think that is being taken seriously. That can be said by virtue of the fact that, as specific allegations have come forward most recently, there are investigations under way.

In 2018, we did not have specific information. I think it is fair to say that being aware of that is something that, in the context of managing—

• (1420)

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Thank you, Ms. Sherman. I understand that, in your opinion, you did not have enough information—

[*English*]

**The Chair:** The time is up.

We will move on to Mr. Garrison, please.

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

I want to return to where I left off in the last round with Ms. Sherman on the question of national security.

If you, in the course of your job, come across information you believe might compromise national security for any of the GIC appointees, who would you report that to?

**Ms. Janine Sherman:** I think there are a couple of elements to that. You've positioned it as if I came across it. In that context, if I did come across specific information that related to a Governor in Council appointee, that raised those kinds of concerns, I would speak with the Clerk in terms of his responsibility with me for managing the conduct of GIC appointees, and the determination of next steps to be taken would be based on that conversation.

**Mr. Randall Garrison:** You would not go directly to the national security adviser.

**Ms. Janine Sherman:** I think that would depend on the situation, the context and the specifics. It may be something that we would speak about together with the Clerk. It would really depend on the specific situation.

**Mr. Randall Garrison:** In this specific case, was there or was there not a conversation with the national security adviser by either you or the Clerk?

**Ms. Janine Sherman:** I can only speak for myself in that respect and I did not speak with the national security adviser.

I want to clarify that I didn't have specific information. The ombudsman had that specific information—about an allegation.

**Mr. Randall Garrison:** Again, that impugns the integrity of the military ombudsman who did say there was a credible complaint, but we've already covered that ground—

**Ms. Janine Sherman:** May I respond to that? I'm sorry, but you've said that, and I do not, Madam Chair, want to be seen to be impugning...the former ombudsman. I was respecting the fact that he was respecting the confidentiality of the process, the complainant and his office. My only point is that he was not in a position, in his view, to provide me with information, so I did not leave that conversation with information, with any documentation or specifics that would have enabled further action at that time.

**The Chair:** I'm afraid the time is up.

We will move on to Mr. Benzen, please.

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

Thank you, witnesses, for being here today.

Ms. Sherman, I'm curious. In your conversations or dealings with the PMO, did you have any exchanges, by either email or conversation, with Katie Telford on this subject?

**Ms. Janine Sherman:** I am not in a position, I think, to speak specifically about individual conversations. My conversations were with the Clerk.

**Mr. Bob Benzen:** I'm going to ask you this—that no, you had no conversations with Katie Telford.

**Ms. Janine Sherman:** That would be correct.

**Mr. Bob Benzen:** Did you have any email exchanges or conversations with Elder Marques on this subject?

**Ms. Janine Sherman:** Again, that would be information that is specific and I'm not in a position to answer that based on the protection of personal information.

**Mr. Bob Benzen:** We're just trying to find out who knew what and when they knew it.

**Ms. Janine Sherman:** I understand.

**Mr. Bob Benzen:** You know how the decisions are made there.

Did you have any emails, exchanges or conversations with Zita Astravas on this subject?

**Ms. Janine Sherman:** Again, you have seen the emails that did take place in terms of hearing about the allegations and—

**Mr. Bob Benzen:** These are all people working for the government now—

• (1425)

**Ms. Janine Sherman:** Yes.

**Mr. Bob Benzen:** —and who are part of the decision-making process, so we're just trying to get to the bottom of this. I think if you talked to these people you can say yes or no. Yes, you talked to them or no, you didn't talk to them.

**Ms. Janine Sherman:** I think you have seen that I did speak with individuals from the minister's office and I have confirmed that I did speak with individuals in the Prime Minister's Office.

**Mr. Bob Benzen:** We talked the last time on February 19 and we talked a little bit about General Vance's \$50,000 pay raise. I'd like to ask a few questions about that.

Can you tell us who initiated the process to give the general a raise?

**Ms. Janine Sherman:** I think what I might do is just give a bit of an explanation of the process.

**Mr. Bob Benzen:** Is it the defence minister who initiates that? Who initiates that?

**Ms. Janine Sherman:** It comes about through the annual performance management program of which the CDS is one of the GICs to whom that applies.

I can clarify that at the time the CDS was appointed, his salary was fixed at what we call the DM2 range. His salary is within the same compensation structure as deputy ministers. The fixing of his salary at the DM3 range was done in 2017, so two years into his position. Those determinations are made on the basis of the scope and complexity of an individual's responsibilities, the experience that they bring to the job and develop in the position, as well—

**Mr. Bob Benzen:** Are you saying that they're just automatic, they just happen on their own automatically and aren't initiated by anybody?

**Ms. Janine Sherman:** No, they don't happen automatically. It is through the performance management program where—

**Mr. Bob Benzen:** Would the defence minister be involved in that and in initiating this process?

**Ms. Janine Sherman:** The defence minister is consulted in terms of the performance management program for GIC appointees.

**Mr. Bob Benzen:** I apologize—

**Ms. Janine Sherman:** He would not make that decision himself.

**Mr. Bob Benzen:** I apologize for interrupting, but do you know if Minister Sajjan was consulted in this review?

**Ms. Janine Sherman:** The minister is consulted in the annual performance management program in respect to GIC appointees within his portfolio.

I would like to clarify, though, just because I think this question has come up, my responsibilities in terms of managing GIC appointees throughout their tenure and in particular the performance management program is that those annual reviews are the basis for salary adjustments either in terms of level or progression through a salary range. We also manage economic increases that are approved by the Governor in Council, often retroactively.

The minister is consulted through the performance management program. Many factors play into that. I have described that in my previous appearance. I'm happy to give more detail that might be helpful, but in terms of the decisions on how the setting of the salary are managed, the minister himself does not make that decision. It goes through the annual process.

**Mr. Bob Benzen:** And his pay raise would have to go to cabinet for approval.

**Ms. Janine Sherman:** The salary increases, as I mentioned, in terms of from one level to the next economic increase and movement inside a salary range, are approved by the Governor in Council. That Governor in Council approval is basically, as you will have heard, the Governor General approving on the advice of cabinet. Cabinet itself, and I should clarify, is not necessarily a full cabinet at all points in time. It can be a subcommittee.

**Mr. Bob Benzen:** Do you know who—

**The Chair:** Thank you. I've let it go as long as I could. We're a minute over time.

Mr. Spengemann, please go ahead.

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

I'd like to join my colleague, Mr. Bagnell, in acknowledging that it's Purple Day, a day on which we amplify our efforts to raise awareness for epilepsy.

I'd like to thank both of our witnesses, Ms. Sherman and Colonel Boland, for their service and for appearing today.

Ms. Sherman, in a previous phase of my career, I had the privilege of serving in the PCO. Could I ask you to back up for a minute? Canadians who are watching will be finding themselves, periodically through this committee and other conversations, in acronym land. We're talking about the DND, the CDS, PMO and PCO.

What is the PCO, and why is it so important to have an independent, professional, impartial organization, a central policy-planning agency, at this moment in the midst of an important question and investigation going forward?

• (1430)

**Ms. Janine Sherman:** I appreciate the question, and I apologize if I am using acronyms randomly or too frequently.

The Privy Council Office is, effectively, the department for the Prime Minister. Our responsibilities are to support the cabinet decision-making process that supports our system of government. There are various parts of the Privy Council Office, of course, that are aligned with supporting the whole variety of cabinet decision-making processes.

I won't go into those details, but, as you've mentioned, our role is to be a non-partisan, professional public service. We are able to provide advice impartially and based on principles of good governance to the government of the day. We serve each government as it comes into office. We provide continuity in terms of the structure and operations of government. We provide advice and support to the government in managing, and achieving the priorities it brings to governing as duly elected representatives of Canadians.

Our role is very important in that context, in terms of providing the advice and support that will enable decision-making systems of government to function effectively.

**Mr. Sven Spengemann:** Similarly, why is it so important in Canadian public administrative thought and practice that a minister or other elected officials do no drive, do not taint and are in no way involved in investigations of the kind we're discussing today?

**Ms. Janine Sherman:** That is an important principle of Westminster government. The elected representatives do not carry out investigations, and manage the details of those kinds of things, because they are elected. The separation of their role from the independent and non-partisan public service is important in ensuring independence and fairness. All of those principles are necessary in terms of ensuring fair outcomes, and procedural fairness for individuals through processes, such as investigations.

**Mr. Sven Spengemann:** Ms. Sherman, the committee is tasked with another issue that is as important, if not more important, as the issue we've been discussing for the last hour and a half, which is how to transition out of the culture that's currently prevalent in the Canadian Armed Forces with respect to sexual misconduct.

In a 2018 article, you've been described as a leading member of the civil service on Parliament Hill. It said that your daily jobs included attracting and retaining talent, and fostering innovation within the bureaucracy. You've spent a substantial amount of time at the Canada School of Public Service prior to being appointed to your current position. Terms like "change management", "change agent" and "challenge function" are prevalent in Canadian administrative thought.

What recommendations do you have for this committee to tackle the question of culture change in the Canadian Armed Forces in a deeper and substantive way?

**Ms. Janine Sherman:** Thank you for that question. It's enormous, but I thank you. It raises very important issues.

We know that change management is difficult in any context, and culture change in particular is challenging.

My work in terms of the other part of my job, public service renewal, is very much about ensuring that we have an organization in the public service that is up to the challenge, agile, inclusive and equipped. That's the frame in which we think about change management.

One of the most important things I believe in is certainly commitment from the top, but more importantly the engagement of the people who are affected. I think when you're thinking about the Canadian Armed Forces, it is important. The voices that are being brought to bear now are providing a very important message. One of those messages—I think of my work in terms of the safe workspaces initiative that we did in 2018—was that you need to make sure you have the structures and processes in place, but you need to make sure they work for people. You need to understand, if there are systemic barriers to people coming forward and to some of those voices being heard, and you need to make room for that conversation and act on the real experiences that people are having and try to make sure that there is a way to adjust, adapt and provide the structures and systems that support people.

• (1435)

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

We go to Madam Gallant.

Go ahead, please.

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

Through you to the witness, who made the decision not to involve the national security adviser in the allegation?

**Ms. Janine Sherman:** I would not presume that there was an explicit decision to not involve the national security adviser. As I have mentioned, the situation we were in was that we did not have information that would have enabled further action. We wanted to be cognizant of the issue the ombudsman had brought forward and at the same time respect the confidentiality that was being accorded to the complainant, so the decision in terms of next steps or what would or could be done was very much taking into account those elements.

**Mrs. Cheryl Gallant:** Thank you very much. Okay.

Have you ever been asked to do a task such as this, to get the information on allegations against a senior government official? Have you ever been asked that question before? Just yes or no is okay.

**Ms. Janine Sherman:** Yes.

**Mrs. Cheryl Gallant:** Okay.

When you contacted Mr. Walbourne on March 2, 2018, did you inform him of what the meeting was about?

**Ms. Janine Sherman:** My exchanges with Mr. Walbourne on March 5 and 6 in particular indicate, I think, that I was clear that I did want to do the follow-up based on his conversation with the minister and that I was clearly not seeking any information that he would not be able to share, but that I was looking to understand the nature of the complaint.

**Mrs. Cheryl Gallant:** He was under the impression that you were calling him in on something else.

Back to the question about having to bring this allegation against a senior government official before, when that happened, when was it, and who instructed you to do that? We're just trying to understand the process. When was it that you had to do that before, and who instructed you to do it?

**Ms. Janine Sherman:** When I answered "yes", I was answering fairly generically. As I've mentioned, my role in supporting the government in the context of managing GIC appointees does require me to have sensitive conversations with individuals at different points in time. That is in fact one of the reasons that the confidentiality that we bring to bear is so important—

**Mrs. Cheryl Gallant:** I understand that, but we wanted to know who. We're not getting that information.

We're going back to March 2, 2018. To what extent did the decision not to investigate the allegation against the chief of the defence staff when it was officially reported to the PMO on March 1 have to do with the charges that were brought against Vice-Admiral Norman eight days later?

• (1440)

**Ms. Janine Sherman:** Madam Chair, I'm not sure I understand the question.

**Mrs. Cheryl Gallant:** Let me clarify for you.

Here we have allegations against the chief of the defence staff being brought to your attention on March 1, 2018. A mere eight days later, charges were brought forth against the vice-chief of the defence staff based on evidence that was no more substantial than the allegation.... In one case, the vice-chief of the defence staff was investigated and an investigation started, but nothing for the chief of the defence staff.

I'm trying to understand why there is a difference between how the two were treated.

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

I cannot speak to the situation with the vice-chief of the defence staff. I had no engagement in that at all. I don't have information on that.

As I have mentioned, based on my conversation with the former ombudsman, I did not have information about the nature of the complaint or specifics that would have enabled further action.

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

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

**Mr. Yvan Baker:** Thanks very much, Chair.

Ms. Sherman, before I ask my first question, I wanted to reiterate something that I had said in our last committee meeting. You were not present, but the other committee members were.

During that meeting, I and a number of members went to great lengths to highlight that we thought the victims of sexual assault and sexual harassment would want us to be talking about how we move forward. That was in the context of a discussion we were having within the committee. I wanted to highlight that subject again as we get to the tail end of this meeting because I think this meeting reflects that we, for the most part, aren't doing that at all. I think that's a shame. I think we all have a duty to do that and should make that a priority going forward.

With that in mind, Ms. Sherman, I'm going to ask you a question that follows up on Mr. Spengemann's last question how you approach a culture change. At the tail end of your answer you spoke to the need for certain structures to be put in place. I think that's when your time ended. I'm wondering if you could elaborate on what kinds of structures you were referring to. Could you give some examples of that?

**Ms. Janine Sherman:** Thank you for the question and for your remarks.

When I was speaking about structures, we often have policies, processes and frameworks that are constructed and intended to support the objective they are initially developed for. Particularly where we're looking for change and innovation in how we actually manage within the public service—not just in the context of complaints and harassment and workplace well-being—we do need to make sure that those systems remain relevant and effective.

To get back to the safety and security of the workplace, if people are not comfortable coming forward and if there are fears of reprisals, all of the systems we have in place aren't doing what we need them to do. My comment was really focused on understanding why that is.

You can't proceed with change management.... You may have an objective, but you need to also understand where you're coming from and why you aren't getting there. Systems and structures need to be adapted based on the real experience of people who are trying to use them for the purposes for which they're intended. When that's not working, we need to hear from people and figure out how better to develop and design systems and structures.

• (1445)

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

Chair, how much time do I have left?

**The Chair:** You have a minute and a half.

**Mr. Yvan Baker:** Okay.

Ms. Sherman, further on that topic, perhaps you can provide examples of something you have witnessed. I am not necessarily asking you to comment specifically on the case of the Canadian Armed Forces, or even the Canadian context at all. I'm thinking about best practices. Others have faced these challenges, other institutions, not just in Canada but around the world, and have resolved them to some degree or to a great degree.

I'm hoping to learn from that. I think this committee needs to learn from that. Are there examples of best practices that you've seen that we should review?

**Ms. Janine Sherman:** We certainly can always learn from others. One of the things we do try to focus in on in terms of innovation in the public service is not reinventing the wheel but taking good practices from others. In some cases, we know that they exist within the public service. We look at those and think about scaling up in terms of something that has worked well in one situation and might be applicable to another. Innovation is certainly a theme and an underlying principle of the change we're trying to achieve.

I think in terms of best practices, I will keep coming back to what we call in the public service renewal world the “user experience”. There are examples of departments that have, for example, looked at how their call centres run. With dropped calls, client dissatisfaction, people not getting the answers they need, or people waiting too long on the phone, there are instances of where a particular department or agency has taken that apart, looked at what's happening, and put out a challenge, for example, to different groups: How can we fix this? What are the issues?

**Mr. Yvan Baker:** Thank you, Ms. Sherman.

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

[*Translation*]

Now we go to Mr. Barsalou-Duval.

**Mr. Xavier Barsalou-Duval:** Thank you, Madam Chair.

To date, the Minister of National Defence has said that, if he had decided to take action, to meet with the ombudsman and hear the information that the ombudsman wanted to share with him, that would have constituted interference.

Do you share that opinion, Ms. Sherman?

[*English*]

**Ms. Janine Sherman:** Madam Chair, I'm not an expert in.... I'm not a lawyer, and I'm not in a position to provide a view on a legal concept such as that.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** All right, but you're still trained in public administration. Unless I'm mistaken, you have a lot of experience and you hold a very senior position. In your opinion, would the Minister of National Defence have been interfering if he had met with the ombudsman to review the evidence he had to show him about a situation of concern?



[English]

**Ms. Janine Sherman:** I'm not sure what the question is. Encroachment of...? It may be an issue with translation. I apologize. I'm not sure what you mean.

[Translation]

**Mr. Xavier Barsalou-Duval:** Actually, I am referring to what the minister said. I find it very surprising. I thought it might be enlightening to hear from someone who has a long history in senior public service.

In the opinion of Mr. Lick, the new ombudsman who replaced Mr. Walbourne, it would not have been interference. Lieutenant-Colonel Leblanc, who heads the Canadian Forces national investigation service, agrees.

In this case, I am wondering whether the Privy Council Office may have advised the minister not to look at that information. Was that really the recommendation to him?

• (1450)

[English]

**Ms. Janine Sherman:** Thank you for that clarification.

No, I would say that we had not provided any advice or information to the minister when he met with Mr. Walbourne. My understanding of that meeting is that they had a discussion. This is from the testimony to date. They had a discussion themselves, and we would not have provided advice in advance of that.

[Translation]

**Mr. Xavier Barsalou-Duval:** So you gave no advice or instructions to the Minister of National Defence—

[English]

**The Chair:** All right. Time is up, I'm sorry.

I'm going to have to be strict, because we're coming to the end of our time.

We move on to you, Mr. Garrison, please.

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

I want to go back to Ms. Sherman. First, directly to you, and for the record, none of my questions today have as their intent to impugn your integrity or your record of public service. I have the utmost respect for that. As I said, I think it's unfortunate that both the Prime Minister and the minister referred the committee to you.

I do think what your testimony reveals today is a parallel to the culture of denial and deflection in the Canadian Armed Forces, and also, to one which we heard from Colonel Boland today about deflection and denial within DND. The parallel here seems to be that the privacy of the accuser seems to be much more important than responding effectively to the complaints of sexual misconduct.

With regard to Mr. Baker's comments that the committee is not actually pursuing a solution, I beg to differ. What I have heard very distinctly from those who have filed formal complaints, and many who have not, is that they want to know that there's an understanding at the top level of what sexual misconduct is, and there's a com-

mitment that there will be effective action taken on those complaints.

Without that confidence, we're left with a program like Operation Honour, which failed precisely because it didn't have that understanding and support at the highest levels.

Ms. Sherman, let me go back then and say, once you had reported to the Clerk of the Privy Council that you could not proceed—I won't dispute with you again, whether or not you could have—was there any reason that the Minister of National Defence or the Prime Minister would have believed there was an investigation taking place on the sexual misconduct allegations that were presented by the military ombudsman?

**Ms. Janine Sherman:** May I clarify, in 2018?

**Mr. Randall Garrison:** Yes.

**Ms. Janine Sherman:** Not that I am aware of.

**Mr. Randall Garrison:** Was there any response to the Privy Council Office from the minister or from the Prime Minister asking that any further action be taken?

**Ms. Janine Sherman:** I would not be in a position to respond to that in terms of the confidence of advice and further discussions internally.

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

We have Mr. Bezan, please.

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

I want to go back to the Privy Council Office.

We know that on May 9, General Vance was moved up from a DM2 to a DM3 through an order in council, giving him a \$50,000 pay raise, plus it was backdated to April 2018. We also know there were a total of 34 orders in council signed on May 9.

Does that, Ms. Sherman, suggest this was done in a full cabinet meeting?

**Ms. Janine Sherman:** No, it doesn't. I would just clarify that on the numbers you're referring to in terms of the salary ranges, the change for General Vance from a DM2 to a DM3 was effective in July 2017.

**Mr. James Bezan:** But it still happened under the current government.

**Ms. Janine Sherman:** Correct.

**Mr. James Bezan:** There were four ministers who signed off on his order in council.

Can you tell us which four ministers signed the order in council to increase his salary and move him up to a DM3?

**Ms. Janine Sherman:** I cannot. I do not—

**Mr. James Bezan:** Could you supply that information to committee through a reply to a written request?

The other part of this is the Prime Minister's Office is listed as one that's responsible for the department for actually signing off on that order in council as well.

Can you confirm that the Prime Minister signed that order in council on May 9, 2019?

• (1455)

**Ms. Janine Sherman:** I am not in a position to confirm that information. I believe it would be a cabinet confidence, but I will respond as requested.

**Mr. James Bezan:** It's a public document. We'd like to see that document, please, if you could provide that to committee.

The Minister of National Defence said, on March 12, that he has no overview of performance reviews or performance pay, but you said that ministers are part of the performance review process.

If the minister didn't do it, then did he abdicate his responsibility to actually do the performance review of General Vance?

**Ms. Janine Sherman:** Thank you for that question. I think it's an important opportunity to clarify a little bit.

The performance management program, as I said and as is posted on our website, does involve ministers being consulted about the GIC appointees within their portfolio, so—

**Mr. James Bezan:** So he would have been consulted.

**Ms. Janine Sherman:** So in the performance management process. I believe there is a distinction in terms of the actual decision on the change in pay, the awarding of the pay at risk under the performance management program, that those are managed through my office and preparing recommendations to the Governor in Council...so ministers do not set the pay.

**Mr. James Bezan:** Yes, so if you're setting that pay and you were aware of the allegations against General Vance, did you write a report at all to go on the file of General Vance and raise the red flag that there were sexual misconduct allegations against him before you recommended him for a pay raise?

**Ms. Janine Sherman:** Again, if I can clarify, we make recommendations to the Governor in Council. In respect of those changes in pay, the setting of pay on an annual basis. I do not make the decisions myself as a public servant and—

**Mr. James Bezan:** Would you have put this in his file as a red flag saying that there were sexual misconduct allegations—

**Ms. Janine Sherman:** That would be—

**Mr. James Bezan:** —so that could be considered when the Governor in Council met to determine whether or not a salary increase was warranted?

**Ms. Janine Sherman:** The personal information of an individual in their performance review process.... The performance review process takes into account all aspects of performance: leadership, management, the corporate responsibility, corporate commitments across the government. There are various elements, and an allegation or the existence of an allegation or an investigation that is going on would not be...it would be taken into account in the context of an ongoing investigation.

**Mr. James Bezan:** Can you confirm that there are red flags in General Vance's file—

**Ms. Janine Sherman:** I cannot—

**Mr. James Bezan:** —dating back to 2015 and 2018?

**Ms. Janine Sherman:** I cannot confirm the details of personal information in a person's file.

**Mr. James Bezan:** So—

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

We'll go on to Madam Vandenberg, please.

**Ms. Anita Vandenberg:** Thank you very much, Ms. Sherman. I want to thank you for your many years of public service and for your testimony here today.

I'd just like [*Technical difficulty—Editor*] in your testimony that depending on what the results would have been that you were to find out, you could have launched a third party investigation. You could have referred even to the military police or to any other sources and, ultimately, you could have removed the chief of the defence staff because it's a GIC appointment. Is it safe to say, then, that when it comes to an allegation like this, your office—the Privy Council Office—was the proper independent authority?

**Ms. Janine Sherman:** As I have described our role, we do provide independent, non-partisan, professional public service advice to support ministers and the Prime Minister in managing the GIC cadre...particular appointees where issues arise. It is something that we would have worked...either with the portfolio in any of those avenues you've described, investigation or otherwise, to ensure that kind of follow-up was done.

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

You obviously can't talk about it, and you of course didn't know at the time, but we have heard through media reporting that the evidence in question was actually an email, a suggestive, inappropriate email from 2012. Had the recipient of that email provided the ombudsperson with permission to share that email with you, would you then have taken that further?

• (1500)

**Ms. Janine Sherman:** It is difficult to speculate on things that didn't happen. I will speak to generalities in terms of the process that we can undertake. When information is brought forward and we have facts and details to look at, we would take the appropriate action, as I have mentioned, in assessing how to best proceed with such information to help with the management of the GIC appointee in question.

**Ms. Anita Vandenberg:** You mentioned in your testimony today that you wanted to do follow-up and that the ombudsperson had actually given the complainant other avenues. Do you know what those avenues were and do you know whether the ombudsman actually went back to the complainant to let her know that PCO wanted to investigate and wanted to do follow-up?

**Ms. Janine Sherman:** I am not aware of what the ombudsman would have done following our conversation.

**Ms. Anita Vandenberg:** Okay.

Would it be appropriate in something like this, where you have somebody who has not given consent to release the email in question or any information, whatever it might be, to go to the person who is allegedly the perpetrator and alert that person, tip them off, that somebody was complaining about them, or would that violate the consent of the individual, assuming that the individual might be able to figure out who it was?

**Ms. Janine Sherman:** Madam Chair, that is an important consideration. As I have spoken about [*Technical difficulty—Editor*] apply to how we manage issues of conduct of a GIC appointee have to take that into consideration. The wishes of the person who is affected or is bringing that forward, and the inability to provide any details to the potential respondent, would be a matter of concern as well, so it's very difficult. It depends on the specific situation, but in general we take the wishes of the complainant into account.

**Ms. Anita Vandenberg:** Would you say that the real concern, the real issue here—we had a situation where the person didn't want to come forward, with very little ability then to follow up—is the fact that people are afraid to come forward, that there is still a culture, a fear of reprisal? Would you say that's what we ran into here, this

larger cultural issue of people being afraid to put their name forward?

What kinds of ideas would you have on how we fix that?

**Ms. Janine Sherman:** I don't have enough information on the specific situation Mr. Walbourne raised to make that kind of an assessment.

I have said, and I would repeat, that we need to find a way to make sure that people will come forward, and whether there is fear of reprisal or concern about how broadly that information might be shared, we need to make sure that we have independent, safe spaces for people to come forward to.

**The Chair:** I would like to express the thanks of the entire committee to our witnesses today. You have provided very important testimony.

Committee, are we good to adjourn?

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>