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Chair: Mrs. Karen McCrimmon





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• (1105)

[*Translation*]

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

[*English*]

I call this meeting to order.

Welcome to meeting number 23 of the House of Commons Standing Committee on National Defence.

This is a very, let's say, unusual circumstance, something that we don't see very often. That's why late yesterday evening we sent you an email outlining what was given to the clerk yesterday so that everyone would be informed. We also promised that we would begin the meeting with an open dialogue about what the committee wants to do. I need to seek the guidance of the committee because this is an unusual circumstance.

I would like to open the floor. You've all read the email so you know what has been suggested. I would like to open the floor to anyone who would have comments they would like to bring forward, or options or suggestions. I'm in your hands. If anyone would like to begin, please put your hand up. We'll call on whoever puts their hand up first.

Mr. Bezan, go ahead.

**Mr. James Bezan (Selkirk—Interlake—Eastman, CPC):** Well, I'm assuming that you're going to be inviting Minister Sajjan to provide testimony in place of Zita Astravas, which to me is completely ignoring the order that came from the House. Parliament demanded that Zita Astravas be the one to appear. I think it's contemptuous that she isn't and that the actions by the government are just playing into the larger realm that this is a cover-up.

I would suggest, Madam Chair, that we do hear from the minister, that he stay for the entire time that was allotted for Zita Astravas and that questions that we had prepared for her we'll be putting to the minister.

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

Ms. Vandenberg.

**Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.):** Thank you very much.

I would also of course agree that we hear from the minister and the officials he has with him.

As has been discussed at length in the House, and also in the letter that the minister sent to the committee by way of explanation, political staff are not people who are decision-makers. They are accountable to the political member—in this case, the minister—and therefore the minister...being here, he is the one who is accountable to Parliament and to this committee, and I'm sure that the committee members will be able to ask him all the questions that they would have asked Ms. Astravas.

Therefore, I would suggest that we hear from the minister and the officials he has with him.

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

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

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

However, I believe that Mr. Garrison raised his hand first. I wouldn't mind speaking now if that's what Mr. Garrison wants. That said, I'd still like to stick to the order of raised hands.

[*English*]

**The Chair:** Mr. Garrison, would you like to go first?

**Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP):** Thanks, Madam Chair.

I'm having a bit of a problem with the screen freezing this morning, so I apologize for that.

I'm happy to have the minister before us today on ministerial responsibility, because that's what we are actually studying here. I'm not happy that the government has chosen to ignore an order from the House, but I do think it gives us a opportunity to talk about the concept of ministerial responsibility with the minister. I'm quite happy to do so today.

I should note that the reason we were calling upon staff members and staff from the Privy Council Office is in fact that the minister pointed us to them in his testimony and said that it had nothing to do with him and we had to talk to these people. In fact, it's the minister who originally suggested that we should talk to staff people, who he is now saying should not be called before the committee.

I look forward to talking to him about the concept of ministerial responsibility and who actually is responsible for the fact that the minister and the Prime Minister failed to act to remove a chief of the defence staff when there was a substantiated complaint of sexual misconduct against him.

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

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

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

I agree with my Conservative and NDP colleagues.

I must say that I'm disappointed. I don't know whether I'm surprised, but I'm certainly disappointed. We don't often complain about meeting with the minister in the committee. I'm not complaining about that. It would be good if he were here more often, as is the case in most committees.

However, my concern is that the committee's wishes aren't being respected and that witnesses who were scheduled to appear are being excluded. I'm even wondering whether this is a way to prevent these people from speaking. Why shouldn't these people be allowed to speak? I'm told that they aren't the ones making the decisions and bearing the ultimate responsibility. However, they do know things. They know what's happening and what decisions are being made.

In the current situation, where we can see that the minister didn't take the proper steps, it seems appropriate to receive comments and information from the staff.

• (1110)

**The Chair:** Okay. Thank you.

[*English*]

Is there anyone else?

Mr. Bezan, go ahead.

**Mr. James Bezan:** I would just say, Madam Chair, that this doesn't absolve Zita Astravas from appearing at committee. There's still the order from the House, and I expect it to be respected.

With that, let's get on with addressing ministerial responsibility with the minister himself.

**The Chair:** That seems to be the will of the committee: that we invite the witnesses who were outlined in the email that was sent to you last evening.

I'm going to suspend for about five minutes to allow them to get on and get their sound checks done, and then we'll reconvene.

We are suspended.

• (1110)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (1120)

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

To begin, I would like to invite Minister Sajjan to give his opening remarks and to introduce his team to the members of the committee this morning.

It's over to you, Minister Sajjan.

**Hon. Harjit S. Sajjan (Minister of National Defence):** Madam Chair, thank you again for this opportunity to come speak with the committee once again.

I have with me my deputy minister, the acting chief of the defence staff, and the judge advocate general to answer questions.

I first want to clarify something, Madam Chair. I'm here because on our side of the House we have a deep respect for the traditions of Parliament. One of those traditions is the principle of ministerial accountability.

Our government believes that ministers of the cabinet are accountable to the House of Commons for the decisions of the government and for the actions of their political staff. We have been collaborative with members of Parliament and we have been accountable. It is our responsibility, and we have gladly fulfilled that responsibility.

I'm here today because, as a member of cabinet, I speak on behalf of the government and for those who work in it. Let me be clear: Unelected political staff members are accountable to members of the cabinet, and cabinet is accountable to Parliament.

The Conservatives believed in this core principle more than a decade ago, when they were in power under Prime Minister Harper. In fact, it was a Conservative foreign affairs minister, John Baird, who spoke at committee about why the Harper government was refusing to allow its staff members to testify at committee.

Mr. Baird said:

If you have a problem with my office, you come after me. You can't haul people before this committee in a hostile, partisan interrogation—people who can't fight back for themselves. If you have a problem with the government, it is ministers in our system.

They are accountable.

Or perhaps the opposition would like to hear from former prime minister Harper himself:

Mr. Speaker, our precedents and practices are very clear. It is ministers and the ministry at large who are responsible to the House and to its committees, not their staff members. The staff members are responsible to the ministers and the members for whom they work.

Prime Minister Harper and his government instructed their staff not to appear. Instead, cabinet ministers went in their place. Unfortunately, the Conservatives under Erin O'Toole—who, himself, is involved in this study, lest we forget—have changed their minds on the importance of this fundamental principle of ministerial accountability. What was so important to them when they were in government has been thrown out the window now that they are in opposition. That is regrettable and dangerous, because Canadians need to know that they can trust that the very traditions of their Parliament will not be abandoned simply out of political expediency by those seeking power.

Madam Chair, the argument put forward by Mr. Baird and Mr. Harper was correct. It was the right thing to do then, and it is the right thing to do now.

Now to the very important issue at hand.

Let's start by stating my position in the clearest possible terms. I do not and will not accept any form of sexual misconduct in the Canadian Armed Forces and the Department of National Defence from anyone, regardless of rank or position. I am committed to ensuring that affected persons have access to a range of supports and are treated fairly and compassionately. I firmly believe in the independence of investigations. These have been my guiding principles on this issue since I became Minister of National Defence.

We must take care of our people and provide them with a workplace free from harassment and discrimination. It is written into our defence policy. It is written into my mandate letter. It is also my personal belief system.

Sexual misconduct is harmful beyond measure. Our government has worked hard by responding to retired Justice Deschamps' report. We put measures in place focused on understanding the issue, preventing harm from occurring, addressing incidents when they happen and providing support to those affected.

We created the sexual misconduct response centre, completely independent from the military chain of command. We launched new mandatory training and education. We partnered with Statistics Canada to conduct surveys so we could better understand the scope of the problem. We reviewed 179 old cases that had been categorized as unfounded. We created new specialized teams within our military police and our prosecution service to address sexual misconduct. We sought out experts' external advice, and we implemented new programs and policies. Last year, we released a culture change strategy. All of this work was essential and foundational.

- (1125)

It is clear that Operation Honour, as we know it, has run its course. It has become clear that it has limitations. It is extremely clear that we have a lot more work to do. We will learn from what has and hasn't worked, and develop a deliberate plan to go forward.

We need to make it easy and accessible for anyone at any level to report an incident, and they need to have confidence in the reporting mechanisms. That is why we will be developing an independent reporting structure to look at all allegations. As the Prime Minister and I have stated, all options are on the table. We will continue to be guided by fairness and respect for the rule of law. [*Technical difficulty—Editor*] be upheld, because no one should ever have undue influence on an investigation. That jeopardizes the ability to achieve a just outcome.

Madam Chair, there can be no denying it. Sexual misconduct is a serious, systemic problem in the Canadian Armed Forces. We must take bold action to establish a culture where sexual misconduct is never minimized, ignored or excused. For far too long, people in the Canadian Armed Forces have been negatively affected by a culture that is influenced by outdated conceptions of what it means to be a warrior, a culture shaped by hypermasculinity—one that rewards assertiveness, aggression and competitiveness; one that sustains stereotypical gender roles and excludes people who do not fit the mould. This ideal permeates military cultures around the world. It is evident in accounts of hazing and initiations, and we see it in the continued occurrences of sexual misconduct. It was not okay in the past, and it's not okay now.

We know we must change our culture so that we can prevent sexual misconduct from happening in the first place. We must align all behaviours and attitudes with our core value: respect and dignity for all persons. Change will not happen on its own. It requires a persistent, methodical and holistic approach. People all across the organization must be invested in it.

Over the past two months, Canadian Armed Forces members and civilians across the defence team have been having important conversations about the issues that persist in our organizations. These conversations have been motivated and informed by those who have come forward and shared their experiences, but the responsibility to address sexual misconduct does not rest on the shoulders of those who have been affected. It rests on all of us.

It rests on leaders across the defence team to establish a culture where everyone is treated with dignity and respect. It rests on commanding officers to protect their people from retaliation and reprisal, and it rests on every person in our organization to intervene as bystanders and support one another. We must continue building trust in each other and in our organizations—trust that must be earned, not taken for granted.

Enough with the politics. We have to focus on the survivors and those who are coming forward. Now we must take action and change the culture of the Canadian Armed Forces.

Madam Chair, thank you for this opportunity to speak to you once again.

- (1130)

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

I will now open the floor for questions.

Up first is Mr. Bezan, please.

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

Minister, just so you know, this isn't about politics. This is about making sure we get to the bottom of why your so-called claim of zero tolerance for sexual misconduct did not extend to General Vance and why you allowed him to walk away three years ago.

Madam Chair, we are supposed to hear from Zita Astravas today. I'm hoping the minister has talked to her and has the questions we had prepared for her, so that we can get more of the information that he actually suggested we pursue.

Minister, on what date did Zita Astravas learn of the allegations against General Vance?

**Hon. Harjit S. Sajjan:** Madam Chair, the very day the former ombudsman informed me, I immediately spoke with my chief of staff back at the office.

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

That would have been March 1, 2018.

**Hon. Harjit S. Sajjan:** The very same day.

**Mr. James Bezan:** Who in the Prime Minister's Office did Zita Astravas contact about the allegations against General Vance?

**Hon. Harjit S. Sajjan:** As I stated before, my chief of staff at that time informed the Privy Council Office immediately and informed the Prime Minister's Office, as well.

**Mr. James Bezan:** Who in the Prime Minister's Office did she contact regarding the allegations against General Vance?

**Hon. Harjit S. Sajjan:** I believe it was Elder.

**Mr. James Bezan:** Elder Marques? Is there anyone else you're aware of, Minister?

**Hon. Harjit S. Sajjan:** No, I'm not.

**Mr. James Bezan:** On what date did Zita Astravas talk to Elder Marques?

**Hon. Harjit S. Sajjan:** I believe it was immediately after I informed her, and then she informed the Privy Council Office.

**Mr. James Bezan:** How many times did Zita Astravas contact the PMO regarding these allegations against General Vance, and what were the subsequent dates of those communications, whether they were in person, phone calls or by email?

**Hon. Harjit S. Sajjan:** We're not sure exactly of the number of times. I do know that I had a number of conversations with my chief of staff, making sure to inquire if there was any progress on the allegations and if the former ombudsman had provided the necessary information.

But the most important thing here is making sure that we actually had independence on the investigation. Our purpose was to inform the Privy Council Office so that an independent investigation could occur, and that's exactly what has taken place. She informed—

**Mr. James Bezan:** Minister—

**Hon. Harjit S. Sajjan:** Sorry, Madam Chair, if you would let me finish.

She informed the Prime Minister's Office of her actions that she had taken, but the clear point here is making sure that there was independence of the investigation. That's exactly what she did when she contacted the Privy Council Office.

**Mr. James Bezan:** What exactly did Zita Astravas communicate about the allegations against General Vance?

• (1135)

**Hon. Harjit S. Sajjan:** Exactly what had transpired: that the meeting took place with the former ombudsman and that we were contacting the Privy Council Office so that an independent investigation could occur.

**Mr. James Bezan:** Minister, what was the Prime Minister's Office response to Zita Astravas after they were made aware of these allegations, and what direction did they give back to Zita Astravas?

**Hon. Harjit S. Sajjan:** Our responsibility was to, first of all, given the seriousness of the allegations themselves, make sure that the Privy Council Office was informed, so that the first step of it was whoever possibly was going to come forward with information, as we thought at that time, so that action could be taken, and

that's exactly what took place. Then she informed the Prime Minister's Office of her actions.

What we also wanted to do was not interfere with anything further in the investigation. So in this case we were able—

**Mr. James Bezan:** What investigation? There was no investigation that had started at that point in time.

**Hon. Harjit S. Sajjan:** We—

**Mr. James Bezan:** Nobody had information. The Privy Council Office under Janine Sherman had said that there wasn't an investigation. They still didn't have the evidence. The ombudsman could not go out and do the investigation. Military experts and justice experts have said that there was no political interference because there was no investigation started and no direction given by you.

Minister, have you always been 100% truthful when you have testified before this committee, yes or no?

**Hon. Harjit S. Sajjan:** Absolutely, Madam Chair.

**Mr. James Bezan:** Minister, in front of this committee, you did state, "First of all, as the Prime Minister has stated, he was informed that I had raised those concerns with the Privy Council Office". That was on March 12. Did you say that at committee, yes or no?

**Hon. Harjit S. Sajjan:** Could you repeat that, please?

**Mr. James Bezan:** Your direct quote is, "First of all, as the Prime Minister has stated, he was informed that I had raised those concerns with the Privy Council Office".

**Hon. Harjit S. Sajjan:** No, I meant the Prime Minister's Office, Madam Chair.

**Mr. James Bezan:** So you misspoke there?

Did you think the Prime Minister was aware that you had raised these concerns with the Privy Council Office—

**Hon. Harjit S. Sajjan:** No.

**Mr. James Bezan:** —and with his staff?

**Hon. Harjit S. Sajjan:** No. As I stated, my chief of staff informed the Prime Minister's Office.

**Mr. James Bezan:** Who informed you that the Prime Minister was aware that you had raised these concerns with the—

**Hon. Harjit S. Sajjan:** I did not raise these with the Prime Minister.

**Mr. James Bezan:** But the Prime Minister has stated in the House that he was aware of these allegations in 2018, so who would have raised those from the PCO to the Prime Minister or from the Prime Minister's staff with the Prime Minister?

**Hon. Harjit S. Sajjan:** Once we raised it with the Privy Council Office and with the Prime Minister's Office, I'm not sure who, when it comes to raising the issue. Our focus was that information was provided to us. We wanted to make sure there was an independent look at the information, and that's exactly what we did, because in this case here, when it comes to a GIC appointment, we wanted to make sure that there was complete independence, especially independence from any type of political interference.

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

**Mr. James Bezan:** Minister—

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

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

Thank you for being here, Minister, and thank you to all the other witnesses as well.

One of the members has mentioned that there are proven serious allegations against a senior member, but it's inappropriate to pre-judge. Investigations are under way, and they will decide what are proven allegations.

Minister, I was delighted that you spent most of your time talking about the changes that need to be made, and my questions after this round will totally be on that. The hundreds of people who are affected, especially women who want protection, really would want committee members to be working on that. That's the biggest outcome of this committee. That's a responsibility for all of us. We really have to improve the system, and hopefully we'll be talking about that. We'll certainly be asking a lot of questions about that. We have to move forward. You've been a champion of that, and we're delighted that you outlined the flexibility to move forward and make those changes to protect people.

I just want to make sure that on this round... Is there anything else you wanted to say about the reason you're appearing here on behalf of your former chief of staff, Zita, today?

**Hon. Harjit S. Sajjan:** Madam Chair, as you stated, it's important for ministers to speak on behalf of their staff. Ministers are accountable to Parliament when it comes to their ministries. That's exactly what we're doing.

In this case here, Madam Chair, what I am focused on, and what our entire defence team is focused on, is making sure we look at the current situation and find ways to create the culture change that everybody on this committee and all of us want. I look forward to the recommendations from this committee and all members of Parliament, because ultimately this is what... When we formed government, we wanted to make sure we created an inclusive environment for all Canadians, not just in the Canadian Armed Forces but all across Canada. This is something we took very seriously.

We took Madame Deschamps' report very seriously before we came into government. We're working aggressively to make the changes. We know there's a lot more work to do, but we want to continue doing that work. More importantly, we need to be able to hear from the experts. We need to hear from the survivors. We need to hear from the women of the Canadian Armed Forces, both serving and retired. That's what's going to allow us to create that culture change. We want to move as aggressively as possible, but ultimately our objective is always going to be zero tolerance.

• (1140)

**Hon. Larry Bagnell:** Thank you, Minister.

I know you're appearing today on behalf of your former chief of staff, Zita Astravas. Do you think she would have had anything more to add, other than what has already come up at the committee?

**Hon. Harjit S. Sajjan:** Madam Chair, I've come to this committee a number of times, as well as to other committees. I have pro-

vided all the answers for all the questions. More importantly, not only do I speak for my former chief of staff, but there's nothing further she could add.

**Hon. Larry Bagnell:** Thank you, Minister.

There are some senior members under investigation. The investigations will run their course. Of course, there will be no political interference and those will be taken care of. The main thing is to get on with helping the members and changing the systems of the many, many other complaints that are out there.

We've heard from you, the former ombudsman, the former chief of staff to former PM Stephen Harper, PCO and numerous other witnesses. Do you think there's anything else this committee can contribute in pursuing this line of questioning and focusing on incidents that are currently being investigated by the appropriate authorities?

**Hon. Harjit S. Sajjan:** Madam Chair, I've answered all the questions. With these lines of questions, regardless of how many times I'm asked, I can give answers only based on the information and the facts of what took place.

What I would really like to focus on is the women and the culture change that we all agree on, making sure we get the expert advice, making sure we create the right plan, and more importantly, making sure that whatever ideas we come up with actually hit the mark so we can create the culture change. That's exactly what I think not only all of us agree on, but more importantly all our Canadian Armed Forces members deserve.

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

We've heard some very good testimony from experts and victims. Certainly that will be an important part of our report, but there's certainly more that we can hear. I'm looking forward to that. I'm delighted that you're open to those changes. Obviously, when there are hundreds of people, if not over a thousand, whom this has impacted in the past, we really need to make major changes. I'm glad you're open to that.

It's never easy to make changes, so it won't be easy to make these difficult changes, in my opinion, but I am certainly committed to... I know that all the other members of the committee—you heard what they said—really want to make these changes as well. They really want to help particularly the women, but not only the women, who have been victims of this type of activity.

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

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

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

Minister Sajjan, today we were surprised to have you here. Usually, when we meet with a minister, it's a nice surprise. This time, I'm not sure that's the case. You're here because you decided to go against the committee's wishes to call in staff from your office who may have something valuable to say to the committee.

Are you being obstructive?

• (1145)

[English]

**Hon. Harjit S. Sajjan:** As the minister responsible for national defence, I speak on behalf of my staff. I'm here to answer any questions you might have.

[Translation]

**Mr. Xavier Barsalou-Duval:** You seem to be saying that, by doing this, you're protecting these people. Don't you think that, on the contrary, rather than protecting these people, you're protecting yourself?

[English]

**Hon. Harjit S. Sajjan:** I have always taken the opportunity to come before this committee at the earliest opportunity to answer any questions. I've always been extremely open. In fact, with a number of the opposition members, I'm even open to answering their questions on a personal basis. I've been extremely open from day one, when I became minister. I actually wrote a letter to all members of Parliament saying, please, if you have any ideas on where we can improve defence, then I'm open to it. Let's take the politics out of defence.

In this case, I'm here to speak on behalf of my staff. Staff should not be coming here. They're not accountable to Parliament for the department; ministers are. I'm here to answer your questions.

[Translation]

**Mr. Xavier Barsalou-Duval:** Are you concerned about how the staff may respond to the committee's questions?

[English]

**Hon. Harjit S. Sajjan:** We are here to answer all of your questions. I speak on behalf of my staff and my former chief of staff, Zita Astravas.

I just want to say how important the work that committees do is. I actually welcome having these discussions. With the work we have in front of us, no one person is going to have all the answers. I not only welcome answering all your questions; I look forward to your recommendations as well.

[Translation]

**Mr. Xavier Barsalou-Duval:** Minister Sajjan, you aren't answering my question. I asked whether you were concerned about what your staff may say to the committee.

Do you have anything to hide?

[English]

**Hon. Harjit S. Sajjan:** No.

[Translation]

**Mr. Xavier Barsalou-Duval:** There's an answer. I hope that it's the truth.

I'm trying to understand why you're preventing staff from appearing. Will this become a new norm?

In many cases, when we ask ministers to appear before committees, we'd like to meet with them for two hours. However, they disappear after the first hour and leave their staff with us. They let their staff testify.

I'd like to understand why it's the opposite right now.

[English]

**Hon. Harjit S. Sajjan:** Our political staff do not represent the department. My departmental staff, in terms of who you see here.... You're talking about our deputy ministers and our Canadian Armed Forces members. Here we have the acting chief of the defence staff. They are here. Political staff who work for ministers' offices are not accountable to Parliament on behalf of the department; ministers are. This is what's been done in previous governments, and this is the practice that we have now.

As a minister, I am responsible to Parliament. I'm here to answer your questions.

[Translation]

**Mr. Xavier Barsalou-Duval:** I gather that, when it suits you, you let the officials speak, and when it doesn't suit you, you don't let them speak.

You suggested to the committee on March 12 that Mr. Walbourne hadn't done his job and that he could have given his information to people other than you.

Yet when we met with Mr. Lick, the current ombudsman—I don't remember whether it was in this committee or the Standing Committee on the Status of Women—he said that, if he had needed to act, he would have taken exactly the same steps as Mr. Walbourne.

In your opinion, do the former ombudsman and new ombudsman misunderstand the nature of their work, whereas you're correct?

[English]

**Hon. Harjit S. Sajjan:** Madam Chair, I would like to answer the first assertion that the member made. No, my staff has never come to committee to testify. I have always spoken on behalf of my department. The departmental staff who are here before you do come with me: the deputy minister, the judge advocate general, sometimes the vice chief of the defence staff and, in this case, the acting chief of the defence staff.

To answer the other question that the member posed, it is important when information is brought forward on anybody, especially when it comes to a Governor in Council appointment, to make sure we follow the proper process without any type of political interference and to make sure that it is absolutely independent, if an investigation is to start. That's exactly what took place and it was done immediately, Madam Chair.



The following day, the Privy Council Office followed up with Mr. Walbourne. I'm happy to repeat this over and over again. It is so important that, any time any information comes up on anybody, rank or position regardless, we take concrete action.

• (1150)

[*Translation*]

**Mr. Xavier Barsalou-Duval:** I understand that Mr. Lick, like Mr. Walbourne—

[*English*]

**The Chair:** I'm afraid your time is up, Mr. Barsalou-Duval.

We will move on to Mr. Garrison, please.

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

I thank the minister for being here today to talk about ministerial responsibility. I think this gets at the crux of the problem in the failure to attack sexual misconduct in the Canadian Forces.

When Operation Honour was announced in 2015, I was among those who gave credit to the Canadian military for recognizing the problem and setting out to solve it, but what we heard multiple times is that Operation Honour actually failed. We heard multiple times in this study from witnesses that members of the Canadian Armed Forces felt that there were two different standards, and that senior leaders in the Canadian military were not held to the same standards as rank-and-file members when it came to Operation Honour. This is the crux of the problem. None of the actions can have any credibility in assuring women that they can serve equally if there's no action when there's misconduct at the highest level.

Minister, my question is a very direct question. General Vance was allowed to continue serving as chief of the defence staff after credible allegations of sexual misconduct had been raised against him. Who is the minister responsible for him continuing to serve as chief of the defence staff under those circumstances?

**Hon. Harjit S. Sajjan:** Madam Chair, as I stated before, any time information is brought forward, regardless of rank or position.... In this case, it was about the GIC appointment of the former chief of the defence staff. It was about making sure that the information brought forward, the allegations, were taken extremely seriously, and that's exactly what was done. It is important to make sure that the proper process is followed by the book. If you do not follow the proper process, you may interfere in a just outcome.

I have taken very seriously my responsibility to the Canadian Armed Forces, from the day I came in. The focus that we put on our people, the focus that our government has put on dealing with all types of systemic misconduct, especially sexual misconduct...we have taken steps.

Now, when it comes to Operation Honour, yes, it has run its course. It was started before we formed government. What we are doing is looking at what worked, what things we need to keep and what things we need to change. Our team has been working aggressively, even before the allegations on the former chief of the defence staff came forward this year. We wanted to work towards a complete culture change, something that we were already discussing. We were looking at all forms of misconduct. We had a panel put together made up of former serving members who had

lived experience that includes systemic racism all the way through to gender bias and sexual misconduct, so that we could actually move forward.

Madam Chair, one of the things I will always champion with all of the senior leadership is to work forward and create that inclusive environment. No, it's not going to be easy, but one thing I can assure you is that no one is going to rest. Everybody within the armed forces, including the acting chief of the defence staff and our deputy minister, and all of you will continue to work to make the necessary changes.

**Mr. Randall Garrison:** Well, Madam Chair, I'm not sure how that answers the question of ministerial responsibility. Vance continued to serve under a cloud of allegations about sexual misconduct, and nothing happened.

Now, the minister always leans on investigations. No investigation happened in 2018, so I want to go back to ministerial responsibility. Who is the minister who was responsible for making sure that an investigation took place? When the minister found out that PCO was not investigating, when the Minister of Defence found out that the ombudsman's office was not investigating, was he not the minister responsible—not to do an investigation, but to make sure an independent investigation was conducted? Why was the matter dropped? Is the minister responsible for this failure to conduct an investigation or not?

**Hon. Harjit S. Sajjan:** Madam Chair, regardless of the assertions that were posed in the question, in our society, in our system, we have due process, and that process has to be followed. Regardless of what position one holds, we cannot just make a decision and try to get an outcome; we have to follow the absolute process. Just like in any other police investigation, if you don't follow the absolute process here, in this case, when information was brought forward from a GIC.... And GIC appointments are the responsibility of management by the Privy Council Office, so in this case, that was the reason information was sent to the Privy Council Office to conduct that immediate follow-up.

• (1155)

**Mr. Randall Garrison:** So, since the Privy Council Office—

**Hon. Harjit S. Sajjan:** That immediate follow-up was conducted, and then from there, multiple follow-ups continued. The information that was provided to this committee, from what I understand, from a production of papers, outlines the actions that actually took place and also states that the reason why the former ombudsman did not provide any further information was that the complainant did not want to come forward.

**Mr. Randall Garrison:** Minister, you seem to be saying that the Prime Minister, then, is responsible for the fact that there was no investigation, because the Privy Council Office reported to him. When the Privy Council failed to proceed with an investigation, the Prime Minister should have acted. Is that what you're telling us under ministerial responsibility?

**Hon. Harjit S. Sajjan:** Madam Chair, I'm not sure how the member or his party decide on what type of power politicians should have, but one thing I can assure you is that—

**Mr. Randall Garrison:** To order an investigation is one of them.

**Hon. Harjit S. Sajjan:** Madam Chair, I'm trying.... I can answer the question or not.

Madam Chair, may I answer the question?

**The Chair:** Please answer the question.

**Hon. Harjit S. Sajjan:** Thank you.

No politician, Madam Chair, should ever be involved in an investigation. What we need to do is allow for independent public service members to look at the facts and then decide which direction it needs to go. If you don't follow that process, you will undermine a potential just outcome for the person who has come forward.

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

**Mr. Randall Garrison:** Which minister was responsible for making sure there was an investigation?

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

We move on to Ms. Alleslev.

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

To follow on that question, Minister, is a minister, a politician—or, in this case, you—responsible to ensure that the Canadian Armed Forces has a chief of the defence staff who is above reproach and has not carried out and is not carrying out any sexual misconduct?

**Hon. Harjit S. Sajjan:** Madam Chair, it's all our responsibility, including the person, anybody who's—

**Ms. Leona Alleslev:** No, Minister, is it your responsibility?

**Hon. Harjit S. Sajjan:** Madam Chair, if I could try to answer the question.... I'm getting cut off.

If it's okay, Madam Chair, I could try to answer the previous question there.

**The Chair:** Please answer the question.

**Hon. Harjit S. Sajjan:** Madam Chair, first of all, when it comes to any type of sexual misconduct, it is all our responsibility. When it comes to the Minister of National Defence, under the National Defence Act, I have the direction, a ministerial responsibility for the direction the Canadian Armed Forces goes. That direction we put in our defence policy, and we put it in our defence policy to make sure that we have a workplace free from harassment, and we put our people number one, Madam Chair. We know that we have not—

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

Were you in 2018, and then in 2019, satisfied that the chief of the defence staff, General Vance, was beyond reproach and was not, or had not been, engaged in sexual misconduct in any way, shape or form?

**Hon. Harjit S. Sajjan:** Madam Chair, when it comes to any information that has come forward, what we need to do and must always do is make sure that any information is sent to the appropriate authorities—*independent appropriate authorities, not politicians—*

to launch investigations or to stop investigations so that the independent officials can make the determination of where—

**Ms. Leona Alleslev:** Minister, you stated you were involved with—

**The Chair:** Please let the minister.... He's here for three hours. Let him finish, and then we'll carry on. I'll give you a bit of extra time at the end.

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

**Hon. Harjit S. Sajjan:** Thank you, Madam Chair.

As I stated before, it is important that the process be followed so that an independent investigation can occur. Again, no politician should ever interfere with an investigation. No politician should ever have the power to launch an investigation on somebody or stop an investigation on somebody.

**Ms. Leona Alleslev:** Were you satisfied, in May 2019, when you were at the cabinet meeting at which the performance management program for General Vance was discussed, that his performance had no sexual misconduct in it?

• (1200)

**Hon. Harjit S. Sajjan:** Madam Chair, I'm not part of a management committee. Could she rephrase the question?

**Ms. Leona Alleslev:** I was asking about the performance management review program. As minister for General Vance, you are involved in that process. Is that correct?

**Hon. Harjit S. Sajjan:** Madam Chair, when it comes to the people who work for me, whether it's the deputy minister, the chief of CSE or the chief of the defence staff, it's usually sometime in late fall that we get a call for about 15 minutes by the Clerk to discuss how things are going in the department with their folks.

**Ms. Leona Alleslev:** Were you satisfied that there was no question that General Vance's performance was beyond reproach and he was not involved in any allegations of sexual misconduct of any kind?

**Hon. Harjit S. Sajjan:** Madam Chair, our responsibility in this case, if any information is ever brought forward, is to immediately take it to the appropriate officials so that action can be taken. That's exactly what took place here.

**Ms. Leona Alleslev:** Minister, performance is about your judgment—your ministerial accountability and your judgment. Were you satisfied that General Vance's performance, his behaviour, was beyond reproach?

**Hon. Harjit S. Sajjan:** Madam Chair, when we discussed the work that.... The questions I answer when the Clerk asks about the people.... It's a list of questions on the work they do. Obviously I can't get into that, for privacy reasons. I don't get involved with the performance pay, as the member is asserting here. I have never been involved in deciding their performance pay.

**Ms. Leona Alleslev:** Not the amount of pay, but whether or not their performance was worthy of being rewarded and being continued—that is your responsibility. Were you absolutely satisfied with General Vance's performance?

**Hon. Harjit S. Sajjan:** Madam Chair, that's not how those questions work.

**Ms. Leona Alleslev:** Were you part of the cabinet meeting when the order in council that went to the Governor General to increase his salary was discussed?

**Hon. Harjit S. Sajjan:** Madam Chair, I am not involved with the decision on salary increase.

**Ms. Leona Alleslev:** What about a recommendation on a salary increase, as signed by cabinet to the Governor General, the OIC in May 2019?

**Hon. Harjit S. Sajjan:** Madam Chair, I have not been asked about a performance pay increase by the former chief of the defence staff.

**Ms. Leona Alleslev:** It was an order in council cabinet meeting. You were not part of that, even though you are the minister responsible for the CDS government in council.

**Hon. Harjit S. Sajjan:** Madam Chair, as I've said many times, I am not involved with performance pay.

**The Chair:** Thank you very much. I let it go a little longer.

We move on to Mr. Baker, please.

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

Before I ask my questions—and I really want to focus on how we address the issues of sexual harassment and sexual assault in the military, so that's where my questions are—I just wanted to say something in response to something I heard from a member who was speaking previously. The member said the minister should have ordered an investigation.

It's important to remember, and we've heard this at committee over and over, that all a minister can do is refer to authorities, who can then undertake an investigation so that it protects the victim, follows due process and is done professionally, in an unbiased way. Obviously, if the minister ordered or directed an investigation, that would be interference.

Now, what I wanted to do was ask about military sexual trauma, and I want to direct my question to Dr. Preston at first.

Dr. Preston, to your knowledge, what support is offered for those in the Canadian Armed Forces with military sexual trauma?

**Dr. Denise Preston (Executive Director, Sexual Misconduct Response Centre, Department of National Defence):** A range of supports are offered to members who suffer from military sexual trauma. One large service provider would be Canadian Forces health services. They have a range of mental health professionals who would provide whatever sort of supports a person might need within their own unit. If the needs of the member were actually beyond what they were able to provide, members would be referred to external specialized service providers.

We also provide a range of supports through the sexual misconduct response centre. That includes a 24-7 confidential call line as well as a response and support coordination program. If members choose to participate in that program, it provides ongoing support from the time they disclose an incident until such time as they don't need services any longer. That can include information, referrals to other services, accompaniment to appointments, advocacy, assistance with workplace accommodations and a range of services.

There are also other, non-specialized supports. The chaplains are a resource that members will frequently go to for confidential support. The chaplains would then typically refer them to either SMRC or health services to get more specialized support.

• (1205)

**Mr. Yvan Baker:** Thanks, Dr. Preston.

I'd ask you to be brief in responding to these next ones, because I do have a couple more questions, if I can get them in.

Is military sexual trauma peer support offered? Should military sexual trauma be treated as an operational stress injury?

**Dr. Denise Preston:** With respect to the first question, peer support is not currently offered. However, there is work under way to get an online peer support platform established. As well, we have produced a joint proposal with VAC to develop both an online and in-person support program for members and veterans.

To the second part of your question, yes, I agree that military sexual trauma should be considered an OSI.

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

Chair, how much time do I have remaining?

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

**Mr. Yvan Baker:** My next question is for you, Lieutenant-General Eyre.

I've learned from women who have served in the forces that they often need different sizes of equipment and clothing that are not normally carried in stock on bases. How do we ensure that women get the protective equipment they need, such as bulletproof vests and other clothing and equipment, without it costing the unit or at the base level having to pay for it out of their own budgets? Could we have a separate fund, if you will, or a separate budget that is used exclusively for this purpose so that we can help fully integrate women into the armed forces?

**Lieutenant-General Wayne D. Eyre (Acting Chief of the Defence Staff, Department of National Defence):** I thank the member for his excellent question.

As the army commander, this was something I was seized with. We began an initiative called the soldier operational clothing and equipment modernization. We wanted to modernize, for fit and function, the next-to-body equipment, the load carriage, and the body armour that our soldiers are dressed in. Using anthropometric data, or body scans, we ensure that we can fit the entire size and shape of the force so that they are better protected, the clothing they wear is better fitting, and they feel prouder about serving in the military.

One of the biggest complaints I would receive from young soldiers was that they did not have faith that their body armour would actually protect them. That's what this initiative was aimed at. It was to improve the confidence that each and every member had in their equipment to be able to do the job.

**The Chair:** Thank you.

I'm afraid your time is up, Mr. Baker.

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

**The Chair:** We'll go to Mr. Barsalou-Duval, *s'il vous plaît*.

[*Translation*]

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

Mr. Sajjan, at the time, you refused to meet with Mr. Walbourne, who wanted to share information about allegations of a sexual nature.

If today, in 2021, Mr. Lick were to contact you to share information of the same nature, would you still refuse to meet with him?

[*English*]

**Hon. Harjit S. Sajjan:** First of all, on the assertion that the member has made, I did not refuse to meet with the former ombudsman. In fact, I actually had a formal meeting with our entire staff. He asked to meet with me privately, and I met with him privately. We had a discussion, in fact, about the current investigation that was currently going on in his office. At the end, he raised those concerns. He did not ask me for advice. However, I gave the advice, and the advice was to make sure that we handled this information properly. That's why it was followed up immediately.

If anybody had provided any of this type of information, I would always follow the proper procedure. That's exactly what I did in the past, and that's exactly what I'll do in the future.

• (1210)

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Thank you, but you refused to meet with Mr. Walbourne on at least a dozen occasions, according to what he told us.

Is that incorrect?

[*English*]

**Hon. Harjit S. Sajjan:** What you're referring to are regular meetings. In fact, we used to have regular meetings, and we did have meetings. It's not refusing to meet. Sometimes when it comes to scheduling issues.... In fact, I took every opportunity I could to actually meet with him. We met quite regularly to discuss the work that the ombudsman's office was doing, to talk about some of the things early on when we were developing the defence policy, looking at some of those things.

I did not ever refuse to meet with the ombudsman.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** So Mr. Walbourne is making things up when he says that you refused to meet with him after the meeting regarding General Vance.

[*English*]

**Hon. Harjit S. Sajjan:** Could you repeat the question, please? After the meeting...?

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Mr. Walbourne told the committee that you refused to meet with him a dozen times after he tried to talk to you about the General Vance case. Now you're saying that this isn't true and that you meet with the ombudsman very often, whether it be Mr. Walbourne or Mr. Lick at this point.

[*English*]

**Hon. Harjit S. Sajjan:** After that meeting, the former ombudsman gave his letter of intent to resign. He was on leave, I believe, at that time. However, when it came to the information that the former ombudsman provided, we took many opportunities.... Well, the Privy Council did, including my former chief of staff, who actually emailed him directly to ask for the information.

No, I did not refuse to meet with the former ombudsman.

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

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

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

I guess my concern still remains that we had someone come forward with a substantiated allegation of sexual misconduct. We know that, in effective policies dealing with sexual misconduct and sexual assault, victims who come forward have to be believed until there's some reason not to believe them. In this case, we had a credible allegation for which the military ombudsman had evidence that the minister—you, Minister—refused to look at.

You've invited.... You said a few minutes ago you've invited personal questions about this. I want to ask about your relationship with General Vance. How long have you known General Vance, and what were the circumstances under which you first met?

**Hon. Harjit S. Sajjan:** I'm sorry, but what was the first question? Perhaps you could repeat it.

**Mr. Randall Garrison:** How long have you known General Vance, and what were the circumstances under which you met? That's the question I would like you to respond to, Minister.

**Hon. Harjit S. Sajjan:** No, you had an earlier question.

**Mr. Randall Garrison:** There was no earlier question. The question I'm asking you now is this: How long have you known General Vance, and what were the circumstances—

**Hon. Harjit S. Sajjan:** No. Madam Chair, I think it's unfair to make an assertion and then try to ask a question. I think that's extremely unfair for a member to do something like this.

I will answer the member's question very directly, Madam Chair.

I was not friends with General Vance, and I'm not friends with General Vance. Does that answer your question very directly?

**Mr. Randall Garrison:** So you have no personal relationship—

**Hon. Harjit S. Sajjan:** No, I do not have a personal relationship with General Vance.

**Mr. Randall Garrison:** General Vance had no role in your appointment to positions in Afghanistan.

**Hon. Harjit S. Sajjan:** I'm sorry...?

**Mr. Randall Garrison:** Did General Vance have any role in your appointment to positions you held in the military in Afghanistan?

**Hon. Harjit S. Sajjan:** The positions that I held in Afghanistan...?

**Mr. Randall Garrison:** Yes.

**Hon. Harjit S. Sajjan:** Yes, in my second deployment to Afghanistan, he was the commander of the task force at that time.

• (1215)

**Mr. Randall Garrison:** You reported to General Vance at that time.

**Hon. Harjit S. Sajjan:** Yes, I did.

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

**Hon. Harjit S. Sajjan:** Madam Chair, if you don't mind, the member makes an assertion here—just because I served my country, and I serve—that seems to leave Canadians with the message that I had some type of personal relationship.

I have served four deployments. I've served a U.S. general. This is one of the reasons I take serious concern with the member's assertions here. As I stated before, I'm not going to let him define what my experience was in my deployment or what my experience was in the Canadian Armed Forces.

I know that the member does not like this, but I'm sorry. I am not going to allow him to do so. If he wants to ask me a direct question.... Do I have a personal relationship? I answered him no. If he wants to ask a question, sure, but please do not leave an assertion, because I find that extremely distasteful.

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

**Mr. Randall Garrison:** Well, Minister—

**The Chair:** We will go on to Madame Gallant, please.

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** When the phone call took place with the Clerk about Vance's performance as part of the performance review process, why didn't the minister raise the issue of the allegation at that time?

**Hon. Harjit S. Sajjan:** Madam Chair, that phone call took place earlier, in the late fall.

**Mrs. Cheryl Gallant:** Minister, you had said that the Prime Minister is the minister responsible for the PCO. Since the PCO did the investigation, are you saying the Prime Minister is responsible, then?

**Hon. Harjit S. Sajjan:** Madam Chair, no politician should ever be responsible for an investigation of anyone.

**Mrs. Cheryl Gallant:** So—

**Hon. Harjit S. Sajjan:** Politicians should not get involved. I think it is very dangerous.

**Mrs. Cheryl Gallant:** Is the Prime Minister responsible for the actions of the PCO, or inaction?

**Hon. Harjit S. Sajjan:** Madam Chair, I'm not sure how to answer that question.

**Mrs. Cheryl Gallant:** Who informed you that the Prime Minister was aware that you had raised those concerns with the PCO?

**Hon. Harjit S. Sajjan:** Madam Chair, as I stated, my former chief of staff informed the Prime Minister's Office of what had transpired and the actions that we were taking.

**Mrs. Cheryl Gallant:** When the minister received information from former military ombudsman Gary Walbourne about an allegation of sexual misconduct by General Vance, did he review General Vance's PCO file history?

**Hon. Harjit S. Sajjan:** Can you repeat that question? I'm sorry; it was difficult to hear you.

**Mrs. Cheryl Gallant:** When you received the information from Ombudsman Walbourne about the allegation about General Vance, did you review General Vance's PCO file history?

**Hon. Harjit S. Sajjan:** Madam Chair, I could answer the question in terms of the actions that we had taken. We took the information very seriously. We informed the Privy Council Office of what had transpired. They contacted the former ombudsman, and my former chief of staff informed the Prime Minister's Office of the actions that we were taking.

**Mrs. Cheryl Gallant:** So, you did not review General Vance's PCO file history. Was there a reason for that?

**Hon. Harjit S. Sajjan:** Madam Chair, I'm not sure what the question is. PCO file.... I'm genuinely asking. I'm having a hard time understanding what the question is when it comes to "PCO file".

**Mrs. Cheryl Gallant:** The PCO file, the personnel file on General Vance.

**Hon. Harjit S. Sajjan:** Madam Chair, again, that would be interference. I don't get involved with the personnel files that the Privy Council holds on Governor in Council appointments.

**Mrs. Cheryl Gallant:** Minister, you ordered an investigation into racist incidents in the Canadian Armed Forces, yes or no?

**Hon. Harjit S. Sajjan:** I have ordered an independent panel to look at the issue of systemic racism, gender bias and misconduct in general, yes.

**Mrs. Cheryl Gallant:** So, you initiated that investigation, but—

**Hon. Harjit S. Sajjan:** That's not—

**Mrs. Cheryl Gallant:** —you did not ensure that an investigation was started on the allegations against General Vance.

**Hon. Harjit S. Sajjan:** Madam Chair, that's not an investigation, and not even a review of an individual. That is to look at a wider problem, which is our responsibility. I'm not trying to look at the actions of one person. Those are the things that the chief of the defence staff would do, or the deputy minister would do, based on the responsibility they have and the mechanisms that they have.

I would not—I hope no politician would ever—make ministerial inquiries or launch investigations on individuals.

• (1220)

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

Minister, when, where and in what capacity have you served with General Vance outside Afghanistan?

**Hon. Harjit S. Sajjan:** I've only served under his command in Afghanistan.

**Mrs. Cheryl Gallant:** If today the same allegation about General Vance were brought to you, through the ombudsman about a GIC appointment, what is now the policy of dealing with it?

**Hon. Harjit S. Sajjan:** This is one thing that we're going to be reviewing, to see whether we have the right policies in place. In terms of GICs, this is something that the Privy Council will have to take a look at. Our responsibility is making sure, when it comes to a GIC appointment, again, that we put it in the hands of independent public service officials so the information can be looked at.

We are going to be looking at independence inside the Canadian Armed Forces. However, it's not the responsibility of ministers to look at GICs; it's the responsibility of the Privy Council Office.

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

[Translation]

Mr. Robillard, you have the floor.

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

Minister Sajjan, what are the Department of National Defence and the Canadian Armed Forces doing to ensure better support for survivors who come forward?

[English]

**Hon. Harjit S. Sajjan:** Thank you very much for the question.

I'll actually allow Dr. Preston to answer that question, but we wanted to make sure, from day one, that when somebody finally comes forward.... Imagine what they have gone through. We wanted to make sure that they not only have the appropriate emotional support, but they also have the proper advice as to what they can do.

For example, one of the things we're currently looking at is how, when somebody has any type of misconduct that has come up, they can have one place to go so they can get the appropriate support, they can have the appropriate legal advice and direction, and they will be supported all the way through the process.

Dr. Preston, can you add some more details to that, please?

**Dr. Denise Preston:** Yes. Thank you.

As I mentioned earlier, there are a range of supports that are available to members, either through health services or through the sexual misconduct response centre. Members can also be referred to specialists in the community. The other service that is available is that we currently have a contribution program where we fund nine sexual assault centres that are in close proximity to bases across the country. That provides opportunities for people to seek support outside of the military if they would rather speak to non-military service providers.

We are looking at a number of service enhancements right now—for example, the response and support coordination program that I spoke about earlier, which provides ongoing support from beginning to end of a person's journey. It is currently offered as a centralized model, so we offer it from Ottawa, but we will fly staff out to provide accompaniment, for example. We are in the process of expanding that program to have regional centres so that there's more proximity to supports.

We're also looking at a number of other service enhancements—for example, the provision of independent legal advice to members, as well as looking at peer support programming, both online and in-person peer support.

[Translation]

**Mr. Yves Robillard:** Dr. Preston, would you say that survivors don't come forward because they're afraid of retaliation or because they're afraid that their case won't be taken seriously?

[English]

**Dr. Denise Preston:** What I would say is that, for any survivor, whether they're a survivor in the military or outside of the military, it's a very difficult decision to come forward. In fact, outside the military, in the civilian world, only about 5% of sexual assaults are actually officially reported to the police.

Within the military, there are actually higher reporting rates. It's around 20% to 25% reporting. However, I should note that 40% of those reports are made by third parties, which is actually disempowering to victims.

There is a whole host of reasons why people don't come forward. These are tremendously embarrassing and very sensitive, very personal situations. There is a lot of self-blame that people have to get over before they even choose to come forward. Then, if they actually overcome that, what you say is true. There are concerns around not being believed, about retaliation and about career impacts. There is a whole host of fears, and it's not just the fear of retaliation. People actually experience retaliation, so it's grounded in reality.

There are concerns around a lack of faith in the system—that processes are not timely and that members do not get the information they need in order to fully participate in the process—and also a dissatisfaction with the outcomes of processes, whether it's the disposition that's arrived at or the length of time it took to get there.

There is a whole range of reasons people are reluctant to come forward.

• (1225)

**Mr. Yves Robillard:** Thank you.

[Translation]

Rear-Admiral Bernatchez, clearly survivors who attempt to report sexual misconduct have issues, especially when the officers involved are high-ranking officers in the Canadian Armed Forces.

In your opinion, how could this issue be resolved so that survivors no longer have to deal with it?

**Rear-Admiral Geneviève Bernatchez (Judge Advocate General, Canadian Armed Forces, Department of National Defence):** I want to thank the member for his question.

It should be noted that the military justice system plays an important role in addressing sexual misconduct issues in the Canadian Armed Forces. The system works in partnership with the other systems in place in the Canadian Armed Forces to provide education and to prevent sexual misconduct.

I want to point out that, when an incident of sexual misconduct occurs, the victim or survivor has the option of reporting the incident to the civilian police system or to the Canadian Armed Forces police system, meaning the Canadian Forces National Investigation Service.

Clearly, as Dr. Preston said, victims and survivors face a number of challenges and roadblocks. As we move forward, we need to make sure that we listen to them, give them more support and respect them. We need to restore their confidence not only in the military justice system, but also in the civilian criminal justice system and in the chain of command.

**The Chair:** Thank you.

**Mr. Yves Robillard:** Thank you.

[English]

**The Chair:** We will go to Mr. Benzen, please.

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

Thank you, Minister, for being here with us today.

Minister, I'm just curious about something. You said that you had worked under General Vance's command in Afghanistan. I'm curious; have you worked in another location with him or alongside him in any other place?

**Hon. Harjit S. Sajjan:** No, I have not.

**Mr. Bob Benzen:** Did you have a posting to Toronto where you worked with him, or alongside him? Did you have offices side by side?

**Hon. Harjit S. Sajjan:** No.

**Mr. Bob Benzen:** You never—

**Hon. Harjit S. Sajjan:** [Inaudible—Editor] in Vancouver.

**Mr. Bob Benzen:** I know. I'm just saying—

**Hon. Harjit S. Sajjan:** I was a reservist in Vancouver. I did not work in Toronto, no.

I did not have any class B. I can explain that too—no class B, no class C, not even class A working in Toronto, no. Maybe somebody else might look like me, because there are a lot of turbaned members in the Canadian Armed Forces.

**Mr. Bob Benzen:** No, no, it was just a question.

You mentioned earlier today that every year, annually in the fall, you get a 15-minute phone call from the Clerk of the Privy Council where you talk about the chief of the defence staff. You have a little conversation. It's only about 15 minutes long. What kind of questions do you get asked in that 15-minute conversation about the chief of the defence staff? What do you talk about?

**Hon. Harjit S. Sajjan:** Well, we actually talk more about the deputy minister.

**Mr. Bob Benzen:** Okay.

**Hon. Harjit S. Sajjan:** Obviously, since my deputy minister is right here before me—

**Mr. Bob Benzen:** That's fine.

**Hon. Harjit S. Sajjan:** —I'm not going to be talking about—

• (1230)

**Mr. Bob Benzen:** So you don't talk about the chief of the defence staff.

**Hon. Harjit S. Sajjan:** No, I said we talk about the deputy minister, we talk about the chief of the Communications Security Establishment, and then we talk also about the chief of the defence staff at that time—

**Mr. Bob Benzen:** My question was only in terms of the chief of the defence staff. What do you talk about?

**Hon. Harjit S. Sajjan:** Okay. I just wanted to make sure that during that conversation it's not just about the chief of the defence staff. For example, they'll talk about the work in the mandate letter that we had. For example, when it came to the defence policy, the work that was done there, the operations that are currently under way—those are the types of things they're responsible for.

**Mr. Bob Benzen:** So they're things that happened throughout the year and you want to kind of give a little review, put it in context and make sure everybody is on the same page.

**Hon. Harjit S. Sajjan:** Yes.

**Mr. Bob Benzen:** Okay.

Now, the clerk was Michael Wernick. He knew about the allegations that eventually got to him. He heard about the sexual misconduct allegations. Did that ever come up in your conversation with him in that review talking period?

**Hon. Harjit S. Sajjan:** No, I don't recall that we did discuss that. Keep in mind also that my conversation with him would have happened the fall prior.

**Mr. Bob Benzen:** Right. But you have them every year.

**Hon. Harjit S. Sajjan:** Yes.

**Mr. Bob Benzen:** You had it 2019, in 2018 and so on.

Now, that pay raise came up, and it just didn't.... There was no need to discuss that.

**Hon. Harjit S. Sajjan:** As I stated, no, I did not discuss pay. I do not discuss pay. I'm not involved with the decisions on pay.

**Mr. Bob Benzen:** You keep saying that you're not involved in a review, but—

**Hon. Harjit S. Sajjan:** No, I said I'm not involved with the decisions on the review for pay. I'm not.

**Mr. Bob Benzen:** Right. But the people who are making the decision about the pay are reviewing everything, including your conversations with the Clerk of the Privy Council about how he's doing on his job and how he's doing and all that. In a sense, you kind of are involved in the review process, aren't you?

**Hon. Harjit S. Sajjan:** No. What you're stating here is that I'm involved with a pay review and that—

**Mr. Bob Benzen:** I'm not saying that. No.

**Hon. Harjit S. Sajjan:** I'm saying there is a review that's conducted every late fall. They have a review, but during that time I don't talk about pay. I'm not involved with the decisions on pay.

**Mr. Bob Benzen:** Fair enough, but that review that you just had with them becomes part of the review of how to proceed if you're going to give a raise, so indirectly, you are involved in a review.

**Hon. Harjit S. Sajjan:** No. Madam Chair, he said that if I'm going to give a raise as stated.... No, I'm not involved with the pay.

As Ms. Sherman has also stated directly and explained to this committee, "ministers do not set the pay."

**Mr. Bob Benzen:** I understand that, but here's what the problem is. Canadians all across this country.... I just talked to my neighbours and I said, "Your superior is going to have some input on your pay review; he's going to have some input on your job review ever year. Do you believe that the Minister of Defence doesn't have an input on the chief of the defence staff?" And they go, "He has to have an input. He's his boss."

Every Canadian across the land, from coast to coast to coast, knows that the boss has an input, and you keep saying over and over again that you don't. Canadians aren't buying this. Can you explain to them why, as his boss, you're not involved in this?

**Hon. Harjit S. Sajjan:** Given how you set things up in terms of trying to paint a picture before trying to say that we're going.... I don't know how you set the discussion up with your neighbours. I'm here to tell you what the actual process is. More importantly—

**Mr. Bob Benzen:** It's very simple.

**Hon. Harjit S. Sajjan:** Madam Chair, I'm trying to answer the question.

**The Chair:** Please answer the question.

**Hon. Harjit S. Sajjan:** Ms. Sherman came and explained the full process to this committee. She explained the process that they have. During this time, yes, there is a conversation that occurs, I think in the late fall, which I'm not disputing. I'm also stating that I don't get involved with pay. She also stated, "ministers do not set the pay."

How you set the conversation up with Canadians, for whatever purpose, that's up to you, but I'm here to—

**Mr. Bob Benzen:** Well, I think you—

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

We move on to Mr. Spengemann, please.

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

Thank you to all of our witnesses for being here once again.

We've had some very fulsome testimony before the committee. We've reached some conclusions with a greater level of intensity than before. I think one of those conclusions is that there is ministerial accountability. Exempt political staff are not accountable to the Canadian public, but ministers are.

I think there is also a very strong view that has emerged, which was supported by Prime Minister Harper's former chief of staff, that it is not appropriate for elected officials to either launch or otherwise become involved in or call for an investigation. I think this is very important for the committee to take note of.

Minister, I wanted to take advantage of the fact that we have you and the senior-most leadership team of the Canadian Armed Forces with us once again and to ask you one more time to take a closer look at the question of culture change. You said in your opening remarks several weeks ago that we need "a complete and total culture change" and that "the time for patience is over." In the course of testimony, the committee has received an indication that there is a bit of a tiering within the Canadian Forces, that the openness towards change might be more represented in junior ranks or in junior levels of the Canadian Forces and that there's a challenge in the more senior ranks. I'm quoting one of our witnesses here with respect to brass reluctance to change.

Could you and your colleagues tell the committee what we should focus on in terms of taking the issue of systemic change within the Canadian Forces forward in a tangible way under the mandate that we have left in front of us? What kinds of things could we zoom in on when it comes to culture? There are positive aspects to culture, and there are also negative aspects to culture. How do we crack this nut? How do we really achieve the change that women and men in the Canadian Forces, and aspirants who would want to serve in the forces in the future, deserve?

I'll let you lead off, and then I'll have some follow-up questions for your team as well.

• (1235)

**Hon. Harjit S. Sajjan:** Thank you very much for that really good question.

When it comes to culture change, this is something we've been focused on for some time. I've said this publicly. Culture change is about making sure that we look after our people from the ground up. It's making sure that the people we recruit are looked after all the way through and making sure we have an inclusive environment so that everybody, regardless of who they are—gender, sexual orientation, religion, colour, it does not matter—when they decide to join the Canadian Armed Forces, they have a fair and equal opportunity to succeed, and for us to value their skill set.



Obviously, we have had resistance to change, but this is something that we work quite aggressively to deal with. We also need to look at making sure that as survivors come forward, they have the support. Ultimately, we're trying to prevent any of these types of misconduct issues from happening. That's going to happen through culture change. The discussions that we're having, we've been having for some time. It's something that the independent panel is working on. The culture change is going to happen. First of all, it is the senior ranks fully engaged in working towards that culture change, making sure that at the lower levels, as leadership is being selected, things are done properly there.

Ultimately, it is going to be all our responsibility to get this done.

**Mr. Sven Spengemann:** Thank you very much, Minister.

Deputy Minister Thomas, is there a way structurally and systemically within the Canadian Forces to increase levers for allyship for male serving officers and NCOs to be rewarded for the kind of behaviour that really leads to culture change in a more systematic way?

**Ms. Jody Thomas (Deputy Minister, Department of National Defence):** I'm not sure if there is a way to reward people, but I think there is a way of educating people and building allyship. I think there is a misperception that the only problem is sexual assault. Sexual assault is a criminal act. It's very serious and it has to be taken seriously, but I think for many women in the Canadian Armed Forces and the Department of National Defence it's the daily effort to be heard and respected that is the problem. It's the sense of entitlement of some senior people in the organization that it's their institution, not everyone's institution. It's the difference between being integrated and being inclusive.

I think there's a fundamental lack of belief in the rights of equality, equity and inclusion, and there's a misperception that if you haven't assaulted somebody, you have done nothing wrong.

It starts with changing that perception and holding people to account so that there is room for every voice and people are more equal and they are treated more equitably in the department.

**Mr. Sven Spengemann:** Deputy Minister, could allyship and gender equality leadership be reflected in a performance evaluation in the Canadian Forces?

**Ms. Jody Thomas:** Absolutely, they could be in the Canadian Armed Forces, although that's more General Eyre's to speak to than mine. Certainly, for senior leadership in the Department of National Defence, it absolutely could be and will be.

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

[Translation]

Mr. Barsalou-Duval, you have the floor.

• (1240)

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

Minister Sajjan, based on your answers from the beginning, I almost get the impression that you're the victim in this situation, meaning that you're completely powerless and that you've done everything right.

It's a little hard to understand, after hearing testimony from the ombudsman, Mr. Lick; his predecessor, Mr. Walbourne; and Lieutenant-Colonel Leblanc. Every time they were asked whether it would have constituted interference if the minister had decided to identify the issue and take the necessary action, they all answered no.

So I'm trying to understand why you continue to maintain that, if you had taken action, it would have constituted interference, when all credible experts in the field say that this isn't the case.

[English]

**Hon. Harjit S. Sajjan:** Madam Chair, the member's impression is wrong. Any time information is brought forward, action must be taken, and action was taken...immediately going and speaking to my chief of staff so that action could be taken. She immediately went to the Privy Council Office so that independent action could be taken, and it was taken the very next day. Then we also followed up.

That's how seriously we took it. We followed up immediately with the appropriate independent people. What I'm trying to say here is, don't misquote when I say that a politician should not be involved with investigations. They should never be. No politician, no minister—whether it's previous ministers or future ministers—should ever order an investigation on an individual in the Canadian Armed Forces or stop an investigation.

[Translation]

**Mr. Xavier Barsalou-Duval:** Minister Sajjan, the outcome was that the chief of the defence staff remained in his position, despite allegations of a sexual nature against him.

Are you satisfied with the outcome of your work?

[English]

**Hon. Harjit S. Sajjan:** Madam Chair, the outcome we see now is, obviously, not one that we would have wished, but it is important regardless of what...when somebody comes forward with information that we take it seriously. In this case here, as I stated again, information was immediately taken—not held for a little bit, Madam Chair, but immediate action—so that it could go to the right people and the appropriate action could be taken.

Then if you look at the testimony from others, plus the information that has been provided, it clearly also shows the follow-up that took place with the former ombudsman.

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

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

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

I'm still having some screen-freezing problems. I apologize.

Mr. Minister, the reason I asked you about your relationship with General Vance is that we have heard, in public, testimony that Major Vance's sexual misconduct problems were well known among senior leaders in the Canadian military.

Major Brennan told Mercedes Stephenson this in an interview. I believe the date was in February. It's very important to understand why you didn't want to look at evidence when we've heard allegations—and I've certainly heard them from others privately who fear retaliation—that the misconduct allegations were multiple and were well known.

So the reason, before I was cut off in time, was that I was giving you a chance to say that you knew nothing about these allegations and you had heard nothing about General Vance's previous conduct.

**Hon. Harjit S. Sajjan:** Yes, that is true. I did not know about General Vance's previous conduct, so not only to answer your question there.... Absolutely, the allegations that are brought forward by Major Brennan are extremely disturbing. Now an investigation has started. It is, again, very important for me and all of us to make sure that there actually is a just outcome and to allow the investigation to take its course. I was not aware of this.

I'm happy to answer any more direct questions like this.

**Mr. Randall Garrison:** In 2018, I still fail to understand why you wouldn't look at the evidence from the military ombudsman. There was no ongoing investigation. The military ombudsman at the time said so. The current military ombudsman said there couldn't have been an investigation going on. There was no investigation going on anywhere. Why would you not look at the evidence that the military ombudsman said substantiated the allegation?

• (1245)

**Hon. Harjit S. Sajjan:** Madam Chair, I'll try to make this as clear as possible.

The question that's been asked has been asked in considerable hindsight. Imagine when somebody has brought information before me. My purpose immediately was to make sure whatever information the ombudsman had, I didn't want to accept, because I didn't want to possibly taint it. Immediately, based on my own experience as a detective, I know that when it comes to investigations, you have to look at when something comes forward: it can possibly go to court and the last thing you want to do is interfere with that.

In this case here, I took it so seriously, wanting to make sure that the information went to the PCO, which is in charge of Governor in Council appointments, because that is the right thing to do, so it could make the determination and follow up independently of any politicians, including myself. Then, if the course went a different way, other decisions could be made. It was to protect the integrity of the investigation, Madam Chair. There was no other reason. I can't say this any other way. That's how seriously I take things based on my former experience as a detective.

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

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

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

Just to follow up on that, Minister, in the Royal Canadian Navy's recent investigation into the red room comment on a Zoom call, which was investigated and then dismissed, you ordered the CFNIS to do a review of that investigation. Is that political interference?

**Hon. Harjit S. Sajjan:** Madam Chair, I did not order the CFNIS investigation. I do not direct the CFNIS investigation. I asked the

acting chief of the defence staff to take a look into the issue. If the member wishes, the acting chief of the defence staff can elaborate further.

**Mr. James Bezan:** No, that's fine. I just wanted to see how that went.

**Hon. Harjit S. Sajjan:** Okay.

**Mr. James Bezan:** But you did ask the acting CDS to do the investigation—

**Hon. Harjit S. Sajjan:** No—

**Mr. James Bezan:** —a review of the investigation. I get that.

How did it come about that Admiral McDonald stepped aside as CDS after the allegations against him came to light? Did you ask him to step aside?

**Hon. Harjit S. Sajjan:** Madam Chair, Art McDonald voluntarily stepped aside.

**Mr. James Bezan:** That's after he became aware of allegations that were being looked at against him for sexual misconduct.

**Hon. Harjit S. Sajjan:** He voluntarily stepped aside.

**Mr. James Bezan:** Yes.

Did you ensure after the fact that the so-called review or investigation done by PCO came up with nothing? Did you ask for a review of that process and inform General Vance that there was an investigation against him so that he could make that independent decision to step aside so that the chain of command could function freely in that investigation?

**Hon. Harjit S. Sajjan:** Madam Chair, there would have to be an investigation to have started and a lot of other circumstances to occur for that to happen. In this case here, obviously the member knows exactly what took place. What I wanted to do is to make sure that the information went to the independent people so the decision could be made of where the information could go, but as the member knows from the various testimony, exactly what took place....

**Mr. James Bezan:** Minister, as you know, there was no real investigation done against General Vance, so there isn't a possibility to politically interfere, but you have a responsibility under the National Defence Act to use all tools at your disposal to ensure the governance and management of the Canadian Armed Forces. That includes section 45 of the National Defence Act, to do things like convene a board of inquiry to look at "any matter connected with the government, discipline, administration or functions of the Canadian Forces".

You had Zita Astravas, as your chief of staff, follow through on.... You said earlier today that there were multiple meetings with your chief of staff on this issue. Who, aside from Elder Marques, did she talk to in the Prime Minister's Office? When did she talk to Katie Telford?

**Hon. Harjit S. Sajjan:** Madam Chair, I'll address the first question and the assertions that the member made.

**Mr. James Bezan:** I'd like you to address the second question first. Then we can move to the first.

**Hon. Harjit S. Sajjan:** Actually, no, Madam Chair, I'll do the first one. It's chronological.

**Mr. James Bezan:** The first one is just a statement.

**Hon. Harjit S. Sajjan:** No. You can't just make a statement and leave an assertion out there.

**Mr. James Bezan:** I can. It's my time and I—

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

**Mr. James Bezan:** My question for you, sir—

**The Chair:** Minister, please answer questions in the order they were given.

**Hon. Harjit S. Sajjan:** Thank you.

**Mr. James Bezan:** It wasn't a question first. It was a statement; it was not a question.

**Hon. Harjit S. Sajjan:** I followed the process, that when it came to—

**Mr. James Bezan:** The question is—

**The Chair:** Mr. Bezan, please allow the witness to speak.

**Mr. James Bezan:** Madam Chair—

**Hon. Harjit S. Sajjan:** Madam Chair, as he's talking about investigations, there was an investigation launched in 2015 that I'm aware of and that, as I think the member knows, the current leader of the Conservative Party knew about when he was a minister, and—

• (1250)

**Mr. James Bezan:** [*Inaudible—Editor*]

**Hon. Harjit S. Sajjan:** Madam Chair, I'm trying to answer the question.

**Mr. James Bezan:** Minister, which—

**Hon. Harjit S. Sajjan:** I'm sorry, there might be some lag here. I'm trying to answer the question.

The 2015 investigation that the leader of the Conservative Party, who was a minister at that time, provided the information.... The funny thing is, we are following the exact same process, making sure the public officials take a look in the direction that it needs to go.

There was an investigation. The difference here now, Madam Chair, is that no investigation was obviously started. Having said this, if an investigation had started, it might have been a different story, but there was none.

**Mr. James Bezan:** At the very least, Minister—

**Hon. Harjit S. Sajjan:** That was the difference between the incident that took place—

**Mr. James Bezan:** Madam Chair, the minister is just bringing up the clock now.

**Hon. Harjit S. Sajjan:** I'm happy to answer the second question now, if you'd like. As I stated before, once the information was provided to my former chief, she contacted the Privy Council Office and she made the Prime Minister's Office aware, not only of what had transpired but also the action that she was taking.

**Mr. James Bezan:** When did she talk to Katie Telford, chief of staff to the Prime Minister?

**Hon. Harjit S. Sajjan:** She did not talk to Katie Telford, but as I stated for you before, she provided information to the Prime Minister's Office, to Elder, and we wanted to make sure there was no political interference. We had to allow the process to take its course.

**The Chair:** I allowed this to go a little longer.

We're now on to Madam Vandenberg, please.

**Ms. Anita Vandenberg:** Thank you very much, Madam Chair.

Since it has come up in today's testimony, Minister, I would like to thank you for your military service to this country and for the many years that you served honourably. Thank you.

I would actually like to address my questions to General Eyre. I welcome General Eyre and note that this is the first time you are appearing at this committee as the acting chief of the defence staff. I welcome you here in your new role.

I would like to refer back to some of the things, General Eyre, that you said when you appeared before the status of women committee last month. It was a very important statement that you made about Operation Honour.

We all know that when we are trying to find solutions and ways to change institutional culture, we can do things with very good intentions that can sometimes have impacts that were not intended. I think you referred to the duty to report as one of those things. One of the words you used.... I've heard responses from some of the survivors that this was actually something very welcome.

You indicated that Operation Honour had "culminated". I wonder if you could elaborate a little on what you meant by that, and also on what comes next. What do we do now to make sure we learn the lessons, but also to make sure we don't repeat any of the errors we've made in the past?

**LGen Wayne D. Eyre:** Madam Chair, thank you for the question. This one could take some time in unpacking.

The first thing I have to say is that we don't have all of the answers. I think having that realization up front will help shape our response here.

The framework we have adopted is one of listen, learn and act: listen to our grassroots level, listen to victims, listen to outside experts, listen to internal experts, listen to academics and hear what they have to say about where we need to go. We need to learn. We need to do a stock-taking of all of the reports that have been done. We need to do a stock-taking of Operation Honour to see what has worked and what hasn't worked.

Then we need to act. In acting, we need to gather all of the various suggestions, reconcile the ideas that are out there and put them into a deliberate plan, because culture change doesn't happen overnight. That deliberate plan also has to have some very quick hits.

In terms of Operation Honour and the term “culmination”, culmination is a very specific military term for an operation and means that an operation can go no further, that it has run out of resources, that it has run out of steam. It needs to transition to something else. It's very clear that Operation Honour has to transition to a deliberate plan that will address the shortfalls that our people are identifying.

As we go forward, we need to view culture change from a victim's perspective. Yes, we can talk about the advances we've made over the last 15 or 20 years, but for a victim, that may not matter. Changing our frame of reference, I think, is very important as well.

You talked about the duty to report. The more I hear, the more I am convinced that we need to change the “duty to report” to a “duty to respond”. It's important that we expect our military members to report wrongdoing when they see it, but we also have to give the victims agency. We have to give the victims a say in how their case is followed through. Changing the duty to report to the duty to respond I think is going to be a very key aspect of that.

The ideas keep coming in. We need to reconcile those, but we're well on our way.

• (1255)

**Ms. Anita Vandenberg:** Thank you very much, General.

Could you also talk a bit—and I would also like to hear from the deputy minister on this—about how we build trust within the defence team? We have seen that trust has been broken, despite all the best efforts. At this point, it's very important to rebuild trust. How do we do that? Could I have a short answer from both the deputy minister and the acting chief?

Thank you.

**LGen Wayne D. Eyre:** Trust takes years to build, but can be destroyed in one incident. That's one of my biggest concerns now. Trust in senior leadership is challenged at this point.

To re-establish that trust and re-establish trust in the reporting system for misconduct, if that means bringing in an external independent reporting body, well, so be it, if that's what it's going to take for our people to have trust in the system. That trust in the chain of command is going to be built back up, step by step, incrementally, because there's not just one trust switch that we can click.

**Ms. Jody Thomas:** Madam Chair, to follow on General Eyre's comments, I think what we need to do, as General Eyre said, is to start with some listening and not ordering. You can't order trust to be built and you can't order culture change. It doesn't come from NDHQ. It has to be built out in the bases and wings from the ground up.

I think we have to show evidence of change and that we have heard what the problems are, and I think move swiftly to change the reporting structure, so that complaints can be made outside the chain of command without diminishing the value of the chain of command. We do have to remember that it's critical when the Canadian Armed Forces are out doing things on behalf of Canadians and, for the National Defence employees who are not CAF members but support the Canadian Armed Forces every single day, include them in the plans. We need to understand and accept that

civilian members are both victims of and perpetrators of this misbehaviour. Therefore, whatever we do going forward has to be inclusive of the entire defence team.

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

I'm going to suspend for five minutes for a health break. I don't know about the rest of you, but we've been at this for two hours. We'll suspend for five minutes, please.

• (1255)

(Pause)

• (1305)

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

We're back with round number four and we're starting off with Madam Alleslev, please.

**Ms. Leona Alleslev:** Thank you very much, Madam Chair.

Minister, in 2015, the mandate letter stated that as Minister of National Defence you were to “[w]ork with senior leaders of the Canadian Armed Forces to establish and maintain a workplace free from harassment and discrimination”. Is that correct?

**Hon. Harjit S. Sajjan:** Yes.

**Ms. Leona Alleslev:** Does it include overseeing and ensuring necessary policy and process changes are in place to achieve that?

**Hon. Harjit S. Sajjan:** Yes.

**Ms. Leona Alleslev:** Therefore, does it also include the accountability of individuals to ensure their behaviour is a reflection of those policies and leading by example?

**Hon. Harjit S. Sajjan:** We have to make sure that people are held accountable regardless of rank or position, yes.

**Ms. Leona Alleslev:** Perfect.

Then, Janine Sherman, in her testimony, stated, “The defence minister is consulted in the annual performance management program in respect to GIC appointees within his portfolio.”

You were made aware of the allegations of sexual misconduct against General Vance in 2018. In the fall of 2018, you have said that you spoke about General Vance's performance with the Clerk of the Privy Council. We know that cabinet signed the salary increase in May of 2019, so in your judgment, you believed that the CDS was deserving of the performance increase. Is that correct?

**Hon. Harjit S. Sajjan:** Madam Chair, I disagree with the assertion that the member is making, and also, Ms. Sherman stated that ministers do not set pay.

**Ms. Leona Alleslev:** I didn't say “pay”. I said that you commented, you influenced, you were consulted on performance that might be deserving of whatever reward would come.

My question, Minister, is, did you tell the Clerk of the Privy Council in the fall of 2018 that Vance had performed in accordance with the standards and therefore was deserving of continuing in the position and whatever rewards may come?

• (1310)

**Hon. Harjit S. Sajjan:** Madam Chair, no, I did not say those words as the member is asserting here. I answer the questions that the Clerk has every single year in the late fall when they talk about the chief of the defence staff or, more importantly, it's actually the deputy minister and the chief of the security establishment.

**Ms. Leona Alleslev:** Minister, what did you say with respect to his performance? Was it below? Was it satisfactory? Was it outstanding? Was it exceptional? Did you highlight concerns about General Vance's conduct and performance?

**Hon. Harjit S. Sajjan:** Madam Chair, I can tell you that I answered the questions, but obviously for privacy reasons I cannot get into the details of that conversation.

**Ms. Leona Alleslev:** Minister, you spoke at General Vance's change of command ceremony in January of this year, and you thanked him for providing his help in developing a path to dignity and respect through the Canadian Armed Forces and through its sexual misconduct strategy, and you praised him for building a safer environment. Is that correct?

**Hon. Harjit S. Sajjan:** Madam Chair, at any change of command parade, as the Minister of National Defence I will be speaking about any member who is involved with the change of command.

**Ms. Leona Alleslev:** Minister, that sounds like you were praising him for his conduct, and that you were a hundred per cent satisfied that his example was the example that the military should take in terms of his conduct in January of this year.

**Hon. Harjit S. Sajjan:** No, Madam Chair. That is not the assertion.

**Ms. Leona Alleslev:** So the members of the Canadian Armed Forces, hearing those words praising him, should not have believed that he was a role model that they should emulate, from your comments?

**Hon. Harjit S. Sajjan:** Madam Chair, as a former member of the Canadian Armed Forces, she, and I believe you, Madam Chair, know that when you're at the change of command you speak about the member. That's exactly what I did, and as the Minister of National Defence it's my responsibility to talk about the outgoing and the incoming.

**Ms. Leona Alleslev:** As a member of the Canadian Forces, when a minister of national defence—the highest office in the land for the Canadian Forces—speaks and praises an individual, an outgoing CDS, for his behaviour, we, certainly I, as a Canadian Forces member, would believe that I should emulate that behaviour because that is a standard to which I should rise.

Are you saying I should not take your comments at a change of command parade in that light?

**Hon. Harjit S. Sajjan:** Madam Chair, when I give my talks I base them on the information that I know of an individual.

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

We will go on to Mr. Bagnell, please.

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

Just before I get to my main question, which will be on independence, Minister, where did you do your pre-deployment training in 2006?

**Hon. Harjit S. Sajjan:** It was in Edmonton.

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

On this very serious systemic problem we're dealing with, which is affecting hundreds of forces members and members in the department, the experts have suggested that two main items are responsible or need to be dealt with to fix the situation. One is culture and one is independence of the process. Congratulations to a couple of committee members who have asked about culture already, and you've responded. I'm going to ask about independence, and I'll ask Dr. Preston and General Eyre, too.

Minister, many in the defence community are advocating for an independent body that would report back to Parliament. What are your thoughts on this?

• (1315)

**Hon. Harjit S. Sajjan:** Madam Chair, when it comes to independent bodies, they are something that I welcome. In fact, there are a number of independent bodies that write reports on the actions not only of the military, but also of CSE.

When it comes to government, it is extremely important to be accountable to Canadians, and when it comes to the independence of agencies to review various things, that is something to be welcomed, because it makes sure we are moving in the right direction. More importantly, it's an independent look at where we might have missed something, so we can look at improving processes or putting resources where they're needed.

In addition to independence when it comes to Parliament, we also need to look at the work that needs to be done inside the Canadian Armed Forces. Currently we are also looking at what type of independence needs to happen internally as well, so we can rebuild the confidence of our members.

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

Dr. Preston, I think there's been some suggestion there could be even increased independence of SMRC. Do you have any comments on how that could be improved?

**Dr. Denise Preston:** I think about the independence of SMRC on at least a weekly basis, and I have done since I started at the centre, because it is very complicated. We have been set up structurally, in terms of my reporting relationship, consistent with what Madame Deschamps recommended, but we have not been given the entirety of the mandate that Madame Deschamps intended. Therefore, that has undermined our ability to perform some aspects of our mandate as independently as she envisioned.

There is absolutely room to review our governance, whether we continue to report within the department or outside the department. It's critical to look at mandate when you're looking at the particular structure or the form it's going to take. It may be the case that some of the functions SMRC is doing right now should reasonably be maintained within the department because of the need to work very collaboratively with people. However, it may well be that other aspects of our mandate, especially if it becomes more enhanced in the way Madame Deschamps envisioned, might better be performed by a more independent entity.

That is all to say it's important that all of this be further examined.

**Hon. Larry Bagnell:** Thank you. I think that would be a great item for our final report.

General Eyre, to your credit I think you referred to this already, but just give your comment on changing the systems so they're more independent.

**LGen Wayne D. Eyre:** I think the important thing here is the effect to be created. Right now, the overarching effect that we need is trust and confidence from the perspective of the victims in the system.

You'll note that a quarter of a century ago, in the Somalia report, an independent inspector general was one of the recommendations, and we pushed back against that. Well, I think the time for pushing back is over, and the imperative of re-establishing that trust and confidence has to take primacy here.

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

I think my time is almost up, so I will cede the floor.

**The Chair:** Yes, it is, Mr. Bagnell.

Thank you very much.

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

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

Over time, we learned that, when the former ombudsman, Mr. Walbourne, approached you, Minister Sajjan, you passed the information on to the Privy Council Office. The Privy Council Office contacted the ombudsman, who refused to send the Privy Council Office any information. In the chain of command, the ombudsman's office doesn't report to the Privy Council Office, but to the Minister of National Defence. The ombudsman's office can't pass on confidential information, for example, to the Privy Council Office. In the end, there was no investigation. So we hit a dead end.

Do you find it normal that, ultimately, the dead end was your office?

[*English*]

**Hon. Harjit S. Sajjan:** Madam Chair, Governor in Council appointments are managed by the Privy Council Office, not by ministers. In this case here, because information was provided about a Governor in Council appointment, I wanted to make sure that the information—by the way, information provided by an ombudsman, who knows the process, because that's when they get selected for

the job.... I wanted to make sure that the independence remained so that.... Because I didn't know at that time who the person was, what types of allegations they were, I wanted to make sure that it was dealt with properly and independently, and that's why it was given to the Privy Council Office.

So, no. As the minister, yes, I'm in charge of the Canadian Armed Forces. The chief of the defence staff does report to me when it comes to the National Defence Act. However, the appointment and management of Governor in Council appointments like the chief of the defence staff is not under the Minister of National Defence. It's under the Privy Council Office. I believe Ms. Sherman has provided information on this already.

● (1320)

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Minister Sajjan, the bottom line is that the ombudsman's office doesn't have the authority to conduct an investigation.

Lieutenant-Colonel Éric Leblanc was asked whether it would have constituted interference for you to approach the Canadian Forces National Investigation Service to report an issue and request an investigation. He told us that it would not and that it would only constitute interference if you decided to get personally involved in the investigation process. In the end, there was no investigation.

What was stopping you from doing this? Wouldn't this have been the correct approach?

[*English*]

**Hon. Harjit S. Sajjan:** That's a very good question. Let me clarify that.

If an average person off the street provided information, it would be a different story. Here, you have the ombudsman, who actually has in the directives where the information can go, and the JAG can actually provide you with these on this: to the provost marshal, to the judge advocate general as well, and it also can go to the NIS. The JAG can clarify that if I've missed something there.

In this case here, because we're talking about a GIC, handling of information here is extremely important. I understand where everybody is trying to go in saying "if I could have done this", but I'm telling you, I wanted to make sure that whatever the information was, it was done independently, so that down the road, if it ever came to court, there could be no—any type of—reason why a person might get off. I wanted to make sure we protected the integrity of the actual process. I was actually extra prudent in making sure this was done.

**The Chair:** Thank you.

We have Mr. Garrison, please.

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

Mr. Minister, I want to return to how you knew there was a possibility of a criminal investigation when you refused to look at the evidence. If you hadn't looked at the evidence, how could you possibly know that you were protecting the integrity of a possible criminal investigation?

**Hon. Harjit S. Sajjan:** Madam Chair, that's actually a great question. It is making sure that if anything does turn into an investigation, you need to be able to assume that something could get to a point.... I don't want to make an assumption right away that it may not. That would be prejudging whoever came forward and also the information. What I wanted to do regardless of the information is that I wanted to make sure we give power to the person so they can actually provide it to an independent agency, so in case it did get into an investigation, it could be protected.

That's what you need to do to make sure.... You can't make the assumption that it may not go somewhere. I would rather be on the safe side, so that it could possibly turn into an investigation up to and including that it may actually get to court.... I wanted to make sure that entire process was going to be protected.

**Mr. Randall Garrison:** Well, whether we agree or disagree on that aspect of your job, there's another aspect to being minister of defence, and that's making sure that the chief of the defence staff is a leader who upholds the highest standards and is beyond reproach. It's not a job that you automatically get promoted into. It's a job for which you're selected for your leadership capabilities. General Vance clearly stayed beyond what had been the normal number of years as your chief of the defence staff.

Did it not ever occur to you that, given the concerns about sexual misconduct in the military, a different chief of the defence staff might have been able to provide better leadership at that point than General Vance was able to do, given that you knew about allegations of sexual misconduct?

• (1325)

**Hon. Harjit S. Sajjan:** First of all, the information that was provided.... Because, Madam Chair, we're speaking in hindsight of what we know, the information that was provided, what it's important to state here, as I said before, is to follow the actual process, and that's exactly what was done.

In the National Defence Act, I have a responsibility to give direction to the Canadian Armed Forces through the chief of the defence staff, right? In terms of managing the actual process, the Governor in Council appointments are actually done through the Privy Council Office.

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

Next is Madam Gallant, please.

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

Through you, Madam Chair, to the minister: Were you ever told that Gary Walbourne refused to provide the information to PCO?

**Hon. Harjit S. Sajjan:** Madam Chair, to answer the question, I asked him a number of times if there were any updates or any further actions we needed to be taking. It was I think a number of months later that I learned that nothing further, no information, was provided and nothing, no follow-up, could be done in that case by PCO.

**Mrs. Cheryl Gallant:** When this issue was brought to your attention, did you ask the national security adviser about what actions or a possibility that there could be a problem there...?

**Hon. Harjit S. Sajjan:** Madam Chair, I'm sorry. I don't understand the question.

**Mrs. Cheryl Gallant:** When allegations came forth when the CDS was first being appointed, the national security adviser was asked about the possibility of there being inappropriate communications. Did you make such an action? Did you consult the national security adviser?

**Hon. Harjit S. Sajjan:** No, Madam Chair. As I stated, I passed on the information to the Privy Council Office for them to decide.

I think in this case here the member might be confusing the two issues, because in 2015 there was an investigation that was launched under the previous government where the national security adviser was involved.

In this case here, it was because you're passing it to the appropriate people at the Privy Council Office. They would then decide where exactly the information needs to go, whether they chose the option of going to the national security adviser or if they wanted to go the CFNIS or if they wanted to go to the RCMP. It would be done independently.

**Mrs. Cheryl Gallant:** Thank you very much, Minister.

On February 19, you said that the allegations against General Vance were currently under investigation by the CFNIS. If they're the proper authority for investigations, why did you send the allegations to PCO in March 2018 instead of consulting the CFNIS directly?

**Hon. Harjit S. Sajjan:** Madam Chair, in this case here, first of all, the former ombudsman could have gone directly to the CFNIS, but because the information that the ombudsman had...I wanted to make sure that it went to an independent body to take a look at, so that it could go exactly to where it needed to go—

**Mrs. Cheryl Gallant:** Minister—

**Hon. Harjit S. Sajjan:** —completely independent of any type of political interference.

**Mrs. Cheryl Gallant:** On March 12, you said you advised Mr. Walbourne exactly what to do. You said he should use existing powers and processes to address the complaint. If the CFNIS is the only public investigation body, why is it you didn't have him go directly there, as opposed to the PCO? Are the PCO investigations for ones that you want to keep hidden from the public?

**Hon. Harjit S. Sajjan:** Madam Chair, I completely disagree with the assertion that the member just made at the end.

However, I asked, "Why didn't you take it to CFNIS?" It doesn't matter, regardless of rank or position and...should not even accompany.... so that it could be done independently of a minister.

In this case, because we took it so seriously, rather than just waiting to see if the former ombudsman would go...I actually took it to the Privy Council Office, through my chief of staff, to make sure a proper follow-up was done so that it can never, ever be seen that—

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

With respect to—

**The Chair:** Madam, let him finish his sentence, please.

**Hon. Harjit S. Sajjan:** Thank you, Madam Chair.

...so that it could never, ever be the perception that somebody held on to information. I wanted to make sure that it was given proper process but at the same time transparency, making sure that it went to the appropriate authorities so that something could be—

**Mrs. Cheryl Gallant:** Madam Chair, we've heard this part of the response before.

With respect to sexual misconduct, does it apply to soldiers in the Canadian Armed Forces who are being trained from other countries? Are trainees from other countries subject to the same sexual misconduct rules as the Canadian Armed Forces?

• (1330)

**Hon. Harjit S. Sajjan:** Madam Chair, could the member clarify the question? In what context? What other militaries are you talking about?

**Mrs. Cheryl Gallant:** There were complaints in 2018 brought before you of trainees, people the CAF were training, showing their cellphone videos of these very same trainees raping civilians. I just want to know, do the rules that apply to the Canadian Armed Forces also apply to the people that they're training as part of their mission?

**Hon. Harjit S. Sajjan:** Madam Chair, the member just stated that I was shown video. I want to make it very clear—

**Mrs. Cheryl Gallant:** No, I did not. I said that the soldiers were shown video.

**Hon. Harjit S. Sajjan:** I have not—

**The Chair:** I think we're done with this one.

**Hon. Harjit S. Sajjan:** One thing I can assure you of is that everybody's held to account, regardless.

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

**Mr. Yvan Baker:** Thank you, Madam Chair.

Minister, my first question is to you. When the former ombudsman met with you in 2018 to indicate that there were allegations regarding General Vance, my understanding is you've indicated here at committee that the Privy Council Office and the Prime Minister's Office were immediately notified.

Members on this committee today have indicated that the Prime Minister knew about these allegations. I guess I wanted to ask if you could clarify. Did the Prime Minister know about those allegations?

**Hon. Harjit S. Sajjan:** Madam Chair, as I stated before, the PM learned the specifics of the allegations when they came out in the media. However, he knew that his office was aware in 2018 of the actions that were taken.

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

My next question is to Lieutenant-General Eyre.

Lieutenant-General, there are tremendous reproductive impacts for women because of the environments that they often need to serve in. For example, there are higher rates of miscarriage and infertility that often go unacknowledged. One of the ways to address this is through increased spending on research and development ac-

tivity to understand the impacts on women and how we address them.

I'm wondering whether you agree that that's something that the Canadian Armed Forces needs to do. If so, how do we make that happen?

**LGen Wayne D. Eyre:** Yes, I agree completely that we need to expand what we do in terms of women's health.

As we conduct the listening phase of our approach, we are hearing over and over that we need to increase the spectrum of care, of the medical support that we provide to our women in uniform. We need to address such things as bereavement leave for miscarriages. We have to ensure that our medical practitioners have the skills and knowledge to be able to better care for our women in uniform.

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

I want, if I may, to come back to a topic I didn't have a chance to speak with you about in my last series of questions, which is the different sizes of equipment and clothing that are not normally carried in stock at bases.

I know, Lieutenant-General, you spoke to that issue, but we got cut off. What I want to get back to is the fact that in many cases, at least currently, when different equipment is required, payment for that comes out of a base budget or local budget. Forgive me—I don't know all the structures, but what I understand is that it comes out of a base budget.

That cost poses a challenge to the integration, because decisions have to be made to spend that money at the local level, and that's what I've heard from people who've served in the Canadian Armed Forces.

I guess my question to you is whether you support this and what actions you would take to make sure doing this is no longer an impediment. In other words, would there be a separate budget set aside to ensure that this equipment could be procured without interfering with the local operating budgets of the base?

**LGen Wayne D. Eyre:** First of all, the money part of the equation belongs to the deputy minister, but what I'll say is that the purchase of uniforms and equipment comes out of a national budget for national procurement, about which there is some stress, but we are continually making a case to ensure that the proper amounts go into uniforms and equipment.

• (1335)

**Mr. Yvan Baker:** I would just point out that I have heard about how that is an important element with regard to how we can do more to integrate women effectively into the armed forces.

Chair, how much time do I have?

**The Chair:** You don't have any. Sorry, Mr. Baker.

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

**The Chair:** We go now to Mr. Benzen.

Go ahead, please.

**Mr. Bob Benzen:** Thank you, Chair.



Minister, after your meeting with Gary Walbourne on March 1, 2018, he made over a dozen requests to have a meeting with you and they were all rejected.

Can you explain why none of those meetings happened and why the requests were rejected?

**Hon. Harjit S. Sajjan:** Madam Chair, it's important to note that I didn't reject the meetings. It's also important to note that the former ombudsman had given his letter of intent to resign and was on medical leave during that time. No, I did not refuse to meet with the ombudsman. I've met regularly with the ombudsman at any opportunity I have had to talk about a number of issues.

**Mr. Bob Benzen:** Did you meet with him, talk with him or have any communication with him after March 1, 2018?

**Hon. Harjit S. Sajjan:** No, I did not.

**Mr. Bob Benzen:** There were no emails? There was nothing, no communication?

**Hon. Harjit S. Sajjan:** There was none directly by me; however, my former chief of staff did reach out to the former ombudsman regarding the allegations on a couple of occasions.

**Mr. Bob Benzen:** She reached out and asked if there was any progress, anything happening, what you could do to help him? Was it that kind of thing?

**Hon. Harjit S. Sajjan:** It was to provide the information he had spoken to me about to the Privy Council Office so that the appropriate action could be taken.

**Mr. Bob Benzen:** Well, he said he never asked you to forward it to anybody.

He had come to you and asked you to consider this is as something he would like you to respond on to him personally, you to him, with some kind of clear direction on how to proceed.

He said he was shocked when the Privy Council called him to ask about it; he hadn't expected you to tell anybody. Initially he just wanted you to think about how this very explosive situation could be dealt with in a way that would protect the person bringing it forward. He was surprised when he got this call, and then you personally never talked to him again about it, and that was sort of contradicting.... Or it wasn't contradicting, but it was just not what he was expecting.

Were you expecting to have another conversation with him about this?

**Hon. Harjit S. Sajjan:** First of all, there is no confidentiality when you bring up information regarding the chief of the defence staff. I think it would be completely inappropriate for any minister, and it would have been for me at that time, to keep a secret while allowing some process to occur. I think it's very important in our government, and will be for any future government, that if any information is ever brought up about a GIC it is immediately taken to independent public officials so that the appropriate action can be taken. That's exactly what took place.

**Mr. Bob Benzen:** It's interesting that you say that, because what ultimately happened here was that this stayed a secret. This secret stayed a secret. It never got investigated, because the person coming forward needed to understand that when they brought it forward

there would have to be some kind of protection. Because of the chain of command and everything that goes on and all the reprisals and all the stuff that happens in this toxic environment, it wasn't safe to bring this information forward. The information was there. There was some kind of evidence. It was in the pocket of Mr. Walbourne. You never saw that. I understand that and I respect that.

There was a sense that we were going to have to find a way to bring this secret out, and that's what you were put in the position to do. You, as the minister, had to figure out how to get this secret out while preserving and protecting that person and that integrity, and also making sure that our whole armed forces and the integrity of that were protected.

What did you do to endeavour to make that happen?

• (1340)

**Hon. Harjit S. Sajjan:** That's a great question and that's exactly what I've been trying to answer here. Rather than having a minister, a politician, try to manage something like this, we made sure in this case that the Privy Council Office, the people in charge of Governor in Council appointments, were given it so they could look at exactly what the process would be to manage it and also to work with the ombudsman to try to figure out how to give confidence to the person and to work with them. I believe, based on the testimony that has been given, that has already been explained.

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

[*Translation*]

Mr. Robillard, you have the floor.

**Mr. Yves Robillard:** Thank you, Madam Chair.

Minister Sajjan, you've said several times that all options are on the table to resolve the current issues affecting the Canadian Armed Forces.

What does this mean exactly?

[*English*]

**Hon. Harjit S. Sajjan:** Madam Chair, when I say all the options are on the table, we need to look very wide and deep. The first aspect of that, which is the most troubling piece, is that a member did not feel confident they could come forward, because of the chain of command. We need to look at the independence and at giving members confidence about being able to come forward. We need to look at that inside the Canadian Armed Forces, and we need to look at an outside system as well. This systemic issue is far greater than the Canadian Armed Forces. There's that aspect. As the acting CDS just mentioned, we are currently looking at an inspector general position with regard to this, but how would it be structured?

I don't want to just make an announcement on something to say we have it done. I want to see what is actually going to drive that culture change. For example, based on what we have been hearing from our survivors and people who have served in the Canadian Armed Forces and who are currently serving, we need to take a look at where culture change occurs. It's at the lower levels. How do we make sure that at the lowest levels we pick the right leaders? Do we need to take a look at—and I mean this as a rhetorical question—360 interviews? We need to look at not just somebody's performance but also at whether this person is a leader and could command. We need to look at what type of person this is and make sure that, when somebody is going to be going into unit command or commanding a ship or even a squadron, they should get that command.

Three-sixty interviews, unit assessments and, more importantly, the right type of training need to be done so that from the time somebody joins, regardless of viewpoints somebody might have, the expectation is there that everybody knows clearly what needs to be done. More importantly, if something does occur, where can someone go to get the right support for themselves but also to have justice done?

[Translation]

**Mr. Yves Robillard:** Dr. Preston, what do you think culture change implies in the Canadian Armed Forces?

[English]

**Dr. Denise Preston:** Madam Chair, culture change is a very broad concept. At a very broad level, it implies a change in attitudes, values and beliefs of individual members. It also, to bring it down to an individual level, involves changes in behaviour in terms of how people treat each other at the individual level. But it's also about policies and processes and programs that are available within an organization. The reality is that you're never going to change every single individual member of the Canadian Armed Forces to have consistently the same values, attitudes and beliefs. What you need to do is create an environment that makes the type of harmful behaviour that they act out upon each other completely unacceptable. If a person chooses not to control their behaviour, the environment has to control it for them and has to have swift consequences to it. There needs to be a top-to-bottom approach that looks at individuals and at culture and values and attitudes, but you also need to look at it from beginning to end. You need to look at who is coming in, how they are being indoctrinated, what is happening to them during the course of their career, how leadership is developed, how leaders are leading, and what is being promoted or rewarded. When things happen, when things do go wrong—because they will go wrong—you need to have the appropriate policies and processes in place so that people have a place to come forward to, responses are timely, people are treated compassionately, things are effectively resolved, and, in the end, hopefully, you retain people and they continue to be productive members of the armed forces. To me, that's what culture change looks like.

• (1345)

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

[Translation]

Mr. Barsalou-Duval, you have the floor.

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

Minister Sajjan, you've spoken at length today about ministerial responsibility. You referred to it as the reason why your staff wouldn't be allowed to speak to this committee. Yet you've denied any responsibility for the failure to investigate General Vance and for the fact that he remained in office for years, despite the allegations against him.

Let's face it, under your government, Operation Honour was a failure. The Admiral McDonald scandal also took place under your government, as did the scandal involving the person responsible for human resources in the Canadian Armed Forces.

Given all these accumulating factors, do you think that this ministerial responsibility, theoretically, should apply to you?

Do you accept responsibility for all these situations?

[English]

**Hon. Harjit S. Sajjan:** Let me make it very clear. From the day I became Minister of National Defence, my number one priority has always been to focus on our people and to make sure we have an inclusive environment regardless of the colour of someone's skin or someone's sexual orientation or gender. I joined in 1989, when women were being allowed into combat. I've seen some of the challenges they have faced directly. That's why, when we started the consultations for a defence policy, we made it very clear that we wanted to be focused on our people. That's exactly what we did. The changes we have made are part of that progress. We knew we couldn't get everything right. We knew at that time, and we discussed it many years back, that there were survivors who had not come forward. We said that we wanted them to come forward and that they would be looked after.

As Dr. Preston has stated, we want to make sure we empower them. That's why we passed Bill C-77, which the previous government let die on the order paper. That's why we put resources and made policy changes to make sure—

[Translation]

**Mr. Xavier Barsalou-Duval:** Thank you, Minister Sajjan.

However, I asked you whether you would accept responsibility for your government's failures.

[English]

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

We go now to Mr. Garrison.

Go ahead, please.

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

I want to pick up where Mr. Barsalou-Duval left off and that is on the failure of Operation Honour.

Mr. Minister, it's clear that Operation Honour failed in its goals of rooting out sexual misconduct in the Canadian military and provoking that change of culture that was needed. We talked, at the beginning, about ministerial responsibility.

Who is responsible for that failure of Operation Honour? Is it the former chief of the defence staff, General Vance, or is it you, as the minister, who should take responsibility under the concept of ministerial responsibility?

**Hon. Harjit S. Sajjan:** Absolutely, when it comes to what happens in the department, even the challenges we've faced, this is something I take very seriously. When it comes to the challenges that we have... Operation Honour became something about a name and about one individual, but what we need to do is to make this about an entire team effort, and that's exactly what we're doing. When situations like this occur, it's not about running away; it's actually about moving forward and making the changes that are necessary, and that's exactly what we're doing.

The challenges we face today because of the high profile of the allegations that have come forward... We know that people have been suffering, and what we have been committed to from day one is making sure that we create an inclusive environment. I've spoken to many of you, including the member, Madam Chair, and we're not going to stop.

One thing, yes, is that I am accountable for what's happening, but I'm going to take account for making sure that we maintain that progress and keep what's worked with Operation Honour but also look at how we can accelerate the change that's necessary. I heard some very good examples, and what we now need to do is to figure out exactly how those recommendations are going to work, and, more importantly, how we're going to be able to measure the results and not just announce that it's over. We need to be able to be flexible enough so that whatever we put in place can outlast a government, can outlast ministers so that change cannot regress, and can always continue, because society is going to evolve and the Canadian Armed Forces need to continue to evolve with it.

• (1350)

**Mr. Randall Garrison:** Minister, it's your position, then, that you wouldn't have done anything differently, in hindsight now, from what you did, you wouldn't have done anything other than turning this over to the Privy Council Office. If that is the case, it seems to me that under ministerial responsibility, you're laying this at the feet of the Prime Minister. The chief of the defence staff remained in office for three years after a substantiated allegation of sexual misconduct was raised, and no investigation was done. If it was not you, under ministerial responsibility, then wasn't it the Prime Minister who was responsible for that? Doesn't that affect how confident women serving in the Canadian Forces can be about their ability to serve equally?

**Hon. Harjit S. Sajjan:** Madam Chair, with all due respect to the member, as I stated, the Prime Minister was not aware. It's about no politician, whether that's the Prime Minister or a minister, ever getting involved in an investigation. Madam Chair, our Prime Minister

was the one who named the first cabinet that was 50% women, who actually put a focus on things—

**Mr. Randall Garrison:**—but who took no action.

**Hon. Harjit S. Sajjan:** Madam Chair, can I answer the question, please?

**Mr. Randall Garrison:** You've answered the question by—

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

**The Chair:** Answer the question, please.

**Mr. Randall Garrison:** The question is not about the Prime Minister's feminism.

**Hon. Harjit S. Sajjan:** Madam Chair, he asked me about the Prime Minister, and I'm trying to answer the question.

When it comes to the resources, the Prime Minister supported the Canadian Armed Forces getting \$63 billion in additional money, whereas the member's party right now are going to be voting on whether or not you should have a Canadian Armed Forces. To be honest—

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

Mr. Bezan, go ahead, please.

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

I want to thank my colleague Mr. Garrison for that line of questioning.

I can tell you, Minister, that it doesn't seem as though you're at all apologetic for what has transpired. Especially since 2018, this matter has lain at your feet, and General Eyre talked about how there's been a loss of trust in the leadership of the Canadian Armed Forces, and that includes in you as minister.

Minister Sajjan, do you have any regret that you left General Vance in charge of Operation Honour?

**Hon. Harjit S. Sajjan:** Madam Chair, I understand where the member is going. Every time there is any type of misconduct by a member, it is extremely painful. I wish we could immediately do a fast-forward and get the just outcome that they deserve. One thing I have done right from the beginning is to make sure that regardless of the case, we have given the right resources to our folks, and that's exactly what we did.

**Mr. James Bezan:** Do you have any regret, Minister, about leaving CDS General Vance in charge of Operation Honour?

**Hon. Harjit S. Sajjan:** Madam Chair, in hindsight, if I had known what I know, things obviously would be very different. When it comes to Operation—

**Mr. James Bezan:** You knew in 2018 that there was an allegation. You knew there was an allegation against General Vance and you still left him in charge of Operation Honour.

**Hon. Harjit S. Sajjan:** Madam Chair, if the member wants to go there, you knew about something in 2015. Of course, when it comes to it, all I can do is follow the proper process—

**Mr. James Bezan:** So—

**Hon. Harjit S. Sajjan:** The member knows there was an investigation in 2015. I take responsibility for what—

**Mr. James Bezan:** So instead you just change the channel now.

**The Chair:** Mr. Bezan, please allow the witness to answer the question.

**Hon. Harjit S. Sajjan:** I take responsibility for the work that we need to do and I take it very seriously, Madam Chair. I made sure that we put in place the right resources when we did and that we changed policies. We have made the progress that we have made, even though right now it is not the progress that we all need and want and that our members deserve. We have a lot more work to do.

**Mr. James Bezan:** We've heard—

**Hon. Harjit S. Sajjan:** I'll be honest with you.

Yes, I take responsibility for the work that's going on in the Canadian Armed Forces. More importantly, this is one of the reasons why we work harder.

**Mr. James Bezan:** Mr. Minister, you talk about trying to take action. Gary Walbourne, the former military ombudsman, was in the media again last week talking about the failure to clear the runway so the complainant could come forward. She withdrew her complaint because you failed to provide a situation in which she could actually come forward without interference from the chain of command.

Do you regret not taking further action to ensure that the complainant's allegations were brought forward in a process that was free and clear of interference by the chief of the defence staff?

**Hon. Harjit S. Sajjan:** Madam Chair, that's exactly what we did. We made sure there was a clear, free and independent process in place.

• (1355)

**Mr. James Bezan:** A public office is not independent.

**Hon. Harjit S. Sajjan:** This is exactly what we wanted. Our public officials are independent.

**Mr. James Bezan:** They inform—

**Hon. Harjit S. Sajjan:** They do not report to a party.

**Mr. James Bezan:** They do inform the Prime Minister. They do inform the cabinet, so they are providing direction to you and to the Prime Minister.

Do you regret that you and the Prime Minister never took further action, especially in light of the fact that General Vance stayed in the position for three more years and you delivered a glowing speech about General Vance at the change of command in January of this year?

**Hon. Harjit S. Sajjan:** Madam Chair, I make my decisions based on the information that I know.

**Mr. James Bezan:** But you knew this in 2018.

**Hon. Harjit S. Sajjan:** Madam Chair, the member was the parliamentary secretary of defence in 2015, at which time there was actually an investigation.

My point is that we could go down this path of what we do. I've explained many times exactly the process that we followed. I've also stated that, yes, I am responsible, and I am going to continue to

be responsible and to take greater action towards looking after our people.

Do you know what, Madam Chair? Our government has taken this seriously. We've put the resources where they needed; we've made the policy changes where necessary, and more importantly, we're willing to do more, and we will do more.

**Mr. James Bezan:** But, Minister—

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

We'll move to Mr. Spengemann.

Go ahead, please.

**Mr. Sven Spengemann:** Madam Chair, thank you very much.

Minister, I'd like to give you a chance to clear up what I see as a repeated misconception on the part of not just one but multiple opposition parties. That is that there was somehow a substantiated claim, in the course of which no investigation ensued. Even the former ombudsperson, Mr. Walbourne, called the allegations not actionable.

Minister, I want to take you back to the nature of these allegations and clarify for the record your perception of them and their status in terms of actionability, and how important it is that the rights of a complainant are fully and very sensitively respected.

**Hon. Harjit S. Sajjan:** Madam Chair, we want everybody who has a complaint to be able to come forward so that we can take the appropriate action and so when somebody does come forward we immediately take action that can have a just outcome.

In this case, sadly, the person did not come forward with the information. We're not here to judge why that did or did not happen. What we're here to do is to provide a proper process so that when somebody does come forward we create every opportunity.

What we want to do so that no one fears reprisals for coming forward is to empower them so that they can come forward. If they do come forward, they will be heard and listened to and supported and given the appropriate advice as to what needs to be done. That's exactly what our focus is.

Right now, even though we've had systems in place for this, we know they're not enough. We are going to be looking at bringing a lot of these systems together so there's only one place for somebody to call, regardless of what the misconduct is.

We need to dig deeper into the independence that all of you have been talking about, to get that right. We want to make sure that when it comes to the independence, people are confident that if they come forward, action will be taken. In this case, Madam Chair, we did take action. Obviously, we wish there had been a different outcome, but in this case we have to protect the process, because ultimately if we somehow inadvertently mess with the independent process, we will undermine a just outcome in our society.

**Mr. Sven Spengemann:** Minister, thank you very much for that.

In the remaining time, I want to take you back one more time.

You've spoken extensively about possible options we have for going forward. In addition to looking at the cases of complaints before us, it is really the fundamental challenge of this committee to take the Canadian Forces in a different direction.

Just a few minutes ago you had an exchange with my colleague Mr. Robillard.

What would be the one thing that you would want to change more quickly than perhaps other priorities within that same vein, to really initiate a culture change with depth and direction?

Is there one priority that you would give to the committee for further consideration, potentially, to make some recommendations on?

**Hon. Harjit S. Sajjan:** Actually, it won't be one thing, because we have to look at how people who have allegations are not feeling comfortable to come forward. We need to make sure we give them the confidence, so the immediate piece that we have to react to has to be done well. What systems can we have so that people who have a complaint to be made can come forward without reprisals? We're working on that and would love to hear your recommendations.

The other aspect that is equally important and goes to the longer-term prevention is a culture change. How do we create the inclusive environment, regardless? It might be that you have an environment free from harassment, and if there is a complaint, there is an independent process to be able to give confidence to people that they will be heard and action can be taken.

Ultimately, what I would like to be able to see out of this, Madam Chair, is that when somebody signs on the dotted line to give the unlimited liability—you have done that, members of the committee have done that and I've done that, literally saying that I'm willing to put my life on the line—that they have the opportunity to get everything they need to have an inclusive environment so that they can add value to the Canadian Armed Forces.

These members who have left...and how many have left is what the really concerning thing is out of this. We have lost out as an organization. I have seen the impact of women in combat arms. I've had conversations with many military members who come up and say, hey, what do you think about women in combat? I say, I'm sorry; we had that conversation a long time ago. Look at Afghanistan.

The most recent person who received the Captain Nichola Goddard award.... I served with her in 2006. She was part of the section I served with...Liz. How many times did I witness her and her bravery literally saving our lives? When you see that, and you look.... We talk about toxic masculinity, but it's not your muscle that gets you there, it's how big your heart is. Are you willing to put your life on the line? So everybody did that.

• (1400)

**The Chair:** Thank you.

**Hon. Harjit S. Sajjan:** That's what we need to create.

I'm sorry. I get passionate about that, Madam Chair.

Thank you.

**The Chair:** Thank you.

I'd like to give our thanks, on behalf of the entire committee, to all the witnesses for the testimony you offered today. It has greatly informed our study further.

With that, we are going to suspend for 30 minutes to change out the panels and give everyone a break.

Thank you once again. It was much appreciated.

We will suspend.

• (1400)

(Pause)

• (1430)

[*Translation*]

**The Chair:** Good afternoon and welcome, everyone.

[*English*]

For those who are just joining us now for the second half of this committee meeting today, I'm calling this meeting back to order.

Pursuant to Standing Order 108(2) and the motions adopted by the committee on Tuesday, February 9, Friday, March 12, and Monday, March 22, 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 next two hours, as an individual, we have Mr. Michael Wernick, former Clerk of the Privy Council and secretary to cabinet. We also have Mr. Gregory Lick, ombudsman for National Defence and Canadian Armed Forces ombudsman.

Up to six minutes will be given for opening remarks. I gather Mr. Lick is giving opening remarks but Mr. Wernick is not. We can move on now.

Mr. Lick, I would invite you to take the floor and make your opening remarks. Thank you.

**Mr. Gregory Lick (Ombudsman, Department of National Defence and the Canadian Armed Forces):** Good afternoon, Madam Chair.

This is my first appearance before this committee on the issue of sexual misconduct in the military, and it follows my appearance of March 25 before the Standing Committee on the Status of Women. I'm here with Robyn Hynes, director general of operations, from my office.

As ombudsman, part of my role is to be a neutral and objective sounding board, a mediator, an investigator and a reporter on matters related to the Department of National Defence and the Canadian Armed Forces. In keeping with that role, I will make the observation that we are watching the issue of sexual misconduct in the military unfold in the media and in committee testimony with more concern over political and institutional posturing than with fixing the problem, yet the issue continues to play out in the real lives of survivors and witnesses, who find themselves falling through the cracks of a broken system and are fearful of coming forward because of a possible reprisal or career-ending move.

This issue has played out so far with conflicting and sometimes incorrect information. Testimony has changed about who knew what when, who had authority to act, what should have been done and who is accountable. I say “enough”: enough of the self-protectionism and the deflecting and enough political foot-dragging. It is time to focus our collective energy on changing culture and establishing processes that will truly serve the individuals who find themselves the subject of misconduct, whether of a sexual nature or any other abuse of power.

I've previously clarified the role of my office, but let me do so again. The ombudsman cannot look into anything of a criminal nature or that could be a code of service discipline offence. If in the course of dealing with a matter there is evidence of criminal activity, then, with the consent of the constituent, the matter is referred to the provost marshal—not to PCO, not to the JAG, nor to any other body, as has been suggested in previous testimony.

The ombudsman reports directly to the Minister of National Defence. Advising the person to whom you report about problems within that person's organization is generally an expected way of proceeding. In the case brought to the attention of the minister, there was no investigation because the constituent had not consented to one. The office of the ombudsman will not proceed with an investigation without the express consent of the complainant.

I've heard through various sources that there are ongoing discussions within the Canadian Armed Forces and the department regarding reconfiguration of their system to address this matter. I am not involved in these discussions and cannot be, as it would be a conflict of interest to help design processes and then be in a position to review those same processes later. However, I applaud any and all efforts to address this matter, particularly any effort to tackle the enormous task of culture change. Culture change must include assurances that individuals who come forward to call out misconduct or abuse of power in any context, whether sexual, racist or otherwise discriminatory in nature, will not suffer reprisal or career repercussions.

However, I caution that redesigning processes internal to the CAF and the department will not be enough. There must be an organization that is external to the chain of command and the department and is charged with oversight of both CAF and National Defence redress mechanisms. That organization cannot answer to any authority with a vested interest in the outcome of any individual or systemic case.

I've clarified what my office cannot do. Now let me tell me what we will continue to do.

We listen and provide constituents with information that is relevant to their issue. Where appropriate, we refer them to existing support services and/or existing redress mechanisms. Our goal is to help constituents navigate a complex system in order to find support and the most appropriate recourse in their circumstances.

We also have a role in mediating communication breakdowns in a process that is already under way. Where a constituent feels that they have been unfairly treated in a process, we may review the steps in that process to ensure that fairness has been observed and make recommendations to the decision-maker to revisit their decision. My office can intervene in compelling circumstances where access to an existing redress mechanism would cause undo hardship or otherwise harm the interests of the constituent.

In addition to acting as a source of general assistance, mediation and process review, we also have the authority to investigate issues of a systemic nature. Our investigations are evidence-based and result in recommendations aimed at improving the welfare of the defence community.

● (1435)

In recent years, internal mechanisms have been set up within the department and the chain of command that duplicated functions performed by my office. As our mandate requires us to refer constituents to existing mechanisms, this has had the effect of gradually replacing independent functions with internal ones. While there is value to these initiatives, they are not truly independent.

An external body that has the authority to ensure fairness and confidentiality and protect against reprisals is needed. If there is genuine political will for a body that is external to the chain of command in the department, then I say look no further. It would take relatively little retooling for my office to expand its support services to the defence community in order to provide counselling services, provide additional statistical reporting on issues brought forward without the requirement to report on individual cases, and strengthen our existing capacity to ensure all constituents are treated fairly and that our recommendations are implemented by reporting to Parliament without a political filter.

The Canadian Forces are unlike any federal department or agency. Matters affecting the CAF affect national security and impact every member of Parliament, riding and citizen of this country. It is crucial that Parliament be provided with the information needed to ensure that cabinet takes appropriate action in addressing matters that could bring the military institution into disrepute and even affect recruiting and retention.

The office of the ombudsman was created more than 23 years ago to be an independent and neutral investigator of issues brought by members of the defence community who have exhausted existing avenues of redress within the system. This office acts as a safety net where existing internal systems fail. We are part of the solution, not the whole solution. What this office requires, if we are to continue being part of the legislation, is legislation and a permanent existence. Right now, this office exists because of a ministerial directive and a departmental directive signed by the chief of the defence staff and the deputy minister. Our existence could be ended with the removal or change of any one of those instruments.

Other countries such as the United Kingdom, Australia and Germany have set up their military oversight bodies with full independence, legislated mandates and the ability to report to parliament. It could be done in Canada if the political will exists. So far, this has not been the case.

Finally, we are at a crossroads now. I believe that it starts with culture change supported by strong redress mechanisms inside the CAF and the department, with a fully independent and external oversight body to ensure that victims of any type of misconduct or unfairness do not fall through the cracks.

Thank you, Madam Chair.

• (1440)

**The Chair:** All right. Thank you very much, Mr. Lick. I appreciate that very much.

Mr. Wernick has declined to make an opening statement. Has he changed his mind? No.

Then we'll turn to the floor for questions. Up first is Mr. Bezan, please.

**Mr. James Bezan:** Thank you, Madam Chair, and I want to thank our witnesses for being with us.

Mr. Lick, I want to thank you for your opening comments and the testimony that you gave at the status of women committee last week. Your participation has been very constructive and you won't get any argument from me or from our side of the table about the need to make sure your office is fully independent and reporting to Parliament with its own independent legislation.

I want to turn my questions, though, to Mr. Wernick, so we can start the dialogue during the testimony today.

Sir, there were documents provided to committee that indicated that by March 2 you had already been party to two conversations regarding the allegations against General Vance. With whom did those conversations take place, back in 2018?

**Mr. Michael Wernick (As an Individual):** I'm not sure what testimony you're referring to, Mr. Bezan. I'll do my best to reconstruct the chronology. My research assistants are Google and Wikipedia, so I've been trying my best to reconstruct events of three years ago.

My recollection of the sequence of events is that on Friday, March 2, Elder Marques came upstairs from the second floor, popped in and asked to see me and raised the issue for the first time. That is the first I heard of it. It was on Friday, March 2.

I gather, from reconstructing the media articles, the sequence was that Mr. Walbourne had gone to see Minister Sajjan. Minister Sajjan had spoken to his chief of staff, Ms. Astravas. She was in touch with Elder Marques at the PMO at some point between March 1 and March 2.

He came to see me in the morning of March 2. He said that there was an issue that the minister was concerned about and wanted us to look into regarding the chief of staff. I said, okay, you'd better go and see Janine Sherman, who was my person at the time on senior personnel matters, and that's what happened in the afternoon.

I can clarify one of the media stories on the email of roughly two in the afternoon. It was: You're difficult to find. Can we get together? We're going to have to put things in writing. This is an email from Elder Marques to Janine Sherman.

Then there were conversations in the afternoon of Friday between Elder, Zita and Janine. I was not party to those conversations. I'm not sure that I can put them in the right order, but they were effectively about how best to respond to Mr. Walbourne.

By the end of Friday.... Again, I'm going by a media story. The minister had responded to Mr. Walbourne late Friday evening, saying, you should go and talk to PCO. Then, on Monday morning, after the weekend, Zita Astravas followed that up with a very similar email, which is reported in one of the media stories, saying, you should go and speak to PCO.

Between the morning of the 2nd and the end of the 2nd, effectively, the file was in the hands of the Privy Council Office.

• (1445)

**Mr. James Bezan:** How much detail of those allegations were you made aware of on March 2?

**Mr. Michael Wernick:** None—just that there was an issue concerning the chief of the defence staff that the minister wanted looked into.

I learned of the specific allegations earlier this year in the media reports.

**Mr. James Bezan:** So they never said in those allegations that it was regarding sexual misconduct at the very least?

**Mr. Michael Wernick:** I don't have the language of the emails in front of me. I think the language was "potential sexual harassment". There is a back-and-forth of emails between Zita, Janine and Elder. I certainly would say that it was in the realm of sexual misconduct or sexual harassment, but I couldn't speak to the exact language.

**Mr. James Bezan:** After March 2, did you have contact with anyone else in the Prime Minister's Office regarding the allegations against General Vance?

**Mr. Michael Wernick:** No. From our point of view, it was in the hands of PCO. I asked Janine to get in touch with Mr. Walbourne to see what we could find out. That led to the events of the following week. It took, I think—I'm reconstructing the timeline—a series of emails and calls to persuade Mr. Walbourne to meet with Janine. She met with him on March 16.

**Mr. James Bezan:** Through that process, between March 2 and March 16, had Janine and others in the PCO—Elder Marques and Zita Astravas—reached out to you at all about further actions they should be taking, other avenues they should be looking at, in trying to figure out what the allegations were?

**Mr. Michael Wernick:** No. I think, in hindsight, that we were at the first step, which was to go and see Mr. Walbourne. We knew that Mr. Walbourne had brought something to the minister, so our first step was to reach out to Mr. Walbourne. There were no other steps that I'm aware of. I know that Ms. Sherman testified earlier, but I'm not aware of any other steps.

Our intention was to contact the ombudsman to see what we could find out.

**Mr. James Bezan:** As Clerk of the Privy Council Office, was it your belief that you were acting with the Prime Minister's knowledge of the allegations in March of 2018?

**Mr. Michael Wernick:** No. I have no reason to think that the Prime Minister was aware of any of this at the time. The only person I know who would have been aware is Elder, and I don't know who he would have spoken to within PMO at the time.

I think that, effectively, both Minister Sajjan and the PMO had given carriage of the file to us at PCO.

**Mr. James Bezan:** So you aren't aware of Elder Marques having conversations with other people on the second floor of the—

**Mr. Michael Wernick:** I never have any knowledge of who speaks to whom within the PMO.

**Mr. James Bezan:** Okay.

**Mr. Michael Wernick:** The loop was closed after Mr. Walbourne met with Janine and effectively waved her off and said that he wasn't going to share anything, that he didn't have the consent of the—I think Mr. Lick used this phrase—constituent or complainant. We reached an impasse on March 16. There must have been conversations back with the PMO around March 16 or 17 to report back that we had reached an impasse.

**The Chair:** Thank you.

Mr. Bagnell, go ahead please.

**Hon. Larry Bagnell:** Thank you, Mr. Lick, for being here. You hold a very important position, and I was delighted that you commented on the two major findings that other experts have brought, independence and culture change, that we need to address those quickly and we should get on with it, stop the political manoeuvring, which I think Yvan and I have been saying since the beginning. We have to get on with dealing with those issues. Hopefully, over the two hours we can get suggestions from you and Mr. Wernick on how we can deal with how independence and culture change that form a major part of our committee report.

Mr. Wernick, would you say that Ms. Sherman followed the appropriate process in handling the allegations?

• (1450)

**Mr. Michael Wernick:** If I understand the question, yes, I do think Ms. Sherman did what was appropriate during the period between March 2 and March 16 and pursued the route that was open to us at the time.

**Hon. Larry Bagnell:** There seems to be some confusion about why the former national security adviser wasn't involved in the case.

Can you say anything related to that?

**Mr. Michael Wernick:** I think that is a hypothetical of what might have followed. It's not clear to me how the national security adviser would have added anything to the equation at the time. We knew there had been something raised by the ombudsperson and the most direct route was to talk to the ombudsperson.

Maybe to help with further questions, it's not clear who else you would talk to. This was an anonymous complainant so we couldn't speak to her. There are no witnesses to a one-on-one incident so we couldn't speak to them. It would have been inappropriate to go and speak to the General because that would have raised a risk of reprisal. Frankly, the only person we could talk to was the ombudsman.

**Hon. Larry Bagnell:** We have heard some reproaches from members of the committee stating not enough was done and that hearing of the allegation should have been enough to warrant an investigation into General Vance.

Can you tell us more about how PCO attempted to conduct an investigation?

**Mr. Michael Wernick:** The investigation basically came to a halt around mid-March, I think, at the meeting of the 16th. We confirmed afterwards and we basically had the road blocked. As I said, how would you launch an investigation further from that with an anonymous complainant and no witnesses, and where it would have been inappropriate to just confront the subject of the complaint at that time?

We never closed the file. I think I would like to correct some of that impression. We decided to leave it open, and see if there was a change, whether the ombudsman would reveal more information that would allow us to at least start some kind of fact-finding, or the complainant would change her mind about trusting enough to talk to us.

The parallel, I think—it's not a great one—is with the incidents at Rideau Hall. Nobody came forward through the formal processes, but once there were complaints in the media, my successor, Mr. Shugart, hired an independent fact-finder and did an investigation of what was going on, a workplace assessment. The difference is that there were multiple complainants and multiple witnesses to interview.

**Hon. Larry Bagnell:** My understanding is there was no way you could proceed any further without further information.

**Mr. Michael Wernick:** That was our judgment at the time. Perhaps in hindsight, and information came out later, there were other routes available. Our assessment at the time was that we had reached an impasse.

**Hon. Larry Bagnell:** More generally, what's the PCO's general rule in investigating allegations against a GIC appointment?



**Mr. Michael Wernick:** A GIC appointment is an executive appointment. It's the gift of the Prime Minister. It's an executive branch appointment. The Prime Minister's department, the PCO, takes general responsibility for all of the processes: selection and appointment, performance review and discipline regarding GIC appointees.

Ms. Sherman's shop is fairly busy because there are 160 full-time GICs and about 1,000 part-timers.

**Hon. Larry Bagnell:** Yes, that's a lot.

Finally, there's almost no time left, but do you have any comment on the independence of the members of Parliament, the political system, and the justice system? Obviously, politicians shouldn't be demanding that the justice system do investigations of people.

**Mr. Michael Wernick:** It's going to take a longer answer, and I'm happy to delve into that.

I think in the Westminster system there is always an answerable minister. Ministers have to be answerable to Parliament and Canadians for various things. Even with the court system, even with tribunals and independent bodies, there is a fundamental answerability to Parliament. For every body that Parliament appropriates funds for or creates through legislation, a minister is answerable.

That is not political interference. Political interference would be delving into the internal workings, interfering with a case. You can imagine different scenarios. I think there's a distinction, and also a line and a judgment to be called about when a minister who is answerable to Parliament should get involved, and how much.

• (1455)

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

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

[*Translation*]

**The Chair:** Mr. Barsalou-Duval, you have the floor.

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

Mr. Lick, when Minister Sajjan spoke earlier, he blamed the previous ombudsman, in a way. He said that the ombudsman should handle the issue by approaching other authorities in order to move things forward, or at least by providing information to the Privy Council Office to help it proceed. We can hear this to some extent from the Privy Council Office representative as well.

What are your thoughts on this matter?

[*English*]

**Mr. Gregory Lick:** I think the main principle in this, as I stated in my opening remarks, is that it is the constituent who drives whether an investigation goes forward in this case. I think fundamentally the issue at heart, and particularly the issue at heart for this committee, in my opinion, is that we have to build a system that provides that confidence to those who want to come forward.

In this case, in hindsight, as we look at all the testimony and all the comments in the media as much as we know, it is very likely that in the conversation that my predecessor had with the complainant there was no confidence that anything would be done. I

think that is fundamentally the problem that we have at heart for this particular committee.

Essentially, the complainant was not confident that something would be done and that they would have protection from reprisal. Whether PCO is the right investigative body for this particular case, I don't think is fundamentally the question at heart. They could have done it if they had the information, as Mr. Wernick said—possibly. But, I would suggest that investigating sexual misconduct of a military member within the military is a bit more complex than, say, within a civilian organization. I believe it does require some element of knowledge of the military to properly investigate it. That could be hired out possibly, but fundamentally I think in this case it was the lack of confidence that anything would be done.

That is why this particular investigation didn't move forward.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Thank you.

Let's say that a high-ranking member of the Canadian Armed Forces or even the commander-in-chief does something clearly inappropriate. The act may or may not be of a sexual nature, but it wouldn't be of a criminal nature. This is a completely fictional example. I'm not talking about the situation at hand, since I don't know what happened. The act isn't something that could lead to a trial or jail time.

If the minister decides to disregard information involving the general or the highest-ranking member of the military, because it may constitute interference, and fails to take any action, what are your options as an ombudsman with the information on hand?

[*English*]

**Mr. Gregory Lick:** As I stated in my opening remarks, if an allegation like that came to me or to my office, there are options available to us. As I think I've stated in previous testimony, I do not have the authority to proceed with an investigation where it involves criminal matters or matters that may result in a charge under the code of service discipline. That is clear.

In the case you're suggesting, I could, with the consent of the constituent—and again, as I said, with the confidence of the constituent that something would be done—refer the matter to the provost marshal.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** I have another question for you.

In practical terms, if you weren't reporting to the Minister of National Defence, but rather directly to Parliament, for example, how would that change the way things are handled and the progress of sexual misconduct cases in particular?

• (1500)

[English]

**Mr. Gregory Lick:** Fundamentally, there's a second part that needs to be added to your context there. We'll assume for the time being that I would not have the authority to investigate criminal matters, which I wouldn't think would be appropriate in any case, nor matters that could result in charges under the code of service discipline.

Our role today and our role in the future as an independent external body, I think fundamentally as an ombudsman under the principles we operate with, is to ensure fairness of process in order to provide members and constituents with the confidence that when a process is followed, it is fair. That is a role we play now, and one that I truly and strongly believe we would play in the future as well.

That said, reporting to Parliament means that all of Parliament is able to ensure that the process is fair—not reporting through a minister, where there may be vested political interest.

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

We will go on to Mr. Garrison, please.

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

I thank both our witnesses for being with us today.

I want to start briefly with Mr. Lick. You said at the status of women committee that you would have done the same thing, essentially, with this complaint, and taken the evidence of the complaint to the Minister of Defence. Is that correct?

**Mr. Gregory Lick:** I think as I said before, yes, if I had the exact same circumstances, I would have brought it to the attention of the person I report directly to as the person who has control and responsibility over the department in which that person operates. I think that's an appropriate thing to do.

If we understand correctly what happened, the purpose was to look at options that might be available to proceed with the complaint and to provide some level of confidence and protection for the complainant from possible reprisal, so that the member who brought forward the complaint would not be subject to that.

So, yes, fundamentally I would have done the same thing. Even in hindsight, I probably would have done the same thing, as well.

**Mr. Randall Garrison:** In this case, we now know through media reports what the evidence was. It appears to have been a document from which personal information could have been removed. Can you think of any reason why a minister should not look at that? If you took him something that included a document that didn't have personal identification on it, is there a reason why a minister couldn't look at that evidence?

**Mr. Gregory Lick:** I don't believe so. I think that is the reason why my predecessor brought that information forward. It was to at least give some substance to the idea that there was a credible allegation—not that it would have been found correct, but that there was a credible and significant allegation that should be pursued.

I think with the personal information removed, it was an appropriate thing that was done.

**Mr. Randall Garrison:** Is there any other place you, as the current military ombudsman, would see as appropriate for you to take this kind of information?

**Mr. Gregory Lick:** Well, I think we're seeing now that it's not... I come back to the point that it's not truly about where it's brought. It is truly about what confidence the member has to see that it would be progressed and advanced fairly and that they would have protection from reprisals.

As I said before, perhaps PCO could have done it or hired it out, but I truly believe that in this case, given who the member was who is being alleged to have done something, it does require quite a deep level of knowledge and understanding of what the military environment is, and for that it may be difficult to find or to hire out.

I think that fundamentally it has to go back to what will provide the member or the constituent the confidence that something will be done and protection will be afforded.

• (1505)

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

I want to turn to you now, Mr. Wernick. Since we're dealing with a Governor in Council appointment, someone who, as you rightly pointed out, serves at the pleasure of the government, when there was a complaint about sexual misconduct, would your office, the Privy Council Office, have access to the personnel file of any GIC appointee? If there had been previous formal investigations into their conduct or sexual misconduct, would that information be available to your office?

**Mr. Michael Wernick:** Those are questions probably better put to Janine, in terms of how you would go about fact-finding. We would have information about each person who was a GIC appointee because of their nomination, selection and appointment process. We wouldn't keep a running file on everything that they were up to. It would depend on where they were working and what organization they were the head of. In going to gather facts about an allegation, we would of course seek all the information that would be relevant, including the kinds of things that you talked about.

If I can just build on Mr. Lick's comments, I think this is a really unique situation, because you're talking about the person at the very head of the organization. I would never argue that PCO would get involved in internal matters of the armed forces. You don't want that, but because it was the GIC appointee, the executive appointee at the very top of the organization, we did have some responsibility to look into it.

The analogies would be the conduct allegations against the integrity commissioner in 2010, Madame Ouimet; conduct allegations against the head of the Canadian Human Rights Commission in 2013, Madame Chotalia; and even, at a stretch, the allegations against the Governor General as the head of state. When it's the person at the very top of the organization, where else do you go?

**Mr. Randall Garrison:** In your first answer to a question from Mr. Bezan, I believe, you talked about there always being a minister responsible. We've had Mr. Sajjan referring to the Privy Council Office as an independent office. I wonder whether you can comment on that characterization of the Privy Council Office as an independent office. Is it independent in operations, or is it always the Prime Minister who is responsible for the actions of the Privy Council Office?

**Mr. Michael Wernick:** The Privy Council Office is the Prime Minister's department. It's part of the executive branch of government. It is the Prime Minister's department, and the Prime Minister is the minister, just like any other department, and the Clerk is the deputy minister, just like any other department.

It's not independent in the sense of the courts, but it is separate from Minister Sajjan. I guess that's the argument he was making. It was somebody from outside.

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

Next is Ms. Alleslev, please.

**Ms. Leona Alleslev:** Thank you very much, Madam Chair.

Mr. Wernick, in your opinion, then, who has overall responsibility to ensure that the position of the chief of the defence staff is filled by someone whose behaviour is beyond reproach and doesn't include sexual misconduct or harassment?

**Mr. Michael Wernick:** The appointment is the recommendation of the Minister of Defence to the Prime Minister, and the Prime Minister would agree or not to the recommended appointment. Minister Kenney recommended the appointment to Prime Minister Harper, and then subsequent issues about his promotion and tenure would have been decisions recommended by Minister Sajjan to Prime Minister Trudeau.

**Ms. Leona Alleslev:** So the Minister of National Defence is responsible to ensure a CDS whose behaviour is representative of the values of the Canadian Forces, etc.

**Mr. Michael Wernick:** Yes.

**Ms. Leona Alleslev:** Perfect.

**Mr. Michael Wernick:** Every minister is responsible for the portfolios for which they're answerable to Parliament.

**Ms. Leona Alleslev:** We know from Minister Sajjan's testimony that you and he had a call in the fall time frame of 2018 to discuss General Vance's performance and, I would assume, behaviour and conduct as part of that.

Can you confirm that you did in fact speak with Minister Sajjan regarding his performance management program?

**Mr. Michael Wernick:** This was the cycle of the 2017-18 performance year. Performance works on an April 1 to March 31 year, give or take a bit of leeway at either end of the year.

As I think Ms. Sherman tried to explain, we always seek the input of ministers to provide a recommended rating. It's true that ministers don't set the pay, but they do provide input on the rating. The whole scheme is on the Internet, and you can see the criteria and the rankings and so on.

• (1510)

**Ms. Leona Alleslev:** You would have spoken to him about that.

**Mr. Michael Wernick:** Yes. I spoke to Minister Sajjan on two occasions, in May and in June—I think around May 18 and June 25—about issues in the armed forces, how long General Vance's tenure should be, when there should be a change of command, and issues about the turnover and the senior ranks. I can go into more depth about what those conversations were—

**Ms. Leona Alleslev:** That's perfect. At that time—

**Mr. Michael Wernick:** I want to make it clear that this was in May and June of 2018.

**Ms. Leona Alleslev:** At that time, had you closed the file on the sexual misconduct allegations?

**Mr. Michael Wernick:** No, the file was open, in the sense that had any new information come in after mid-March, we would have taken it into account. In neither conversation that I had with Minister Sajjan do I recall raising conduct issues, nor did he raise conduct issues with us. Conversations were about other matters, and I'm happy to go into that.

**Ms. Leona Alleslev:** You remained confident, then, that these allegations were unfounded, despite there having been an investigation.

**Mr. Michael Wernick:** There had not been an investigation. The only person who knew about the seriousness of the allegations at the time was Mr. Walbourne.

**Ms. Leona Alleslev:** When you look at Governor in Council appointments, do they do security clearance checks, background checks? Does there need to be a complaint to investigate the conduct and behaviour of a Governor in Council appointment?

**Mr. Michael Wernick:** Yes.

**Ms. Leona Alleslev:** You can do it only with a complaint. You can't look at an individual's conduct without a complaint.

**Mr. Michael Wernick:** It would depend on where the information came in. In the case of Rideau Hall, it came in through a CBC story to my successor. The security and background checks are done on appointment. They were done in 2015 by the Harper government. Then he was appointed, and he's there at the pleasure of the government until something new comes along in terms of new information.

**Ms. Leona Alleslev:** The ombudsman wouldn't carry the same weight as CBC.

**Mr. Michael Wernick:** The ombudsman did not share any information with the Privy Council Office.

**Ms. Leona Alleslev:** He advised you there was something worthy of concern.

**Mr. Michael Wernick:** And he took the stand that it was none of PCO's business.

**Ms. Leona Alleslev:** So PCO, despite being asked by the Minister of National Defence to make it their business, felt that without that specific piece of information, it would just get left.

**Mr. Michael Wernick:** Our judgment in mid-March was that we had reached an impasse. There was no complainant to interview, no witnesses to interview, and it would have been inappropriate to confront General Vance. There was no path forward.

**Ms. Leona Alleslev:** There were fact-finding missions without complaints in other instances.

**Mr. Michael Wernick:** No, there would have been complainants to interview and witnesses to interview.

**Ms. Leona Alleslev:** As a result, potentially, a raise was given to an order in council appointee while unresolved allegations remained unreviewed.

**Mr. Michael Wernick:** Yes, because the conduct issues did not cycle into the performance rating discussion for 2017-18. The raise that was given in the spring of 2019 was the economic increase. It was three years of catch-up for inflation. Every single Governor in Council appointee in the Government of Canada got a raise in the spring of 2019.

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

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

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

Thank you, both, for being here to speak with us today.

Mr. Wernick, I want to clarify something from your testimony. Was there someone else, to your knowledge, who could have been spoken to or interviewed by PCO to further an investigation?

**Mr. Michael Wernick:** Not to my knowledge. I think that the impasse was created, in good faith, by Mr. Walbourne's unwillingness to share any information with us and by the complainant's unwillingness to trust the process, as Mr. Lick....

I think that Mr. Walbourne was acting in good faith. The minister was acting in good faith, and we were acting in good faith, but it created an impasse.

**Mr. Yvan Baker:** As you look back, was there another route to follow there?

**Mr. Michael Wernick:** I was certainly not aware of any at the time. I know that other things have been suggested to this committee, and I think you'll have to look at whether in your report you want to.... There are other scenarios and other paths perhaps that could have been taken by Mr. Walbourne, by the complainant, by Minister Sajjan and by the Privy Council Office. There are many hypothetical alternative timelines.

• (1515)

**Mr. Yvan Baker:** Okay, but at the time, there were none, to your best judgment?

**Mr. Michael Wernick:** That was our judgment, and this was not the only issue—and I would like to come back to that at some point. We had other preoccupations about the senior ranks of the military at the time, and I concede in hindsight that they probably caused us to lose focus on the issue around sexual misconduct.

**Mr. Yvan Baker:** One thing that I think is important to come out of the committee's work is how we move forward.

Mr. Lick, I think you spoke to that at the outset. You urged us to stop the political posturing and work on addressing the problem, and I think you spoke to working on changing the culture.

Mr. Wernick, what do you think needs to be done to change the culture in the Canadian Armed Forces to address the problem of sexual harassment and sexual assault?

**Mr. Michael Wernick:** It's an excellent question, and if you bear with me, I think there are a few layers to the answer.

Part of it is to recognize that it's a big problem and a challenge that goes beyond any one individual, and that lopping off the dandelions and changing the leadership at the top may have been necessary but wouldn't have been sufficient to put the Canadian Forces in the place that we want them to be.

If you look at the Wigston report in the United Kingdom—which I commend to the committee and anybody else who's watching—it's a comprehensive report on the same issue arising in the military of the United Kingdom. It's a very comprehensive blueprint for going forward with 36 recommendations, and the Johnson government committed to following up on it and has tabled follow-up reports every year on progress against that. I think some mechanism similar to that would be necessary.

I agree entirely with Mr. Lick that whatever body you parliamentarians decide to create, it should be legislated and permanent. I think one of the ways to go forward is that instead of waiting for the government to table a bill, this committee and the status of women committee could give the government advice on what the design features of the bill should be. I'd be happy to talk about that further.

**Mr. Yvan Baker:** Chair, how much time do I have?

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

**Mr. Yvan Baker:** Mr. Wernick, I'm going to take you up on that, if I could.

**Mr. Michael Wernick:** Sure.

**Mr. Yvan Baker:** What are some of those design features you would recommend?

**Mr. Michael Wernick:** I think Mr. Lick raised a very important issue. Are you going to entrench the requirement that you need the consent of a complainant to move forward, or would you give the investigating body some discretion to proceed without that consent? That's a huge issue, and I don't have a view on it, but you'd better tread carefully on doing that.

You have to contemplate all kinds of scenarios, including the person at the very top of the chain of command being the object of the complaint, and what you would do in that case, and so on. It's analogous, I think, to what's going on in the RCMP, which is wrestling with the same issues. Having a process in place, as we've learned at Rideau Hall and elsewhere, isn't enough. I agree with Mr. Lick entirely that if you don't have trust in the process and people don't feel they can come forward, you can have all the formalities and powers and investigative bodies you want.

The Government of Germany created new structures a couple of years ago. France last year conducted an investigation into sexual abuse in its military academies. President Biden spoke about sexual harassment and misconduct in the U.S. military just a month ago on International Women's Day. There clearly is a deep-rooted issue in dealing with military cultures and building the kind of military cultures that we want in the 21st century, and appropriate recourse systems.

My advice to the government—which I'm not in the business of giving anymore—is that they could table draft legislation as a white paper and make it a less partisan exercise in building the legislation, or they could use Standing Order 73 and refer the bill to this committee before second reading and give you lots of scope to amend it. Here, I agree with what Mr. Lick said on making it less partisan and less about going through the past. I think it's important to establish what happened, but I think all five parties in a minority Parliament should be able to work together and put together a new piece of legislation.

Legislation would be necessary but not sufficient. It's a much broader agenda than that.

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

**Mr. Yvan Baker:** I appreciate that. Thank you.

[Translation]

**The Chair:** Mr. Barsalou-Duval, you have the floor.

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

First, I want to say that I've greatly appreciated the presentations of our witnesses so far. They're very informative.

Are you or have you been in a similar situation? Is it easy for you to get in touch with the minister?

Mr. Lick, the former ombudsman, Mr. Walbourne, stated that he made more than a dozen requests to meet with the minister, after his meeting on March 1, 2018, and that these requests were all denied.

• (1520)

[English]

**Mr. Gregory Lick:** My experience since I first started is that I have not had any issues with meeting with the minister. Obviously, the minister is a very busy person, with a department the size of the Canadian Armed Forces and the Department of National Defence. That's a given. My experience is that I have not had any issues. When I've requested a meeting with the minister, I have not had any problems getting one.

[Translation]

**Mr. Xavier Barsalou-Duval:** When you started your job, did you hear from or at least get briefings from your predecessor? Did you have any contact with him to prepare for the position?

For example, did he talk to you about any difficulties with the sexual misconduct cases being discussed, or about relationships with the Privy Council Office or the Minister of Defence?

[English]

**Mr. Gregory Lick:** Just before I started, Ms. Hynes, along with the management team, briefed me on the general responsibilities of the ombudsman's office, what types of investigations were being carried out at the time, the structure of the office and the management of the office. It was a very quick briefing, because I had to go to committee to be a witness on another committee just after that, but it gave me a very brief general overview of what the office was doing at the time and how it was structured—the budget, the structure and so on.

There were no issues raised at that point with respect to any sexual misconduct allegations.

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

Next is Mr. Garrison, please.

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

I want to go back to Mr. Wernick and his discussion of tenure of the chief of the defence staff. My understanding is that the appointment for the chief of the defence staff is open-ended, in the sense that it doesn't have a specific term.

You made reference to discussions with the minister about what that term should be, and it appears that General Vance served longer than most chiefs of the defence staff. Can you comment on this concept of what an appropriate term would be and what is done about extending or shortening the term of the chief of the defence staff?

**The Chair:** You're on mute, Mr. Wernick.

**Mr. Michael Wernick:** That seems to be the saying of 2021. I apologize.

I stand to be corrected, but my understanding is exactly yours: that the appointment made by the Harper government in 2015 was open-ended. In other words, there never was a question of extending it. He would continue in office until someone said, "That's it, we're going to have a change of command", reverse-engineer from that date and start a succession process. In 2018, at the time we've been talking about, the general had been in his office for three years. The convention was four or five.

I think if you look it up, you'll see that some were four and some were five. If you do the math on it, that meant he would come up at four or five years in 2019 or 2020. With a fixed election date and a no-fly zone in the fall of 2019 on major appointments, it effectively meant that a decision had to be made as to whether he was going to be a four-year guy or a five-year guy. Was the process of change of command going to take place before the election or after the election? That was the basic sort of.... There was never an extension, and the promotion that he got from DM 2 to DM 3 was way back in 2017, after two years in office.

The issue of tenure was whether the government should pick a date for a change of command and start a search process for the next person. That was the gist of the advice and the content of the note that I sent—that the Privy Council Office sent—to the Prime Minister regarding General Vance in early July 2018. It had two things in it. One was the recommended rating for 2017-18, which I'm happy to talk about. Then it raised the issue of tenure and offered the Prime Minister the choice: Do you want to take this on in 2019 or in 2020?

By that time, the issue of the general's interest in the NATO position was a factor, and also what was starting to become a very rapid turnover in the senior ranks of the military, and I'm happy to talk about that as well.

• (1525)

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

**Mr. Randall Garrison:** And that was the main—

**The Chair:** I'm sorry.

Mrs. Gallant, go ahead, please.

**Mrs. Cheryl Gallant:** Mr. Wernick, upon learning there was an allegation against General Vance, did you review his personnel file held at PCO that would have listed previous investigations of him?

**Mr. Michael Wernick:** I don't believe there was a personnel file of that nature at the Privy Council Office. You would have to ask Ms. Sherman about that, but, no, I did not review any personnel file.

**Mrs. Cheryl Gallant:** Were the allegations against General Vance ever raised in a meeting with staff of both the PCO and the PMO? Just a yes or no is okay.

**Mr. Michael Wernick:** I don't know what conversations took place among members of the Prime Minister's political staff. There would have been conversations between Janine Sherman and some of the staff in the PMO.

**Mrs. Cheryl Gallant:** In total, how many individuals would have been aware of the allegations against General Vance?

**Mr. Michael Wernick:** I can't know the answer to that.

**Mrs. Cheryl Gallant:** Did you ever provide the Prime Minister's Office with options regarding the allegations against General Vance that were brought to the PCO and the PMO's attention? Just a yes or no is okay.

**Mr. Michael Wernick:** I don't recall whether we did or not. I understand from one of the media reports that Ms. Sherman did draft a note about the process issues around an investigation. I read that in one of the media reports.

**Mrs. Cheryl Gallant:** What options did you provide to the office?

**Mr. Michael Wernick:** I did not provide them. I think Ms. Sherman spoke to somebody, I presume Mr. Marques, in the Prime Minister's Office.

**Mrs. Cheryl Gallant:** Why would the chief of staff of the Prime Minister go to the Clerk of the Privy Council instead of the national security adviser?

**Mr. Michael Wernick:** I'm sorry. I don't understand.

**Mrs. Cheryl Gallant:** Why would the chief of staff, Elder Marques, go to—

**Mr. Michael Wernick:** No. He was not the chief of staff. He was one of the officers. The chief of staff to the Prime Minister is Katie Telford.

**Mrs. Cheryl Gallant:** Okay. So why would Elder have gone to the clerk, instead of the NSA?

**Mr. Michael Wernick:** That would be because I'm the boss of the Prime Minister's department. That would have been going right to the top and saying, "We have this very serious issue. The minister wants it looked into. What's the best way to proceed?"

**Mrs. Cheryl Gallant:** So then it would have been up to you as to whether or not the NSA was asked to look into the matter.

**Mr. Michael Wernick:** At that time, I decided this was a matter of GIC conduct. I gave the task to Ms. Sherman.

**Mrs. Cheryl Gallant:** To go to the issue of pay, would an order in council for a pay raise for a chief of the defence staff typically be signed by the Minister of National Defence?

**Mr. Michael Wernick:** The economic increases wouldn't have been a matter for Minister Sajjan to get involved in. As I said, all GICs—and there are 160 full-time GIC appointments and about 1,000 part-timers—got an economic increase, a pay raise, in the spring of 2019. It was held for three years because Minister Brison at Treasury Board didn't want to process salary increases for people at the top of the government while the Phoenix pay system was still broken.

There was a three-year catch-up and a resetting of salary bands that rippled through all GIC appointments in the spring of 2019. That's the order in council you would have seen.

**Mrs. Cheryl Gallant:** If an order in council for a pay raise passes with the Prime Minister's Office being cited as the authorizing department, does that require the Prime Minister's signature?

**Mr. Michael Wernick:** We would have needed some written version of agreement to that. Executive orders are authorized or recommended by ministers.

**Mrs. Cheryl Gallant:** At the end of your tenure as clerk, what day of the week were cabinet meetings typically held?

**Mr. Michael Wernick:** During the time I was there, cabinet meetings were typically Tuesday morning in the weeks that the House was sitting, and not during House breaks.

**Mrs. Cheryl Gallant:** Does the presence of a few dozen orders in council adopted in one day indicate that a cabinet meeting took place on that particular day, or that a particular order in council was walked around?

**Mr. Michael Wernick:** No. Not all orders in council executive orders go before cabinet. Many do, but a large number of them actually go to Treasury Board. Treasury Board has delegated authority to make all kinds of executive orders, orders in council. It's a large part of the Treasury Board agenda as well. There are some that would go to the Prime Minister for approval. Then they would get processed, basically.

They all end up on the desk of the Governor General.

• (1530)

**Mrs. Cheryl Gallant:** Does the Prime Minister receive briefing notes on the orders in council?

**Mr. Michael Wernick:** They are usually batched.

**Mrs. Cheryl Gallant:** If the Prime Minister's Office was the responsible office for an order in council, what would that mean in terms of briefing notes received by the Prime Minister and the likelihood of the Prime Minister's signature on such an order in council?

**Mr. Michael Wernick:** In general terms there would be a cover note with a recommendation to the Prime Minister saying, here's a batch of orders in council or a specific order in council that you need to take a decision on.

The Prime Minister has a particular role in appointments and a particular role in changes to the machinery of government—the pulling apart and and putting back together of government organizations.

Typically there would be a note from PCO giving a recommendation or options and asking for his agreement, and these would usually come back from the Prime Minister with an initial okay or some kind of indication, or they would sit for a while before they came back.

There is a document management system that logs every single note the PCO sends to the Prime Minister and every one that comes back.

**Mrs. Cheryl Gallant:** Who in the PMO—

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

[*Translation*]

Mr. Robillard, you have the floor.

**Mr. Yves Robillard:** Mr. Wernick, you referred earlier to the 36 recommendations made in Great Britain to address the sexual misconduct issue.

Could you name one recommendation in particular that would help us encourage victims to testify?

**Mr. Michael Wernick:** I don't have all the information on hand. However, I think that the Wigston report raises the same issue that Mr. Lick brought up about trusting the process and changing the culture around accepting behaviour that has become normal in the military.

**Mr. Yves Robillard:** Thank you.

Mr. Wernick, what do you think about the idea of an independent office that would report directly to Parliament, an idea gaining momentum in the defence community?

**Mr. Michael Wernick:** It's a good idea, but it's not necessarily the answer.

There are about a dozen officers of Parliament: the Auditor General, the Information Commissioner, the Commissioner of Official Languages, and so on. A range of agencies help Parliament to monitor the executive branch, that is, the government. One more can certainly be added. It doesn't guarantee success, but it could be a way to go.

I agree that we need a stand-alone, independent agency.

**Mr. Yves Robillard:** If you want, I would like to give you a little more time to tell us about any other method that would have helped you get to the bottom of the investigation of General Vance. Otherwise, I invite you to expand on one of your previous responses.

By the way, I congratulate you on your impeccable French.

**Mr. Michael Wernick:** Thank you. That's quite a compliment because, since I retired, I have rarely used the language of Molière.

I don't have a specific recommendation. If you want, I can speak to this again and give you my advice when the government has introduced legislation. The Wigston report may be a model for Parliament and the government to follow.

My interpretation of what happened is that things turned into a vicious circle. When you write your report, it will be up to you to decide whether you agree with me or not. Minister Sajjan had other options, Mr. Walbourne had other options and I had other options too, but what happened happened. In the end, we were at an impasse because the source was anonymous and the person who filed the complaint did not give us permission to proceed.

In my opinion, it was really the system as a whole that created the situation.

• (1535)

[*English*]

I think there were options for Minister Sajjan to do things differently. I think there were options for Mr. Walbourne to do things differently, and I can see there may have been options for the Privy Council Office to do things differently that would have created different timelines.

The sum total of what happened created an impasse and we couldn't move that forward. I regret that.

[*Translation*]

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

[*English*]

If you have finished, Mr. Robillard, we will go to Mr. Benzen.

**Mr. Bob Benzen:** Thank you, Chair, and thank you to both witnesses for being here today.

Mr. Wernick, you're there to advise the Prime Minister and keep him informed of what's going on. There is this sexual harassment allegation and it comes to a standstill, but I'm concerned that you know it's there. What were you thinking in terms of our foreign adversaries? What were you thinking about other countries in the world and how they may find out about this and use this to compromise our top soldier? What were your thoughts on that?

**Mr. Michael Wernick:** You're suggesting that foreign countries would have hacked into the office of the ombudsman?

**Mr. Bob Benzen:** No. I'm saying that these allegations were widely known...not this particular one, but there were allegations going around and this is something that would have potentially been known by other countries. You have your number one soldier here in this very awkward position. Did that not cross your mind?

You said we had come to an impasse and we couldn't go forward, but knowing that there was an impasse and you had this number one soldier.... This is not an ordinary soldier that we could just let this go by. You have to get this one solved. You have to get this investigated.

I'm worried about how you thought about that angle—being compromised in terms of national security—and why you let the impasse happen and did not push forward and say we have to get this solved.

**Mr. Michael Wernick:** Well, I think you'll have to suggest in your report what the alternative solution was. As I said, there was no complainant to interview; there were no witnesses to interview, and it would have been improper to confront the general at the time. I was not aware of the specifics of the allegation. I became aware of them this year. This was also the case for the allegations against Admiral McDonald and Vice-Admiral Edmundson.

**Mr. Bob Benzen:** I understand you weren't aware of them, but nonetheless there are these allegations out there.

How about looking at it from this angle? Here is your number one soldier, who is in charge of Operation Honour to get rid of sexual misconduct and harassment in the armed forces, and he's the one who has the accusation against him. Wasn't it, again, from a perception point of view in terms of advising the Prime Minister, something where you would say, "This just can't be out there. We have to get this resolved and we need to move beyond this"?

Where was the urgency in your thinking in terms of moving forward on this and solving these problems?

**Mr. Michael Wernick:** We did not close the file. We were open to proceeding further, had other information come in. I was hoping that other information might come in that might open up other avenues. I concede that it dropped off the radar in the spring of 2018 and it didn't have a sense of urgency at the time. There were other issues going on in the senior ranks of the military that got in the way of the line of sight on this issue. I did lose the line of sight on this issue. I concede that.

**Mr. Bob Benzen:** Did you ever write a report suggesting a way for the Prime Minister to appoint a new CDS to shorten the term of General Vance?

**Mr. Michael Wernick:** As I said, the performance review note that went in early July—there's no reason the Privy Council Office can't confirm the date it was sent, but my recollection is it would have been early July 2018—raised two issues with the Prime Minister. One was a recommendation of the performance rating for the 2017-18 year and some of the rationale for it. The bulk of the note was about the issue of when there should be a change of command. That's the note that went in early July. It didn't come back from the Prime Minister's Office until well into 2019.

• (1540)

**Mr. Bob Benzen:** When you talked to the defence minister in your meetings—you had the ones at the end of the fall, and I think you said you had one in May—

**Mr. Michael Wernick:** I'm sorry. They were in May and June.

**Mr. Bob Benzen:** Was that part of your discussions? Did you discuss General Vance's tenure and maybe shortening it and getting a replacement in?

**Mr. Michael Wernick:** Yes. I was not going to make up my own recommendations on the performance rating, or on the term of office and when the change of command should take place, out of thin air, though I was going to the Minister of National Defence and the deputy minister of national defence as my primary sources of input on those.

There were other issues relevant to the performance rating, if I can just quickly run through them. This would have been for the 2017-18 performance cycle, so the things that were in our line of sight were that that was the first year of implementation of the new defence policy, which was released in June 2017, and the investments that went with that. There was a relaunching of the process for the acquisition of fighter jets, after a long pause. There was the deployment to Mali. There was the fact that Canada had taken up leadership and had been asked to take up leadership of the NATO training mission in Iraq. There was very good work done on closing the seam with Veterans Affairs; for the first time in many years, the CAF and the vets department were working together nicely. There had been the settlement on the apology to LGBTQ military and the \$100-million settlement that had been reached that year, and frankly, we were giving him credit for Operation Honour and for work on mental health and workplace issues. There were a lot of positives going into that year.

I did raise with the minister some concerns about the turnover of senior staff, because at that point there had been a major shuffle of senior officers on March 2. By coincidence, Friday, March 2 was the date that the list of promotions and retirements came out. It was quite a shake-up. I think there's a CBC news article on that.

Then, on March 9, Admiral Norman was put up on criminal charges by the RCMP, causing another shuffle. Then there was another shuffle in the spring, so I essentially asked the minister, what's going on? That was a factor.

General Vance's ambition for the NATO job was relevant. I wanted the minister's take on whether that was realistic or not. Was he actually a contender for this, or was this far-fetched? The minister's view, if I remember it, was yes, he would be taken seriously as a candidate for the job.

Then there was the issue of keeping good relations with the U.S. military in 2018, with a very erratic commander-in-chief in the White House. General Vance had excellent relations with the U.S. military. These were all in the swirl of issues, and I concede that we lost sight of the misconduct issues. I do not recall his raising it with me, and I do not recall raising it with him.

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

Mr. Spengemann, please.

**Mr. Sven Spengemann:** Madam Chair, thank you very much.



Mr. Wernick, thanks very much for being with us today. I'd like to thank you for your past service. Prior to being elected, I had the opportunity to serve in PCO for a brief stint between 2003 and 2005, and I think we actually overlapped at that time.

I wanted to take you back to a fairly general question. I don't know if you can sketch this in a cogent way, but within the civil service broadly, how are sexual misconduct and harassment allegations handled and addressed? Are there common elements across various branches of the civil service with respect to these kinds of behaviours?

**Mr. Michael Wernick:** I will get out of my depth in providing the details, and I think you could get those from Ms. Sherman or from the Treasury Board, but there is a fairly formal and structured process dealing with harassment and discrimination and conduct issues. The obligations of organizations are very clear, and there are recourse processes. It also gets tied up with collective bargaining and the right of people to use grievances and their unions to represent them in these matters, and so on.

We also used in-depth annual surveys of the public service and a lot of questions about harassment and discrimination to try to identify hot spots and even zero in on managers who might be a problem and so on. I certainly don't think it was perfect or that we did as much as we could have, but we made progress on it.

#MeToo came along in the winter of 2017, and we had a serious examination about what was going on in the civilian public service. There were task teams. In fact, Ms. Sherman led a task team on that and reported to me. Ms. Thomas was very involved as a senior deputy and so on, so we did deal with that.

It gives me an opportunity to put on the record that one of the things we did as a result of #MeToo and that process of looking at ourselves is that we changed the process for Governor in Council performance pay. If you look at the website, you'll see that the policy was last updated in April 2018. That is, in fact, the main change we made: that performance pay is now revokable and recoverable in cases of gross mismanagement and gross misconduct. It wasn't before, and people could get away from situations by retiring or leaving. They can't do that anymore.

• (1545)

**Mr. Sven Spengemann:** That's helpful. Thank you very much.

Is it fair to say that the rights, preferences and interests of the complainant are central in every respect in terms of how these cases are being handled?

**Mr. Michael Wernick:** Yes. It's a huge issue, and there's no easy solution to this.

Again, I go back and completely agree with Mr. Lick. At the end of the day, you can create formal structures, processes and accountabilities; if you don't have trust in them, people won't use them. Rideau Hall is the best example of that.

**Mr. Sven Spengemann:** Thank you, Mr. Wernick.

You've been at helm of change management in the civil service at the highest level in our country. I'm really grateful for the testimony you gave with respect to comparative experiences, including on the

Wigston report and other jurisdictions. It's fair to assume that if it's a problem here, it's a problem elsewhere.

In your assessment of those initiatives, is there a country at the moment that has gotten this right and overcome a negative culture and made the changes you were alluding to in a more permanent sense? Are most countries still at the investigative reporting phase and grappling with the issue?

**Mr. Michael Wernick:** I don't know that I'm qualified to give an opinion on that. I have done some surfing and browsing over the last few weeks on the issue. What strikes me is that every country that has a military is grappling with how to align it with 21st century values about conduct, particularly about the role of women in the forces.

Nobody seems to be happy. You can go and look at the U.K., France, the United States, Germany, Israel or India, all of which are wrestling with this issue. At the end of the day, I think we will have to find a unique, made-in-Canada way forward.

**Mr. Sven Spengemann:** Thank you for that.

You mentioned earlier in testimony that legislation itself is insufficient. What are a couple of other key elements and in what sequence do they have to be rolled out to be successful?

**Mr. Michael Wernick:** I'm not sure there's a right launch sequence. I'd have to think about that some more, but I think the culture change and engagement is a big part of it. Trust isn't built overnight. It can be lost overnight, but it's built over years by walking the talk. I think it goes into the training. It's what happens in the military schools. There are many aspects to moving a large complex organization, particularly one that is a command-and-control organization. It's very striking that the RCMP and the military share this affliction.

**Mr. Sven Spengemann:** Thank you, Mr. Wernick.

Thanks, Madam Chair.

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

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

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

Mr. Wernick, I found your entire testimony very intriguing. You stated that the complainant did not have faith in the process and that, because the ombudsman would not provide further details to the Privy Council Office, things became stuck. I understand that perspective and that story.

However, on the other hand, an investigation into similar types of allegations against the same general was conducted in 2015. Did it not occur to you at that time to reopen those files to see if something didn't seem right, given that it persisted over time? This is like a ball and chain, or a noise you can't get rid of.

It seems to me that it is a fairly telling clue.

**Mr. Michael Wernick:** Yes. What I can say is that I had no knowledge of the 2015 allegations. I accepted the fact that the general had gone through a selection process and had been appointed, and I did not reopen the 2015 files.

**Mr. Xavier Barsalou-Duval:** Were those close to the defence minister aware of that past history?

**Mr. Michael Wernick:** I can't tell you, because I don't know.

• (1550)

**Mr. Xavier Barsalou-Duval:** In a process like that, shouldn't it be a reflex to find out if there is any history?

**Mr. Michael Wernick:** You need to ask the Minister or Deputy Minister of National Defence that question. I was never aware of any allegations, past or present, against the general.

**Mr. Xavier Barsalou-Duval:** When there are allegations of inappropriate behaviour by a senior military officer, such as the Chief of Defence Staff, whether they are criminal in nature or not, who is ultimately responsible for their actions?

People often say it's the Privy Council Office. The Minister has stated many times that he sent the information to them.

Is the Privy Council Office or the minister responsible for that?

**Mr. Michael Wernick:** I'm not sure what the answer is. I believe you would have to ask a lawyer.

As I understand it, the Privy Council Office still has an obligation to do an initial screening, a review of the facts, and to decide what procedures to follow afterwards. As someone suggested, it may be to call in the national security advisor. If early indications suggest the possibility of criminal activity, the Royal Canadian Mounted Police are called right away.

**Mr. Xavier Barsalou-Duval:** Wasn't consideration given to contacting the Canadian Forces National Investigation Service, for example, which had conducted an investigation in 2015?

I know you may not have been aware of what had happened before, as you said, but it might have been a good idea to call the people there to see if they had any files.

**Mr. Michael Wernick:** As I understood it at the time, the ombudsman was responsible for the case.

[English]

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

We go now to Mr. Garrison. Go ahead, please.

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

I want to go back to Mr. Wernick, about personnel changes at senior levels in the Canadian military. I think the distinction between what this committee is doing and a broader study is that we set out to discover why no action was taken when there were serious allegations against General Vance, and how he remained in office for three years.

That really is a way of getting at this question of confidence that the senior leadership understands and will respond to allegations of sexual misconduct. With all the changes that were taking place, it seems curious to me, especially in view of the government's professed feminism and in view of the #MeToo movement, that wom-

en were not moved into senior command positions in the Canadian military between 2015 and 2021. Was that a part of the discussions you would have had with the minister or discussions you would have had with the Prime Minister's Office?

**Mr. Michael Wernick:** No. I did not get involved in any discussions about specific appointments below the level of CDS.

**Mr. Randall Garrison:** No one raised this as an issue of concern? If you're going to confront sexual misconduct, as all studies will show, there needs to be a critical mass of women in decision-making positions in order to change the culture of an organization.

This wasn't part of the discussion?

**Mr. Michael Wernick:** I think in the background at all times when I was the Clerk was an effort to get to greater gender parity right across the range of appointments and communities within the reach of the federal government. It was always an issue or a driver to see if we could bend the curve, to use a phrase, towards greater gender parity.

However, specific recommendations regarding who to put into what position always come from a minister. In the case of diplomats, they come from the foreign affairs minister. In the case of judges, they come from the justice minister. In the case of military staff, they come from the Minister of Defence.

**Mr. Randall Garrison:** Making progress on having women in higher ranks and reaching a critical mass would have been the responsibility of the Minister of Defence. I think you just said that clearly. Am I—

**Mr. Michael Wernick:** It would have been the collective responsibility of the minister, supported by the CDS and the deputy minister, yes.

**Mr. Randall Garrison:** You wouldn't have any way of knowing whether those discussions around this question took place between the minister, the chief of the defence staff and the deputy minister.

**Mr. Michael Wernick:** No, and the Prime Minister's Office would not get involved in internal discussions around military staffing.

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

We go now to Mr. Bezan. Go ahead, please.

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

Mr. Wernick, I appreciate that you are expressing regret for what has transpired since 2018, and what's come to light in the last few months.

Can you just list all the people you talked to about the allegations against General Vance when you were still in office in 2018?

• (1555)

**Mr. Michael Wernick:** As far as I can recall, those would have been Janine Sherman and my initial outreach from Elder Marques. I do not recall looping back to Elder. It's possible that I did—you'd have to ask him—but I don't recall a follow-up of that.

I think we reported back in March that we had reached an impasse and we had left the file open. There is a note somewhere about the processes that were followed. I don't know offhand the date of that. It would have been in the spring of 2018. We had moved on by May or June to the other issues about tenure and turnover and change of command, and the overall state of the senior ranks.

**Mr. James Bezan:** The deputy minister of national defence would report to you. Would you not have had this conversation with Jody Thomas?

**Mr. Michael Wernick:** I remember having a conversation with Jody in the context of this overall performance review about turnover, about the ripple effects of Admiral Norman being in front of criminal charges, and about whether General Vance was a contender for the NATO job and what did she think about that. It was part of a swirl of issues around the state of the military.

I had a level of concern about what was going on in the military, but I was leaving it to the deputy, the minister and the chief of the defence staff at that point. I did not get deeply involved in it at the time.

**Mr. James Bezan:** Now, Minister Sajjan said earlier today that he had an annual 15-minute telephone call with you to go over the performance review of the chief of the defence staff, but that it would also include discussions around the deputy minister. Would that be a proper way of making these tough decisions on looking at a performance review—just a 15-minute phone call—or was something done in more detail?

**Mr. Michael Wernick:** I can't swear to the length of the call. I don't have my calendars in front of me. They generally went as long as the minister wanted to talk. Sometimes they were short. Sometimes they'd go on for nearly an hour and try to get input on the deputy minister, any.... It would depend on the portfolio, if that's helpful. If there were a lot of Crown corporation heads or there were associate deputy ministers, if there were other bodies, it was always a question of, "Do you have any views on any of these people that you want to share with us?", and so on.

**Mr. James Bezan:** Minister Sajjan never flagged with you again that there was this outstanding sexual misconduct allegation. The 2017-18 period ended March 31, and of course during March 2018 you guys were in the middle of looking into the allegations.

**Mr. Michael Wernick:** I can only speak to the 2017-18 cycle and the conversations in the spring of 2018. I did not raise the conduct issues, and he did not. I concede that I could have raised the issues with the minister, but the minister could have raised them with me. We did not. We talked about other issues. It probably was a hurried telephone conversation.

I remember that there was a second one in June, and we reached a conclusion that there was an issue. I had also had representations by one of the former generals—I think, actually, a former CDS—who was saying at the time, in the wake of the Norman charges and

the accelerating rate of retirements and turnover, that he was worried. He had heard a rumour—and I'm sorry to pass on a rumour—that General Vance had told colleagues he was going to stay until 2022 or the NATO job came through, whichever came first. That was seven years, and he was quite alarmed by that. I was alert to the issue of when the change of command should take place, but I did lose sight of the conduct issue.

**Mr. James Bezan:** You were talking earlier about the line of sight and all the things that you're crediting General Vance for. Did the allegations against Vice-Admiral Mark Norman play into that line of sight as well? We know he was charged on March 8, 2018.

**Mr. Michael Wernick:** Yes. Admiral Norman was charged by the RCMP, acting independently, and the director of public prosecutions, acting independently. Where it's relevant, I guess, is that it destabilized the senior ranks. To have the vice chief facing criminal charges is a very unsettling thing, as you'll remember, and it led to a cascade of dominoes and to further changes in the senior ranks. There was a wave of.... They had just done a major set of appointments and retirements on March 2. Then Norman was charged and they did another set of appointments and retirements, I think in April or May. The cumulative picture is that of an organization that is very unsettled at the top.

• (1600)

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

We will go on to Madam Vandenbeld, please.

**Ms. Anita Vandenbeld:** Thank you very much.

I'd like to begin by correcting some of the things that have been raised during the course of this committee meeting by some of the members of the committee.

First of all, with regard to female general officers, from 2015 up until now, in fact, in 2015 there were six women at the level of general or higher. Now there are 15. That should answer the question in terms of promotion of women.

The other thing I'm very concerned about is this. We've heard now from multiple members of this committee that there were allegations against General Vance that were widely known. I think we should go to the testimony that in 2018, as everyone who has testified has said, they were not aware of other allegations. The only people who were aware of allegations as far back as 2015 were Mr. O'Toole and his chief of staff. I think we have to be careful, because if the opposition members are aware of multiple allegations, we know there is an ongoing investigation, so I very much hope that anybody aware of any other allegations will bring those to the proper authorities so that they can be part of the current ongoing investigation.

Having said that, I would like to go to Mr. Wernick for, again, some clarifications.

Mr. Wernick, we've heard certain things in the course of this meeting and previous meetings from members of this committee. We heard members refer to how in 2018 there were substantiated claims of sexual misconduct, and how the government, the minister and PCO took no action, treated them as a hot potato or disregarded them. In some cases, there were innuendoes, but those were deliberately put aside. Would you, Mr. Wernick, say that is an accurate portrayal of what happened in 2018?

**Mr. Michael Wernick:** I'd just repeat what I said today. We did take carriage of the file on March 2. Within 24 hours of Mr. Walbourne's going to see the minister, we had taken carriage of the file and reached out to Mr. Walbourne to see what we could find out. We reached an impasse in mid-March and were unable to proceed further.

**Ms. Anita Vandenberg:** Mr. Wernick, do you think it was an appropriate action for the minister, immediately following his meeting with Mr. Walbourne, to take this to your office, to the PCO?

**Mr. Michael Wernick:** I think he had the alternative of accepting the envelope and immediately giving it to somebody to send over to us. He could have acted as the courier and said, "Okay, I'll take it from you, but I'm sending it to PCO."

I think Mr. Walbourne could have found some redacted version of the information to give to us that might, hypothetically, have given us more to go on.

**Ms. Anita Vandenberg:** Do you think the outcome would have been any different, given that in her testimony Ms. Sherman said that she asked Mr. Walbourne to give de-identified information, information about the nature of the allegations, even if it was not the name of the individual, and Mr. Walbourne, according to Ms. Sherman's testimony, was unwilling or unable to give that information? Would we still have been, then, at exactly the same impasse?

**Mr. Michael Wernick:** It's impossible to know what the details of that alternative timeline would be.

I don't want to sound critical of Mr. Walbourne. I think he was acting in good faith according to his understanding of how the system should work, but so was Ms. Sherman.

**Ms. Anita Vandenberg:** Do you believe that if Mr. Walbourne had come back and perhaps had gone back to the individual who had complained and got her permission to move forward, or even told her that the PCO wanted to start an investigation—there's no evidence at this point that he did so—and if there were actually more information...? If the person were willing to come forward or there was a willingness to provide more details about it, even if not the name, would you, would PCO, would your office, then, have pursued that?

**Mr. Michael Wernick:** I think there is at least some threshold such that if we had had more information, we could have pursued it further. It's not an easy case when you have a single incident between a single person and... There are not going to be a lot of witnesses. There's not going to be a lot of corroboration. This is the really difficult part with issues around sexual conduct, or any form of conduct or bullying or harassment. If you don't have corroboration by witnesses, it comes down to he-said-she-said and so on. Getting to the bottom of it is not an easy thing to do. That's why having professional, trained investigative bodies is a good idea.

• (1605)

**Ms. Anita Vandenberg:** I think what we're seeing here is that it is a systemic problem, and you said that earlier in your testimony. Really what we're talking about is that the processes in place and the environment that women or men are in, in terms of how well they feel they can come forward, need to be fixed.

Would you ultimately say that what happened here or what went wrong here is actually indicative of a more systemic problem rather than individual behaviours by any individual person?

**Mr. Michael Wernick:** I don't want to diminish the seriousness of any individual behaviour, particularly of somebody who is in a position of trust and leadership responsibility. Conduct and behaviour at the top matter a great deal. I'm not trying to deflect from the seriousness of the issue and why this committee would want to be looking at it and how this was responded to.

I think collectively the system failed. It let down the complainant and let down the women and men of the armed forces. I deeply regret that. In fact, I would like to apologize to them if my decisions, or decisions not to do something, prolonged this. I sincerely apologize to the men and women of the forces for that.

On the other side of the ledger, if the committee wants to argue that suspending or firing General Vance in the summer of 2018 would have made everything right, I don't think Canadians would believe that either.

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

Next is Madam Alleslev.

**Ms. Leona Alleslev:** Thank you very much, Madam Chair.

Thank you very much, Mr. Wernick, for your apology, but ultimately, if I understand this correctly, ensuring that the military has a chief of the defence staff who is beyond reproach lies with the Minister of National Defence. Was that not your testimony?

**Mr. Michael Wernick:** These positions are chosen by the Prime Minister on the recommendation of the Minister of National Defence, yes.

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

Could we go to the briefing note in which you outlined a path, if I understand you correctly, whereby the chief of the defence staff could be replaced. That was in the June-July 2018 time frame. Is that correct?

**Mr. Michael Wernick:** This was the note that combined the recommended performance rating with the issue of when a change of command should take place.

My recollection of the note is that it must have gone in early July, although that's just out of my memory. The Privy Council Office can easily confirm the date it was sent, because there's a document log.

**Ms. Leona Alleslev:** To whom did that briefing note go?

**Mr. Michael Wernick:** It went to the Prime Minister, but all notes go from the Privy Council Office floor at 80 Wellington Street to the Prime Minister's Office floor at 80 Wellington, so it would have been taken in somewhere in the Prime Minister's Office. They do the triage and sorting of what note goes to the Prime Minister when.

**Ms. Leona Alleslev:** Did it also go to the Minister of National Defence?

**Mr. Michael Wernick:** No. A note to the Prime Minister is not shared with ministers. It's between PCO and the minister.

**Ms. Leona Alleslev:** The input he gave to you would have been included in that note.

**Mr. Michael Wernick:** Yes, it would have, but in our words. Senior PCO personnel collate, collect, compile and put together a note with recommendations on performance ratings. I remember sending batches of two, three or four notes per year with different categories of recommendations. They would pass through the Prime Minister's Office on their way to the Prime Minister and, ultimately, the PMO staff are the triage and gatekeepers as to what goes in the Prime Minister's briefcase every night when they get those.

**Ms. Leona Alleslev:** This would have been approximately three months after the allegations of General Vance's misconduct came to your attention?

**Mr. Michael Wernick:** Yes. The general nature of the issue came to our attention in March. The performance discussions were in May and June, and I sent that note in, I believe, the first 10 days of July.

**Ms. Leona Alleslev:** Would the performance conversation have included a conversation around at-risk pay as well?

**Mr. Michael Wernick:** That's what the consequence is, not the input. What happens is that people get two kinds of pay. The economic increase is your basic salary and adjustments for inflation. Those are largely set by collective bargaining, which the government then matches for judges and other categories. Roughly, whatever the unions got, GICs get. That's decided by Treasury Board.

The performance pay is the system that is on the website, and has been for over 10 years, which is the pay at risk, or performance pay. Some people call it a bonus. I would call it a holdback. It's the amount of pay that is affected by the performance rating.

● (1610)

**Ms. Leona Alleslev:** Whose decision would it have been not to proceed with replacing the CDS as a result of that note to the Prime Minister?

**Mr. Michael Wernick:** There was no explicit decision not to act. It was simply that the note sat and sat in the Prime Minister's Office and didn't come back. My recollection is—and Janine could confirm this—that everybody else was getting their economic increase and performance pay by the fall of 2018. General Vance's note, however, was stuck in a siding. I had sent it, but we had not got a response to it, so basically it sat somewhere in the Prime Minister's Office between July of 2018 and early 2019.

I think it was finally.... There would have been a note asking him to unblock the performance pay, at least, and that's—

**Ms. Leona Alleslev:** So unblocking—

**Mr. Michael Wernick:** That's the order in council—if I could just finish the thought. The performance pay cycle was finished after I left, in May 2019. General Vance would have got a reset on his salary and a cheque for the performance pay for that year.

**Ms. Leona Alleslev:** Therefore, the performance pay would have been paid out while unresolved allegations of misconduct remained.

**Mr. Michael Wernick:** Yes, not specific allegations, but there was an open bracket about—

**Ms. Leona Alleslev:** There was an open bracket of unresolved allegations around his conduct despite this performance pay.

**Mr. Michael Wernick:** Yes, performance pay was given that year, the 2017-18 year, based on all the other factors, which I mentioned in an answer a little while ago.

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

Mr. Lick, could I ask if you could table your testimony to the status of women committee? Thank you.

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

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

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

Mr. Wernick, you mentioned in a couple of your other responses that you could elaborate more fully on a couple of items. Have you had a chance to do that, or could you do that?

**Mr. Michael Wernick:** I think I have covered them. You'd tell me if I'd missed any, in some ways. For the 2017-18 performance rating cycle, I've clarified when those conversations took place, and I gave you some sense of all the other factors that would have gone into the performance rating that year. I think that was a fair description.

I spoke to Minister Sajjan in May and June, and apart from the general issue of performance rating, what came up—the gist of the conversations as I recall them—was really about turnover and instability in the senior ranks of the military. When should the change of command take place, and was General Vance a serious runner for the NATO job? That was the bulk of the conversation I had with him.

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

As Mr. Lick advised—and I agree that we should get on with dealing with the major structural problems—independence and culture change are two of the biggest ones, probably, as mentioned by other witnesses as well. I'm delighted that Mr. Lick, with that attitude, is in his position and can help and encourage us to move on and get these changes done.

You mentioned the possibility, Mr. Wernick, of making these changes in a bill, but said a bill would not be enough. Could you outline again what would be in a bill to address independence and culture change, and what other items could be included? Those are the two major problems that the victims and the experts in the field who have dealt with victims have told us.

What would be in a bill to change those two major items—culture change and independence—and what could be done outside the bill, especially from your knowledge, because you might have heard from other countries about these important changes that many women in the military would benefit greatly from?

**Mr. Michael Wernick:** You may be pulling me out of my depth, but I think the core would be a reset on the legislative framework, and it would take a bill to do that. There would be a whole set of administrative practices within the Department of National Defence and within the Canadian military.

There is a link that I would draw out, which is that it's not unrelated to the military justice system, because at some point you're committing offences against military law. There's a debate to be had as to whether these issues of conduct should be handled through military law or civilian law. Different countries have come up with different answers to that.

From what I found in my Google searches, there's a review of the military justice system under way, led by Mr. Justice Fish, a retired judge, and he's going to give the government advice on the military justice system. I think it would be really important to work through the boundaries and the fence posts between the military justice system and whatever recourse system you're building, which would be focused on non-criminal conduct issues. It would be really important.

From other issues that have come up, there are features that you will have to pronounce on, as the people who make laws. Do you want to continue that guarantee of confidentiality? How can you assure it? How much discretion do you want to give people? Is it "shall" conduct an investigation or "may" conduct an investigation, because these words matter, and whose decision is it at the end of the day? There are design principles in here.

What I have found—and I don't mean this to sound snarky—is that we have about 14 officers of Parliament, and there are problems of fence posts and swim lanes, where they seem to cross into each other's lanes sometimes, between a human rights complaint, a Public Service Commission complaint, a whistle-blower complaint or an integrity complaint. Drawing the boundaries and the fence posts with other processes is probably the most important thing to get right here, so that there's a nice clean line of sight for people to come forward and for consequences to occur. It's a design of machinery of government issue. I know it sounds terribly bureaucratic, but you probably only get one shot at getting it right.

There are other reports to draw on. You can go back as far as the Somalia report. I read that it recommended an independent inspection general function, so where does that fit into all of this?

It's not an easy problem. I'm not going to suggest exactly how to do it. It might be a good idea for this committee and the status of

women committee to have a joint meeting and work on the problem.

• (1615)

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

[Translation]

Mr. Barsalou-Duval, you have the floor.

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

Mr. Wernick, earlier I asked you if you were aware of the allegations against Mr. Vance when he was first appointed in 2015. You told me that you were not really aware of them. That makes me wonder a little.

If I'm not mistaken, Mr. Vance was initially appointed by the Privy Council Office. As far as I know, the first investigation, which took place in 2015 and involved rumours of an inappropriate relationship and so forth, was conducted as part of his appointment. So it was a pre-appointment check.

Often, when you appoint someone to any position, you check their record and other documents, and if you find any questionable evidence, you make sure that it's not an issue.

Did the Privy Council Office lose those documents, those records, or am I misunderstanding how this works?

**Mr. Michael Wernick:** I don't believe I can really give you a full answer. I was not the clerk at that time. I was appointed in January 2016, so I was not involved in the process of selecting or appointing General Vance. The previous government, Prime Minister Harper's government, was in power, and my predecessor Ms. Charette was the clerk. I myself was never aware of any allegations or processes that had taken place previously.

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

Mr. Lick, since you report directly to the defence minister, do you feel that you can sometimes be put in a conflict situation?

• (1620)

[English]

**Mr. Gregory Lick:** I certainly think from my perspective it doesn't put me in a conflict of interest position. However, I think what we're seeing now with the—

[Translation]

**Mr. Xavier Barsalou-Duval:** I'm sorry to interrupt you, I wasn't talking about conflicts of interest.

Could it lead you to take positions that are in conflict with the minister's, which could limit your scope of action?

[English]

**Mr. Gregory Lick:** No. In essence, one of my roles within my mandate is as a special advisor to the minister. My role is to provide the minister with honest, open and transparent advice, and particularly honest advice. If it's conflicting with his views, that's not my consideration. My consideration is to provide open and honest advice. It shouldn't and doesn't affect what actions I might take.

**The Chair:** Thank you.

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

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

I just want to respond to a comment from the parliamentary secretary about the question of whether sexual misconduct by General Vance was widely known and where that comes from.

I refer once again to a Global News Mercedes Stephenson interview with Major Brennan on February 21, 2021, in which Mercedes Stephenson asked Major Brennan whether senior military leaders knew about Vance's inappropriate relationship with her as a subordinate. Major Kellie Brennan responded, and I quote, "I know because I've told them."

It's very clear that many people believed that the sexual misconduct allegations were widely known.

Now, as we're running short of time today, I just want to return to what I think is some very important testimony from Mr. Wernick, in which he talked about other things that could have been done. He talked about the fact that the minister could have taken the envelope and passed it on to PCO. He talked about the ombudsman having an option to further redact information and pass it on to PCO.

He maybe got cut off a bit short. Are there other things he would have suggested that PCO could have done at this time?

**Mr. Michael Wernick:** I think there are other timelines that PCO could have pursued had we acquired more information at some point in the process, after March. We did not forever close the file. Had other information come in, we would have sat down and tried to figure out a process going forward, and I think people have come to this committee and suggested other routes.

**Mr. Randall Garrison:** The last thing I'm going to return to is the question of tenure. It's hard not to refer to it as extending General Vance, but you've been very clear that a choice was presented to the Prime Minister about when the change of command should take place—whether it was before or after the election, essentially—and that's quite understandable in those terms.

Would the Prime Minister have consulted the Minister of Defence on that question of the timing of the change of command, or was that merely between the Privy Council Office—yourself—and the Prime Minister?

**Mr. Michael Wernick:** I don't know about other conversations. The Prime Minister and the minister would see each other every week at cabinet, and every week at the Liberal caucus they would run across each other, so I cannot vouch for conversations I wasn't part of. He may or may not have asked the minister about tenure of office.

**Mr. Randall Garrison:** I'm just asking whether that would have been a normal thing to have happen with GIC appointments. Normally, would ministers and the Prime Minister talk about that, or would the conversation be between you and the Prime Minister exclusively?

**Mr. Michael Wernick:** Well, it's a bit hypothetical. What I remember of the note was that it was extremely clear. There was basically a four-year option and a five-year option. The issue of whether his candidacy for NATO was a factor is in the note he re-

ceived. I don't know when that note actually made its way to the Prime Minister's desk.

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

Madame Gallant is next, please.

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

Mr. Lick, your office produced a legal analysis of the events that transpired in 2018 when former ombudsman Gary Walbourne informed Minister Sajjan of an allegation against General Vance. Why was the analysis done?

**Mr. Gregory Lick:** The analysis was done for me, so that I could understand what options may have been available during that particular process. You have to remember that I was not there during those meetings and therefore I was not aware of any of the conversations, nor was my office.

After what we first heard about in the news, in the media, I wanted to understand what particular options would be available and whether there were options that my predecessor could have taken—that type of thing.

• (1625)

**Mrs. Cheryl Gallant:** It also compared Minister Sajjan's testimony to the legal framework that Mr. Walbourne was operating under. Can you reiterate for the committee whether you believe Mr. Walbourne acted appropriately with the evidence he held by approaching Minister Sajjan with it?

**Mr. Gregory Lick:** Certainly in this particular case, as we have heard in the media—and I'll go with that particular assumption—the complainant wanted to seek protection from reprisals, and I think allowed my predecessor to go forward to the minister to say, "Look, we have this particular issue and these are the types of allegations." In that particular case, we have to remember that any advancement of any investigation, whether it goes to one body or another, is controlled by the complainant.

**Mrs. Cheryl Gallant:** The necessity for privacy for an alleged victim is paramount when information is brought to the ombudsman. Did that prevent Minister Sajjan from directing an investigation to begin into the allegation with the information he was given by Mr. Walbourne?

**Mr. Gregory Lick:** In this particular case, the allegation.... It's hard to say what the conversation was with the complainant. I don't have inside knowledge as to what that conversation was, but all I can go on is that my predecessor, Mr. Walbourne, was looking for protection, for "top cover" as he called it, for the complainant, before anything would go forward.

**Mrs. Cheryl Gallant:** Minister Sajjan has repeatedly claimed that he did the right thing by giving the information to the Privy Council Office. Was he right to wash his hands of the allegation after they refused to investigate?

**Mr. Gregory Lick:** All I can say is that the outcome that we saw in the end.... The allegations were not pursued. That is the real issue at heart. Why were they not pursued? It's my belief that the complainant did not have the confidence that anything would be done going forward. That is the problem.

**Mrs. Cheryl Gallant:** Mr. Walbourne testified that there were options the minister could have employed to investigate the allegation, despite not being able to name the alleged victim. Do you agree with this?

**Mr. Gregory Lick:** Yes. I think there were options that could have been pursued, but importantly, the complainant needed some top cover or needed some protection or some confidence to be able to pursue some of those allegations, and that person I think in the end did not receive that, or was not confident, and therefore nothing was done.

**Mrs. Cheryl Gallant:** Were you in Mr. Walbourne's situation, how would you have liked or expected the minister to respond?

**Mr. Gregory Lick:** If I were to ask him.... As my predecessor has said before in testimony, he was looking for top cover, for some protection or some coverage, that “yes, you will not have reprisal”. Even those simple words might have been important in enabling the complainant to pursue some particular avenue. Was PCO the right way to go? Perhaps it was, in terms of its ability to carry out a particular investigation like that. That's one option, but importantly, I think, the complainant, in the end, did not have confidence that an investigation by PCO would have worked very well.

Perhaps if we look at the Governor General's investigation and how that occurred.... It was extremely public. It was very public that PCO contracted out to have it done. There was a result. There was an outcome. Perhaps that would have given the confidence to the individual that it would have been the right way to go, but you can't expect that every member of the Canadian Forces knows what the competency of PCO is in carrying out something like this.

What we owe our members is some external body that can oversee these processes so that they are done fairly and meet the needs of the victim, but also meet the needs of due process as well.

• (1630)

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

We'll go to Mr. Baker, please.

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

Mr. Wernick, I wanted to go back to you quickly on the topic of culture change. It's come up in a lot of your testimony and Mr. Lick's testimony today and in previous meetings.

I used to be a consultant at the Boston Consulting Group once upon a time. If BCG was engaged to work on culture change—and I worked on a number of those projects over the years—one of the things we thought about was what the framework was, what were the categories of things that had to happen, and over what period of time that had to happen, if you will. I'm oversimplifying, but that's the summary of what that would look like and what we would want to produce.

If you were producing this for us—and I realize that this is the “back of the envelope” version of it—what are some of the key cat-

egories or steps that need to be taken, in your view, to change the culture? You've talked about legislation, but not all changes come through legislation.

**Mr. Michael Wernick:** Yes, it's a huge question. I don't think I can entirely do justice to it.

Let me interject a couple of things responding to the exchange with Mr. Lick. Obviously, you have to get things in the right order. The Rideau Hall investigation was in 2020, and was not known or could not have been known or even imagined in 2018 when we were looking at...but it does represent the ability of the PCO to go and do a fact-finder. They're not comparable, as I said, because in the Rideau Hall case, there were multiple complainants and multiple witnesses to interview, which was not the case with General Vance.

I will go back to your question. I spent three years trying to move the culture of the civilian public service, with mixed results. You've dredged up a reminder that in that very month of May 2018, my friend Michael Ferguson, the Auditor General, tabled a report on the pay system, which was quite scathing about the public service and talked about a culture of obedience to ministers. I went to the public accounts committee and sparred with him about the issue and so on.

I'm very aware that changing the culture of a large organization made up of tens of thousands of human beings is not an easy thing and can take time. I think the legislative foundations are important in terms of the incentives and disincentives, consequences and transparency. You have to do a lot of probing and testing of the workplace, through surveys and other mechanisms, to find out the heat map of where the issues are. You have to appoint the right people to the right positions and lead by example. It goes into the training program, the schools, the Royal Military College and so on, so it's a broad and comprehensive thing. Again, I would point to the Wigston report, because it attempts to lay out an architecture for that, and I think you would need that.

In this case, knowing what we know, that the Deschamps report was not enough, that Operation Honour was not enough and that the system seems to have failed this complainant and this issue, we do need to attack the basic software of the legislation here.

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

**The Chair:** I would like to give our thanks to our witnesses for today. It was a very helpful session and I appreciate your sharing your very valuable time with us today.

With that, I'm going to suspend for the transition to the in camera session. I'll see you all back here in 10 minutes.

*[Proceedings continue in camera]*









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