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CANADIAN
ARMED FORCES

Comprehensive Implementation Plan 2023-2028

Canada 

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FOREWORD

Minister of National Defence

Every single day, in Canada and around the world, Department of National Defence (DND) public service employees and Canadian Armed Forces (CAF) members go to work in service of their fellow citizens. As the international rules that keep us all safe come under increased threat, their task is crucial and their ability to respond to global challenges is becoming even more important.

To effectively do their jobs, DND public service employees and CAF members must feel protected, respected, and empowered to serve. In other words, changing the culture at DND/CAF is not just the right thing to do; it is also essential to the readiness and operational effectiveness of our institution.

Understanding the urgency of culture change, we have already made significant progress on implementing recommendations from four external reports:

- The ***Third Independent Review of the National Defence Act***, authored by former Supreme Court Justice Morris Fish (released April 2021);
- The ***Minister's Advisory Panel on Systemic Racism and Discrimination Report***, authored by Major-General E.S. (Ed) Fitch, (Ret'd); Sergeant Aronhia:nens Derek Montour, (Ret'd); Major Sandra Perron, (Ret'd); and HLCol of the Régiment de Hull Captain D.L. (Door) Gibson, MMM, CD (Ret'd) (released January 2022);
- The ***Independent External Comprehensive Review***, authored by former Supreme Court Justice Louise Arbour (released May 2022); and
- The ***National Apology Advisory Committee Report***, authored by Russell Grosse and Lieutenant Colonel Barry Pitcher (released May 2022).

Across the organization at all levels, there has been a tremendous amount of progress in making long-term, sustained improvements to our culture in order to build a truly inclusive institution that can attract, retain, and develop talent from all segments of Canadian society. However, we have more work ahead to implement remaining recommendations from these four reports – and we owe it to Canadians to provide a clear implementation plan.

To that end, I am pleased to release the Comprehensive Implementation Plan (CIP), which provides a detailed roadmap for implementing recommendations that we have received from

four key external reviews, as well as additional conduct and culture change initiatives that will have a direct impact on the lives of DND/CAF members and their families. The focus of these reviews spans a broad range of issues, including misconduct, military justice, and racism. The recommendations offer significant expertise and insights from leading experts on how to improve the organization.

Culture change requires a systemic, sustained, and continuous effort. The CIP will ensure that this work is prioritized and sequenced to ensure maximum progress. This plan will also help to ensure we are being open, transparent, and accountable about our culture change efforts – to our Defence Team personnel and to all Canadians.

We are making steady and deliberate progress, but significant work lies ahead. I am confident the plan sets us on a clear and steady course to success. As Minister, I am committed to making sure this happens.

Individually and collectively, we will transform our institution to better embody our shared professional values and ethos, to reflect the diversity and values of Canadian society, and to ensure that our pursuit of continued operational excellence is underpinned by a culture that respects the dignity of all our members, at all times.



Bill Blair
Minister of National Defence

INTRODUCTION from the Defence Team Leadership

The Department of National Defence and the Canadian Armed Forces (DND/CAF) have made progress enacting meaningful transformation to the institution's culture through policy, programmatic, and regulatory changes. This includes strengthening support for survivors of sexual misconduct, improving leadership selection and development, and enshrining the rights of victims in the military justice system.

We are both proud of the progress to date, but also recognize there is significant work ahead to ensure our efforts result in meaningful, measurable, and enduring culture change.

Improving our culture requires a deliberate effort by every member of our organization. It requires continuous, intentional individual and collective action at all levels. Each member of the CAF and each DND public service employee is responsible for conducting themselves with integrity, honour and in ways that align with our values as an institution.

The Comprehensive Implementation Plan (CIP) was developed to drive culture change and maximize the potential for positive outcomes for all Defence Team members. The recommendations and initiatives outlined in the CIP target key aspects of Defence Team culture, such as: diversity, equity, and inclusion, trust in the institution and leadership, professional conduct, and Defence Team experience and well-being, which will help accelerate all culture change efforts across the organization. The CIP prioritizes, structures, and harmonizes work happening across the organization. It also reflects the input and feedback received through extensive consultations with Defence Team members, stakeholders, and external experts.

This institution is made up of so many admirable people and has what it takes to keep the positive momentum we have collectively initiated. We are encouraged by our progress. The desire to learn, grow, and improve is evident at all levels. We must, and will continue to, listen, learn, and evolve our organization so we are ready to proudly represent Canada every time the call comes.



Stefanie Beck
Deputy Minister
Department of National Defence



General Wayne Eyre
Chief of the Defence Staff
Canadian Armed Forces

BACKGROUND

The Defence Team is undertaking a series of major initiatives intended to transform the organization into a 21st century military. One capable of attracting and retaining top talent and possessing the capabilities and innovative approaches needed to defend Canada and its values in an increasingly complex and dynamic security environment.

This transformation includes responding to the urgent need to improve our organizational culture and ensuring we not only uphold but embody and reflect Canada's values, including its rich diversity and unwavering commitment to equity and inclusion.

“ Our members deserve a safe and inclusive workplace, and while we have been undertaking unprecedented efforts to create that environment, we know there is more work to be done. The Comprehensive Implementation Plan will provide us a roadmap as we move forward, holding us to the level of openness, transparency, and accountability that our members and Canadians deserve.

The Honourable Bill Blair,
Minister of National Defence

Over the years, the Department of National Defence (DND) and the Canadian Armed Forces (CAF) have received many recommendations from external reviews that relate to culture change. These reports span a range of issues and offer significant insights on how to improve the organization. They are also aligned with the culture aspects identified through our own consultations as the most important to driving culture evolution.

At the core of the Defence Team's renewed efforts to evolve culture is a commitment to listen and learn, and to be guided by the perspectives of our members—particularly those who have experienced misconduct. Since Fall 2021, Chief Professional Conduct and Culture (CPCC) has consulted with more than 16,000 members as well as survivors and external experts.

Four key themes have consistently emerged from these consultations. They represent the change that our people want to see in the organization and serve as a guide for all our culture change activities. Looking at the common themes across the external reports as the foundation of the recommendations, is the impetus to serve our people. This approach will foster greater alignment and allow for consistent reporting against goals and milestones.

Teamwork¹

High-functioning teams that actively seek out, welcome, and encourage a diversity of skills, experience, and perspectives.

“ Cohesion and diversity can coexist, but we have to reconceptualize what it means to build a team.

“ In order to improve diversity in different levels, career mobility, and expansion of leadership and representation, we need to build awareness that we do not all have the same experience or have the same barriers.

DND/CAF Members who participated in consultation process.

¹ The following section includes comments collected from the DND and CAF members during the extensive consultation process started in 2021, thus are not directly attributable. They provide insight into the input and perspectives that have helped shape our way forward.

Identity

People serve most fully when they serve as their authentic selves, centred on character. We should not have to abandon our own identity to serve.

“ The definition of respect may differ from one person to another. In terms of identity, it may not mean the same for everyone. What does it mean to respect and accept someone? To me, defining it doesn't mean much because it's too broad. I am accepted, but not in the way I would like to be accepted. This is the nuance that should be considered in the definitions.

“ It's hard to push change across the collective identity. There was a whole group that were charged for mistreating women. That type of situation is not entirely gone in the CAF. When we talk about recruiting, diversity, and inclusion, we first need to change the collective identity to one of inclusion.

DND/CAF Members who participated in consultation process.

Service

The well-being of each team member is the key to maintaining readiness and effectiveness. We must be aware of the impacts of service on members and their families.

“ At least in my personal experience, the worst part of accessing services was the bureaucratic nature. At least this is how I felt. I do know we are in the military, and I understand I am sometimes just a number. But when we talk about mental health, that is tough.

“ Our values are a shared responsibility. We all have a job to do. If we all do our portion of our job, we look left and right to see if someone needs a hand. There is no us and them.

DND/CAF Members who participated in consultation process.

Leadership

Leaders who inspire trust and confidence, motivate and enable their teams to meet their mission and mandate, and achieve results in a sustainable and responsible way.

“ Leadership is knowing your people and knowing how the organization can share the responsibility of the health of their people.

“ We are understanding that character leadership and investing in people is crucial. Personal and professional conduct are linked. How you conduct yourself is crucial.

DND/CAF Members who participated in consultation process.

These themes, in turn, have helped us identify four culture aspects that we aspire to and against which we will measure our success, namely:

- **Diversity, Equity, and Inclusion:** The Defence Team is made up of diverse individuals who all feel included and respected.
- **Trust in the Institution and Leadership:** Internal and external trust in the Defence Team and leaders to uphold respect and core values.
- **Professional Conduct:** Defence Team members conduct themselves ethically and respectfully.
- **Defence Team Experience and Well-being:** Former members, current members, and families have a long-lasting positive relationship with the organization.

Since 2022, the Defence Team has proactively tackled and completed many activities that support broader culture change, in addition to responding to external recommendations. These activities can be framed against our four culture aspects.

Starting with **Diversity, Equity and Inclusion**, we have:

- ✓ Launched the anti-racism toolkit to guide critical dialogue on racism and discrimination in the organization.
- ✓ Developed and launched a framework for external engagement to ensure survivors and other key partners have a permanent seat at the table.
- ✓ Co-developed Canada's Third National Action Plan on Women, Peace, and Security, a landmark plan that will position Canada as a leader at the intersection of gender and security.
- ✓ Rolled out initial changes to CAF food services to introduce vegan, vegetarian, Halal, and Kosher menu options that reflect Canada's cultural diversity.
- ✓ Expanded CAF eligibility to permanent residents of Canada.

From November 2022 to March 2024, the CAF received **27,981** applications from permanent residents.

Canada plans to welcome **485,000** new residents in 2024.

- ✓ Improved the Defence Team Positive Space Program, to foster the creation of a safe and inclusive work environment for everyone, including members of the 2SLGBTQIA+ communities.

- ✓ Changed the name of the Sexual Misconduct Response Centre (SMRC) to Sexual Misconduct Resource and Support Centre (SMSRC) to better communicate and reinforce its core mandate as a support and resource centre for people affected by sexual misconduct.
- ✓ Acknowledged and apologized on behalf of the Government of Canada for systematic anti-Black racism targeting members of No. 2 Construction Battalion before, during, and after the First World War and established the long-term legacy fund with dedicated funding that will support commemorative activities, educational materials and community war memorials that recognize the important contributions of No.2 Construction Battalion.

As part of our sustained effort to enhance **Trust in the Institution and Leadership**, we have:

- ✓ Improved the selection process for General Officers and Flag Officers, ensuring high ethical standards for senior CAF leadership. This includes the introduction of Character Based Leadership Assessment and 360 evaluations, including civilians in the selection process.
- ✓ Enhanced and expanded the Defence Team Coaching program to provide better leadership development opportunities across the organization.

Since the program's inception in 2021,
a total of **1,230** individuals benefited from
the Coaching program
and a total of **8,478** members benefited
from the Leadership Support Team program.

- ✓ Developed the Leadership Support Team program, providing direct support to CAF units to assess and work through challenges related to culture, conduct, and morale.
- ✓ Continued important military justice modernization efforts, including the introduction of the Declaration of Victims' Rights and a Victim's Liaison Officer program to help victims navigate the military justice system.
- ✓ Appointed an External Monitor to assess and publicly report on progress toward implementation of external review recommendations.

Under **Professional Conduct** we have:

- ✓ Developed a workplace reintegration framework, ensuring a trauma-informed approach to the return-to-work process of respondents.
- ✓ Expanded the Restorative Services program, providing greater choice for members in the safe and meaningful resolution of challenges.

300 Restorative Processes
have been completed
since September 2021.

- ✓ Published a new CAF Ethos: Trusted to Serve, which sets out modern principles, values, and standards for the conduct of all CAF members.
- ✓ Completed the transfer of SMSRC Training & Education programs to CPCC, allowing SMSRC to focus on its mandate to support people affected by sexual misconduct.
- ✓ Significantly improved the quality and delivery of training and education resources, including subjects like Defence Ethics, sexual misconduct, and military justice.

Finally, as part of **Defence Team Experience and Well-being**, we have:

- ✓ Launched the CAF Offer, an Internet guide that shows CAF members, their families, and the public the comprehensive suite of policies, programs, and benefits received during their service to Canada. It is designed to present the CAF as an employer of choice for Canadians, promote recruitment, and support retention.
- ✓ Expanded services provided by the SMSRC, including the development of a peer support program and an independent legal assistance program. SMSRC services are now available not only for CAF members, but also for people 16 years and older who are veterans/former CAF members, DND public service employees, Cadets, Junior Canadian Rangers, and family members, supporters, and caregivers to ensure all people affected by sexual misconduct, and those who support them have, comprehensive supports available.
- ✓ Made considerable progress to improve the instruction/recruiter processes, ensuring we set the conditions for long-term success and high ethical standards.
- ✓ Launched the CAF Total Health and Wellness Strategy, which represents a renewed and integrated approach to better care for members and their families.
- ✓ Modified the CAF Dress Instructions, allowing for more individuality and flexibility for members while maintaining high professional standards.
- ✓ Initiated an ongoing review of the CAF complaints and grievance programs, with a view to implementing a complete end-to-end transformation of these processes to improve member experience and outcomes.

Launch of the New CAF
Digital Grievance Form in February 2024.

DEVELOPMENT OF THE COMPREHENSIVE IMPLEMENTATION PLAN

To build on the activities and initiatives that have and continue to contribute to culture change, a deliberate plan for sustained change was required. In the past, our progress has been hampered by a fractured approach—one that has resulted in silos of effort and piecemeal changes.

We recognized that by trying to do everything simultaneously we would risk falling short in multiple areas and that could result in failing to address systemic issues in the end. For that reason, the Comprehensive Implementation Plan (CIP) is about prioritization and sequencing recommendations and initiatives that have the most direct and immediate impact on the well-being of Defence Team members.



This plan puts a solid structure in place for us to support our people. They are at the heart of our work to evolve the culture of our institution to help create a stronger and better environment for everyone.

Lieutenant-General Jennie Carignan, Chief, Professional Conduct and Culture.

The CIP will be a key enabler to evolving our culture by enabling us to track the progress of implementation for recommendations that were received from external reviews, as well as ensuring the progress of three other major policy initiatives aimed at evolving our culture.

SCOPE

To ensure ongoing momentum and to guide this work holistically, DND/CAF developed the CIP. It sets out a five-year plan for how we will prioritize and address recommendations from the following external reports:

- The ***Third Independent Review of the National Defence Act – April 2021*** (IR3), which includes recommendations to modernize the military justice system;
- The ***Minister’s Advisory Panel on Systemic Racism and Discrimination Report – January 2022*** (APR), which is strongly aligned with Government of Canada priorities, Mandate Letter commitments and the Clerk’s Call to Action;
- The ***Independent External Comprehensive Review – May 2022*** (IECR), which represents a comprehensive examination of DND/CAF culture and contains a roadmap to meaningfully address sexual misconduct; and
- The ***National Apology Advisory Committee Report – May 2022*** (NAAC), which was developed to provide recommendations for the Government of Canada’s apology for the systemic anti-Black racism that members of No. 2 Construction Battalion endured before, during, and long after the First World War.

While there are several other reports that have helped shape and advance the Defence Team culture change effort, such as the *External Review Authority Report – March 2015*, those recommendations were either addressed through more recent reports, or they have already been implemented.

The CIP further builds on areas of progress that have already been completed and includes policy initiatives that will have a direct impact on the lives of members and their families:

- CAF Complaints and Grievance Transformation: Improvements to CAF complaints and grievance processes so that all members are provided with support and access to recourse options that best address their needs;
- Expansion: to CAF support services: Comprehensive support services for individuals affected by all types of misconduct. This initiative will extend support beyond cases of a sexual nature to include racism, harassment, discrimination, and hateful conduct;
- Childcare strategy for CAF members: Efforts focusing on childcare challenges for CAF members' families to help address employment barriers and better support members and their families.

These three policy initiatives complement the recommendations we have received and will help us address critical culture change requirements, and ultimately achieve more comprehensive and far-reaching effects.

KEY CONSIDERATIONS

The prioritization and sequencing of the recommendations and initiatives within the CIP is based on the following key considerations:

Putting our people first: Culture change is about creating a diverse, equitable, and safe work environment for all Defence Team members. It is about people. Not all recommendations and initiatives have equally impactful outcomes.

Listening to our stakeholders: Since 2022, DND/CAF have built strong relationships with external partners to inform our work on culture change and broader institutional transformation. Partners have provided us with a wealth of insights, including the need for culture change to be comprehensive and address all forms of misconduct.

Thinking about ripple effects: We assessed when something needs to be done before something else can start, and we considered the cumulative impact of our work as it advances. This is vital to achieving balance and demonstrating progress in a holistic manner while rationalizing resources to our best ability.

Managing risks: We took a risk-based approach to prioritization. We recognized that trying to do everything at the same time could ultimately result in failure to address systemic issues. A phased, deliberate approach allows for more effective problem-solving and use of our resources. Acknowledging that to date, risk aversion and a formulaic approach have impeded timely progress, we have accepted manageable risks in our implementation approaches. We are pursuing flexible and innovative mechanisms where possible to achieve acceptable outcomes.

IMPLEMENTATION OF RECOMMENDATIONS

Our analysis of recommendations from the four reports allowed us to identify linkages and similarities, while considering existing or developmental structures and processes that could be leveraged.

Following careful analysis and cross-comparison of overlap in the recommendations from all four reports, DND/CAF are closing 12 recommendations because analysis has shown that they will be:

- addressed through other external recommendations or broader initiatives; or
- addressed by leveraging existing processes and structures or legislative changes.

These recommendations are:

- Recommendation IR3 46 – Moot summary trial in Presiding Officer Certification Training
- Recommendation IR3 49 – Appealing summary trials
- Recommendation IR3 70 – Exception to duty to report for sexual misconduct
- Recommendation IR3 72 – Paid legal advice for victims of sexual misconduct
- Recommendation IR3 73 – SMSRC monitoring function
- Recommendation IR3 89 – 90 Days for Final Authority findings
- Recommendation IR3 90 – Military Grievances External Review Committee to review grievances prior to Final Authority
- Recommendation IR3 97 – Working Group to evaluate providing grievors with recourse
- Recommendation APR 4.4 – Track Black career development in DND/CAF
- Recommendation APR 7.1 – Reconsider CAF’s Universality of Service
- Recommendation APR 8.2 – Knowledge on Military Police grievance process
- Recommendation APR 13.1 – Revising Total Health and Wellness Framework

The remaining 194 external recommendations have been prioritized for implementation, focusing on meeting the underlying intent and spirit of each recommendation.

When working towards implementation, the Defence Team will provide an assessment of the status of each recommendation on a regular basis to offer insight on progress. When a recommendation is deemed complete, advice will be developed for the departmental leadership to consider formally closing that recommendation.

TIMELINE

In consideration of the above factors, the CIP involves a four-phase approach over five years that considers real impact for people, organizational capacity to support requirements, stakeholder priorities, dependencies and risks. The anticipated target date for completion of all the accepted recommendations is December 2028.

All recommendations, listed by phase and by report, are available in Annex A.

Phase 1 saw 53 recommendations implemented by December 2023 with work advanced across the four reports. Key achievements included amending processes related to providing enhanced support and services to affected persons and further embedding diversity and inclusion in our structure and procedures. For instance, the implementation of IECR recommendations #7 and #9 provided for additional resolution pathways to affected persons through the option to have sexual harassment and discrimination complaints handled directly by the Canadian Human Rights Commission, supported by a communication and training plan. Prioritizing our people through better services with inclusiveness is foundational to achieving the desired culture change.

Phase 2 will target the completion of an additional 54 recommendations by December 2024. This phase will see restorative activities completed to support survivors and affected persons, while tackling some of the recruitment and training challenges that have hindered culture change. The Diversity, Equity and Inclusion culture aspect will continue to be the focus, and we will establish a Minister's Advisory Committee that will determine the way forward and provide an advisory capability to the Minister and CAF leadership, as per NAAC recommendation #8. Work on the IR3 report will also continue with the development of legislative packages. This phase will see the completion of the NAAC report recommendations.

Phase 3 will focus on 46 recommendations planned for completion by December 2025 and will also see the implementation of the three major policy initiatives, such as the grievance transformation project that will ultimately improve the grievance experience of CAF members by developing an efficient, digitally enabled and transparent process supported by better oversight. This phase will also see the closure of all IECR and APR remaining recommendations with finalization of activities linked to recruitment and succession, performance, and professional development elements. Work will continue to progress IR3 recommendations through ongoing determination of legislative requirements. By the end of this phase, three of four reports will have been completed, with core critical transformation components established and supported by revised policies, structure and processes.

Finally, **phase 4** will endeavour to complete the work on recommendations aiming to modernize the military justice system and to close the outstanding 41 IR3 recommendations by December 2028. When completed, the work will directly support culture change and the continued modernization of the military justice system. As a result, the Defence Team will be better equipped to efficiently respond to victims' needs while offering a broader range of pathways to resolution.

PROGRESS MONITORING

APPROACH

The CPCC organization within DND/CAF will coordinate, track, and report on the implementation of CIP recommendations by closely monitoring activities and initiatives being carried out by the Defence Team. To support monitoring progress, principal organizations that are responsible for their specific recommendations will be providing regular status updates, at least bi-annually, on the completion of established milestones. These status updates will be presented using a publicly available, web page where each recommendation will be listed, along with the planned implementation approach and status.

MEASUREMENT

In addition to tracking progress on implementation of recommendations through the CIP tracker, DND/CAF are actively monitoring progress toward objectives using a wide range of key performance indicators designed to measure culture change. Results will be reported through a dedicated performance measurement framework structured by the four culture aspects.

OUTCOMES

Implementing the recommendations from external reviews and other conduct and culture change activities will support our efforts to deliver meaningful reforms and strengthen, grow, and improve culture.

Culture change is an ongoing process. There may be setbacks, missteps, and disappointments, but these will be opportunities for learning, improvement, and growth, and we will continue to press forward with this important work. Like any plan, the CIP will evolve over time and is subject to change.

All organizations and every member in the Defence Team have a responsibility to contribute to positive change. Everyone, at every level, must be committed to creating a workplace that is welcoming, inclusive, and respectful for every member. Individually and collectively, we will improve our institution to better embody our shared professional values and ethos, to reflect the diversity and values of Canadian society, and to ensure that our pursuit of continued operational excellence is underpinned by a culture that always respects the dignity of all our members.

EXTERNAL OVERSIGHT

In Fall 2022, an External Monitor was appointed in accordance with IECR recommendation #48 and is responsible for overseeing the implementation of the IECR recommendations. While this is the primary mandate, the External Monitor also considers and refers to recommendations from other reports where the intent of some recommendations is similar.

The External Monitor provides regular updates on the status of recommendations while providing an independent challenge function as required. Independent external monitoring supports alignment and consistency of reporting on the progress of recommendations.

ANNEX

Annex A – External Recommendations by Phases

ANNEX A – EXTERNAL RECOMMENDATIONS BY PHASE

The four culture aspects we aspire to and against which we will measure our success are outlined in the table below. Please note that this plan is based on anticipated timelines and is subject to change.

- Diversity, Equity, and Inclusion (Div E&I)
- Defence Team Experience and Well-being (DT Exp)
- Trust in Institution and Leadership (TI&L)
- Professional Conduct (PC)
- No further action deemed necessary (empty cell)

COMPREHENSIVE IMPLEMENTATION PLAN RECOMMENDATIONS - PHASE 1

(completed by December 2023)

REPORT	CULTURE ASPECT	REC #	PHASE 1 - RECOMMENDATIONS
IECR	TI&L	1	The formal definition of "sexual misconduct" in the DAOD 9005-1 and other policies should be abolished.
	TI&L	2	Sexual assault should be included as a standalone item in the definitions section of the relevant CAF policies, with the following definition: sexual assault (agression sexuelle): Intentional, non-consensual touching of a sexual nature. The policy should then refer to the <i>Criminal Code</i> as the applicable law regarding sexual assaults.
	TI&L	7	The CAF should not file any objections based on section 41(1)(a) of the CHRA, and should allow the CHRC to assess any complaint for sexual harassment, or for discrimination on the basis of sex, regardless of whether the complainant has exhausted internal complaint mechanisms. The Minister should seek assistance from colleagues to ensure that CHRC and the CHRT are adequately resourced to assess complaints against the CAF and hear them in a timely manner.
	Div E&I	8	The CHRA should be revised to permit the award of legal costs and to increase the amount in damages that can be awarded to successful complainants. To assist in the implementation of this recommendation, the DM should bring this matter to the attention of the appropriate authority on an immediate basis.
	TI&L	9	Any complaint related to sexual harassment or discrimination on the basis of sex or involving an allegation of retaliation for reporting sexual harassment or discrimination on the basis of sex should be first directed to the CHRC, should the complainant so choose. The CAF should no longer object to the jurisdiction of the CHRC on the basis that internal remedies, including its grievance process, have not been exhausted.
	Div E&I	12	The SMRC's name should be changed to Sexual Misconduct Resource Centre ² .
	Div E&I	13	The SMRC should be reinforced as primarily a resource centre, with adequate expertise and capacity, solely for complainants, victims, and survivors of sexual misconduct.

²The SMRC name was officially changed to the SMSRC.

REPORT	CULTURE ASPECT	REC #	PHASE 1 - RECOMMENDATIONS
IECR	PC	15	The ownership of training and prevention of sexual misconduct should be transferred to the CPCC. The CPCC should continue to consult the SMRC on the development of program content, delivery and methods of evaluation for sexual misconduct, the SMRC should not be engaged in actual program delivery or monitoring.
	TI&L	16	The monitoring of the CAF's effectiveness in responding to sexual misconduct should be removed from SMRC's mandate. Instead the SMRC should be required to refer concerns in that regard to ADM(RS). The SMRC should be empowered to direct the ADM(RS) conduct an administrative investigations into the matters relevant to its mandate.
	TI&L	17	The SMRC should remain within the DND and continue to report to the DM.
	PC	27	The CAF should fully implement the recommendations as described in the Deschamps Report on training related to sexual offences and harassment.
	DT Exp	32	In fulfilling responsibility in approving GOFO promotions, the MND should be assisted by a senior civilian advisor, not currently a member of the Defence Team. In consultation with the CDS, the MND should examine what efforts are being made to correct the over-representation of white men in the GOFO ranks.
	TI&L	41	The MND should be briefed by the ADM(RS) directly on all investigations related to sexual harassment, sexual misconduct and leadership culture in the Defence Team.
	TI&L	42	The ADM(RS) should report annually to the MND on statistics and activities related to investigation under DAOD 7026-1, in line with what is required under the PSDPA.
	TI&L	43	The Executive Director of the SMRC should be able to independently request the ADM(RS) to conduct an administrative investigation into matters relevant to SMRC's mandate.
	TI&L	44	In the case of GIC appointees, such as the CDS and the JAG (who must be members of the CAF at the time of their appointment), consideration should be given to removing any legal impediments - such as privacy concerns - that preclude access by the PCO to personnel files in the CAF, including conduct sheets.
	TI&L	45	The CPCC should host a public online database for all internal Defence Team research and policies relating to sexual harassment and misconduct, gender, sexual orientation, race, diversity and inclusion, and culture change. If a document cannot be made public for security reasons or otherwise, it should still be listed in the database to facilitate access by persons with the requisite clearance or approval.
TI&L	47	As a first step, the MND should inform Parliament by the end of the year of the recommendations in this Report that she does not intend to implement.	

REPORT	CULTURE ASPECT	REC #	PHASE 1 - RECOMMENDATIONS
IECR	TI&L	48	The MND should immediately appoint an external monitor, mandated to oversee the implementation of the recommendations in this report and other external recommendations that she accepts.
			<p>The external monitor should be assisted by a small team of their choosing that is external to the Defence Team. They should have access to all documents, information, individuals, and entities that they deem relevant including ECRIC.</p> <p>The external monitor should produce a "monitoring assessment and advice" report directly to the MND and publish bi-annual public reports.</p>
IR3	TI&L	29	The Canadian Forces Provost Marshal, in his annual reports, should provide data on the length of military police investigations. If this data indicates that problems of delays in investigations persist or re-emerge, the Canadian Forces Provost Marshal should re-assess the effectiveness of the measures implemented in 2018 and 2019 and consider the implementation of additional reforms.
	TI&L	39	<p>The words "assigned to investigative duties with the Canadian Forces National Investigation Service" in section 107.02 of the Queen's Regulations and Orders for the Canadian Forces should be repealed to allow all members of the military police to lay charges. (39A)</p> <p>This recommendation should come into force once the Canadian Forces Provost Marshal has put in place the necessary resources, training, policy and procedures to allow all members of the military police to carry out this new function. (39B)</p>
	TI&L	41	Charges laid by members of the military police assigned to investigative duties with the Canadian Forces National Investigation Service should be referred directly to the Director of Military Prosecutions, without the intervention of the accused's chain of command.
	TI&L	42	Charges laid by members of the military police, other than those assigned to investigative duties with the Canadian Forces National Investigation Service, should continue to be referred first to the units' chains of command. The units' chains of command should, however, refer to the Director of Military Prosecutions all such charges for which they do not proceed by summary trial, except those which relate to service offences for which no right to elect trial by court martial exists. Once An Act to amend the <i>National Defence Act</i> and to make related and consequential amendments to other Acts, SC 2019, c 15 comes into force, all charges for service offences laid by members of the military police should be referred directly to the Director of Military Prosecutions, without the intervention of the accused's chain of command.
	TI&L	43	All charges which are currently referred to a referral authority should be referred directly to the Director of Military Prosecutions, without the intermediation of a referral authority. The charges referred to the Director of Military Prosecutions should be accompanied by any recommendation regarding their disposal that the units' chains of command consider appropriate, if any.

REPORT	CULTURE ASPECT	REC #	PHASE 1 - RECOMMENDATIONS
IR3		46	Practical exercises, such as moot summary trials, should be included in the curriculum of the Presiding Officer Certification Training. In the performance of her superintendence over the administration of military justice in the Canadian Forces, the Judge Advocate General should consider the desirability of including practical exercises in the curriculum of the Presiding Officer Re-Certification Training.
		49	<p>Members of the Canadian Armed Forces tried by summary trials and convicted of a service offence should be entitled to appeal their conviction and/or any punishment imposed to a military judge, with leave.</p> <p>The punishments imposed at summary trial should be enforced notwithstanding the appeal, unless suspended by a military judge on the application of the appellant.</p> <p>The appellant should be offered legal counsel from the Directorate of Defence Counsel Services for the purposes of (a) the applications for leave and suspension of the punishments imposed at summary trial; and (b) the appeal, if leave is granted.</p> <p>The working group established to identify the most effective framework for the creation of a permanent Military Court of Canada or a similarly constituted working group should identify the most effective framework for the creation of appeals from summary trials. The working group should report to the Minister of National Defence.</p>
	TI&L	65	Except in the most minor cases and absent exceptional circumstances, allegations of sexual misconduct should be investigated by the military police and not by the units.
	TI&L	66	<p>The military police should receive appropriate training on the application of the Declaration of Victims Rights to investigations of sexual misconduct, even before its entry into force.</p> <p>The Sexual Misconduct Response Centre, with the help of the Canadian Forces Provost Marshal, should design this training module.</p>
		70	<p>An exception to the duty to report incidents of sexual misconduct should be established for victims, their confidants and the health and support professionals consulted by them. Their duty to report should be retained, however, where a failure to report would pose a clear and serious risk to an overriding interest, which may include ongoing or imminent harm, harm to children and national security concerns.</p> <p>A working group should be established to properly identify these exceptional cases. The working group should include an independent authority and representatives of the Sexual Misconduct Response Centre, military victims' organizations and the military justice system. The working group should also consider</p> <ul style="list-style-type: none"> (a) the removal of the duty of witnesses to report incidents of sexual misconduct; and (b) requiring witnesses to report incidents of sexual misconduct to the Sexual Misconduct Response Centre only.

REPORT	CULTURE ASPECT	REC #	PHASE 1 - RECOMMENDATIONS
IR3	Div E&I	71	The relationship between the Sexual Misconduct Response Centre, on one hand, and the Canadian Armed Forces and the Department of National Defence on the other, should be reviewed to ensure that the Sexual Misconduct Response Centre is afforded an appropriate level of independence from both. The review should be conducted by an independent authority.
		72	<p>The Sexual Misconduct Response Centre should be tasked with implementing a program that provides free independent legal advice to victims of sexual misconduct, including advice on whether, how and where to report, and guidance throughout judicial processes. (72A)</p> <p>The civilian lawyers who will provide these services should receive adequate training in military law and the military justice system, in order to be capable of properly advising victims on all their options. (72B)</p>
		73	<p>The Sexual Misconduct Response Centre should be given the mandate to monitor the adherence of the Canadian Armed Forces to sexual misconduct policies and to investigate systemic issues that have a negative impact on victims of sexual misconduct, including the Canadian Armed Forces' accountability.</p> <p>In fulfilling this mandate, the Sexual Misconduct Response Centre should have broad access to all the information it needs, including direct access to relevant databases such as the Operation HONOUR Tracking and Analysis System. The Sexual Misconduct Response Centre should report on impediments to this access in its annual report. If the Sexual Misconduct Response Centre continues to encounter difficulty accessing relevant information and data, Parliament should consider granting it the power to compel the production of evidence.</p>
		89	The <i>National Defence Act</i> , the Queen's Regulations and Orders for the Canadian Forces and DAOD 2017-1, Military Grievance Process should be amended to prescribe that a Final Authority must consider and determine a grievance within 90 days of the receipt of the findings and recommendations of the Military Grievances External Review Committee. When the Final Authority fails to meet this time limit, the findings and recommendations of the Military Grievances External Review Committee should be deemed to constitute the decision of the Final Authority.
		90	The <i>National Defence Act</i> and the Queen's Regulations and Orders for the Canadian Forces should be amended to provide that all grievances referred to the Final Authority should be reviewed by the Military Grievances External Review Committee before the Final Authority considers and determines the grievance.
	PC	93	A section on the military grievance process should be included in the training curriculum for Canadian Armed Forces recruits. It should include information on the matters which are grievable, the limits of the remedial powers of the Initial Authority and Final Authority, the procedure and timelines applicable to a grievance, and the rights of the grievor, both within and beyond the military grievance process (including judicial review).
	PC	94	The Conflict and Complaint Management Services centres should organize outreach activities each posting season to inform the members of the Canadian Armed Forces assigned to local units of their existence and functions.

REPORT	CULTURE ASPECT	REC #	PHASE 1 - RECOMMENDATIONS
IR3		97	A working group should be established to evaluate the appropriateness of providing grievors with recourse to an independent tribunal. The working group should consider whether all grievances, or only certain categories, should be subject to the jurisdiction of that tribunal. It should also consider the integration of this route in the current grievance process and the remedies available pursuant to that recourse. The working group should include an independent authority, representatives from the Military Grievances External Review Committee and representatives from the Canadian Armed Forces. The working group should report to the Minister of National Defence.
	TI&L	99	The Department of National Defence should provide future independent review authorities, at the beginning of their reviews, with a report on the implementation status of recommendations from previous independent reviews under section 273.601 of the <i>National Defence Act</i> and other external or internal review exercises relevant to their mandate. Officials responsible for supporting future independent review authorities should work with the Assistant Deputy Minister (Review Services) to accomplish this.
APR	TI&L	1.2	The CPCC should oversee the implementation of pertinent recommendations with the involvement of the Defence Advisory Groups (DAGs) and Network(s).
	TI&L	1.4	The MND should be the endorsing authority for the rationale behind those recommendations that will not be implemented.
	DT Exp	2.1	Elevate the DAGs. See them as powerful voices for change and for growth.
	Div E&I	2.2	Strengthen the DAGs. Give them the necessary resources to flourish and thrive.
	DT Exp	2.3	Seek advice from the DAGs. Ensure that their voices are heard, acknowledged and put into action.
	Div E&I	2.4	Appoint Co-Champions (military and civilian) for each DAG – with relevant lived experience whenever possible.
	PC	2.5	Hold Champions accountable for commitment to the DAGs. Have the DAGs evaluate their performance and contributions through performance evaluations or surveys.
	TI&L	4.1	Promote the history of Black service personnel.
		4.4	Track the career development progress of Black people within DND/CAF.
	PC	6.1	Do not consider for employment as spiritual guides or multi-faith representatives Chaplaincy applicants affiliated with religious groups whose values are not aligned with those of the Defence Team. The Defence Team's message, otherwise, is inconsistent.
	Div E&I	6.2	Select chaplains representative of many faiths including forms of spirituality beyond the Abrahamic faiths.
	Div E&I	6.3	Review the selection process for chaplains to ensure that, in addition to listening skills, empathy and emotional intelligence, there is an intrinsic appreciation for diversity and a willingness to challenge one's beliefs.
	PC	6.4	Find ways to grant educational equivalencies, for example to knowledge keepers, rather than strictly adhering to the prerequisite that all chaplains must have a master's degree.

REPORT	CULTURE ASPECT	REC #	PHASE 1 - RECOMMENDATIONS
APR		7.1	Reconsider the CAF's universality of service policy to identify ways of valuing the contributions of members who have been injured or maimed in service to their country.
	Div E&I	8.1	Review the traditional rank structure of Military Police.
		8.2	Ensure that all members of the CAF are knowledgeable about the Military Police Grievance Process.
	Div E&I	10.2	Build on the successful experience of sending CAF recruiters to ethnic communities who are themselves reflective of those cultures.
	DT Exp	11.1	With insights from the Defence Women's Advisory Organization, the Chief, Professional Conduct and Culture organization should conduct a climate survey to examine perceptions of military personnel with regards to fathers taking PATA leave.
	DT Exp	11.2	Ensure that ALL CAF fathers take PATA leave.
		13.1	Prior to its publication and dissemination, the Total Health and Wellness Framework should be revised with a lens identifying what racism, discrimination and biases look like in actual practice.
NAAC	TI&L	1	That a heartfelt and meaningful apology be delivered by the Prime Minister of Canada. This will be vital as precedence has been set in past Government of Canada apologies that have been delivered by the Prime Minister
	TI&L	2	That the Minister of National Defence be instrumental in the apology process and ensuring that processes are in place to address the past hurts going forward. This will be the active commitment to culture change with Canada's Armed Forces.
	TI&L	3	That a national public event surrounds the Apology that pays tribute and honour to No. 2 Construction Battalion and provides meaningful remembrance.
	Div E&I	4	That it includes a commitment to ongoing substantive and sustainable policy/program responses that address anti-Black racism within the Canadian Armed Forces.
	DT Exp	5	That it includes establishment of and support to a long-term legacy fund that creates ongoing opportunities for education, remembrance and honouring of No. 2 Construction Battalion
	TI&L	6	That it be accompanied with a memento to descendants and families of No. 2 Construction Battalion.
	Div E&I	7	That the apology process be only the start of future discussions on No. 2 Construction Battalion and all Black serving members (past and present) who have faced anti-Black racism.

COMPREHENSIVE IMPLEMENTATION PLAN RECOMMENDATIONS - PHASE 2

(expected completion by December 2024)

REPORT	CULTURE ASPECT	REC #	PHASE 2 - RECOMMENDATIONS
IECR	TI&L	3	The relevant CAF policies should adopt the Canada Labour Code definitions of harassment.
	TI&L	10	Grievances related to sexual misconduct should be identified, prioritized and fast-tracked through grievance system at both IA and FA levels. The VCDS, or their specific delegate should manage the process for all grievances related to sexual misconduct, sexual harassment, or sexual discrimination, or involving an allegation of reprisal for reporting, or otherwise disclosing sexual misconduct, sexual harassment, or sexual discrimination. For such grievances, the CFGA should designate an IA with subject matter expertise, and who is outside the grievor's chain of command. QR&O 7.21 should be amended to make it clear that grievances related to sexual misconduct, sexual harassment and sexual discrimination should be mandatorily referred to the MGERC. The CDS should remain the FA and required to dispose of the matter within three months.
	Div E&I	11	Article 5 of the DAOD 9005-1 should be removed and QR&O 4.02 (for Officers) and 5.01 (for NCMS) should be amended to exempt sexual misconduct from its application. Consideration should be given to abolishing the duty to report for all infractions under the Code of Service Discipline.
	Div E&I	14	The SMRC should ensure that it can facilitate immediate access to legal assistance to victims of sexual misconduct. Such legal assistance must be available across the country and on the full range of issues related to sexual misconduct in the CAF, including in respect of the various processes triggered by disclosure. To do so, the SMRC should compile a roster of civilian lawyers able to provide such services and ensure that they are properly trained to do so. The SMRC should also prepare a schedule of fees for such services, and provide for direct payment to the lawyers.
	TI&L	18	The administrative structure of the SMRC should be reviewed in order to increase its independence, effectiveness, and proper place in the Defence Team.
	Div E&I	19	The EAC's role composition and governance should be reviewed. It should be composed of external experts and advocates for victims and survivors, with adequate representation of equity seeking and minority groups who are disproportionately affected by sexual misconduct. It should publish an annual report to provide an external perspective on the evolution of the SMRC's role and performance.
	DT Exp	24	The CAF should assess the advantages and disadvantages of forming a new trainer/educator/instructor occupation within the CAF, or a specialty within one of the human resources-related occupations, in order to create a permanent cadre of skilled and professional educators and trainers.

REPORT	CULTURE ASPECT	REC #	PHASE 2 - RECOMMENDATIONS
	PC	25	The CAF should develop and implement a process for expedited, early release of probationary trainees at basic and early training schools, including the CFLRS and military colleges, who display a clear inability to meet the ethical and cultural expectations of the CAF.
IECR	Div E&I	29	<p>A combination of Defence Team members and external experts, led by an external education specialist, should conduct a detailed review of the benefits, disadvantages, and costs, both for the CAF and more broadly of continuing to educate ROTP cadets at the military colleges. The review should focus on the quality of education, socialization and military training in that environment. It should also consider and assess the different models for delivering university-level and military leadership training to naval/officer cadets, and determine whether the RMC Kingston and the RMC St-Jean should continue as undergraduate degree-granting institutions, or whether officer candidates should be required to attend civilian university undergraduate programs through ROTP.</p> <p>In the interim, the CPCC should engage with the RMC Kingston and the RMC St-Jean authorities to address the long-standing culture concerns unique to the military college environment, including the continuing misogynistic and discriminatory environment and ongoing incidences of sexual misconduct. Progress should be measured by metrics other than the number of hours of training given to cadets. The Exit Survey of graduating cadets should be adapted to capture cadets' experiences with sexual misconduct or discrimination.</p>
	TI&L	30	A section should be added to the PAR requiring the supervisor to certify that to their knowledge, the CAF member being appraised is not currently subject to any investigation or proceeding, whether criminal, disciplinary, administrative, or otherwise related to allegations of sexual misconduct. If the supervisor is aware of such investigation or proceeding, they should not reveal its existence if doing so would compromise its integrity. Otherwise, the supervisor should provide all relevant details of the investigation or proceeding.
	Div E&I	36	The CAF should establish a system of progressive targets for the promotion of women in order to increase the number of women in each rank, with a view to increasing the proportion of their representation in the GOFO rank above their level of representation in the overall CAF workforce.
	Div E&I	40	The CAF should prepare a new policy on succession planning based on GBA+ that ensures women are not subject to directly and indirectly discriminatory practices in succession planning, and that provides appropriate guidance to career managers, succession boards, and others involved in succession planning.
	TI&L	46	With input from the academic community, the QR&O listed at article 5.2 of the DAOD 5062-1 should be reviewed and revised as necessary to facilitate research. In addition, the CAF should consider waiving the SSRRB ethics review of an external proposal that has already been approved by the Research Ethics Board of an academic institution.
IR3	TI&L	5	A working group should be established to identify the most effective framework for the creation of a permanent Military Court of Canada. The working group should include an independent authority, representatives from the Department of Justice Canada and representatives from the military justice system. The working group should report to the Minister of National Defence.

REPORT	CULTURE ASPECT	REC #	PHASE 2 - RECOMMENDATIONS
IR3	TI&L	17	<p>The Canadian Forces Military Police Group and Canadian Military Prosecution Service should collect, retain and centralize data on the civil offences committed by persons subject to the Code of Service Discipline charged in either the military or civilian justice systems.</p> <p>The data should, at a minimum, include the number of civil offences allegedly committed by persons subject to the Code of Service Discipline which formed the basis of charges, the nature of such offences, the rationale for the determination of which system the charges were proceeded in, the time elapsed between the complaint and the completion of the trial and the outcomes of the charges, including the punishments imposed if any.</p>
	TI&L	18	<p>The Canadian Forces Provost Marshal and Director of Military Prosecutions should coordinate the approaches of military prosecutors and members of the military police to the exercise of military jurisdiction over civil offences committed by persons subject to the Code of Service Discipline. (18A)</p> <p>The Canadian Forces Provost Marshal should also make the portions of the Military Police Group Orders on the exercise of military or civilian jurisdiction over such offences easily accessible to the public. (18B)</p>
	TI&L	35	<p>The Canadian Forces Provost Marshal and the Judge Advocate General should provide in their future annual reports data and assessments on arrests and pre-trial custody. The data should, at a minimum, include the number of arrests, the status of the persons making the arrest and the persons under arrest, the nature of the alleged service offences, the length of custody, and information pertaining to the particular communities with which the persons arrested or detained identified.</p>
	TI&L	44	<p>The information prescribed by subsection 108.15(1) of the Queen's Regulations and Orders for the Canadian Forces should be provided in electronic format in all but exceptional cases, having regard to the nature of the information and to the exigencies of the service. If the accused decides to consult military defence counsel, the Directorate of Defence Counsel Services should also be provided with a copy of, or given access to, this information. Subsection 108.17(2) of the Queen's Regulations and Orders for the Canadian Forces should be amended to provide that the reasonable period of time given to the accused to make an election should in no case be less than 48 hours from the time the accused, the assisting officer and military defence counsel, if applicable, have been provided with a copy of, or given access to, this information.</p>
	TI&L	47	<p>A formal Assisting Officer Certification Training should be developed and lead to a renewable certification, in much the same way as the Presiding Officer Certification Training.</p> <p>The course should include practical exercises, such as moot summary trials. Each unit of the Canadian Armed Forces should establish a roster of assisting officers who have successfully completed the Assisting Officer Certification Training.</p>

REPORT	CULTURE ASPECT	REC #	PHASE 2 - RECOMMENDATIONS
IR3	TI&L	47 cont.	<p>The accused should be invited to select their assisting officers from this roster. They should however maintain the right to request the appointment of other persons after having been informed of their lack of training and certification. Efforts should nonetheless be made to offer the Assisting Officer Certification Training to non-roster appointees in all circumstances where doing so would not be inconsistent with the prompt restoration of discipline at the unit level.</p> <p>The Canadian Armed Forces should ensure that assisting officers are provided with sufficient time, in light of their other duties, to adequately prepare the defence of the accused at summary trials.</p>
	TI&L	48	<p>Presiding officers should be required to provide written reasons for their findings that a member of the Canadian Armed Forces has committed a service offence and for the punishments imposed at summary trials. Presiding officers should, as a general rule, be required to videotape or, at a minimum, to record the audio of summary trials. The recordings should be accessible to members of the Canadian Armed Forces who may request the review of summary trial proceedings and need to rely on the recordings or have them transcribed for this purpose.</p>
	TI&L	69	<p>The regulations implementing the Declarations of Victims Rights, or their associated policies, should:</p> <ul style="list-style-type: none"> (a) specify that victims are to be provided clear information about their rights under the Declaration of Victims Rights, including what information they are entitled to receive, who is responsible for providing it and when it should be provided; (b) develop a complaint mechanism that is simple, accessible, robust, and results in meaningful enforcement and accountability; and (c) include a requirement for role specific mandatory training for military justice actors on victims' issues (including the impact of trauma and how best to interact with victims), victims' rights and the actors' obligations under the Declaration of Victims Rights.
	TI&L	86	<p>Members of the Canadian Armed Forces who intend to file a grievance should be required to submit a notice of intent to grieve. The notice of intent to grieve should be sent directly to the members' commanding officers, with a copy to the local Conflict and Complaint Management Services centre. The submission of a notice of intent to grieve should suspend the time limit within which a grievance must be submitted. The modalities of the suspension and resumption of delays should be determined by the Canadian Armed Forces, in consultation with the Integrated Conflict and Complaint Management. The Queen's Regulations and Orders for the Canadian Forces and DAOD 2017-1, Military Grievance Process should be amended accordingly.</p>
	TI&L	87	<p>The Initial Authority should be allowed to request an extension of its time limit from the grievor. The requests should state that the grievor is not obliged to consent and may not be the subject of reprisals of any kind for refusing to do so. They should be made in writing and sent directly to the grievor, with a copy to the local Conflict and Complaints Management Services centre. If an Initial Authority has not adjudicated a grievance or requested an extension from the grievor within the time limit to consider and determine the grievance, the grievance should be deemed to have been dismissed by the Initial Authority.</p>

REPORT	CULTURE ASPECT	REC #	PHASE 2 - RECOMMENDATIONS
IR3	TI&L	88	If the Initial Authorities fail to meet the objective and timeline determined at paragraph 13(a) of the CDS Directive for CAF Grievance System Enhancement regarding their compliance rate with the time limits prescribed by subsection 7.15(2) of the Queen's Regulations and Orders for the Canadian Forces and section 9.8 of DAOD 2017-1, Military Grievance Process, these provisions should be amended to prescribe that an Initial Authority must consider and determine a grievance within 90 days of its receipt.
	TI&L	92	The Canadian Armed Forces should examine the respective roles of assisting members and Conflict and Complaint Management Services agents to determine whether the former still serve a useful purpose in the military grievance process. If they do, a formal Assisting Member Certification Training should be developed and lead to a renewable certification. The course should include practical exercises. Each unit of the Canadian Armed Forces should establish a roster of assisting members who have successfully completed the Assisting Member Certification Training. Grievors should be invited to select their assisting members from this roster. They should, however, maintain the right to request the appointment of other persons after having been informed of their lack of training and certification. Efforts should nonetheless be made to offer the Assisting Member Certification Training to non-roster appointees where the circumstances allow it. The Canadian Armed Forces should ensure that assisting members are provided with sufficient time, in light of their other duties, to adequately assist grievors in the preparation of their grievance and throughout the process.
	TI&L	96	Section 29.21 of the <i>National Defence Act</i> should be amended to allow the Military Grievances External Review Committee to compel the production of documents or things without the requirement to hold a hearing.
	TI&L	98	The independent review process under section 273.601 of the National Defence Act should provide at least nine months to conduct the review and draft the report. This period should run from the completion of all preliminary steps to the submission of the report to the Minister of National Defence.
	TI&L	100	The Department of National Defence and the Canadian Armed Forces should carry out a series of evaluations on each of the training modules: their design, the type of participation included, and the frequency and application of acquired skills and knowledge. (100A) The results of these evaluations should be made available to future independent review authorities. (100B)
	TI&L	101	Future independent review authorities should, prior to the start of the review period, be briefed on all relevant data on the performance and operation of the military justice system, the military grievance process and the regime for complaints about or by military police.
	TI&L	105	There should be a review of the adequacy of resources for military justice policy development.
	TI&L	106	Senior officials of the Office of the Judge Advocate General should undertake discussions with senior officials of the Department of Justice Canada to improve information sharing and collaboration on policy initiatives.

REPORT	CULTURE ASPECT	REC #	PHASE 2 - RECOMMENDATIONS
IR3	TI&L	107	The Office of the Judge Advocate General should, in cooperation with the Department of Justice Canada and the Department of Public Safety and Emergency Preparedness, review its participation in federal-provincial-territorial working groups on the justice system.
APR	TI&L	1.1	The Defence Team, in particular the CPCC, should continue the work of compiling recommendations from previous studies, inquiries and panels.
	TI&L	1.3	Progress in the implementation of recommendations should be tracked down to the unit level and collated by the CPCC.
	PC	3.1	Improve education and awareness at all levels.
	TI&L	3.2	Initiate dialogue on land return or compensation with First Nations communities who were affected by the seizure of land for military bases and installations.
	TI&L	3.3	Build alliances with Indigenous Nations.
	Div E&I	3.4	Establish long-term culturally responsive initiatives for First Nations CAF and DND members.
	DT Exp	4.2	Empower the Defence Visible Minority Advisory Group and Defence Team Black Employee Network.
	Div E&I	4.3	Expand the use of Gender-Based Analysis Plus (GBA Plus).
	PC	4.5	Create a safe and credible environment for Black people to bring forth their complaints of racism.
	TI&L	5.1	Expand cross-functional and inter-departmental cooperation between military, policing, and intelligence organizations.
	DT Exp	5.2	Leverage the insights of Defence Advisory Groups and Network(s).
	TI&L	5.3	Ensure reporting procedures and tools are made accessible and are well understood by all members of the Defence Team as they are the first line of defence.
	DT Exp	7.2	Work with the Defence Advisory Group on Persons with Disabilities to better adapt the Defence Team's inclusive strategies, including checklists, coaching and mentoring, protocol definition, auditing guidelines, etc.
	TI&L	7.3	Leaders must exercise discipline in ensuring that their communications are accessible to all.
	Div E&I	7.4	Complete mobility audits for all defence infrastructure and accelerate efforts to ensure that every building is accessible.
	DT Exp	9.1	The Defence Team Pride Advisory Organization should be given the opportunity to provide recommendations to address the systemic discrimination transgender members of the Defence Team suffer in their workplaces.
	PC	10.1	Let CDAs be officers on their way up, not on their way out.
Div E&I	10.3	Continue a strict policy of ensuring that all Honorary positions go to members of underrepresented groups until all barriers to these appointments, unintentional or otherwise, no longer exist.	
TI&L	12.1	The Defence Team must become a data-driven organization.	

REPORT	CULTURE ASPECT	REC #	PHASE 2 - RECOMMENDATIONS
APR	TI&L	12.2	Reviewing scorecards should be part of a strict protocol when visiting units and departments until representation is so evenly distributed that there is no need to give it any additional attention.
	TI&L	12.3	The performance and progress of units, departments and teams should be charted so as to identify areas where additional resources may be needed.
NAAC	Div E&I	8	That the apology is followed up with establishment of a Minister's Advisory Committee on Anti- Black Racism to advise the Minister of National Defence and senior Canadian Armed Forces leadership on a concise path forward to embrace culture change.

COMPREHENSIVE IMPLEMENTATION PLAN RECOMMENDATIONS - PHASE 3

(expected completion by December 2025)

REPORT	CULTURE ASPECT	REC #	PHASE 3 - RECOMMENDATIONS
IECR	TI&L	4	<p>The current definition of personal relationship should remain:</p> <ul style="list-style-type: none"> – <i>A personal relationship is an emotional, romantic, sexual, or family relationship including marriage or a common-law partnership or civil union, between two CAF members, or a CAF member and a DND employee or contractor, or member of an allied force.</i> <p>The concept of "adverse personal relationship" should be abolished. All CAF members involved in a personal relationship with each other should inform their chain of command. Commanders should be given appropriate guidance as to how to handle the situation presented to them. It could range from doing nothing, to accommodating the relationship through available measures, or, if need be, ensuring that the members have little professional interaction with each other. There are, of course, a whole range of intermediate measures that may be appropriate to address the best interests of the organization, the parties, and other stakeholders.</p> <p>Should an undisclosed personal relationship come to light between members of different rank, or otherwise in a situation of power imbalance, there should be a rebuttable presumption that the relationship was not consensual. Any negative consequences should be primarily visited on the member senior in rank or otherwise in a position of power.</p>
	TI&L	5	<p><i>Criminal Code</i> sexual offences should be removed from the jurisdiction of the CAF. They should be prosecuted exclusively in civilian criminal courts in all cases. Where the offence takes place in Canada, it should be investigated by civilian police forces at the earliest opportunity. Where the offence takes place outside of Canada, the MP may act in the first instance to safeguard evidence and commence an investigation, but should liaise with civilian law enforcement at the earliest possible opportunity. This should include:</p> <ul style="list-style-type: none"> – Sexual offences found in Part V of the <i>Criminal Code</i>; – Sexual offences found in Party VII of the <i>Criminal Code</i>, including but not limited to sexual assaults; and – Any "designated offence" as defined in subsections 490.011(1)(a), (c), (c.1), (d), (d.1) or (e) of the <i>Criminal Code</i>, to the extent not already captured above.
	TI&L	6	<p>The DMCA should engage an externally-led quality assurance assessment - similar to that conducted by the SARP initiated by the CFNIS - of the administrative reviews conducted from 2015 to date relating to sexual misconduct, which administrative reviews resulted in retaining the member without career restrictions.</p>
	PC	20	<p>The CAF should restructure and simplify its recruitment, enrolment, and basic training processes in order to significantly shorten the recruitment phase and create a probationary period in which a more fulsome assessment of the candidates can be performed, and early release effected, if necessary.</p>
	PC	21	<p>The CAF should outsource some recruitment functions so as to reduce the burden on CAF recruiters, while also increasing the professional competence of recruiters.</p>

REPORT	CULTURE ASPECT	REC #	PHASE 3 - RECOMMENDATIONS
IECR	PC	22	The CAF should put new processes in place to ensure that problematic attitudes on cultural and gender-based issues are both assessed and appropriately dealt with at an early stage, either pre- or post- recruitment.
	DT Exp	23	The CAF should equip all training schools with the best possible people and instructors. Specifically, the CAF should: <ul style="list-style-type: none"> – prioritize postings to training units, especially training directed at new recruits and naval/officer cadets; – incentivize and reward roles as CFLRS instructors, and other key instructor and training unit positions throughout the CAF, as well as the completion of instructor training, whether through pay incentives, accelerated promotions, agreement for future posting priority, or other effective means; – address the current disincentives for these postings such as penalties, whether real or perceived, for out-of-regiment postings during promotion and posting decisions; and - ensure appropriate screening of qualified instructors, both for competence and character.
	PC	26	The CAF should increase the number of opportunities for CAF members, particularly at the senior leadership and GOFO levels, to be seconded to the private sector, and to other government departments.
	Div E&I	28	The [military college] Cadet Wing responsibility and authority command structure should be eliminated.
	TI&L	31	A past misconduct sheet should be prepared for each candidate considered for promotion to the rank of lieutenant-colonel/commander or above, or to the rank of chief warrant officer/chief petty officer 1st class, by an appropriate unit under the CMP. The past misconduct should include anything the CAF deems to be serious misconduct, but should include at a minimum, convictions for <i>Criminal Code</i> sexual offences and findings of sexual harassment. The CAF should also prepare appropriate guidance to selection boards on how to take past misconduct into account as part of their deliberations and decision-making. Finally, the CAF should make appropriate provision in its policy for rehabilitation, including the removal of criminal convictions for which a record suspension has been granted.
	DT Exp	33	The new process for psychometric evaluation and confirmatory 360-degree review used in the promotion of GOFOs should be carefully reviewed by an external expert on an annual basis, with a view to their progressive refinement. The results of this annual review should be reported to the MND.
	DT Exp	34	The new process for GOFOs, including psychometric testing and 360-degree multi-rater assessment should, at a minimum, be expanded to candidates being considered for promotion to the rank of lieutenant-colonel/commander or above, or to the rank of chief warrant officer/chief petty officer 1st class.
	TI&L	35	The PaCE system should be modified to include a self-certification requirement on the PAR for those being considered for promotion to the rank of lieutenant-colonel/commander or above or to the rank of chief warrant officer/chief petty officer 1st class, similar to that already in place for GOFO nominations. The candidate would need to certify that they are not subject to any current or prior investigation or proceeding, whether criminal, disciplinary, administrative or otherwise, related to sexual misconduct, and, if they are, to prove all relevant details.

REPORT	CULTURE ASPECT	REC #	PHASE 3 - RECOMMENDATIONS
IECR	Div E&I	37	The CAF review universality of service through a GBA+ lens and update it to ensure that women and sexual misconduct victims are treated fairly, taking into account their particular situation and risk factors.
	TI&L	38	All succession boards should adopt the approach and methodology of the RCN in its "incident review list" to ensure that concerns are properly captured and brought before boards on a consistent and continuing basis.
	DT Exp	39	All succession boards for majors and above and Master Warrant Officer/Chief Petty Officer 2nd class appointment boards should include an independent civilian member from outside the Defence Team.
IR3	TI&L	2	The <i>National Defence Act</i> should be amended to allow the Governor in Council to appoint to the position of military judge anyone who is a barrister or advocate of at least 10 years' standing at the bar of a province and who has been an officer or a non-commissioned member of the Canadian Armed Forces, including the Reserve Force, for at least 10 years.
	TI&L	6	The rules of practice and procedure of the Chief Military Judge under section 165.3 of the <i>National Defence Act</i> should be enacted by the Governor in Council as soon as possible. The Canadian Armed Forces and the Department of National Defence should prioritize their enactment to meet this objective. (6A) Pending the establishment of a permanent Military Court of Canada, the Court Martial Administrator and the Judge Advocate General should consider the reforms which may be desirable to mitigate the concerns raised by the ad hoc status of courts martial in so far as possible. They should recommend the implementation of these reforms to the appropriate authorities. (6B)
	DT Exp	7	The Director of Military Prosecutions and Director of Defence Counsel Services should be appointed by the Governor in Council, on the recommendation of the Minister of National Defence. The Director of Military Prosecutions and Director of Defence Counsel Services should hold office during good behaviour for a term of seven years, subject to removal by the Governor in Council at any time for cause with the support of a resolution of the House of Commons to that effect. They should not be eligible to be reappointed for a further term of office.
	TI&L	8	Subsections 165.17(3) to 165.17(6) of the <i>National Defence Act</i> should be repealed. If a power to issue directives in respect of a particular prosecution is to remain, this power should, at a minimum, be granted to the Minister of National Defence personally and not the Judge Advocate General. Any directive issued to the Director of Military Prosecutions should be required to be in writing and to be published in the Canada Gazette. The Minister of National Defence or the Director of Military Prosecutions should be authorized to direct that the publication be delayed at the latest until the completion of the prosecution or any related prosecution if either considers this delay to be in the interests of the administration of military justice.

REPORT	CULTURE ASPECT	REC #	PHASE 3 - RECOMMENDATIONS
IR3	TI&L	9	<p>Specific provisions should be enacted in the Queen's Regulations and Orders for the Canadian Forces in respect of military prosecutors and military defence counsel. These provisions should expressly state that:</p> <ul style="list-style-type: none"> (a) military prosecutors are local ministers of justice and have broader responsibilities to the military justice system and to the accused; (b) military defence counsel are advocates to their clients and have a duty of loyalty which requires them to commit fully to their clients' cause; and (c) military prosecutors and defence counsel may need to exercise their duties in a manner that may sometimes not accord with the views of the chain of command or of the Judge Advocate General.
	TI&L	10	<p>Section 9.2 of the <i>National Defence Act</i> should be amended to clarify the meaning of the Judge Advocate General's "superintendence of the administration of military justice in the Canadian Forces". At a minimum, the <i>National Defence Act</i> should expressly provide that the superintendence must respect the independence of military prosecutors, military defence counsel and other statutory actors within the military justice system.</p>
	TI&L	11	<p>The Queen's Regulations and Orders for the Canadian Forces should expressly provide that:</p> <ul style="list-style-type: none"> (a) the Director of Military Prosecutions and Director of Defence Counsel Services must be informed of legal officers' interest in being posted to their respective divisions, and consulted by the Judge Advocate General about postings; (b) legal officers will normally be posted to the Canadian Military Prosecution Service or Directorate of Defence Counsel Services for a minimum term of five years; (c) legal officers posted to the Canadian Military Prosecution Service or Directorate of Defence Counsel Services are under the exclusive command of the Director of Military Prosecutions or Director of Defence Counsel Services, as the case may be, for all purposes, including the determination of their duties, disciplinary matters against them and performance assessments.

REPORT	CULTURE ASPECT	REC #	PHASE 3 - RECOMMENDATIONS
IR3	TI&L	12	<p>A working group should be established to consider further reforms aimed at enhancing the independence of military prosecutors and defence counsel. The working group should include an independent authority, as well as the Judge Advocate General, the Director of Military Prosecutions and the Director of Defence Counsel Services or their representatives. The reforms considered should, at a minimum, include:</p> <ul style="list-style-type: none"> (a) the full or partial civilianization of the positions of Director of Military Prosecutions and Director of Defence Counsel Services, or military prosecutors and defence counsel more generally; (b) increased reliance by the Directorate of Defence Counsel Services on members of the Reserve Force who are legal practitioners; (c) the establishment of an Office of the Director of Defence Counsel Services as an independent unit, separate from the Office of the Judge Advocate General and not subject to its general supervision; and (d) the establishment of a distinct career path for military prosecutors and military defence counsel, potentially including special mechanisms for their promotion.
	DT Exp	13	<p>Section 18.3 of the <i>National Defence Act</i> should be amended to provide that the Canadian Forces Provost Marshal be appointed by the Governor in Council and hold office during pleasure. The Chief of the Defence Staff should accordingly have no authority to remove the Canadian Forces Provost Marshal. The Canadian Forces Provost Marshal should be responsible to the Minister of National Defence in the performance of his duties and functions. References to the Vice Chief of the Defence Staff in section 18.5 of the <i>National Defence Act</i> should consequently be replaced by references to the Minister of National Defence. Moreover, section 18.6 of the <i>National Defence Act</i> should be amended to provide that the Canadian Forces Provost Marshal report annually to the Minister of National Defence on the activities of the Canadian Forces Provost Marshal and the military police during the year.</p>
	DT Exp	14	<p>The <i>National Defence Act</i> should be amended to restyle the Canadian Forces Provost Marshal as the Provost Marshal General and to provide that the Canadian Forces Provost Marshal holds a rank that is not less than Brigadier-General.</p>
	DT Exp	15	<p>Subsections 18.5(3) to 18.5(5) of the <i>National Defence Act</i> should be repealed. For greater clarity, section 18.5 of the <i>National Defence Act</i> should be amended to provide that the general supervision and authority of the Vice Chief of the Defence Staff (or of the Minister of National Defence if Recommendation #13 is implemented) to issue general instructions or guidelines do not include a power to give directions regarding specific law enforcement decisions in individual cases.</p>
	TI&L	16	<p>Subsection 250.19(1) of the <i>National Defence Act</i> should be amended to provide that “[a]ny person, including any officer or non-commissioned member, who believes on reasonable grounds that any officer or non-commissioned member or any senior official of the Department has improperly interfered with a policing duty or function” may make an interference complaint to the Military Police Complaints Commission.</p>

REPORT	CULTURE ASPECT	REC #	PHASE 3 - RECOMMENDATIONS
IR3	TI&L	19	<p>The Director of Military Prosecutions and Canadian Forces Provost Marshal should commit the Canadian Military Prosecution Service and the Canadian Forces Military Police Group to clear principles and presumptions to determine whether civil offences committed by persons subject to the Code of Service Discipline will be investigated and prosecuted in the civilian justice system or in the military justice system.</p> <p>Preferably, appropriate criteria would emerge from a multilateral understanding reached between the Director of Military Prosecutions, the Director of Public Prosecutions and the provincial and territorial heads of prosecutions, in consultation with the Canadian Forces Military Police Group and civilian police forces. However, the failure to attempt or to reach a multilateral understanding should not prevent the Director of Military Prosecutions and the Canadian Forces Provost Marshal from unilaterally refining the current criteria.</p>
	TI&L	20	<p>In the unlikely event of a conflict between civilian authorities and military authorities over the exercise of jurisdiction over civil offences committed by persons subject to the Code of Service Discipline, the civilian jurisdiction and authorities should have precedence.</p>
	TI&L	21	<p>A working group should be established to conduct a review of the exercise of military jurisdiction over civil offences committed by young offenders and by civilians subject to the Code of Service Discipline and of the exercise of continuing military jurisdiction. The working group should consider the need for reform of the current jurisdictional rules and, if such need exists, make recommendations on the means of reform. The working group should include an independent authority, representatives from the Department of Justice Canada and representatives from the military justice system. (21A)</p> <p>In the interim, clear principles and presumptions should be formulated for such exercises of military jurisdiction. (21B)</p>
	TI&L	22	<p>A working group should be established to conduct a review of the challenges created by the limited application of the Code of Service Discipline to members of the Reserve Force. The working group should consider the necessity for the Canadian Armed Forces of being able to hold the members of its Reserve Force to its key standards of conduct at all times, especially for sexual misconduct and hateful conduct. The working group should make recommendations on means of reform to achieve this objective.</p>
	TI&L	24	<p>The <i>National Defence Act</i> should be amended to add distinct service offences for sexual misconduct and hateful conduct. (24A)</p> <p>Paragraph 129(2)(a) of the <i>National Defence Act</i> should be amended by excluding provisions creating service offences from its operation. (24B)</p> <p>Subsection 129(2) of the <i>National Defence Act</i> should then be re-enacted as a distinct, self-standing service offence. The new service offence should not describe a prohibited contravention as “an act, conduct, disorder or neglect to the prejudice of good order and discipline”. (24C)</p>

REPORT	CULTURE ASPECT	REC #	PHASE 3 - RECOMMENDATIONS
IR3	TI&L	26	<p>In the performance of her superintendence of the administration of military justice in the Canadian Armed Forces, the Judge Advocate General should collaborate with the Canadian Military Prosecution Service and the Directorate of Defence Counsel Services to conduct regular reviews of the service offences contained in the <i>National Defence Act</i>. Such reviews should aim to</p> <p>(a) identify obsolete or duplicative service offences;</p> <p>(b) assess the desirability of enacting new service offences; and</p> <p>(c) consider the amendments which would be necessary or desirable. The results of these reviews should be used to request the enactment by Parliament of appropriate amendments to the <i>National Defence Act</i>.</p>
	TI&L	27	<p>In the performance of her superintendence of the administration of military justice in the Canadian Armed Forces, the Judge Advocate General should give consideration to making probation, conditional discharges and conditional sentences of imprisonment available options in the military justice system.</p>
	TI&L	28	<p>The Queen's Regulations and Orders for the Canadian Forces should, prior to the entry into force of An Act to amend the <i>National Defence Act</i> and to make related and consequential amendments to other Acts, SC 2019, c 15, be amended to clarify and distinguish the practical effects of severe reprimands and reprimands. If practical effects can be attached to the punishment of forfeiture of seniority, they should be clarified in the Queen's Regulations and Orders for the Canadian Forces. If not, this punishment should be abolished.</p>
	TI&L	40	<p>Legal advice for charges laid by members of the military police, other than those assigned to investigative duties with the Canadian Forces National Investigation Service, should be provided by legal advisors embedded in the Canadian Forces Military Police Group (in consultation with military prosecutors, as appropriate).</p>
	TI&L	50	<p>The Justice Administration and Information Management System and Military Justice System Performance Monitoring Framework should be developed and start operating in all elements of the Canadian Armed Forces as soon as possible. The Canadian Armed Forces and the Department of National Defence should prioritize their development to meet this objective.</p>
	TI&L	67	<p>In the performance of her superintendence of the administration of military justice in the Canadian Armed Forces, the Judge Advocate General should consider the desirability of extending the rights afforded to victims of service offences by the Declaration of Victims Rights to victims of service infractions, particularly victims of sexual misconduct.</p>
	TI&L	84	<p>There should be an early opportunity for discussion between the Military Police Complaints Commission and the Canadian Forces Provost Marshal to agree on problem definition and on solutions regarding the Military Police Complaints Commission's contention that it is regularly obliged to carry out its own investigation to fill in gaps in the Canadian Forces Provost Marshal investigation.</p> <p>The option of providing authority to the Military Police Complaints Commission to remit a matter back to the Canadian Forces Provost Marshal for further investigation should be considered.</p>

REPORT	CULTURE ASPECT	REC #	PHASE 3 - RECOMMENDATIONS
IR3	TI&L	85	A working group should be established with representatives from the Military Police Complaints Commission, the Office of the Judge Advocate General and the Canadian Forces Provost Marshal to develop a process for the classification of complaints.
	TI&L	91	The military grievance process should be fully digitized. Members of the Canadian Armed Forces should only submit their notice of intent to grieve and grievances electronically, directly to their commanding officer, with a copy to the local Conflict and Complaint Management Services centre. All documents shared between a grievor, the Initial Authority and the Final Authority should be recorded in an electronic file to which the grievor, the commanding officer, the Initial Authority, the Final Authority and the local Conflict and Complaint Management Services centre should have access.
	TI&L	103	There should be an independent review of oversight and redress mechanisms for the Canadian Armed Forces. The review should examine the operation of the Office of the Ombudsman for the Department of National Defence and the Canadian Forces, and whether additional measures are needed to reinforce its independence and effectiveness. The review should examine the experience of other democracies and best practices elsewhere in government. It should consider the roles and responsibilities of a general oversight organization in relation to subject-specific oversight organizations within the Defence portfolio.
	TI&L	104	The Minister of National Defence and the Judge Advocate General should ensure that the role of the military justice system in combatting hateful conduct is examined. They should consider whether this is best accomplished through the Advisory Panel established in December 2020, through an independent review that would include in its mandate the role of the military justice system in combatting hateful conduct or in some other way.
APR	TI&L	3.5	Eliminate current and historical references of First Nations People as enemies of Canada.
	TI&L	9.2	The Defence Team Pride Advisory Organization should be consulted to develop more adequate training and education for the CAF Medical Branch.

COMPREHENSIVE IMPLEMENTATION PLAN RECOMMENDATIONS - PHASE 4

(expected completion by December 2028)

REPORT	CULTURE ASPECT	REC #	PHASE 4 - RECOMMENDATIONS
IR3	TI&L	1	<p>Military judges should cease to be members of the Canadian Armed Forces, and therefore become civilian. Members of the Canadian Armed Forces appointed by the Governor in Council as military judges should, at the time of their appointment, be released from the Canadian Armed Forces and renounce their military rank.</p> <p>The <i>National Defence Act</i> should be amended to provide that military judges are never subject to the Code of Service Discipline, and may never be charged, dealt with and tried under the Code of Service Discipline for service offences allegedly committed by them while formerly subject to the Code of Service Discipline, if applicable. Military judges' conditions of appointment should include a requirement to act anywhere in the world, including in a theatre of operations.</p> <p>Unless the context indicates otherwise, references to military judges in this Report include civilianized military judges.</p>
	TI&L	3	<p>The age of retirement of military judges should be increased to 70 or 75 years. Consideration should be given to allowing military judges to become supernumerary judges after a number of years in judicial office or once they attain a certain age.</p>
	TI&L	4	<p>A permanent Military Court of Canada should be established as a superior court of record in accordance with section 101 of the Constitution Act, 1867. The Military Court of Canada should be enabled to sit at such times and at such places in Canada and abroad as it considers necessary or desirable for the proper conduct of its business. The Minister of Justice should have responsibility for the administrative and budgetary needs of the Military Court of Canada.</p> <p>In this Report, unless the context indicates otherwise, references to military judges include the judges of the Military Court of Canada, and references to courts martial include the Military Court of Canada sitting as a court martial.</p>
	TI&L	23	<p>Sections 72 and 128 of the <i>National Defence Act</i> should be amended to mirror, as appropriate, sections 21 to 24 and 463 to 465 of the <i>Criminal Code</i>.</p> <p>Subsection 129(3) and the reference to section 72 in subsection 129(2) of the <i>National Defence Act</i> should be repealed.</p> <p>The rules of the <i>National Defence Act</i> on the identification of parties to offences as well as attempts and conspiracies to commit offences should not apply to service offences under subsections 130(1) or 132(1) of the <i>National Defence Act</i>.</p>
	TI&L	25	<p>Subsection 129(5) of the <i>National Defence Act</i> should be amended to provide that "[n]o person may be charged under this section with any offence for which special provision is made in sections 73 to 128, 130 or 132", without further caveat.</p>

REPORT	CULTURE ASPECT	REC #	PHASE 4 - RECOMMENDATIONS
IR3	TI&L	25 cont.	<p>Subsection 129(6) of the <i>National Defence Act</i> should accordingly be repealed.</p> <p>A subsection should be added to section 137 of the <i>National Defence Act</i>. It should provide that a person charged with a service offence other than an offence under subsections 130(1) or 132(1) may, if neither the complete commission of the offence nor an attempt to commit the offence are proved, be found guilty of an offence under subsection 129(1) provided that the evidence establish an act, conduct, disorder or neglect to the prejudice of good order and discipline.</p>
	TI&L	30	The <i>National Defence Act</i> should be amended to allow military judges to issue search warrants in disciplinary investigations, and permit the issuance of commanding officer search warrants only where a warrant cannot be reasonably obtained in a timely manner either from a military judge or from a civilian justice of the peace.
	TI&L	31	In subsections 155(2.1) and 156(2) of the <i>National Defence Act</i> , the words “for an offence that is not a serious offence” should be replaced by the words “for an offence that is not a designated offence”.
	TI&L	32	Paragraph 156(1)(a) of the <i>National Defence Act</i> should be amended to clarify that members of the military police may, subject to their duty not to arrest without warrant in specified circumstances, arrest without warrant any person who is subject to the Code of Service Discipline, or any person who was subject to the Code of Service Discipline at the time of the alleged commission by that person of a service offence.
	TI&L	33	<p>Subsection 155(3) of the <i>National Defence Act</i> should be replaced by a provision allowing officers or non-commissioned members of the Canadian Armed Forces, in the circumstances stated below, to arrest without warrant any person who is subject to the Code of Service Discipline, other than an officer or non-commissioned member, or any person who was subject to the Code of Service Discipline at the time of the alleged commission by that person of a service offence. This power to arrest without warrant should only exist where someone</p> <p>(a) is found committing a serious offence; or</p> <p>(b) is believed on reasonable grounds to have committed a service offence, and is escaping from and freshly pursued by anyone who has lawful authority to make an arrest.</p>
	TI&L	34	The <i>National Defence Act</i> should be amended to allow military judges to issue arrest warrants for persons triable under the Code of Service Discipline, and permit the issuance of commanding officer or delegated officer arrest warrants only where a warrant cannot be reasonably obtained in a timely manner from a military judge.
	TI&L	36	Members of the military police who arrest persons subject to the Code of Service Discipline, with or without a warrant, or in whose custody persons under arrest have been committed, should have the authority to release the persons arrested if they give an undertaking, unless the persons are charged with a designated offence. The permissible conditions of an undertaking should be developed in light of the current content of section 158.6 of the <i>National Defence Act</i> and section 501 of the <i>Criminal Code</i> .

REPORT	CULTURE ASPECT	REC #	PHASE 4 - RECOMMENDATIONS
IR3	TI&L	37	A person committed to service custody should be brought before a military judge without unreasonable delay, and in any event within a period of 24 hours after arrest, if a military judge is available. Persons in custody should not be asked to make representations on their release from custody if they can be brought before a military judge within this period. If no military judge is available within 24 hours after the arrest, the current pre-trial custody process should continue, but persons retained in custody should be specifically instructed that any statements they make while in custody, including representations for their release, can be introduced in evidence against them at their trial, and brought before a military judge as soon as practicable.
	TI&L	38	Subsection 161(2) of the <i>National Defence Act</i> should be amended to require that a charge be laid as expeditiously as the circumstances permit against any person, whether retained in custody or released from custody with or without conditions. Section 107.031 of the Queen's Regulations and Orders for the Canadian Forces should be amended to require any such person to be notified in writing, as soon as possible, of a decision not to lay charges against him or her.
	TI&L	45	Amendments to the <i>National Defence Act</i> and the Queen's Regulations and Orders for the Canadian Forces, as necessary, should be made to provide a greater measure of confidentiality between an assisting officer and an accused person. These amendments should address the issue of the compellability of the assisting officers in other proceedings under the <i>National Defence Act</i> , and should impose a duty of non-disclosure on the assisting officer in respect of communications with the accused, except in the limited circumstances required by public policy.
	TI&L	51	Sections 189.1 and/or 191.1 of the <i>National Defence Act</i> should be amended to provide that an accused person's plea of guilty may be received by any military judge, at any time after a charge has been preferred but before the commencement of the trial. Subsection 112.64(2) of the Queen's Regulations and Orders for the Canadian Forces should be repealed. As a general rule, a pre-trial hearing should be convened within 28 days of the referral of charges by the Director of Military Prosecutions. The accused should be called on to plead at that pre-trial hearing. The military judge and the parties should subsequently discuss case management.
	TI&L	52	The <i>National Defence Act</i> or the Queen's Regulations and Orders for the Canadian Forces, as appropriate, should be amended to allow increased use of technology to facilitate remote attendance by any person in court martial proceedings, and to repeal provisions which unduly restrict its use, including subsections 112.64(1) and 112.65(1) of the Queen's Regulations and Orders for the Canadian Forces. In the performance of her superintendence of the administration of military justice in the Canadian Forces, the Judge Advocate General should collaborate with the Office of the Chief Military Judge, the Canadian Military Prosecution Service and the Directorate of Defence Counsel Services to identify the desirable amendments.
	TI&L	53	The words "or, if the court martial has been convened, the military judge assigned to preside at the court martial" should be repealed from section 187 of the <i>National Defence Act</i> to allow any military judge to hear and decide preliminary issues, even after the court martial has been convened.

REPORT	CULTURE ASPECT	REC #	PHASE 4 - RECOMMENDATIONS
IR3	TI&L	54	The <i>National Defence Act</i> and the Queen's Regulations and Orders for the Canadian Forces should be amended to allow evidence in preliminary proceedings to be given by statutory declaration regardless of the opposing party's consent. The opposing party should have the right to cross-examine the person making the statutory declaration.
	TI&L	55	The Military Rules of Evidence should be repealed and replaced in the court martial system by the statutory and common law rules of evidence.
	TI&L	56	Subsection 165.193(4) of the <i>National Defence Act</i> should be amended to replace the words "30 days" by the words "60 days".
	TI&L	57	Subsections 167(4) and 167(5) of the <i>National Defence Act</i> should be amended to provide that, as a general rule, if the accused is of or above the rank of colonel, the members of the panel must be officers of or above the rank of the accused person. If there is an insufficient number of eligible active officers, or if objections are allowed in respect of those who exist, the panel should be completed by retired officers of the Canadian Armed Forces having held the requisite ranks at the time of their retirement. If there is also an insufficient number of eligible retired officers, or if objections are allowed in respect of those who exist, the panel should exceptionally be completed by active officers of the Canadian Armed Forces as little subordinate in rank to the accused as possible.
	TI&L	58	Section 167 of the <i>National Defence Act</i> should be amended to provide for the composition of the general court martial where joint accused are of different ranks. The Judge Advocate General should identify the panel composition rules which will allow joint trials and assure due regard for the rights of each accused.
	TI&L	59	Section 112.14 of the Queen's Regulations and Orders for the Canadian Forces should be amended to provide that an objection with respect to a member of the general court martial panel must be heard and determined by the military judge.
	TI&L	60	Section 112.413 of the Queen's Regulations and Orders for the Canadian Forces should be amended to provide that the members of a general court martial panel vote by anonymous ballot.
	TI&L	61	The <i>National Defence Act</i> should be amended to allow military judges to require that pre-sentence reports relating to the accused be prepared for the purpose of assisting the court martial in imposing a sentence or in determining whether the accused should be discharged. The Canadian Armed Forces should identify the most effective framework for the implementation of a pre-sentence report regime.
	TI&L	62	In addition to their current rights of appeal, accused persons in court martial proceedings should have the right to appeal, with leave of the Court Martial Appeal Court of Canada or a judge thereof, any finding of guilty on

REPORT	CULTURE ASPECT	REC #	PHASE 4 - RECOMMENDATIONS
IR3	TI&L	62 cont.	(a) any ground of appeal that involves a question of fact; or (b) any ground of appeal that appears to the Court Martial Appeal Court of Canada to be a sufficient ground of appeal. The <i>National Defence Act</i> should be amended accordingly.
	TI&L	63	The <i>National Defence Act</i> should be amended to provide that the Minister, or counsel instructed by him for that purpose, has the right to appeal to the Court Martial Appeal Court of Canada in respect of any finding of not guilty at a court martial (a) on any ground of appeal that involves a question of law alone; or (b) on any ground of appeal that involves a question of mixed law and fact, with leave of the Court Martial Appeal Court of Canada or a judge thereof.
	TI&L	64	The Court Martial Appeal Court of Canada should be composed of 10 to 20 judges with significant criminal law experience. A majority should be judges of a superior court of criminal jurisdiction or a provincial or territorial court of appeal. Section 234 of the <i>National Defence Act</i> should be amended accordingly.
	Div E&I	68	The Declaration of Victims Rights should be brought into force as soon as possible, ensuring that victims investigated or prosecuted under the <i>National Defence Act</i> will be entitled to substantially the same protections as the Canadian Victims Bill of Rights affords. (68A) Until the Declaration of Victims Rights comes into force, and unless the victim consents: (a) sexual assaults should not be investigated or prosecuted under the <i>National Defence Act</i> and should instead be referred to civilian authorities; and (68B) (b) there should also be a strong presumption against investigating and prosecuting under the <i>National Defence Act</i> other offences committed against a victim. (68C) Moreover, the <i>National Defence Act</i> should be amended to expressly incorporate, in substance, the rights and protections afforded by the <i>Criminal Code</i> to victims and to persons accused of sexual offences. (68D)
	Div E&I	74	The Judge Advocate General and the Sexual Misconduct Response Centre should cooperate to make a joint proposal to the Minister of National Defence in respect of amendments to the <i>National Defence Act</i> which would allow for restorative justice approaches in the military justice system. They should also collaborate to develop a formalized restorative justice model that is adapted to the needs of victims and perpetrators and suited to the reality of the Canadian Armed Forces and its justice system.
	TI&L	75	There should be regular consultation between the Military Police Complaints Commission and key actors within the Department of National Defence and the Canadian Armed Forces prior to the tabling of legislation or the promulgation of regulations or policy changes affecting the Military Police Complaints Commission or Part IV of the <i>National Defence Act</i> .

REPORT	CULTURE ASPECT	REC #	PHASE 4 - RECOMMENDATIONS
IR3	TI&L	76	The <i>National Defence Act</i> should be amended to require the Canadian Forces Provost Marshal, the Canadian Armed Forces and the Department of National Defence to disclose to the Military Police Complaints Commission any information under their control or in their possession which the Military Police Complaints Commission considers relevant to the performance of its mandate. With respect to information which involves a claim of solicitor-client privilege, this recommendation is subject to the outcome of the discussions referred to in Recommendation #79.
	TI&L	77	The <i>National Defence Act</i> should be amended to give the Military Police Complaints Commission the power to summon and enforce the attendance of witnesses before it and compel them to give oral or written evidence on oath. The Military Police Complaints Commission should also have the authority to require any person, regardless of whether that person is called to testify, to produce any documents or things that the Military Police Complaints Commission considers relevant for the full investigation, hearing and consideration of a complaint. With respect to information which involves a claim of solicitor-client privilege, this recommendation is subject to the outcome of the discussions referred to in Recommendation #79.
	TI&L	78	Discussions should be undertaken between the Military Police Complaints Commission, the Department of National Defence, the Canadian Armed Forces, the Privy Council Office and the Department of Justice Canada to examine the merits of adding the Military Police Complaints Commission to the schedule of the Canada Evidence Act as well as the legislative requirements for doing so.
	TI&L	79	There should be discussions between the Military Police Complaints Commission, the Canadian Forces Provost Marshal, the Judge Advocate General and the Director of Military Prosecutions with a view to reaching agreement on the circumstances when the Military Police Complaints Commission should be given access to solicitor-client privileged information, with appropriate limits and safeguards to avoid waiver of the privilege. The discussions should examine options for consequential amendments to the <i>National Defence Act</i> . Due consideration should be given to other regimes that compel the disclosure of solicitor-client privileged information and to the safeguards they contain. Outside experts should be engaged in the discussions.
	TI&L	80	The Military Police Complaints Commission should be added to the list of designated investigative bodies in Schedule II of the Privacy Regulations.
	TI&L	81	The <i>National Defence Act</i> should be amended to establish a 90-day time limit for requesting a review of a conduct complaint after it has been investigated by the Canadian Forces Provost Marshal.

REPORT	CULTURE ASPECT	REC #	PHASE 4 - RECOMMENDATIONS
IR3	TI&L	82	<p>The <i>National Defence Act</i> should be amended to establish a 90-day time limit for the production of the notice of action, subject to extension by the Chairperson of the Military Police Complaints Commission. In the absence of a notice of action or application to extend within this time frame, the Military Police Complaints Commission should be authorized to proceed to issue its final report.</p> <p>If Recommendation #13 is implemented and the Canadian Forces Provost Marshal becomes responsible to the Minister of National Defence in the performance of his duties and functions, the Minister and not the Chief of the Defence Staff should issue the notice of action where the Canadian Forces Provost Marshal is the subject of a complaint.</p>
	TI&L	83	<p>The <i>National Defence Act</i> should be amended to make express provision for conduct complaints initiated by the Chairperson of the Military Police Complaints Commission. In the case of such complaints, the provisions of subsections 250.27(1) (informal resolution of complaints) and 250.28(2) (screening out of complaints that are frivolous or vexatious) of the <i>National Defence Act</i> should not apply.</p>
	TI&L	95	<p>Section 12 of the Strengthening Military Justice in the Defence of <i>Canada Act</i>, SC 2013, c 24 should come into force without further delay.</p>
	TI&L	102	<p>Subsection 273.601(1) of the <i>National Defence Act</i> should be amended to expressly include an examination of sections 9 to 9.4 of the <i>National Defence Act</i> concerning the roles and responsibilities of the Judge Advocate General.</p>