



EXTERNAL MONITOR REPORT

Sixth Status Report – November 5, 2025

November 5, 2025

The Honourable David J. McGuinty, P.C., M.P.
Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
101 Colonel By Drive
Ottawa, ON K1A 0K2

Dear Minister McGuinty,

In accordance with the terms of reference for my engagement as external monitor, I am pleased to provide you with my sixth and final report, in both official languages.

Sincerely,

Jocelyne Therrien

Enclosure: External Monitor Report – Sixth Status Report

Contents

Introduction 3

Part 1 – Milestones reached and what remains to be done to meet the intent of the IECR recommendations..... 6

 Clearer terminology and explanations regarding prohibited behaviours..... 6

 Military jurisdiction over Criminal Code sexual offences..... 7

 An independent review of the administrative process used to determine the viability of a member’s continued service..... 8

 Eliminating the Duty to Report 10

 Victim Services: the Sexual Misconduct Support and Resource Centre (SMSRC) 10

 More external input and influence 12

 More efficient recruitment and expedited early release of unsuitable recruits 13

 Enhancing the effectiveness of training within the CAF’s early training schools..... 14

 An independent review of military colleges 15

 A more systematic approach to promoting the right people 16

 Progressive targets for the promotion of women and a GBA Plus approach to succession planning 17

 Reports to the Minister on investigations..... 18

 Early information to Parliament on the implementation plan and biannual reporting by an external monitor 18

 A note about the report by former Justice Fish 18

Part 2 – Matters that may impede progress 20

 CAF policy framework 20

 Lack of pertinent data 21

 Organizational response when misconduct occurs 21

Conclusion..... 23

Introduction

1. In October 2022, in response to recommendation 48 of the 2022 Independent External Comprehensive Review (IECR) by former Justice Louise Arbour, I was appointed as External Monitor. The primary task of my position was to follow the progress being made to address the recommendations of the report and to advise the Minister on that progress, or lack thereof. I was to provide the Minister with a formal progress report every six months which would subsequently be made public. This is my sixth and final report.
2. The DND/CAF has made significant inroads since the fall of 2022. It is now time to consolidate and build on the successes without ever losing sight of the desired result: a safer, more inclusive and professional work environment where individual employees are able to do the best job they can without fear of being impacted by sexual misconduct. This is the never-ending mission.
3. In conducting my work, I reviewed many policies, documents and data. I sought confirmation from several sources and gathered the evidence required. There were numerous meetings with the individuals responsible for the implementation of specific recommendations. I also visited the military colleges and several other CAF schools. Finally, I have reviewed initiatives that are being undertaken in allied forces as they too are struggling with sexual misconduct. I can state unequivocally that, throughout this exercise, I had access to the information that I needed to meet the objective. I also had regular meetings with senior leaders of the organization, and they ensured access to their personnel for the purposes of my updates.
4. In 2021, the CAF had established a secretariat whose task it was to track and document progress on each recommendation in the IECR, along with recommendations from other external reviews, such as the Third Independent Review of the Military Justice System by former Justice Fish. The secretariat's diligence in following up with those responsible for the implementation of the recommendations proactively contributed to my own monitoring activities.
5. All told, I have seen genuine effort. The leadership wants to make the CAF a better place for its employees. There is an explicit recognition that the CAF cannot fulfill its mandate if its operational units are crippled by toxic attitudes that create dysfunction. I have encountered many change makers in this organization. I hope that they will continue to be given the leverage they need to keep up the momentum.
6. The majority of the IECR recommendations have substantively been actioned. Some will require concerted, sustained effort over several years, such as those stemming from the external review of the military colleges. In some cases, IECR recommendations were

addressed by actions that would meet the intent of the recommendation, as a proxy to the precise method proposed. In other areas, the improvement achieved has caused another issue to become more obvious, such as the flow-through to training after recruitment numbers began to climb. Finally, some of the recommendations have the potential to set the stage for continuous improvement, such as when the organization receives input from the Military Grievances External Review Committee (MGERC) and the Canadian Human Rights Commission (CHRC).

7. In my view, these are some of the milestones reached that can have an enduring impact:
 - the repeal of regulations related to the Duty to Report: for its shift in mindset, clearly confirming the primacy of the affected person's needs over those of the organization;
 - the introduction of a probationary period: for providing those responsible for dealing with conduct issues the ability to act accordingly and dismiss recruits in an expeditious manner;
 - access to free legal advice: for its potential to support affected individuals in seeking justice and redress; and
 - the more systematic collection and documentation of past transgressions regarding unprofessional conduct in support of promoting only those individuals with the right moral and ethical character.
8. However, challenges remain, some of which are structural and may impact progression. The CAF is hampered by the many checkpoints in the system and the incessant internal consultations. This is not effective when it comes to change management. Many of the directives that are meant to explain the rules fail to succinctly explain how to deal with various issues and the principles that apply. The "no-fail" pressure from the central agencies is most likely a contributing factor. Another issue is the prominent use of military personnel in jobs that should be filled by civilians who have the required expertise. The lack of a relevant background is exacerbated by the rotation patterns of the military. Both elements lead to dispersed accountability and extensive delays.
9. The CAF agrees that eradicating sexual misconduct is a long-term commitment. There continues to be a need for a strong message from the top that the sexualized working environment of the past will no longer be tolerated. Members need to see concrete action by the leadership when unprofessional conduct is apparent. Coherence between what you profess to be as an organization and the actual leadership response to inappropriate behaviour is, arguably, the most critical element of reform. The CAF, like many other organizations, is not immune to toxic employees and to supervisors who prefer to turn a blind eye. Nor will it ever be able to uniformly weed them out during recruitment. What it can control is the organizational response as soon as the problem surfaces.

10. This report is in two sections. The first is a final comment on the status of each of the IECR recommendations. The second is a summary of issues that I believe may impede further progress and prevent the CAF from fully operationalizing its stated commitment to maintain professional conduct within its workforce.

Acknowledgements

I sincerely wish to highlight the assistance I received in fulfilling my mandate. Throughout the process, I was supported by two individuals whose previous experience in internal audit and investigations proved invaluable. They knew where to get the information I needed and they provided useful advice throughout. Thank you to Heather Walsh and Shelley Taylor. It was a gratifying experience and I am convinced that your participation made for a better product in the end.

To all CAF and DND officials who graciously gave of their time to explain their work, I am grateful. Without your collaboration, my mandate would have been impossible.

Finally, many thanks to François Champagne for the technical and scheduling assistance provided throughout the three years, and for ensuring that I had timely information technology support. I would also like to acknowledge the contribution of the Corporate Secretariat in dealing with all of the logistics involved in hosting an external monitor. The professionalism and the positive attitudes were greatly appreciated.

Part 1 – Milestones reached and what remains to be done to meet the intent of the IECR recommendations

This part builds on observations reflected in my previous reports. For a more in-depth description of achievements, the reader is referred to the fifth status report published earlier this year. ([External Monitor Report – Fifth Status Report – Canada.ca](#))

Clearer terminology and explanations regarding prohibited behaviours

Recommendations 1–4

11. Several IECR recommendations point to the need for more clarity on how inappropriate conduct is defined in CAF policies. Former Justice Arbour noted that the “current” state created confusion regarding “how to navigate the system, particularly where conduct may fall into several categories, and prevents clear and predictable routes for redress.” Last year, a CANFORGEN¹ was issued to communicate that the DND/CAF, going forward, was moving away from the term “sexual misconduct” and would instead refer to the following:

- conduct deficiencies of a sexual nature (acts not punishable under the *Criminal Code*);
- harassment of a sexual nature; and
- crimes of a sexual nature, referring to sexual assault and all other sex offences included in the *Criminal Code*.

12. The CANFORGEN also specified that the term “sexual assault” would be defined as any “intentional, non-consensual touching of a sexual nature,” as recommended in the IECR. By doing so, the CAF is adopting the distinction, which the courts have reinforced in recent years, that behaviour such as a slap on the buttocks, for example, constitutes sexual assault. I gather that the Defence Administrative Order and Directive (DAOD) itself, which is meant to act as the official policy regarding the definitions and the responsibilities of CAF members, is near completion.

13. Finally, in terms of defining unacceptable behaviour, former Justice Arbour raised concerns about the CAF’s policy on personal relationships. In 2022, the CAF committed to make changes that would address issues highlighted by both former Justice Arbour and former Justice Deschamps in 2015. It was agreed that the DND/CAF would create an administrative presumption that, when a relationship is not properly disclosed, the relationship should be considered adverse and that the onus to rebut the presumption would fall onto the more senior member whenever there is a difference in rank or any other power imbalance.

¹ CANFORGENs (Canadian Forces General Messages) are messages about important changes from CAF leadership, and they are applicable to all CAF members.

14. I have been informed that the CAF policy on personal relationships is in the final stage of the review process. The Chief Military Personnel (CMP) plans to announce its publication through a CANFORGEN.
15. The need to anchor reform in a clearly defined set of rules regarding prohibited behaviour was also highlighted by former Justice Fish in his 2021 report on the military justice system. Recommendation 24 from that report stipulates that the *National Defence Act* should be amended to add distinct service offences for both sexual misconduct and hateful conduct. He highlighted significant issues about the current vague catch-all phrase “conduct to the prejudice of good order and discipline” used to capture such offences. This change has not been made.
16. Former Justice Arbour echoed those concerns in her own report, suggesting that the wording used to define service infractions in the regulations is equally unhelpful.²
17. The importance of clear terminology and unequivocal statements about prohibited behaviour ought not to be underestimated. It is the first step in creating the foundation of any reform. It communicates the expected standard of behaviour and the consequences for non-compliance.
18. Furthermore, the more clearly the actual misconduct is defined, the more useful the resulting data will be. This will also make it easier for the organization to monitor results. At this point in time, the CAF is hampered by its inability to efficiently capture relevant data related to sexual misconduct.

Military jurisdiction over Criminal Code sexual offences

Recommendation 5

19. The military justice system was granted jurisdiction over *Criminal Code* sexual offences by Parliament in 1998. Following her review of sexual misconduct in the CAF, former Justice Arbour recommended that the CAF’s concurrent jurisdiction be rescinded. Last year in March, the then Minister of National Defence presented a bill that would effectively eliminate the CAF’s ability to investigate and/or prosecute any crime of a sexual nature within its own system. That bill died on the Order Paper due to the prorogation of Parliament.
20. The contents of the 2024 bill have now been brought forward in Bill C-11, which was recently tabled before Parliament.³ The first reading occurred on September 26th. The

² “Otherwise behaves in a manner that adversely affects the discipline, efficiency, or morale of the CAF.”

³ Bill C-11 also includes several changes to the military justice system that were recommended in the 2021 report by former Justice Fish.

bill is currently before the House of Commons Standing Committee on National Defence. As stated in a previous status report, I believe that it will be important to set up a feedback mechanism to track outcomes for CAF members whose cases are investigated and prosecuted under civilian jurisdiction and to ensure that these members are consistently provided with victim support services.

21. Starting in 2021, the DND/CAF put in place procedures to transfer cases to the provinces. As of September 2025, the CAF has transferred 236 cases to civilian police. The Canadian Forces Provost Marshal (CFPM) confirms that 157 cases were not transferred, mainly because the victims chose to have their complaint investigated by the military police or were not interested in proceeding with a criminal investigation at the time of reporting.
22. A working group has since been collaborating on a protocol between the Office of the CFPM and that of the Ontario Solicitor General. The participants are developing a framework that could serve as a model for other provinces. The group includes Ontario government officials and representatives from various civilian police forces, provincial victim services, Military Police and the Sexual Misconduct Support and Resource Centre (SMSRC).
23. The group is currently working out the details of an approach to accommodate information sharing back to the CAF for disciplinary or administrative purposes. This is important because, whether or not a criminal investigation leads to charges being laid or results in prosecution, the CAF must be able to address the matter through its internal processes. To do this, the CAF requires access to information from the civilian justice system so that it can determine the appropriate action to be taken and whether or not continued service presents a risk to the organization.

An independent review of the administrative process used to determine the viability of a member's continued service

Recommendation 6

24. Recommendation 6 of the IECR proposed a review of sexual misconduct cases where the central authority had determined, through its administrative review (AR) process, that the member should be "retained without career restrictions" (RWCR), even though the member's commanding officer may have recommended a release.
25. The review was led by a quality assurance expert from the Public Service Commission and the findings were presented to CMP last December. Recommendations for improvement included the need to create a "professional practices function" staffed with individuals who possess knowledge and experience in a relevant discipline. Just as important would be the ability to maintain that continuity in expertise by employing individuals not subject to the rotation patterns of the CAF.

26. DND/CAF has recently decided to make several changes to the AR process. Release authorities are being decentralized and an advisory panel will assist in reviewing the cases of sexual misconduct. The panel is to include an expert in administrative decision-making/law and an expert in sexual misconduct policies. The external review recommended the use of a scale of severity from which decision-makers could determine the most appropriate outcome, including release for the more serious offences. I have been informed that such a tool has been created in consultation with the Chief Professional Conduct and Culture (CPCC).
27. In my fifth status report earlier this year, I spoke about the need for the CAF to acquaint itself with the latest trends in case law and jurisprudence surrounding sexual misconduct in the workplace. For example, there is clear indication that, in keeping with changing societal values, there is no grey area for any touching of a sexual nature that is non-consensual. It is a sexual assault under the *Criminal Code*.
28. Furthermore, the 2021 changes to the *Canada Labour Code* have reinforced the fact that employers have a statutory obligation to provide a safe workplace.⁴ So, while a dysfunctional culture might consider a slap on the buttocks or a kiss on the cheek as tolerable, the tribunals are stating otherwise. In fact, the organization exposes itself to liability claims. Transferring an offender to another unit as a way of dealing with a sexual misconduct incident is no longer a viable option as the “workplace safety” risk is simply being displaced.
29. In the past, the CAF has been accused of not effectively dealing with those who do not personify the CAF ethos. It goes without saying that the inability to do so creates a debilitating effect on the affected individuals and on the organization as a whole. It has the potential to negate many of the system improvements that have so carefully been instituted.
30. Based on the findings of the review conducted last year, the aforementioned assessment of relevant jurisprudence and some benchmarking with similar organizations, I believe that the following features would be most beneficial to the CAF:
- easily accessible and readily available civilian legal assistance at the front end of the process to consistently guide the application of procedural fairness;
 - mandatory use of the proposed scale of severity for all decision-makers and pre-determined extra steps for offences that fall in the red zone of the scale:
 - a brief explanation as to why the decision is to retain the individual (if that is the case), and
 - a more deliberate seeking of information before adopting the default position that there is insufficient information;

⁴ Workplace in the CAF is defined as any location where work-related functions and other activities take place where the attendance is sanctioned by the DND or the CAF including social events.

- participation of a civilian expert in employment law on the advisory panels; and
- mandatory input from the DND/CAF Legal Advisor to ensure that decisions reflect current trends in employment law.

31. I believe it would be in the best interests of the organization to have the results of the new approach formally examined after 18–24 months, to have this examination conducted by the DND/CAF Assistant Deputy Minister (Review Services) or by an external resource with expertise in administrative law, and to have its results provided directly to the Chief of the Defence Staff (CDS) and the Deputy Minister (DM).

Eliminating the Duty to Report

Recommendation 11

32. The Duty to Report has been the subject of many criticisms over the years, most notably because it was perceived as a barrier to reporting. In June 2024, the relevant sections of the regulations were repealed, as recommended by the IECR. This change is foundational in my opinion. It shifted the discourse, emphasizing that the needs of the victims would be considered before those of the organization.

33. The repeal was the first step. The subsequent work to ensure alignment in all of the CAF's directives, guidance and training documents appears to be incomplete. It is a large task considering the density of the CAF's multi-level policy framework. It needs to be a priority so that it does not continue to inadvertently persist as a barrier to reporting.

34. The CAF needs to proactively determine the extent to which there is a clear understanding of the repeal and what it means in practice. Consultations with SMSRC officials indicate that there is lingering confusion about what is expected of the Chain of Command.

Victim Services: the Sexual Misconduct Support and Resource Centre (SMSRC)

Recommendations 12–19 and 43

35. Most of the recommendations related to the SMSRC have been fully implemented, including a change in mandate that saw the Centre divest itself of its training functions, refocusing on providing services and support. At its core, the SMSRC would be the recognized centre of expertise whereas CPCC would, in keeping with its functional authority, be responsible for prevention programs.

36. It was noted that the SMSRC's reporting structure within DND was preferable to the establishment of a completely separate agency, as it provides advantages that would not exist otherwise. For example, without the direct report relationship to the DM, "it would likely be more challenging to get attention from Defence leadership on crucial matters."

37. Former Justice Arbour also recommended that the SMSRC facilitate immediate access to legal assistance for victims of sexual misconduct. The financial assistance program was introduced a few years ago, but at that time it was limited to ex-gratia payments. More recently, the SMSRC staffed a full-time legal resource to provide advice to its clients. Between May and September of this year, the lawyer has engaged with 34 clients, including nine who received representation in sexual assault trials. The full version of the program, as envisioned by former Justice Arbour, is scheduled for implementation in 2026.
38. The SMSRC has undergone exponential growth in the past several years, both in terms of its client base and in the network of services it has established through its grants program in the community. It also continues to grow its peer support program, in partnership with Veterans Affairs Canada. The Centre hopes to establish more formal and informal support groups and plans to hire additional peer support and mental health workers in order to respond to the demand.
39. Throughout this growth it will be important for the organization to continuously assess the needs of the clientele. The Centre's 24/7 line continues to respond to many enquiries from potential clients. Interestingly, some of the callers are members of the Chain of Command seeking advice on how to deal with a misconduct allegation within their organization. This is a good trend in my view. It demonstrates that the Chain of Command strives to do the right thing by seeking advice from professionals. The Centre also has results from the various surveys conducted by the Department's research and analysis branch as a source of information in terms of ease of access and satisfaction with the services provided.
40. In previous reports I have commented on the somewhat precarious nature of the Centre's funding. This was affecting its ability to plan its operations on a longer-term basis and to staff positions more permanently. The funding situation has substantively been addressed, and the organizational structure is now more stable. But assuring stability in funding and in staffing consistency should remain an over-riding and evergreen consideration, especially as the Centre's mandate continues to evolve. The DM has a critical role to play in ensuring this occurs.
41. The information contained in the SMSRC's annual report provides a sense of the scope of misconduct events that have led individuals to contact the Centre. The data reflect a constant need over the years for the programs and services provided. I am of the view that reading the annual report of the SMSRC should be considered mandatory for all DND/CAF leaders so that they never lose sight of the fact that they share the responsibility and are an intrinsic part of the required change.
42. As the SMSRC continues to grow and evolve, it needs to regularly ensure its relevance. The External Advisory Council (EAC) can play a very important role towards this objective. The IECR had recommended that the "role, composition and governance" of

the EAC be reviewed, and that the Council produce its own annual report. While the terms of reference have recently been updated, there is, as of yet, no decision on the annual report.

43. Finally, it was recommended that the Executive Director of the Centre be given the authority to direct the Assistant Deputy Minister (Review Services) to conduct an administrative investigation “into matters relevant to the SMSRC’s mandate.” A service agreement has been signed by both parties that establishes a mechanism by which such a request would be undertaken.

More external input and influence

Recommendations 7–10, 26, 32, 39, 45 and 46

44. This series of recommendations sought to increase the flow of input from external stakeholders as a way to mitigate the effects of the insular nature of the CAF, which in former Justice Arbour’s view, was preventing the DND/CAF from progressing to the extent required. Thus, the IECR recommended a more deliberate role for both the CHRC and MGERC.
45. In response to the IECR, the CAF removed the obligation for individuals to exhaust internal complaint mechanisms before having access to the CHRC. The CHRC has since then received 92 complaints related to sexual harassment or discrimination. Some are still at various stages of the process but, so far, 33 files had been concluded.⁵
46. Recommendations 7 and 8 refer to resourcing and legislative change. It was suggested that the *Canadian Human Rights Act* be revised to permit the award of legal costs, and that the amount in damages that could be awarded to successful complainants be increased. It was also recommended that the CHRC and Canadian Human Rights Tribunal (agencies within the Department of Justice portfolio) be “adequately resourced” to ensure timely processing of complaints. The CHRC advises that additional funding would, for example, provide opportunities for outreach activities in order to increase awareness of its services, and to process complaints more expeditiously. Officials are of the view that changes to the legislation would be of assistance to complainants in bringing forward their complaints and receiving appropriate remedies.
47. With regards to internal grievances related to sexual misconduct, the CAF grievance authority within CPCC has been prioritizing these files for investigation at the initial authority stage, as recommended in the IECR. While the regulatory change has yet to occur, the CAF has nonetheless been referring files to the MGERC for its review. MGERC officials confirm that in all cases where the file has reached the final authority decision, the CAF has largely agreed with the MGERC’s findings.

⁵ As of 1 October, 2025

48. Former Justice Arbour also specified the need for external civilian input for General Officer and Flag Officer (GOFO) promotions, as well as for succession boards for certain ranks. The GOFO promotion process involves an interview to determine suitability. This interview is conducted by a contracted third-party, and the results are provided to the CDS. These become part of the package that is analyzed to determine suitability for promotion. The contract provides for the Minister to be able to discuss with the contractor anything that arises out of the interview process, if required.
49. For succession planning, the IECR recommended the inclusion of a civilian member from outside the DND/CAF on its boards. The CAF has opted for a hybrid approach whereby succession boards are to include a “non-affiliated” CAF member from a different Level 1 organization or command as well as a civilian Defence Team member. This configuration is mandatory and is reflected in the CAF’s new policy on talent management and succession planning.
50. Finally, in terms of leadership, former Justice Arbour noted that the CAF would benefit from exposure to the private sector and the civilian public service and recommended that a more expansive secondment program be established. The CAF is committed to achieving this and is working on a framework to establish the criteria and parameters of such a program.
51. The IECR also suggested that independent researchers have greater access to the CAF’s own data and research as well as to CAF member participation in external research. The DND/CAF has since streamlined its external proposal review process and has clarified to members, via CANFORGEN, that they are permitted to participate in research that is externally led. Further, a public database was created to list the CAF’s research products and policies related to culture, and interested individuals may request copies of these documents.

More efficient recruitment and expedited early release of unsuitable recruits

Recommendations 20–22 and 25

52. These recommendations focus on making the recruitment process more efficient while simultaneously enabling a more thorough assessment of the suitability of recruits. In previous reports I have commented on various changes to the recruiting process that have been adopted so far, changes meant to streamline and improve on the results of the process.⁶

⁶ The reader is also referred to a recent report by the Office of the Auditor General on its findings and recommendations regarding the CAF’s recruitment process.

53. The CAF has created a probationary period for its recruits for both the Regular Force and the Primary Reserve. Its objective is twofold:

- to support a more efficient process whereby medical, suitability and security requirements can continue to be assessed post recruitment; and
- to expedite the release of recruits who demonstrate behaviours and attitudes that do not line up with the CAF ethos.

54. According to the new policy, the unit responsible for military careers at National Defence Headquarters will be monitoring and collecting data on releases during the probationary period. Information and knowledge gleaned from these outcomes would be useful in determining whether process adjustments are required in order to achieve the objective sought, i.e. the timely release of unsuitable candidates before they reach their operational functional point. CMP officials are unable to provide data at this time.

Enhancing the effectiveness of training within the CAF's early training schools

Recommendations 23, 24 and 27

55. IECR recommendations related to training effectiveness reflected many of the concerns raised in 2015 by former Justice Deschamps. Essentially, the CAF was reminded that it needed to enhance its training methods to get beyond PowerPoint presentations delivered by members who were ill-equipped and to staff its early training schools with the best the CAF had to offer in terms of modelling appropriate behaviour.

56. The CAF was also urged to prioritize its postings to training units, to incentivize instructor positions at the Canadian Forces Leadership and Recruit School (CFLRS) and other key instructor positions, and to ensure screening of candidates for both competence and character. The DND/CAF leadership fully agreed with the tenor of these recommendations and much effort was put into improving the situation.

57. In previous reports, I have highlighted the substantive shift in content and teaching methods that was undertaken a few years ago at the CFLRS and the CAF's enhanced screening of instructors. The CAF continues to refine and expand its formal screening process and has introduced instructor specific training. Whether or not these efforts are producing better results remains to be seen, but the content, teaching approach and deliberate selection of its instructors/teachers bodes well.

58. The CAF has also worked on removing some of the disincentives that were preventing good candidates from applying to teaching positions. For example, most recently, the CAF has introduced a financial bonus that is likely to make a difference.

59. A few years ago, CPCC developed its Culture Change Framework following input from several academics with expertise in the field. This framework led to a training and

education continuum that defines the concepts that need to be covered for each of the developmental periods in a CAF member's career, such as conflict management, workplace harassment and violence prevention, diversity and inclusion.

60. In 2021, the CAF adopted the Ivey Business School's Leader Character Framework model for developing its leaders. This model, which has since been adopted by many other organizations, informs the CAF's revised evaluation and promotion processes. This has also led to many changes to professional development curricula, including those in place at the CAF's Non-Commissioned Member Leadership College (formerly the Osside Institute).
61. Recommendation 24 stated that the CAF should assess the advantages and disadvantages of forming a new trainer/instructor occupation or a new such specialty within one of the human resources-related occupations with a view to creating a "permanent cadre of skilled and professional educators and trainers." The CAF proceeded to an analysis of this option and has since determined that it would not pursue it.

An independent review of military colleges

Recommendations 28 and 29

62. Earlier this year, the board that was struck to review the two Royal Military Colleges, consisting of five external experts and two Defence Team representatives, submitted its report to the Minister of National Defence. The report, made public last March, contains 49 recommendations that cover a wide range of matters, such as cost effectiveness, governance, the quality of the curricula, and the attributes required of college leaders. The board also recommended ways to address the issues raised in the IECR regarding the Cadet Wing authority structure.
63. By all accounts, the board provided a very comprehensive report regarding the path forward for the colleges and the work has begun to implement the recommended changes. According to the Commander of the Canadian Defence Academy (CDA), the following are some of the changes that are complete or partially complete:
 - the "deep selection" for commandants of the colleges along with a development program to assist in their preparation for the position. The CAF has also changed the tenure to a minimum of four years (recommendations 10 and 11);
 - the establishment of a minimum three-year tenure for directors of cadets (recommendation 13);
 - the elimination of the Physical Performance Test and its replacement with the FORCE test (recommendations 29 and 30);
 - the review/amendment of sexual misconduct policies and direction (recommendation 39); and

- giving the Commander CDA the authority to release recruits for conduct deficiencies (recommendation 41).

64. I gather from the information received so far that the DND/CAF is fully intending to action all of the recommendations. I believe that the CDA will endeavour to create the momentum required, but it is not solely responsible for the implementation of all recommendations. Several of these, such as the recommendations related to infrastructure and maintenance, will require the inevitable longer-term outlook and the involvement of other internal Defence organizations. Senior-level visibility will be instrumental in achieving the intended results over the years to come.

65. The board also recommended that the Minister provide an annual report on the status of implementation. It is my understanding that the secretariat responsible for the oversight of external recommendations will be tasked with getting the required updates from the responsible Level 1 organizations and reporting progress to the DM and CDS.

A more systematic approach to promoting the right people

Recommendations 30, 31, 33–35, 38 and 44

66. These recommendations focus on ensuring that future leaders are selected on complete information, with an emphasis on character. The objective is to ensure that past misconduct is duly integrated in the decision-making process for promotions, in the yearly evaluation of performance and in succession planning, and that character be assessed via valid psychometric tools.

67. Several new forms have been introduced in which the incumbent and/or the supervisor attest to the presence (or absence) of administrative or disciplinary action and of civilian offence convictions. I have been informed that the CAF has recently expanded the scope of reportable conduct issues. In terms of accounting for conduct deficiencies in the performance evaluation process, the CAF indicates in its guidelines that raters must assess the member's conduct both on and off duty as either "acceptable" or "unacceptable."

68. The CAF has been using psychometric tools as part of its promotion process for GOFO ranks for several years. Former Justice Arbour recommended that the same steps be also used for candidates being considered for promotion to the ranks of LCol/Commander and above, and to the rank of Chief Warrant Officer/Chief Petty Officer 1st class. So far, the CAF has expanded the testing to candidates who are being considered to the ranks of Col/Capt(Navy) and above. Plans are to expand to other ranks once the new suite of tools is in place.

69. It was also recommended that the psychometric tools and the 360-degree multi-rater assessment currently in use be the subject of a review by external experts on an annual

basis. This has yet to take place, as the CAF is still in the process of establishing its next contract for those psychometric tools. Considering the CAF's current inability to proceed to an external review of its assessment tools at this time, consideration should be given to providing the Minister with whatever assurance it can that the process in place is achieving the desired results.

70. Finally, as recommended, the Privy Council Office has complete access to personnel file information for candidates for Governor-in-Council appointee positions, such as the CDS and the Judge Advocate General, as waivers are signed by the candidates.
71. Since 2021, the CAF has clearly emphasized its intention to promote people with the right character. At this point, one could say that some of the key elements are in place. There is a more robust collection and documentation of instances where there has been a formal determination of misconduct either via the disciplinary process or the administrative process. The ability to consistently ensure that this information is considered and adequately weighted will be the determining factor for success.

Progressive targets for the promotion of women and a GBA Plus approach to succession planning

Recommendations 36, 37 and 40

72. In terms of increasing the representation of women in GOFO ranks, the CPCC has been working to identify barriers to progression in the CAF for all under-represented groups. Also, in response to a CHRC audit, CPCC is recalibrating its approach to setting representation goals. I have been informed that specific trades will be analyzed and compared with similar trades in the civilian workforce in order to ensure that the CAF better represents Canada. The CAF is currently modernizing its Employment Equity Plan, and it will provide specific policy direction on goal setting, employment barrier removal, special measures, and other initiatives to create a more representative organization.
73. Regarding succession planning, the 2024 revised policy dictates that boards must plan for "meaningful representation" from designated groups and civilians. Guidance is provided on mitigating bias, on barrier reduction measures and on inclusive behaviours. The policy also lists specific measures related to parental leave, a more equitable access to the Joint Command and Staff Program, and the creation of generic Col/Capt(Navy) positions.
74. Finally, the recent changes to Universality of Service standards were based on a GBA Plus analysis which was in part informed by an external subject matter expert. As with many other initiatives which have been set in motion in recent years, the passage of time will attest to the success of these measures.

Reports to the Minister on investigations

Recommendations 41 and 42

75. Two reports are presented annually to the Minister of National Defence: one from the Assistant Deputy Minister (Review Services) on results of investigations related to disclosures of wrongdoing under DAOD 7026, including any that may touch on sexual misconduct, and another from CPCC on the results of its oversight function and trends in statistics on sexual misconduct. The CPCC report also highlights areas where the CAF is proactively addressing leadership issues.

Early information to Parliament on the implementation plan and biannual reporting by an external monitor

Recommendations 47 and 48

76. In October 2022, then Minister Anand appointed a monitor for a one-year term to provide an external account of the organization's progress regarding the IECR recommendations. Minister Anand also presented Parliament with a fulsome account of the DND/CAF response to the IECR and intended actions. The report is dated December 12, 2022, and is available online: *Minister of National Defence's Report to Parliament on Culture Change Reforms*. The one-year External Monitor mandate of October 2022 has since been extended twice.

A note about the report by former Justice Fish

77. In June 2021, former Justice Fish provided his findings and conclusions after an extensive review of the military justice system. His was the third independent statutory review following those by former Justices Lamer (2003) and Lesage (2011). Shortly after the release of his report, former Justice Arbour launched her review.

78. Throughout the three years of my mandate, I often referred to the conclusions of the report by former Justice Fish and those of his predecessors. Several of the recommendations made by former Justice Fish were reiterated in the IECR, such as the repeal of the Duty to Report and the need to provide free legal assistance. But there are other recommendations, more systemic in nature, that I believe could strengthen the organization's ability to deal more effectively with misconduct/inappropriate behaviour by its members when it does occur, for example:

- the need for specific offences related to both sexual misconduct and hateful conduct (recommendation 24);
- the need to ensure that the CAF can discipline its reservists (recommendation 22);
- and

- the need to update sanctions to make them more relevant in today's environment (recommendations 27 and 28).

79. The majority of the recommendations from the report by former Justice Fish remain unaddressed for a variety of reasons. I would suggest that now would be a good time to conduct a reassessment of the remaining recommendations and to prioritize their implementation in accordance with the CAF's strategic objectives.

80. However, it should be noted that there has been considerable attention given to the many recommendations related to the grievance system, which former Justice Fish qualified as "broken." Several have been implemented and progress continues. But this element of the CAF's redress process also needs continuous senior leadership attention, especially from the perspective of timeliness.

Part 2 – Matters that may impede progress

81. Part 1 of this report shows how the DND/CAF has sought to address individual IECR recommendations. In the last three years, I have seen a lot of dedicated effort to meet the intent of the recommendations. In many cases, the required changes have taken place. In others, while there has been explicit action, such as the repeal of Duty to Report requirements in the regulations, other follow-on activities are required. In many instances, we will not know for years to come if the operationalization of the recommendations will result in the anticipated positive change. Such is the case for several of the changes made to the succession and promotion process that strives to select leaders that personify the right character.
82. Notwithstanding the mindful efforts of the DND/CAF, there are several structural features that I believe continue to present a challenge to the organization, potentially affecting its path towards culture change.

CAF policy framework

83. As stated in a previous status report, the DND/CAF has been dealing with many changes to its policies and regulations, often due to recommendations from external reviews. Most CAF policies stipulate in great detail what the organization expects from its members. As a result, changes to a policy direction create a substantial domino effect. The terminology and intent must be replicated in a series of other related policy and guidance documents. This is a massive undertaking considering the density of the CAF's policies that have been created over time.
84. I have noted that CAF members who are trained for military duties are involved in writing policy. Obviously, they need to be part of the process, but it remains that policy writing and administration is a specialty that requires a specific skill set that is not consistent with military training. I have also noted that in some cases, consultations are never-ending. This often results in policy documents that are unnecessarily lengthy, very difficult to follow, and can take years to be promulgated. This is hardly sustainable as, inevitably, policies and related documents become out of sync with the objectives of the organization and the outcomes that it seeks. Such is the case with the DAODs on sexual misconduct and personal relationships.
85. The CAF needs a more responsive centralized approach that allows for senior leadership visibility, and which establishes a priority of changes deemed to be the most critical for the organization's evolution. The process, ideally, would lead to a question as to which of the available policy instruments would be best suited to deal with the intent, with a view to creating a more efficient flow for whenever future changes are required. I am aware of some instances where individuals responsible for policy modifications have thought

about, for example, simplifying the language proposed in regulatory change to enable the use of a more agile instrument for the details. This needs to be replicated at an enterprise level with encouragement from the top to streamline whenever it is appropriate.

Lack of pertinent data

86. Within the CAF, complaints regarding various types of misconduct are managed via different recourse mechanisms. The information is captured in several different databases, most of which are limited to intake information only and lacking a case management function. As a result, the CAF does not know the scope of the problem, nor the extent to which individual complaints/situations have been resolved. This makes it difficult to confirm whether or not there is any progress vis-à-vis professionalization of the workforce.
87. CPCC has been working on a transformation of the complaints process for several years to make it simpler for DND/CAF members. I gather that at least 10 complaint mechanisms have been reviewed with a view to creating a better ecosystem. I am told that a recent infusion of funding will greatly assist in moving the project forward, and that there should be a clearer path beginning this fall.
88. This needs to be a priority for the organization as a whole. The current situation is problematic from several angles. The lack of information about outcomes and process efficiency is hampering the CAF's ability to speak to the effectiveness of its recourse and redress mechanisms as well as its programs and policies. The re-programming plan needs to be driven by time-specific milestones, with clearly established accountabilities. Otherwise, the current situation will continue for some time.

Organizational response when misconduct occurs

89. One of the most unsettling findings from numerous surveys conducted since 2022 is the revelation that many individuals do not report sexual misconduct. The 2022 Statistics Canada survey noted that 64% of Regular Force victims of sexual assault did not report to anyone in authority. One of the reasons most often stated for non-reporting was the belief that it would not make any difference. In 2023, an internal survey noted that only 29% of women and 48% of men agreed that members who commit sexual misconduct are held accountable for their actions. For those who had direct experience with sexual misconduct, the percentage was even lower.
90. As discussed in this report, the CAF has made substantive inroads in response to the IECR recommendations. In the majority of cases, the objective has been to create conditions that would have a preventative effect. Other IECR recommendations seek to

reinforce the organization's response, once the misconduct has taken place. For example, the recommended probationary period for recruits is a new mechanism that accommodates the efficient release of unsuitable individuals early on.

91. Once the probationary period is over, there are other avenues of redress: courts martial, summary hearings and administrative reviews (ARs). ARs are the process by which the CAF determines the "viability of a CAF member's continued service" due to a conduct deficiency. The 2024 externally led review of some 80 AR case files noted significant process flaws, which led to several recommendations. The CAF has since introduced a new process which will be launched later this fall. The new system is anchored in Level 1 organizations having the authority to release, as opposed to that of a centralized unit within CMP. Many believe that this will heighten the level of accountability.
92. Interestingly, as former Justice Arbour was completing her review, the CAF was undergoing a significant change in its military justice structure whereby it was eliminating summary trials and replacing them with summary hearings. In her view, this created what she considered to be overlap between the new summary hearing process and the already existing AR process, i.e. both are non-criminal in nature and outcome and are based on the same "balance of probabilities" standard of proof. I would add that this adds to the data problems of the organization, since the results of each mechanism are captured in disparate systems.
93. Further, there is no clear delineation as to what type of transgression is dealt with under one system versus the other. Summary hearings provide commanders with a process by which they can address "minor breaches" of military discipline at the unit level, whereas ARs are meant to determine whether or not an individual should remain an employee of the Crown in light of inappropriate behaviour. Admittedly, there are some distinctions between the two, but the question remains as to the value added of administering two separate systems with so many parallels. The recent moving of release authority to Level 1 may bring this particularity to the surface, now that both processes will be conducted closer to the unit level.
94. One thing is clear: there needs to be an unequivocal determination as to what "minor" represents. As I discuss in the fifth status report, case law regarding sexual misconduct in the workplace has evolved significantly in the last 10 years, and what may have been considered "minor" forms of sexual misconduct in previous years are now clearly identified as sexual assault, including a slap on the buttocks. There also needs to be a common understanding that misconduct by individuals in leadership/mentoring roles is automatically a seriously aggravating factor in the determination of continued employment.

Conclusion

“The CAF and the DND have an opportunity to take a major, decisive step in the creation of a safe, secure, equitable working environment, not only for women, but for the many others long left out of the profession of arms despite their desire and ability to serve. Firmly entrenched in its historical way of life, the military has failed to keep pace with the values and expectations of a pluralistic Canadian society, increasingly sophisticated about the imperatives of the rule of law. Operating as a totally self-regulated, self-administered organization, entirely reliant on deference to hierarchy, it has failed to align with the ever-changing, progressive society we live in. This disconnect is a liability for the CAF and for Canada.”

(p. 9, Report of the Independent External Comprehensive Review)

95. Former Justice Arbour also went on to state “there is now a palpable change in the air”. After 3 years of monitoring the DND/CAF’s response to sexual misconduct, I can say that there have been substantive changes. Some of the IECR recommendations were of a preventative nature such as ensuring a better selection of leaders and instructors, and more effective terminology to explain prohibited behaviour, while other recommendations speak to a more effective response whenever sexual misconduct has occurred, such as the introduction of a probationary period. The DND/CAF is on track to meeting the spirit and intent of most recommendations that are within its control.
96. In my view, the most effective prevention method would be to ensure that the people who have difficulty abiding by the CAF’s ethical standards are dealt with expeditiously, commensurate with what the public would expect of a professional organization. It would make the doctrinal statements more concrete. It is said that an organization’s culture is defined by the behaviour that it tolerates.
97. The CAF is not immune to individual employees who create toxic workplace dynamics. There needs to be coherence between what you profess to be as an organization and the actual leadership response to inappropriate behaviour; and the more transparent and timely the response, the better.
98. In the past, the CAF has been criticized for its mishandling of sexual misconduct. Media coverage of members who have, for example, been engaged in the sexual exploitation of children, or spousal abuse, or the sexual assault of a colleague publicly discredits the organization. In addition, results from internal surveys point to a perception that perpetrators are not held accountable for their behaviour. This is certainly a message that I have heard also.
99. I am hopeful that the revised process for releasing members for misconduct has the potential for greater accountability for any decision that results in the actual retention of individuals who do not deserve to retain their position within the CAF. Getting this right,

in my opinion, constitutes 'la pierre angulaire' of reform, not only because it extracts the problematic individual but also in the message that it sends.

100. The CAF's continued efforts to promulgate modern leadership principles such as CPCC's leadership support program and the CDA's leadership development curriculum have the potential to give CAF leaders the confidence and the ability to not only create safe environments but to also right the wrong with an appropriate timely response when misconduct occurs. And leaders who are unwilling to effectively manage misbehaviour need to be informed that their performance is lacking.
101. There are other organizational features that need attention as the DND/CAF continues to evolve its culture. In response to the IECR, there has been concerted effort to modify the terminology related to sexual misconduct, bringing more clarity as to what constitutes behaviour that the organization will not tolerate. As I point out in the report, policy development in the CAF is complex. The resulting directives are often very lengthy, hardly making it clear what the expectations are and, perhaps more importantly, who is actually accountable for the outcomes. It remains to be seen if the upcoming directive on personal relationships will bring clarity for those who will need to enforce it.
102. There is a distinct advantage to specificity of language when defining behaviour. It leads to better, more informative data which the CAF needs to better understand the scope and nature of the problem, and to monitor whether or not adjustments are required. According to both former Justices Fish and Arbour, the catch-all phrases used in the *National Defence Act* and the Regulations are unhelpful when trying to eradicate a specific behaviour due to the vagueness of the language.
103. Former Justice Arbour also commented on the impracticalities of engaging military personnel in tasks for which they have no background or expertise. Furthermore, when one factors in the typical turnover of the 2–3-year military posting cycle, the result is missed deadlines and diffused accountability. I would attest to the fact that this is impacting results. Former Justice Arbour suggested that the CAF revisit some of its Human Resource Management postings as a start, to determine if some would benefit from longer term postings in order to create stability. The alternative to that would be to civilianize the positions.
104. This concludes my mandate reporting to the Minister of National Defence on the implementation of the IECR recommendations. The Assistant Deputy Minister (Review Services), as a result of its regular audits and evaluations, is well positioned to provide assurances to the Deputy Minister and the Chief of Defence Staff as to the progress regarding recommendations from external reviewers, and whether or not the outcomes are those anticipated by the leadership.
105. On a final note, I would like to take this opportunity to present my thoughts on the subject of the SMSRC. I gather that there continues to be differing views as to whether

or not the SMSRC should be a completely separate agency, outside of the National Defence structure. I would be remiss if I did not offer some observations after three years of 'looking in'. I genuinely believe that affected individuals can have complete faith in the fact that the SMSRC operates in a way that is truly independent of the Chain of Command. As pointed out by former Justice Arbour, there are distinct advantages to the current reporting structure that would not exist otherwise. I would urge affected individuals to reach out to the SMSRC. While no organization is perfect, this one is in a very good position to not only provide individual help, but also to signal trends and systemic failures to the senior leadership of the DND/CAF. I believe that this is a key ingredient to continuous improvement.