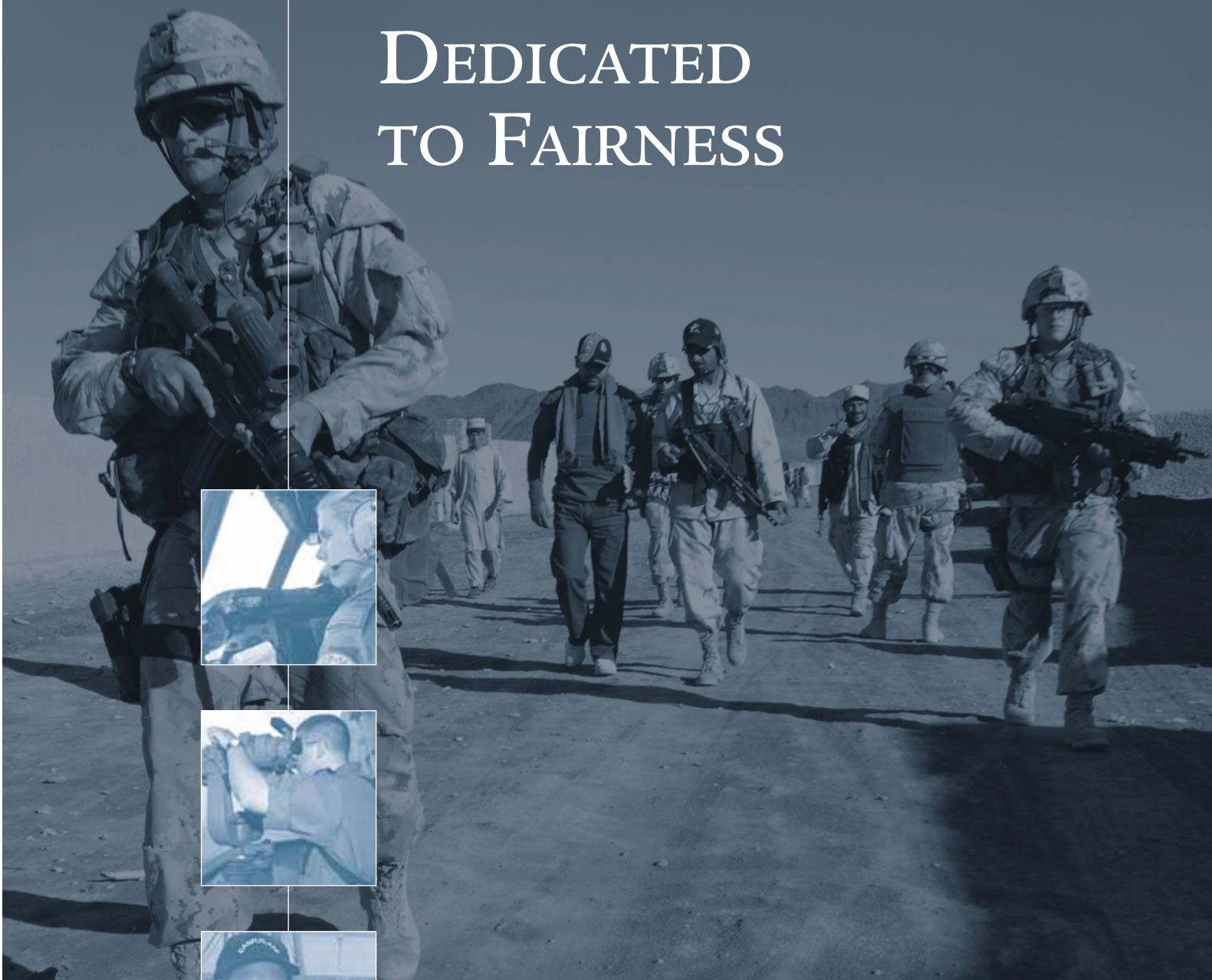


DEDICATED TO FAIRNESS



2005-2006 ANNUAL REPORT

Ombudsman

National Defence
and Canadian Forces



Défense nationale
et Forces canadiennes

Canada



Ombudsman's Vision

Independent
and impartial,
we are dedicated
to fairness for all.



June 2006

The Honourable Gordon O'Connor, P.C., M.P.
Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
101 Colonel By Drive
Ottawa, Ontario
K1A 0K2

Dear Minister,

I am very pleased to submit to you this year's annual report for the Office of the Ombudsman of the Department of National Defence and the Canadian Forces for tabling in the House of Commons.

This report provides an overview of our operations from the beginning of April 2005 to the end of the fiscal year in March 2006. It highlights the important work that my dedicated staff have undertaken to help our uniformed members, civilian employees and their family members resolve concerns related to the Department and the Canadian Forces.

I look forward to continuing to work with you to achieve our shared mandate: enhancing the well-being of all members of the Defence community who sacrifice so much for Canada and Canadians.

Yours truly,



Yves Côté, Q.C.
Ombudsman



An Office that can Help

The Ombudsman’s Office contributes to substantial and long-lasting change in the Department of National Defence and the Canadian Forces. Independent from the chain of command and civilian management, the Ombudsman reports directly to the Minister of National Defence and helps to ensure fair and equitable treatment for all members of the Defence community, including:

- Current and former members of the Canadian Forces (Regular Force and Reserves) and the Cadets;
- Individuals applying to become a member;
- Current and former civilian defence employees;
- Employees and former employees of the Staff of Non-Public Funds;
- Members of the immediate family of any of the above-mentioned; and
- Individuals on an exchange or secondment with the Canadian Forces.

The Ombudsman’s Office acts as a direct source of information, referral and education for the men and women of the Department and the Canadian Forces. It helps individuals access existing channels of assistance or redress when they have a complaint or concern. The office also investigates complaints and serves as a neutral third party on matters related to the Department of National Defence and the Canadian Forces and, when necessary, reports publicly on these issues.

If you have a concern regarding a matter that is directly related to the Department or the Canadian Forces, and you are a member of the Defence community, please contact our office. You can be assured that we will treat your concerns in a professional manner and with confidentiality.



How to Contact Us

There are several ways to reach the Office of the Ombudsman, including submitting a complaint online or calling one of our intake officers.

- **Online:** To send us your complaint online, you can access our **secure** online complaints form on our website: **www.ombudsman.forces.gc.ca**. Follow the directions, and we will contact you to discuss your concern.
- **Phone:** Call our toll-free number and speak to one of our intake officers. It’s easy to remember! 1-88-88-BUDMAN (1 888 828-3626).

For further information about the Office of the Ombudsman, please call our general inquiries line at **(613) 992-0787** or visit us online at the website mentioned above.

We are also available to provide presentations. For more information, please contact the Director of Communications and Parliamentary Relations at **(613) 992-6962**.

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Ombudsman’s Mission

To bring positive change to the Defence community because we care about the people we serve.





Ombudsman's Message

Through the dedicated efforts of our entire office, my first few months as Ombudsman were filled with a number of significant accomplishments. Let me highlight some of them. We finalized an investigation and released a comprehensive report on the case of Squadron Leader (Retired) Clifton Wenzel, a decorated Second World War veteran who was unfairly denied a pension more than 40 years ago. We reconstituted the Ombudsman Advisory Committee. And, most notably, our staff helped more than 1,600 members of the Canadian Forces, employees of the Department of National Defence and their families resolve a broad range of issues and concerns over the past year. These successes at the individual level are critical but, given that they do not generate headlines, they are all too often overlooked. Of course, these are only a few of our achievements; the many others are detailed elsewhere in this report.

I would like to share some of my thoughts following my first eight months on the job, focusing, in particular, on the numerous visits that I have made to Canadian Forces bases, wings, schools and other facilities. My primary objective for these visits was to meet our uniformed members informally in their work environments. I talked to them about who we are and what we do, described the services that we offer, and answered the numerous questions that they had. The large majority of these meetings were held in circumstances where everyone could speak frankly and openly.

On one of my first base visits, members stationed in Wainwright spoke of an inequity regarding access to medical services. I was told that members serving in isolated locations qualified for benefits due to the reduced availability of health services; however, these benefits were not available to those serving in Wainwright. One of my investigators quickly reviewed the facts and consulted military leadership. As a result of our efforts, the Canadian Forces is now reviewing the outdated policy that led to this inequity and will look at introducing a new approach to determining benefits.

At our bases and wings across the country, I also met with people who were well placed to give me a good sense of some of the issues that are affecting the Defence community. For example, whenever I could I met with military chaplains, social workers, Military Family Resources Centre staff, military families and union representatives.

Over the past eight months, I also met with a number of Parliamentarians and other stakeholders who have an important role to play in defence-related issues. And I sat down with most senior officers, non-commissioned members and civilian officials working in the Department and the Canadian Forces. I was genuinely pleased by the strong support that was expressed for our office, for what we do and for the added value that we bring to the Defence community.

All of these encounters were, from my perspective, extremely useful and instructive. I now have a much better – a much richer – understanding of the most important issues facing our members in the Defence community and the institution itself. And I took a number of things from these meetings and visits across the country.

Most notably, I believe that the men and women of the Canadian Forces are genuinely energized. They told me that they feel a new sense of purpose. They feel considerable pride in serving their country. And there is widespread recognition that significant progress has been made in recent years, particularly in the areas of pay and equipment.

However, it is also clear that there are some critical pressure points within the Department and the Canadian Forces. Almost everywhere I went, I heard members of the community – military members, Defence families, and civilian employees – say that they are operating at, or even beyond, the limits of their capacity. There is no question that the organization is stressed. This obviously has an impact on our uniformed members and civilian employees. But beyond that, it also has a significant impact on their families who often bear the brunt of this.

I heard a number of concerns related to the treatment afforded to our Reserve members who are being called upon more and more to help the Canadian Forces deliver on its mandate. Some of these concerns centred on how Reserve members are treated when they return from international deployments. Others related to difficulties experienced by Reservists who tried to join the Regular Force.

Finally, a number of military members told me that the grievance system is not responsive to their needs. In spite of the improvements that have been made, they still find it too slow and overly bureaucratic.

All of these issues are of concern to me, and I will continue to monitor them closely.

I would like to close with a few comments on our priorities for the next reporting period. We will continue to focus on helping to resolve individual complaints that form the backbone of our business. At the same time, we will launch and complete targeted, in-depth investigations where we can make the most significant and long-lasting difference.

In the coming months, we will also strengthen follow-up mechanisms for the recommendations that we have issued and will issue in the future. I want to track the implementation of our recommendations in a more open and rigorous way and, through this, promote greater accountability in my office and throughout the entire institution.

In closing, I am – and our entire team is – looking forward to the coming year. The office has made a real difference in the past. And we are determined to continue to bring positive change to the Defence community because we care about the people we serve.

Yves Côté, Q.C.
Ombudsman



Yves Côté was appointed Ombudsman in August 2005

The Year in Review

Highlights

Over the past year, the Office of the Ombudsman delivered on its mandate and, in the process, made a positive difference in the lives of the men and women of the Canadian Forces (Regular Force and Reserves), employees of the Department and their family members.

Throughout 2005-2006, the office received 1,439 new complaints and 75 requests for information. Over the course of the year, 1,634 cases were handled and closed, including new cases and cases carried over from previous fiscal years. Since the office was established in 1998, it has been contacted more than 10,000 times by members of the Canadian Forces, employees of the Department of National Defence and their families.

As well as addressing individual complaints, the office has also focused on a number of broader issues. For example, in October 2005, the Ombudsman wrote to the former Minister of National Defence strongly recommending that he implement two outstanding recommendations related to the Service Income Security Insurance Plan (SISIP). The letter was posted on the Ombudsman's website, where it is still accessible, in order to keep constituents and stakeholders informed.

Putting family first

A Regular Force member contacted our office regarding his request to be posted to another base so that his wife could be near her seriously ill mother, who needed constant care. He had been trying for seven months to get a transfer and his mother-in-law's condition was getting worse.

First he was told that he needed an Environmental Training Program course, which he took and passed. Upon returning from the course, he saw his name on a posting list for an assignment at the other base and began making plans with his family to move. He then learned that the job had been given to someone in a more urgent situation. He requested a Contingency Cost Move which, although strongly supported,





During the ongoing snipers investigation, which was referred to the office by the former Chief of the Defence Staff, Ombudsman investigators initially received heavily censored documents from the Department of National Defence in response to their requests for information. The inability to obtain access to all relevant information seriously prejudiced the investigative process and had a potentially negative impact on the credibility of the office. The Ombudsman intervened vigorously with the Department of National Defence and the previous Minister and, after prolonged discussions, significant and positive change occurred. Ultimately, a Ministerial Directive was issued providing the office with access to required information and facilitating access to other information in the future.

In November 2005, the Ombudsman issued a report, *For the Sake of Fairness*, recommending that Mr. Clifton Wenzel, who retired from the Royal Canadian Air Force in 1961 after more than 20 years of military service, be compensated, with utmost urgency, for the pension that he was unjustly denied. In addition to garnering considerable media attention, the recommendations in the report were supported by the former Minister. In March 2006, the Ombudsman impressed upon the new Minister of National Defence, the Honourable Gordon O'Connor, the need to implement the recommendations without delay.



YOUR SUCCESSES ARE OUR SUCCESSES

was denied because there were no suitable positions available. Finally, he applied for an opening at the base, learned he was the best candidate, but failed to secure the position because, it was later asserted, a candidate in the specified trade was chosen.

The investigator talked to the member's career manager, who acknowledged that, in the case of the Contingency Cost Move, the move request was legitimate. However, few positions were available and a more urgent request had taken priority. Furthermore, the local position had gone to someone in the right trade. The career manager also revealed that he had tried unsuccessfully to borrow a position at the other base for a year.

The investigator offered to search the Active Posting Season website for an available position, and the career manager agreed to transfer the member if something were found. The next day, the investigator found a suitable vacant position and the career manager responsible for it agreed to a loan. A month after contacting us, the member was told he would be transferred within a few weeks.

The co-operation of the two career managers alleviated a deteriorating family situation by providing a bridging solution that benefited all parties involved.



Since the Ombudsman's appointment in August 2005, he has also focused on meeting with members of the Canadian Forces and employees of the Department of National Defence across the country. As of the end of March 2006, he had traveled to military bases, wings and facilities in Halifax, Shearwater, Bagotville, Valcartier, St-Jean, Edmonton, Cold Lake, Wainwright, Kingston, Petawawa, Shilo, Portage-la-Prairie and Winnipeg. During these visits, the Ombudsman had the opportunity to see, first-hand, the work performed by Canada's men and women in uniform and to speak to them informally about their concerns. The Ombudsman also had the opportunity to meet with key members of the extended military family – including chaplains, social workers, health care specialists, Military Family Resource Centre staff and union representatives – to get a sense of the work they do and the challenges they face.

Over the past eight months, the Ombudsman also worked to strengthen relationships on a number of broad fronts, including meeting with: the Ministers of National Defence; Chief of the Defence Staff; the Deputy Minister of National Defence; most senior civilian managers and Canadian Forces officers; the Armed Forces Council; Parliamentarians (including Defence Critics from all political parties); and provincial Ombudsmen from Manitoba and Nova Scotia.

In the fall of 2005, the Ombudsman reconstituted the Ombudsman Advisory Committee, adding five new members: Colleen Calvert, Executive Director of the Military Family Resource Centre in Halifax; Clare Lewis, Q.C., a former Ontario Ombudsman; Captain Eve Mallette from the Canadian Defence Academy; Chief Warrant Officer Mike Nassif, Command Chief Warrant Officer

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A babe in arms

A female member, who had just been transferred from the Reserves to a distant posting with the Regular Force, approached our office. She was seeking a temporary transfer back to her old base.

The member had a 15-month-old child and her husband, a Regular Forces member, was away on training. Recruiting staff had agreed to accommodate her situation. In the end, however, she was given a distant posting scheduled to begin four months before the return of her spouse. Her old unit's chain of command suggested that she proceed to her new base and obtain permission to take Employment While Awaiting Training at her old base until her spouse's return.

Permission was denied. Instead, she was told to sell her house and move her child, or else request voluntary release.

An Ombudsman investigator approached the new unit's chain of command, who said that the new member needed a Soldier's Qualifying Course before starting trade training. However, the Regimental Sergeant Major (RSM) at her old base revealed that the training was available there too. The RSM agreed to arrange for the member's training at the old base and even agreed to employ her until the start of her basic course. The new base still refused to allow her to return.

The investigator then contacted the Base Commander's office and explained that, if the member had to move, DND would have to pay child care allowances for 24 hours a day,

for the Human Resources (Military) group; and Nathalie Des Rosiers, Dean of Civil Law at the University of Ottawa. And, in March 2006, Bill Tanner was added to the committee bringing the total membership to ten. The committee is chaired by Lieutenant-General (Retired) Michael Caines.

The committee met for two days in November 2005 to discuss, among other things, operations and investigations, outreach and the Ombudsman’s commendations process. The former Minister of National Defence and the Vice Chief of the Defence Staff also met with, and addressed, the members of the committee. On March 30, 2006, the committee gathered for its first meeting of the year to discuss the strategic priorities of the office, the Ombudsman’s long-term communications plan and current operations and investigations.

The staff of the Office of the Ombudsman have also been involved in a number of important initiatives over the past year to strengthen the overall office, including: the development, by the Operations group, of a comprehensive, four-week training program for new investigators (the first serial of which ran in March 2006); the refinement and implementation of a professional development program (including regular learning seminars); the completion of an administrative review, overseen by Legal Services, to assess information management and security policies and procedures in the office; and the finalization of a workplace assessment which was spearheaded by an investigator in the Operations group.



Members of the Advisory Committee at a reception in November 2005

for four months, which amounted to \$27,000. The investigator added that the child was already showing signs of being affected by the parents’ absence. The Acting Base Commander agreed to transfer the member to her old unit until the start of her basic course and confirmed the decision in writing that day. The posting was effective immediately.

The senior chain of command recognized that the unit was obliged to address family needs, and that family life and the needs of the Canadian Forces can be compatible. By reversing a decision made at a lower level, the chain of command prevented disruption to a military family.



Focused on Positive Results

The responsibility
that your office
has for improving
the conditions
of service for
Canadian Forces
members
is comforting.
– *Serving
Brigadier-General*

In addition to handling and closing more than 1,600 cases in 2005-2006, the Office of the Ombudsman also made significant progress on a number of major files and investigations over the past year.

Updates

A Blot on History: Complaints Concerning Chemical Agent Testing

In the spring of 2004, after the submission of a special report from the Office of the Ombudsman to the Minister, the Government established the Chemical Warfare Agent Testing Recognition Program to compensate Canadian Forces veterans who participated as human test subjects in chemical warfare agent experiments from 1941 to the mid-1970s. Difficulties arose, however, in cases where veterans died without a valid will: their widows or primary beneficiaries were not eligible for compensation under the program's original guidelines.

Investigators worked with officials from the Human Resources (Military) group to resolve this inequity. As a result of these efforts, the program criteria was revised so that applications from "unremunerated adult(s) who ordinarily lived in the household of an eligible veteran at the time of his death" could now be considered. Family members who previously did not qualify for the program now have the recognition and compensation that they deserve. Indeed, 43 widows and other family members have now received the one-time, non-taxable *ex-gratia* payment of up to \$24,000.



Taking Care of the Injured and Disabled

In August 2003, the Office of the Ombudsman produced a special report entitled *Unfair Deductions From SISIP Payments to Former Canadian Forces Members*. The report contained five recommendations, three of which have been implemented. The remaining two deal with concerns with the offsetting (deduction) of Veterans Affairs Canada disability pensions awarded under the *Pension Act*. One outstanding recommendation calls for steps to be taken, in conjunction with Treasury Board Secretariat, to change the regulation governing offsetting; the other seeks reimbursement for veterans who had been subject to the offsetting clause after October 27, 2000.

The Minister of National Defence at the time agreed with all of the recommendations in the report, as did the Standing Committee on National Defence and Veterans Affairs. In fact, the committee passed a unanimous motion imploring “the Defence Minister and government to accept and enact the recommendations forthwith.” Unfortunately, Canadian Forces members are still waiting for concrete action.

On October 26, 2005, the Ombudsman sent a letter to the former Minister of National Defence expressing deep concerns about the delay in implementing the final two recommendations. This letter was posted on the office’s website in order to keep the Defence community informed. And, on March 16, 2006, the Ombudsman raised the issue with Defence Minister Gordon O’Connor. The office will continue to work vigorously to have these final recommendations implemented as soon as possible.

Special Report – *For the Sake of Fairness*

In November 2005, the Ombudsman released a special report, *For the Sake of Fairness*, detailing Squadron Leader (Retired) Clifton Wenzel’s 44-year-long battle for a military pension – and justice. Mr. Wenzel left the Royal Canadian Air Force in 1961 after more than 20 years of service, including 47 combat missions in the Second World War, but before the mandatory retirement age for his rank. At the time, the *Canadian Forces Superannuation Act* provided that he was entitled to a return of his contributions to the superannuation plan. It also provided that he could be granted a reduced pension if it was deemed to be in the public interest. He requested a reduced pension but was granted only a return of his contributions.

In May 2005, the previous Minister of National Defence referred his case to the office for investigation. The final report concluded that the military had failed Mr. Wenzel. It was clear that the decision not to grant the decorated Veteran a reduced pension had been arrived at as a result of an unfair process, and the Ombudsman recommended that Mr. Wenzel be compensated for the pension he was unjustly denied, “with utmost urgency.” Although the previous government agreed that Mr. Wenzel had been unfairly treated, it did not compensate him before the January 2006 election.

The Ombudsman briefed Defence Minister Gordon O’Connor on this case in March 2006 and called on him to consider this matter on an urgent basis.



You all deserve every 'thank you' and 'pat on the back' you get! I did a little more reading... and realized how much your office does to help other people like my mother and myself.

– *Daughter of a Veteran*



Work in Progress

Environmental Exposure (1991 Gulf War)

A comprehensive investigation was launched by the Office of the Ombudsman in response to a complaint submitted by a retired Canadian Forces officer from 1 Combat Engineer Regiment (1 CER) who had served in Kuwait following the 1991 Gulf War. The complainant expressed concerns about the long-term health of soldiers who had been under his command during this deployment.

The aim of the investigation was not to prove or disprove the authenticity of health concerns among those who had served with 1 CER. Instead, the investigation focused primarily on the appropriateness of the response of the Canadian Forces to those concerns.

As part of its investigation, the office managed to contact 251 of the original 320 1 CER veterans. These serving and former Canadian Forces members were briefed on the aim and scope of the investigation and were asked to provide information about their current health, as well as the treatment afforded them by the Canadian Forces if they had reported any concerns.

At the end of the 2005-2006 reporting period, the investigation was still in the process of being finalized. It is expected that the final report will be issued in the spring of 2006.

Recruiting System

Over the past seven years, complaints regarding the Canadian Forces Recruiting System have consistently ranked near the top of the issues that concern the Defence community. As a result, the Office of the Ombudsman

Unfit for service, you say?

A complainant alleged that he had been improperly released by the Canadian Forces. He grieved the release decision and accepted an informal resolution that allowed him to re-enroll for long enough to complete 20 years of pensionable service “upon satisfying all normal enrolment criteria.” However, when the complainant re-applied, Canadian Forces Recruiting Group (CFRG) Borden informed him that he did not qualify on medical grounds. The complainant could not see why he had been judged unfit and asked Director Military



launched a review of the system in the fall of 2004. This review focussed on the fairness of the recruiting process *from attraction to enrolment* from the perspective of a potential applicant. It did not assess the medical, physical fitness or educational standards required for enrolment in the Canadian Forces.

The office selected 301 complaints that were received between 2003 and 2005 for in-depth study. These complaints revealed a number of potential systemic issues within the Canadian Forces recruiting and selection process, including:

- A lack of responsiveness on the part of some recruiters in their dealings with applicants;
- Excessive delays in the recruiting process, specifically with the medical assessment and security portions of the process;
- Difficulties with the transfer procedure between the Reserve and Regular Forces and vice versa; and
- Inconsistencies in the application of recruiting incentives or bonuses being offered to potential recruits for specific military occupations.

The investigative team interviewed approximately 250 individuals, including 35 complainants. As well, the team spoke to staff of the Canadian Forces Recruiting Group Headquarters, 18 military recruiting centres, and a variety of Regular Force and Reserve units including Operational Headquarters, Militia Brigade Headquarters and Naval Reserve Headquarters. Investigators also consulted with a number of organizations outside of the Canadian Forces to analyze their recruiting processes.

The office is currently reviewing and analyzing the facts gathered and compiling a report. It is expected that the Ombudsman will release the final report in the coming weeks.



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Careers Administration and Resource Management (DMCARM) to review his case. DMCARM advised him that, given that the grievance process had been completed with the informal resolution, no further action was possible.

After reviewing the documentation on file, an investigator from the Ombudsman's Office met with the complainant and discussed the case with the medical staff at CFRG Borden. The staff agreed to reassess the file and found that a different determination might be possible. After receiving encouragement from the office, the former member provided

more current medical information and the application for re-enrollment was processed once again.

The investigator then facilitated numerous phone calls and e-mails between the former member, his doctor, CFRG Borden and DMCARM. The complainant was offered a posting with the Canadian Forces and re-enrolled nearly three years after being improperly released. The member and his family were thrilled to have the situation righted.

I would like to thank you personally for taking my case and for all the work you did to resolve my problem. I don't know what I would have done without your contacts in this matter. Everything is finally taken care of – from my release to my benefits.
– *Former Canadian Forces Member*

Snipers Investigation

At the request of the former Chief of the Defence Staff, the Ombudsman agreed to investigate a series of complaints made by the father of a former Canadian Forces soldier who served as a sniper with the 3rd Battalion of the Princess Patricia's Canadian Light Infantry during Operation Apollo in Afghanistan in 2002.

The father alleges that his son and other snipers were given inadequate support, ostracized and treated badly by their peers and their chain of command, and were given insufficient recognition for their exemplary service. It is also alleged that their mistreatment resulted in the snipers suffering negative effects, including post-traumatic stress disorder.

Investigators have focused their examination on whether the snipers were treated fairly and whether they received adequate pre-deployment training and preparation. The office is also looking at the treatment and support received by the snipers during and after the mission, as well as at the recognition the snipers were provided for their service.

As noted elsewhere, during the investigation, the office initially received heavily censored documents from the Department of National Defence in response to requests for information. This resistance caused significant delays in the investigation and severely undermined the ability of the office to fulfill its mandate. In the fall of 2005, the Ombudsman raised the issue with the previous Defence Minister who subsequently issued a Ministerial Directive providing the office access to required information, and outlining the procedures that will facilitate access in the future.

It is expected that the final report will be issued in the summer of 2006.



Operational Stress Injury III

On February 5, 2002, the Office of the Ombudsman released a report on the systemic treatment of Canadian Forces members with post-traumatic stress disorder. The report focussed on the Canadian Forces' treatment of Corporal Christian McEachern, a young soldier and former member of the 1st Battalion of the Princess Patricia's Canadian Light Infantry who was diagnosed with post-traumatic stress disorder in the fall of 1997 and released from the military in July 2001. The initial report contained 31 recommendations designed to assist the Canadian Forces in improving the way in which it deals with stress-related injuries. The Canadian Forces has accepted most of these recommendations, in whole or in part.

A follow-up report published nine months later examined the military's progress in improving the welfare of its members suffering from post-traumatic stress disorder and other operational stress injuries. The office has continued to monitor progress and a more in-depth review was initiated in the summer of 2005. At that time, issues such as family support, the perceived growing communications gap between the chain of command and caregivers, and the coordination of activities related to operational stress injuries at the national level emerged as warranting further review. As a result, an additional follow-up investigation has commenced. The investigative work is expected to be concluded in the summer, with the final report being published in the fall of 2006.



Investigators at work



About the Office



Intake officer

The Office of the Ombudsman was created in June 1998 in large measure as a result of recommendations made by the Somalia Commission of Inquiry, and acts as an independent and impartial investigative body for Canada's military community. The office strives to make a real and positive difference by promoting fairness, accountability and openness in the Canadian Forces and the Department of National Defence.

The Ombudsman is designated through a Governor-in-Council order, pursuant to section 5 of the *National Defence Act*. The office derives its authority from Ministerial Directives and their accompanying Defence Administrative Orders and Directives.

Structure

The office's approximately 50 civilian members work in five sections: Operations, Legal Services, Communications, Corporate Services, and Human Resources. The Operations group is composed of Intake, General Investigations and the Special Ombudsman Response Team (SORT). In addition, when the office needs extra guidance on initiatives or recommendations, it turns to the Ombudsman Advisory Committee, whose members have extensive expertise in military and legal matters and dispute resolution.

Some 25 intake officers and investigators perform the office's core function. Together, they provide a formidable level of expertise. They include former police officers, both local and national; former military officers, including a former Canadian Forces Chief Warrant Officer; and a former ombudsman from another jurisdiction. In addition, the office has a special adviser for each military environment – a former Brigadier-General (Air Force), a former Formation Chief Petty Officer (Navy) and a former Colonel (Army).

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Starting off on the wrong foot

An eight-year member of the Regular Force requested a voluntary release to move to another province and take custody of his young child. As the member had a civilian job waiting for him in two months' time, he hoped that his release would be authorized within seven weeks.

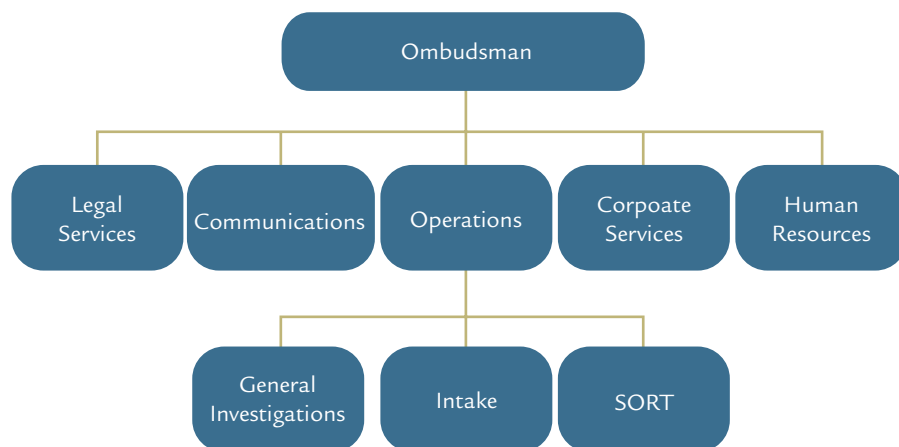
The entire process started off on the wrong foot. After the unit took more than six weeks to fax the member's paperwork to his Career Manager, the member asked for our assistance in obtaining a timely release to avoid jeopardizing his civilian position.

Given the compelling circumstances, an Ombudsman investigator spoke to the Career Manager, who stated that he could not justify a compassionate release without first

receiving substantive details in the form of a letter from a social worker and a letter from the prospective employer confirming that the member was being offered a career opportunity that would be lost were he not released by a specific date. The prospective employer quickly e-mailed his job offer to the Career Manager and the investigator; however, the Career Manager indicated that the letter did not meet the criteria to recommend early release.

It became apparent that the member had to abandon the job offer as the reason for early release and concentrate on gathering documentation to support release for compassionate circumstances in order to assume parental custody responsibilities for his child.

A doctor provided a letter stating that the stress associated with the member not being released was exacerbating an existing severe stress condition that had required medical



Investigative Process

The complaint resolution process begins when an intake officer receives a complaint or a request for information. Generally, the intake officer either refers the person to the appropriate resource or forwards the complaint to General Investigations or SORT. The intake officer can also make inquiries to attempt to resolve the issue informally at the lowest possible level. General Investigations handles individual complaints that often involve compelling circumstances requiring prompt resolution. Investigators use alternative dispute resolution techniques to negotiate ‘win-win’ solutions whenever possible. When no resolution is achieved, they can issue recommendations to senior leadership which can be made public. High-profile cases that are symptomatic of emerging trends with potentially broad systemic implications are assigned to SORT, which is also responsible for conducting investigations referred directly to the Ombudsman by the Minister of National Defence or by senior Department of National Defence/Canadian Forces leadership.

Ombudsman’s Vision

Independent and impartial, we are dedicated to fairness for all.

attention. The doctor pleaded that these circumstances should be taken into consideration in reviewing the matter. The investigator faxed the letter to the Career Manager who indicated it would suffice. Later, however, he stated that the Acting Director also needed a Social Work Officer Report. The social worker agreed to see the member immediately and to produce a report quickly, which was then faxed to the Career Manager. Within a day of receiving the report, the Acting Director authorized the immediate release of the member.

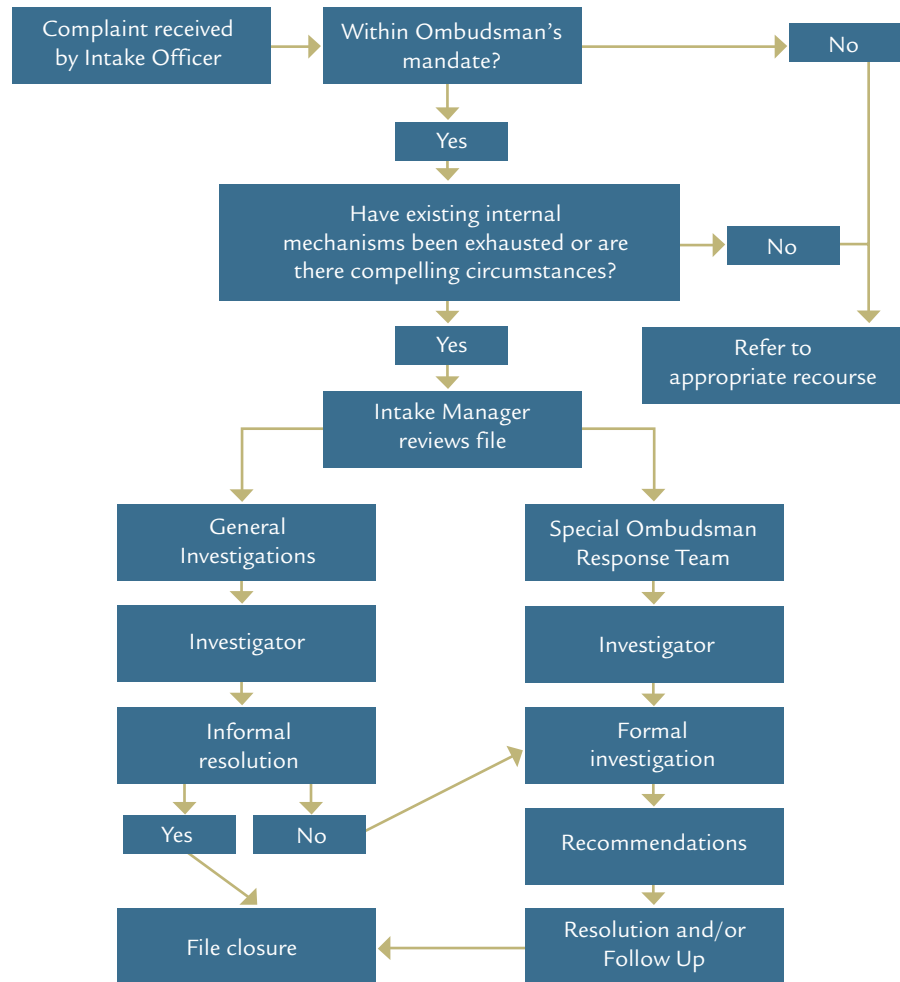
As a direct result of the intervention of our office, and with the assistance of the Career Manager, who ensured that the compassionate nature of the member’s request for release received appropriate priority and understanding at the Director Military Careers level, the member was released in less than two weeks from the date he had originally requested.





Ombudsman Staff

Handling Your Case from A to Z



Ombudsman's Advisory Committee

One of the main priorities for the Office of the Ombudsman in the fall was to reconstitute and reinvigorate the Ombudsman Advisory Committee. Consisting of ten volunteers with specialized expertise and knowledge, the committee provides strategic advice and guidance to the Ombudsman and the office. The committee also acts as a sounding board for initiatives or recommendations being considered by the Ombudsman.

Lieutenant-General (Retired) Michael Caines agreed to chair the committee and assist the Ombudsman in charting its new course. Mr. Thomas Hoppe, Mr. Mike Spellen and Brigadier-General P.L. Brennan – all current and former members of the Canadian Forces – agreed to remain as committee members.

Several new members bring a wealth of knowledge and unique perspectives to the committee. They include the following:

- Chief Warrant Officer Mike Nassif and Captain Eve Mallette currently serve in the Canadian Forces. CWO Nassif is the Command Chief for the Assistant Deputy Minister of Human Resources-Military, while Captain Mallette, who is stationed in St-Jean, Quebec, works with the Canadian Defence Academy.
- Ms. Colleen Calvert, as the Executive Director of the Halifax Military Family Resource Centre, provides the committee and the Ombudsman with important insight into the concerns of the families of serving military members.



**Ombudsman's
Mission**
To bring positive
change to
the Defence
community because
we care about the
people we serve.

- Ms. Nathalie Des Rosiers, the Dean of Civil Law at the University of Ottawa, and Mr. Clare Lewis, Q.C., former Ombudsman of Ontario, bring a wealth of knowledge about the legal and ombudsman worlds.
- Mr. William Tanner, a Second World War veteran, played a pivotal role in gaining recognition and compensation from the Government of Canada for the thousands of Veterans who were part of the chemical agent testing in Suffield and Ottawa during and after the war years.

Since last October, committee members have worked diligently and generously to help the Ombudsman and the office deliver on its mandate. The committee has provided advice and guidance on the Ombudsman's priorities for 2006, the overall operational focus of the office, a long-term strategic communications plan, and the overall vision and criteria for the Commendation for Ethics, which will be unveiled later this year.

As the Ombudsman continues to chart an ambitious course for the office – including defining and launching systemic issues that require greater attention and focusing on increasing the level of awareness and understanding of the office within the Defence community – the Ombudsman's Advisory Committee will help to ensure that he has the information and insight that he needs to succeed. Committee members will also be asked to take on a more prominent role in terms of special projects and to act as champions for the office.

What's mine is ours and what's yours is...?

A Canadian Forces member, who had been released in 2002, decided to claim his relocation entitlements the following year. However, the Director of Compensation and Benefits Administration (DCBA) and the relocation services specialists did not feel that he met the required marital and ownership status criteria required to qualify. After being denied a portion of his benefits related to the sale and purchase of a residence, he turned to our office for help.

The Ombudsman investigator met with DCBA officials to determine why they had rejected the member's claim. The reason? They believed that he had no legal entitlement to the residence, because the home was solely in his common-law partner's name and the relationship had been in effect





Ombudsman Commendations

The Ombudsman's Commendations for Ethics and Complaint Resolution recognize exemplary dedication to the values of integrity, honesty, fairness and openness as well as exceptional problem-solving and complaint resolution skills. Given the recent federal election and the resulting parliamentary schedule, this year's commendations ceremony will be held in June 2006 and reported on in the 2006-2007 Ombudsman's annual report.

More broadly, in the spring of 2006, the Ombudsman, in consultation with the Ombudsman Advisory Committee, undertook a review of the office's commendations, including the vision for the awards, the selection criteria, the marketing program and the overall commendation process. Of note, the Ombudsman and advisory committee will articulate a new vision for the office's commendations to ensure that they recognize those actions that assist the office in achieving its mandate. The new eligibility criteria for the commendations will be announced in the summer 2006. Relevant information will appear on our website (www.ombudsman.forces.gc.ca) in the weeks to come.

YOUR SUCCESSES ARE OUR SUCCESSES

for less than a year. Therefore, they did not feel he was entitled to the costs associated with its sale.

A principal residence is defined as one that is owned by a member or a member's dependents. The investigator thus determined that the member would meet the common-law requirements if he had assumed the care of her children. Since he had, and she was therefore considered to be a dependent, it followed that the member qualified for the benefits sought.

This information was brought to the DCBA's attention. While they did not agree with our interpretation, they agreed to have legal counsel review the matter in October 2004.

The review was finally completed the following February, and DCBA agreed to pay the remainder of the relocation benefits, if the member could prove that he had assumed

care of the children. The member gathered the necessary proof and submitted it.

In May 2005, DCBA accepted the member's proof of common-law status. However, they only reimbursed the member for the relocation benefits associated with the sale of his former residence and not the costs associated with the purchase of the replacement residence. After the investigator contacted various personnel to address this issue, DCBA agreed that the member was also entitled to the benefits associated with the purchase of his replacement residence.

In June, the member advised this Office that he had received a cheque for nearly \$12,000.00 covering the full amount of his relocation entitlements. Needless to say, he was happy to have this matter successfully resolved.



Liz Hoffman
1951 – 2006

The Commendation for Complaint Resolution has also been renamed the *Liz Hoffman Memorial Commendation for Complaint Resolution* in honour of a highly respected investigator with the Ombudsman's Office who passed away in January 2006 after a long fight with cancer.

Liz Hoffman's deeply rooted sense of fairness and social justice led to a career as ombudsperson with several academic institutions over the years: Carleton University, the University of Toronto, Ryerson Polytechnic University and the Ontario College of Art and Design. Her dedication also led her to be a founding member of the Association of Canadian College and University Ombudspersons as well as the Forum of Canadian Ombudsman (FCO).

Liz was a key member of the Office of the Ombudsman since its beginning in 1998. She was a mentor to many new investigators and an inspiration to a number of longer serving members. She was also a tremendous force for positive change for the men and women of the Canadian Forces and the civilian employees of the Department. In her time with the office, Liz helped to ensure fair and equitable treatment for hundreds of members of the Defence community.

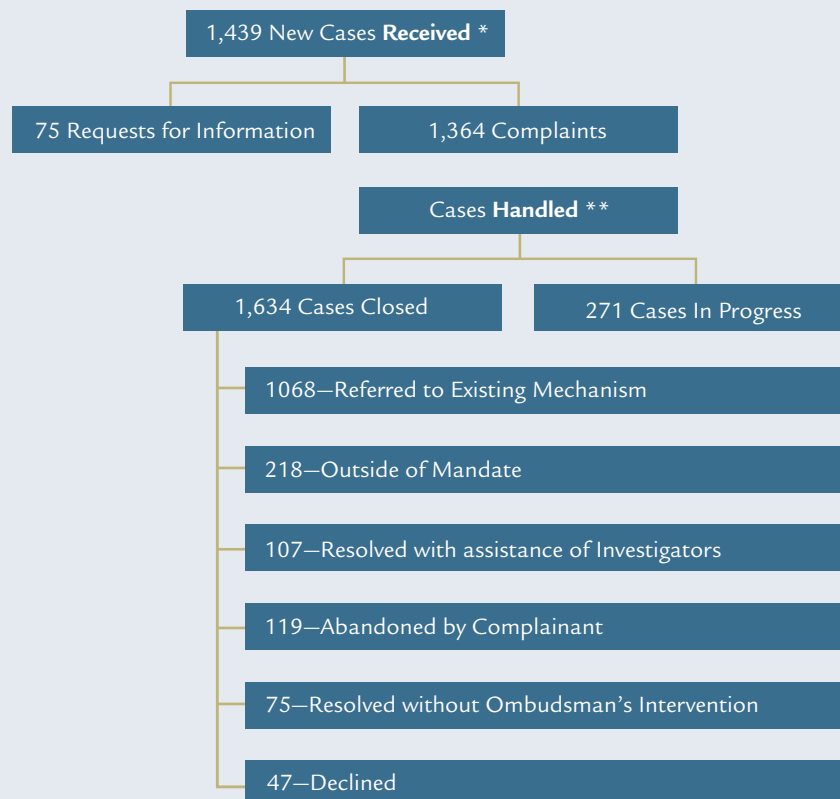
Since she dedicated her life to the ideals espoused by the Office of the Ombudsman, it is only fitting that this prestigious award be named, henceforth, in her honour.



Appendix I – Complaints



Table 1: Disposition of Cases (2005-2006)

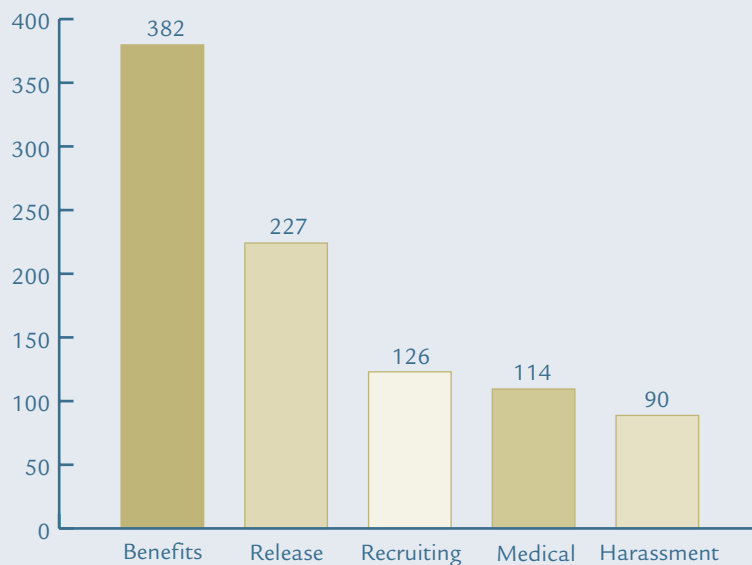


* This does **not** include cases that were re-opened in 2005-2006 or cases that were carried over from previous years.

** This includes files that were carried over from previous fiscal years.



Table 2: Top Five Complaints (2005-2006)



The most common types of complaints received by the Office of the Ombudsman in 2005-2006 are as follows:

1. Benefits: including complaints related to the unfair denial of benefits and the forced repayment of monies by members due to an administrative error.
2. Release: including complaints where members feel they are being unjustly released, where their voluntary release requests are delayed, and where they are contesting the assessment of their medical condition.
3. Recruiting: including complaints related to the unfair rejection of applications, the rigid application of the medical conditions for enrolment, and delays in the process.

- 4. Medical: including complaints related to the treatment of people who believe they have been exposed to hazardous substances in the workplace or on deployment; complaints related to inadequate medical treatment or follow-up care; and complaints related to operational stress injuries.
- 5. Harassment: including complaints related to the abuse of power and delays with the complaint process.

The office also assists people with complaints regarding postings and promotions, access to information and privacy, grievance issues, housing, training, disciplinary action and more.

Table 3: Complaints by Category (2005-2006)

Regular Force	644
Former Military	268
Reserve Force	173
Family Member	89
Applicant Regular Force	48
Civilian Employee	35
Applicant Reserve Force	12
Former DND Employee	9
Anonymous	8
Non Public Fund Employee	7
Cadet	3
Other	68
Total	1,364



Appendix II – Financial Report: Summary of Expenditures

During fiscal year 2005-2006, the total budget allocated for the office was \$6.52 million.

In response to the Government of Canada's request to exercise fiscal restraint, the office carried out its functions under budget, as its actual expenditures were \$5.3 million. The largest category of expenditures was related to salaries at \$3.2 million, which accounts for 61.7 percent of the office's total expenditures.

The Minister of National Defence approved the Ombudsman's budget.

Summary of Expenditures

	(\$000)
Salaries	3,283
Professional and special services	474
Office rent	803
Office building improvements	17
Transportation	176
Acquisition of computers and other equipment	32
Telecommunications	182
Communications and public outreach	178
Materials and supplies	86
Training and professional dues	66
Mail and Courier services	10
Miscellaneous	14
Total	\$5,321

