



CANADIAN FORCES GRIEVANCE BOARD

THE CANADIAN FORCES GRIEVANCE BOARD

(CFGB) was created on March 1, 2000, in accordance with legislation enacted in December 1998 that contained amendments to the *National Defence Act*. The Board is the result of the Government of Canada's desire to put in place an efficient, transparent and impartial grievance process in order to contribute to improved conditions of work for members of the Canadian Forces (CF).

The CFGB plays a unique role with regard to the Canadian Forces grievance review process. It has the quasi-judicial powers of an administrative tribunal and is completely independent of the CF and the Department of National Defence. It has the authority to conduct hearings, compel the attendance of witnesses, administer oaths, and receive evidence either through testimony and/or the production of documents or things.

MISSION: TO REVIEW GRIEVANCES IN ORDER TO RENDER FAIR AND IMPARTIAL FINDINGS AND RECOMMENDATIONS IN A TIMELY AND INFORMAL MANNER TO THE CHIEF OF THE DEFENCE STAFF AND THE GRIEVOR.

CFGB JURISDICTION

The CFGB has the jurisdiction to deal with individual military grievances related to CF administration. It makes findings and provides recommendations in relation to those grievances referred to it by the Chief of the Defence Staff (CDS).

WHO CAN GRIEVE?

Any officer or non-commissioned member who has been aggrieved by any decision, act or omission in the administration of the affairs of the CF, and there is no alternative option for redress, as per the *National Defence Act*.

TYPES OF GRIEVANCES REFERRED

As per Chapter 7.12 of the *Queen's Regulations and Orders — Referral to the Grievance Board* (mandatory referral), the Board reviews grievances related to:

- Administrative action that results in forfeiture of, or deductions from, pay and allowances; reversion to a lower rank or release from the Canadian Forces;
- Application or interpretation of Canadian Forces policies relating to expression of personal opinions, political activities, and candidature for office, civil employment, conflict of interest and post-employment compliance measures, harassment or racist conduct;
- Pay, allowances and other financial benefits; and
- Entitlement to medical care or dental treatment.

The CDS shall also refer every grievance concerning a decision or an act of the CDS that relates to a particular officer or non-commissioned member to the Grievance Board for its findings and recommendations.

As per section 29.12 (1) of the *National Defence Act*, the CDS may also refer any other grievance to the Board.

THE CF GRIEVANCE PROCESS

A grievance cannot be filed directly with the Board; a grievor must first go through the CF internal process by submitting a grievance to his or her commanding officer.

The first level of adjudication in the CF grievance process is the Initial Authority who is in a position to review the grievance and grant redress. Any grievor who is not satisfied with this initial decision may submit his or her grievance for review to the CDS. Should a grievance fall under the CFGB's jurisdiction, it will be referred directly to the Board via the office of the Director General, Canadian Forces Grievance Authority (DGCFGA).

WHEN A GRIEVANCE COMES TO THE BOARD

The Board's current process in treating grievances is divided into three steps: grievance reception, grievance analysis, and the preparation and submission of findings and recommendations.

STEP 1:

After the DGCFGA forwards the grievance file to the Board for its review, the Board sends a letter of acknowledgement to the grievor and shares the information contained within the file. The grievor is subsequently invited to submit additional comments regarding the case.

STEP 2:

The grievance analysis and the writing of the findings and recommendations are conducted by a team comprised of a Board Member, a grievance officer, and legal counsel. If deemed necessary, additional documentation will be obtained, added to the file and disclosed to the grievor.

STEP 3:

The Board Member prepares the final findings and recommendations, which are then sent to both the CDS and the grievor at the same time.

From this point on, the Board no longer retains jurisdiction over the case; the grievor will receive a decision directly from the CDS, the second and final authority in the grievance process.

While the CDS is not bound by the findings and recommendations of the Board, in cases where the CDS disagrees, reasons must be provided in writing to both the CFGB and the grievor.

CONTACT US:

To find out more about the CFGB, our cases and the grievance process, please visit our website at: www.cfgb-cgfc.gc.ca

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