



Military Grievances
External Review Committee

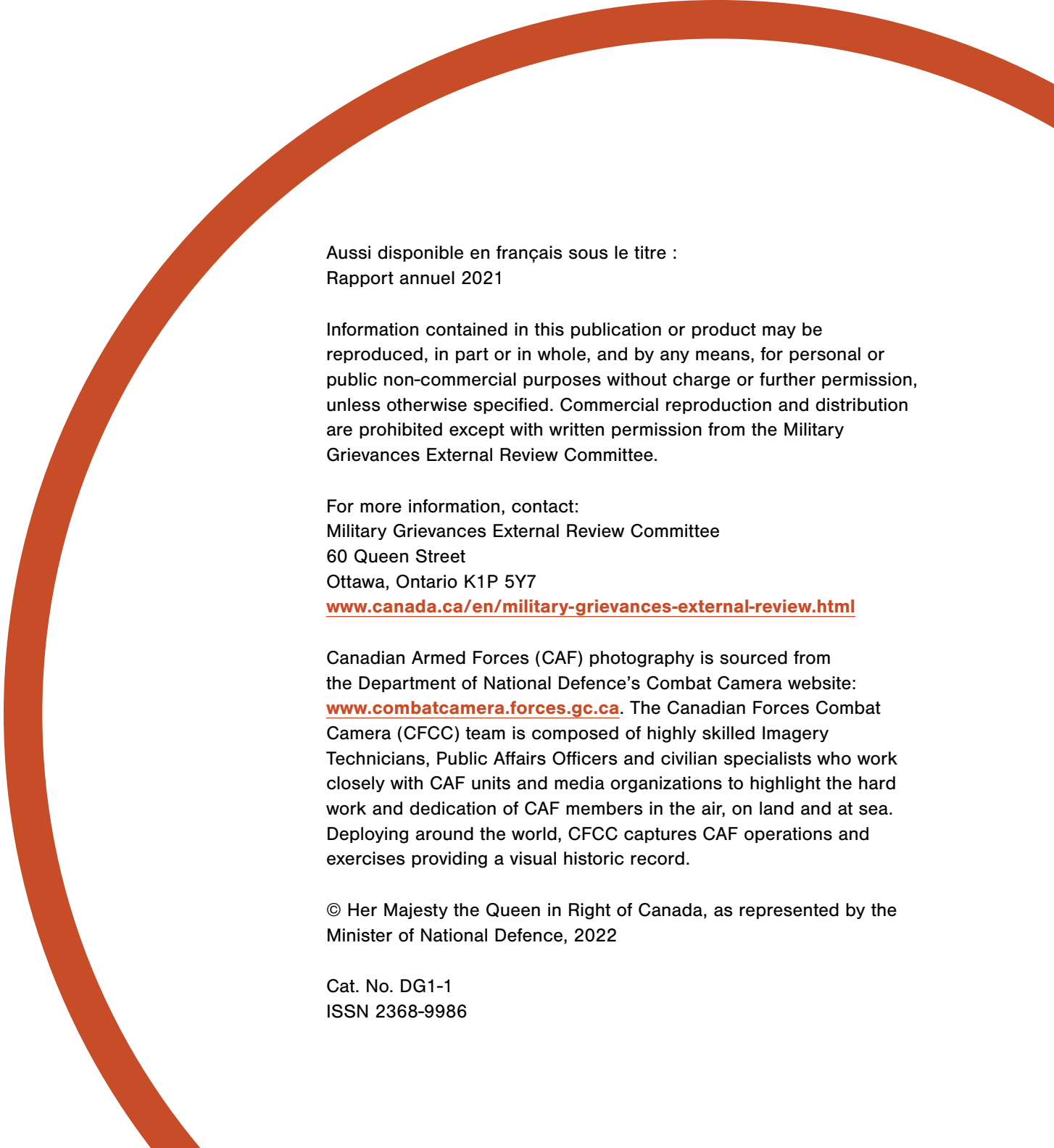
Comité externe d'examen
des griefs militaires

Canada

21st
annual report

People first





Aussi disponible en français sous le titre :
Rapport annuel 2021

Information contained in this publication or product may be reproduced, in part or in whole, and by any means, for personal or public non-commercial purposes without charge or further permission, unless otherwise specified. Commercial reproduction and distribution are prohibited except with written permission from the Military Grievances External Review Committee.

For more information, contact:
Military Grievances External Review Committee
60 Queen Street
Ottawa, Ontario K1P 5Y7
www.canada.ca/en/military-grievances-external-review.html

Canadian Armed Forces (CAF) photography is sourced from the Department of National Defence's Combat Camera website: www.combatcamera.forces.gc.ca. The Canadian Forces Combat Camera (CFCC) team is composed of highly skilled Imagery Technicians, Public Affairs Officers and civilian specialists who work closely with CAF units and media organizations to highlight the hard work and dedication of CAF members in the air, on land and at sea. Deploying around the world, CFCC captures CAF operations and exercises providing a visual historic record.

© Her Majesty the Queen in Right of Canada, as represented by the Minister of National Defence, 2022

Cat. No. DG1-1
ISSN 2368-9986



Mandate

The Military Grievances External Review Committee is an independent administrative tribunal reporting to Parliament through the Minister of National Defence.

The Military Grievances External Review Committee reviews military grievances referred to it, pursuant to section 29 of the *National Defence Act*, and provides findings and recommendations to the Chief of the Defence Staff and the Canadian Armed Forces member who submitted the grievance.



31 March 2022

The Honourable Anita Anand
Minister of National Defence

National Defence Headquarters
MGen Georges R. Pearkes Building
101 Colonel By Drive
Ottawa, Ontario
K1A 0K2

Dear Minister,

Pursuant to subsection 29.28(1) of the
National Defence Act, I hereby submit the 2021
Annual Report on the activities of the Military
Grievances External Review Committee for tabling
in Parliament.

Yours truly,



Christine Guérette, CPA, CGA
Chairperson and Chief Executive Officer



Table of Contents

4 Message from the Chair and Chief Executive Officer

6 2021 at a glance

6 Our program: Independent review of military grievances

10 Spotlight: the military grievance system past, present and future

15 Two systemic issues raised by the Committee to the attention of the CDS

17 Corporate achievements

20 About the Committee

20 Mandate

21 Structure

22 Grievance Process

24 Committee Members

30 Contact us

Message from the Chair and Chief Executive Officer



There is no other way to say it: 2021 was a transformative year for the Military Grievances External Review Committee.

The COVID-19 pandemic shook us all to our very foundations and changed how we worked. In so doing, it brought out the best in us, specifically our resilience and adaptive nature. After all, we eliminated the three-year backlog, had our most productive year, advanced the assessment of our grievance review process and completed our transition to a virtual, digital administrative tribunal with a mobile workforce.

This year was also quite complex for the Defence institutions. Justice (Retired) Morris Fish conducted a thorough review of Canada's military justice system. The Canadian Armed Forces faced an internal crisis and Justice (Retired) Louise Arbour was called upon by the Government of Canada to map out a path towards healing and culture change. The federal election gave rise to a new Minister of National Defence and, shortly thereafter, there was the formal appointment of a new Chief of the Defence Staff.

All these events, occupying the entire year, somehow generated a natural reaction. We were drawn to what was suddenly of the utmost importance. The people. They come first.

This was our guiding principle in 2021. People first. Despite receiving an unprecedented number of grievance referrals by the Chief of the Defence Staff yet again this year, our priority was to expeditiously deliver the best quality Findings and Recommendations reports to the Canadian Armed Forces and to the members who submitted grievances. Equally, our priority was to take care of our own

employees, ensuring they had what they needed both to work and to stay healthy and well.

By focussing on this guiding principle, we managed to issue 341 Findings and Recommendations reports, the highest annual total ever in the organization's history. It would not have been possible without the extraordinary dedication, agility, attention to detail and simple hard work, day in and day out, of our employees, managers and Committee Members.

This guiding principle is why we allocated funds to ensuring each employee had all the hardware, furniture, tools and digital support needed to function at home as if in the office. We checked in regularly, via surveys and all-staff meetings, to see how people were doing from a mental health perspective, and we even managed a brief get-together last summer, fully respecting all public health guidelines and protocols, to keep morale high. We also created a Workplace Modernization Working Group to guide employees through the eventual return to work and towards the workplace of the future, as per the Government of Canada Workplace Initiative.

Every year brings its own challenges, but I would have to say that 2021 ranks among the most memorable. Everyone at the Military Grievances External Review Committee joined organically, in the spirit of collaboration and determination, as I have rarely witnessed, to take care of other people through their work, whether it was a Canadian Armed Forces member with a grievance or one of our own, working from home.

I am inspired by the employees, managers and Committee Members, and exceptionally proud to present this 2021 Annual Report. It tells a story of people delivering never achieved results. That is everlasting and of greatest value.



Christine Guérette, CPA, CGA
Chairperson and Chief Executive Officer

2021 at a glance

Our program: Independent review of military grievances

Despite staff shortages and ensuing continuity challenges due to the new work from home reality, grievance review teams and Committee Members succeeded in issuing 341 Findings and Recommendations (F&R) reports in 2021. This ranks as the highest number of reports ever issued within a year at the Military Grievances External Review Committee (the Committee).

The Committee saw a sharp increase in the number of referrals received from the Canadian Armed Forces this year.



To achieve this milestone, the Committee deployed a number of strategies. First and foremost, the majority of key positions in the grievance review team were staffed and fully trained in 2021. Fortuitously, this included several people, with military backgrounds, who transferred from other Government of Canada (GC) organizations. In addition, the Committee continued to triage files with a view to identifying those that could be assigned to the special team, which was created on a temporary basis to help eliminate the backlog. The Committee also sought to specialize teams by subject matter in order to gain efficiencies. Lastly, the Committee adopted a flexible approach by establishing ad hoc teams to deal with specific issues. The combination of these approaches leveraged the talent of our people and delivered solid results. From the Committee’s perspective, this is what an agile organization looks like.

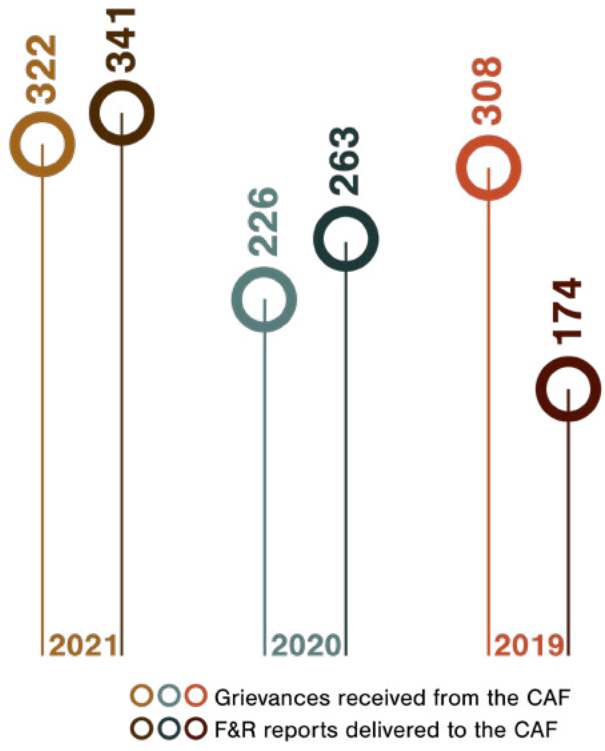
Despite best efforts to keep pace with the grievance referrals, we saw a sharp increase in the number of referrals received (322) from the Canadian Armed Forces (CAF) this year. The Committee will capitalize on the improvements made and strategies implemented in 2021 in order to deal with what appears to be an upward trend in the number of referrals.

Even in the face of a heightened operational tempo, some of our employees were able to benefit from career development opportunities and the Committee continued its business process review. Consultations with staff and Committee Members identified areas of improvement and implementation is ongoing.

In early January 2021, the Committee submitted its recommendations as part of the Third Independent Review of the *National Defence Act* (NDA), followed by a supplementary submission in May.

The Committee also shared information with Justice Louise Arbour, who is currently working on recommendations on how the CAF can address the sexual misconduct crisis.

How many grievances did the Committee receive and how many F&R reports did the Committee complete?



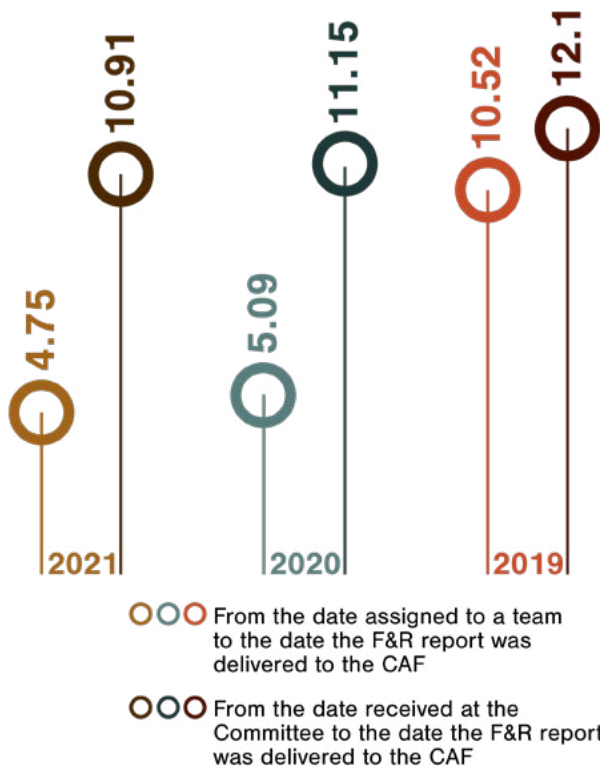
This year, the Committee received 322 grievance referrals, significantly more than the average number received each year (224 referrals) over the past 10 years.

The Committee surpassed last year’s productivity, delivering 30% more F&R reports. For each new file received from the CAF, the Committee was successful in delivering a F&R report. The principle

of one file in, one file out was not only met, but exceeded.

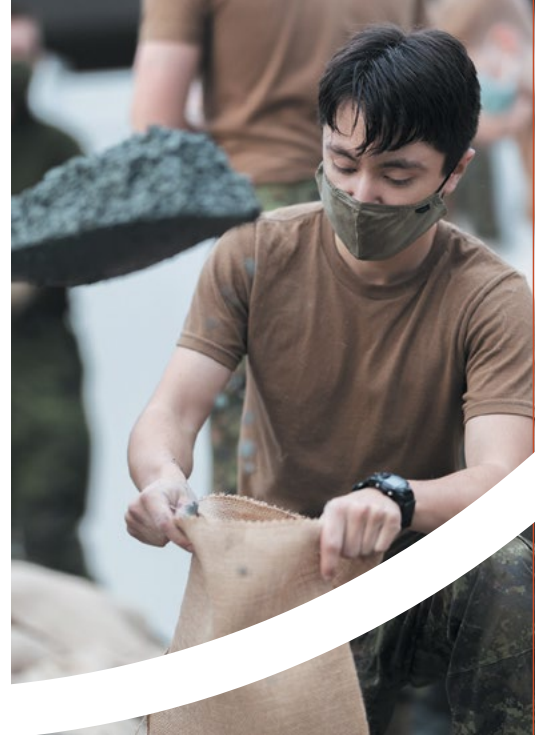
This achievement is the direct result of the different strategies implemented to eliminate the backlog, combined with the dedication and hard work of all employees and Committee Members.

What is the average number of months to review a grievance at the Committee?



The Operations Team was able to process grievances within an average five-month period in 2021. For a second year, the Committee had a dedicated team to assist in completing additional F&R reports and to assist in reducing the time required to complete grievance reviews.

With the dedicated team, experienced employees and Committee Members, the Committee succeeded in clearing all outstanding files from 2019, all files from 2020 with one exception, and in processing a good number of 2021 files. The Committee is taking measures to reach the point where grievance files will once again be assigned to a team for review immediately upon receipt. In that scenario, both the time to complete a file from date of receipt and the time to complete a file from the date of assignment will be the same.

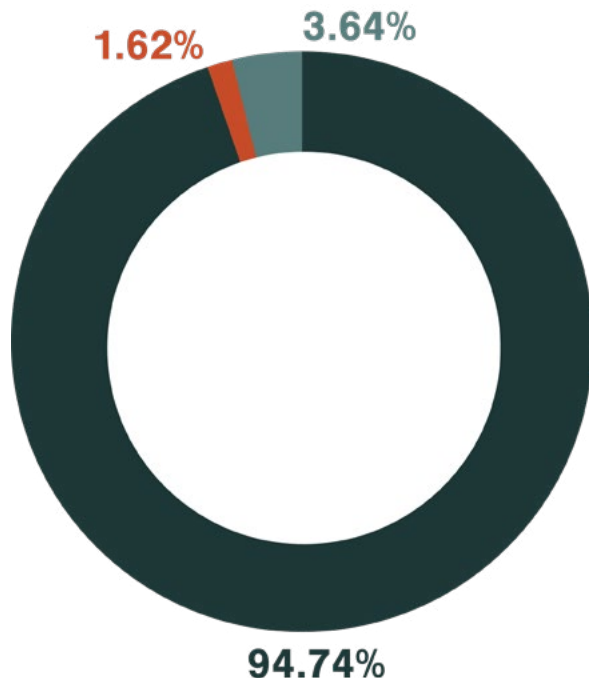


CDS decisions received in 2021

Note: To simplify the reading of this section, we use Chief of the Defence Staff (CDS) to refer to the Final Authority (FA), which includes the CDS and their delegates.

In 2021, the CDS rendered 247 decisions on files that had been previously referred to the Committee for review. Of significance:

- in 234 of these cases, the CDS agreed with the Committee's findings
- in four of these cases, the CDS partially agreed with the Committee's findings
- in nine of these cases, the CDS disagreed with the Committee's findings



322

grievances received

during the year



341

Findings and Recommendations

reports issued in 2021



130

Parliamentary enquiries

received and completed in 2021

WORKFORCE FOR 2021

47



full-time employees

5



committee members



\$7,451,501

Total expenditures



\$5,662,309

for salaries, wages and other operating costs



\$812,373

for contributions to employee benefit plans



\$976,819

for other operating expenses

Spotlight: the military grievance system past, present and future

An article by Christine Guérette, Chairperson and CEO of the Committee

Pandemic aside, 2021 was a challenging year for the Canadian Armed Forces Grievance System (CAFGS). I have reflected on many of the complexities of the CAFGS, the CDS' directives of March and October 2021, Justice Fish's Third Independent Review report and its recommendations, the progress on implementation of those recommendations, the particularly high backlog of grievance files and the delays in rendering decisions. I have reflected on all of the shortcomings of the system, repeatedly, my mind going in many directions, as if navigating a complex yet delicate labyrinth. It is fair to say the CAFGS has reached a tipping point.

Permit me to walk you through my thinking.

March 2021 CDS Directive on the CAF Grievance System Enhancement

In March 2021, the CDS issued the CAF Grievance System Enhancement Directive¹, an intentional reinvigoration of the CAFGS in order to regain credibility both internally and externally. In it, the CDS provides CAF members with clear direction on how to develop and implement a sustainable grievance management system by the summer of 2022. The end state envisions grievances being addressed quickly and efficiently, within mandated timelines. In the directive, the CDS acknowledged the following:

- The goal is to increase the efficiency and effectiveness of the CAFGS' grievance administration.

Although I don't agree with the Committee's recommendation, the way it was reviewed and the information provided is well appreciated and I wish to thank the Committee for reviewing my case the way they did.
— A grievor

- The end state can only be achieved when:
 - the grievance backlog is resolved at the FA and Initial Authority (IA) levels within 12 months
 - at least 80% of all grievances are processed by the IA within the mandated timeline of 120 days
 - the grievance system feeds more seamlessly into the policy development process
- The status quo could result in removing the grievance system from the CAF and leaving its implementation to a civilian external, independent body.

In March 2021, the CDS planned to reduce the outstanding grievance backlog by no less than 50% over the next 12 months. As of March 2021, there were approximately 400 grievance files, in respect of which the Committee had already provided F&R reports, still awaiting an FA decision. As of December 2021, that number has not decreased.



The CDS' expectation is that IA's will, at least 80% of the time, render their decisions within 120 days of receiving the grievance. Before March 2021, the IA compliance rate was approximately 20%. I suspect the CAF has made some gains; however, even assuming the CAF reaches the 80% target, is this the right target for a modern and efficient CAFGS?

The intention was to establish an 'off-ramp' process for policy grievances in concert with the Chief of Military Personnel (CMP). As of December 2021, this process has not been realized. The Committee is still receiving all the policy-centric CAF grievance files.

June 2021, Justice (Retired) Morris Fish's Report of the Third Independent Review of the Canadian Military Justice System

In June 2021, the Department of National Defence (DND) and the CAF tabled, in Parliament, the Report of the Third Independent Review Authorityⁱⁱ, which includes a look at the operation of the CAFGS. The Honorable Morris Fish, former Justice of the Supreme Court of Canada, conducted the review. Both DND and the CAF accepted, in principle, the 107 recommendations made by Justice Fish. Twelve of the 107 recommendations spoke to the CAFGS. The following are the four (of 12) recommendations that, in my view, could have the greatest positive impact on the CAFGS.

- 1. Recommendation #88:** If the Initial Authorities fail to meet the objective and timeline determined at paragraph 13(a) of the CDS Directive for CAF Grievance System Enhancement regarding their compliance rate with the time limits prescribed by subsection 7.15(2) of the *Queen's Regulations*

and *Orders for the Canadian Forces* and section 9.8 of DAOD 2017-1, Military Grievance Process, these provisions should be amended to prescribe that an Initial Authority must consider and determine a grievance within 90 days of its receipt. (Fish, 2021, p. 180)

Originally, the IA was mandated to render their decisions within 90 days of receiving a grievance. It was observed that in a high proportion of cases, IAs were not meeting this timeline. As a result, the regulations were amended to provide IAs with 120 days to complete their work. It was hoped that by providing the IAs with an additional 30 days, IA compliance rates would increase. However, as the CDS notes in the March 2021 Directive, despite the increase from 90 to 120 days for IAs to complete their reviews, compliance rates have decreased from 60-65% to 20% over the years. In short, the extra time has not had a positive impact. The CDS also notes, "Should IAs fail to heed this direction and not demonstrate commitment to getting their grievance house in order, I could consider the reduction of adjudication timelines at the L3/L4 level from 120 days to 90 days." (CDS Directive, 2021, para. 13)

The fact that the IA compliance rate has decreased with the extra time allotted begs the question: would it not make more sense to return to a 90-day period so that, at the very least, the files would be referred to the FA 30 days earlier, thereby reducing the overall time a grievance stays in the system?

- 2. Recommendation #89:** The *National Defence Act*, the *Queen's Regulations and Orders for the Canadian Forces* and DAOD 2017-1, Military

Grievance Process should be amended to prescribe that a Final Authority must consider and determine a grievance within 90 days of the receipt of the findings and recommendations of the Military Grievances External Review Committee. When the Final Authority fails to meet this time limit, the findings and recommendations of the Military Grievances External Review Committee should be deemed to constitute the decision of the Final Authority. (Fish, 2021, p. 181)

Possible impact on the CAFGS

While recommendation 88 speaks to the IA, recommendation 89 speaks to the FA. In 2021, of the 247 FA decisions rendered, the FA agreed with the Committee's findings in 94.7% of the cases. In fact, the FA only completely disagreed with the Committee's findings in 3.6% of the cases. In this context, does it make sense that if the FA has not rendered a decision within 90 days, the findings and recommendations of the Committee constitute the decision of the FA? The reality is that 300 additional grievors would have received a decision on their grievance sooner, as opposed to waiting additional months or, as happens in many cases, years. After waiting significant periods of time for a decision, even if the grievance were granted, the decision could be hollow, as a number of grievors may have moved on with their lives. As of December 2021, 404 Committee files have been at the FA level awaiting a decision. Significant delays like this erode confidence in the system. Even in an administrative context, justice delayed is justice denied.

Very thorough and I appreciated the amount of work and research that went into it. I'm very grateful for their efforts.
— A grievor

The time has indeed come to look for options that are more efficient. In light of the discussion above, would implementing this recommendation not:

- help ensure that, except under exceptional circumstances, there is never a backlog of grievance files awaiting a decision at the FA level?
- significantly reduce the amount of time a grievor awaits a final decision?
- free up precious time from FAs to focus on other CAF leadership responsibilities?

What is the risk of the Committee's F&Rs becoming the final decision when the FA cannot render a decision within 90 days? After all, the FA only completely disagrees with the Committee in 3.6% of the files.

3. **Recommendation #90:** The *National Defence Act* and the *Queen's Regulations and Orders for the Canadian Forces* should be amended to provide that all grievances referred to the Final Authority should be reviewed by the Military Grievances External Review Committee before the Final Authority considers and determines the grievance. (Fish, 2021, p. 182)



Possible impact on the CAFGS

Under the NDA, the CDS must refer certain types of grievances to the Committee once they reach the FA levelⁱⁱⁱ. The Committee refers to these grievances as mandatory referrals. The CDS has the discretion to refer other types of grievances to the Committee if the CDS considers that there is a benefit. The Committee refers to these grievances as discretionary referrals.

The CAF informed the Committee that, over the last three years, they have referred almost all grievance files that fell under the category of discretionary referrals to the Committee, with the exception of those related to Personnel Evaluation Reports. The number of discretionary referrals is a demonstration of the benefits that the Committee's F&R reports bring to the CAF grievance process and reflects the CDS' recognition of that value-added.

Would entrenching this practice in legislation not ensure that these discretionary grievances receive the benefit of an independent review?

- 4. Recommendation #97:** A working group should be established to evaluate the appropriateness of providing grievors with recourse to an independent tribunal. The working group should consider whether all grievances, or only certain categories, should be subject to the jurisdiction of that tribunal. It should also consider the integration of this route in the current grievance process and the remedies available pursuant to that recourse. The working group should include an independent authority, representatives from the Military Grievances External Review Committee and representatives from the Canadian Armed Forces. The working group should report to the Minister of National Defence. (Fish, 2021, p. 189)

As noted by Justice Fish in his report, "My review comes 18 years after the first independent review and 10 years after the second. Yet the situation has not improved." (Fish, 2021, p.173)

I believe only in-depth analysis and sound research, by the appropriate experts around the table, will lead to a modern solution for CAF members. Looking at how complaint resolution mechanisms are managed in other armed forces around the globe is just the beginning. Could we not also benefit from examining the well-established processes maintained by the Federal Public Sector Labour Relations and Employment Board? Surely, the starting point is looking around us and taking note of what others are doing, what is working and what is not. This deep dive is the only way we can develop a comprehensive recommendation for a better CAFGS.

I note that former Deputy Minister of National Defence, Jody Thomas, Chief Justice Patrick LeSage, the Second Independent Review Authority, and Brigadier-General (retired) Ken Watkin (a reputed author on military law and former Judge Advocate General), all agree that it is time to consider whether grievors should have recourse to an independent tribunal.

As Chief Justice Antonio Lamer^{iv} stated, “[e]xpecting the CDS to devote his time to catching up on grievances from the Grievance Board¹, in addition to defending Canada and meeting Canada’s international commitments as regards Canada’s contributions to international peace and security, makes no sense.” Is the current grievance system as efficient and effective as it could be?

Status of the implementation of Justice Fish’s 12 recommendations related to the CAFGS

The former Minister of National Defence, Harjit Sajjan, accepted, in principle, the 12 recommendations related to the CAFGS.

In October 2021, the CDS, General Wayne Eyre, and former Deputy Minister (DM) Jody Thomas, issued the Initiative Directive with respect to the implementation of the recommendations of the Third Independent Review and other related external comprehensive reviews. It is important to note that, in this Directive, the CDS and DM committed to addressing only six out of 12 CAFGS Justice Fish recommendations at this time. Those six recommendations are what I call ‘quick fixes’ that relate to administrative procedure changes.

The six recommendations that have not yet been addressed by the CDS and DM will require legislative and policy changes. They are the recommendations that, in my opinion, will have a fundamental impact on the CAFGS and bring about real change for grievors; however, no timeline has been identified for the remaining six recommendations. Four of those recommendations were presented above.

I believe the person who produced my report truly grasped all the details of the dispute, resulting in a report that made sense and was representative of the situation. (translation) — A grievor

As of the end of December 2021, the Committee has not yet been called upon to participate in the development of a long-term implementation plan that would address these recommendations. I sincerely hope that an in-depth analysis will take place in the near future. How long do CAF members have to wait before they have recourse to a more modern and responsive grievance system?

Parting thought

All I did here was package germane information and observations from the last year, from different reviews of the CAFGS. They are a direct reflection of what the entire senior management team at the Committee and myself have mulled over repeatedly.

To what end? By sharing our viewpoint and questions, my sincere hope is to do what I can to help pave the way to a more modern grievance system for the CAF and its members.

Christine Guérette, CPA, CGA

¹ Grievance Board (the Canadian Forces Grievance Board) is the former name of the Military Grievances External Review Committee.



Two systemic issues raised by the Committee to the attention of the CDS

Policy change implementation

The Committee expressed concern regarding the way in which the April 19, 2018 Canadian Forces Integrated Relocation Program (CFIRP) Directive changes were announced to CAF members, specifically through the Canadian Forces General message (CANFORGEN) 073/18 on April 26, 2018, seven days after the changes came into effect. The Committee noted that the CFIRP Directive has a significant impact on CAF member posting benefits from one year to the next. Publishing key changes to those benefits without providing adequate notice to CAF members can be financially harmful to those members. Moreover, asking CAF members to interpret a new policy, with little or no guidance available from the relocation advisors, can lead to misinformed decisions costing CAF members significant sums of money.

The Committee looked at the Royal Canadian Mounted Police (RCMP), an organization similar to the CAF in terms of relocation benefits. The RCMP has addressed the transition of policy changes from one year to the next in their RCMP Integrated Relocation Program (IRP) Directive^v as follows:

“Each year on April 1st, the RCMP IRP transitions to a new governing policy year. The IRP that is in effect on the date the Member is registered with the Contracted Relocation Service Provider (CRSP) is applicable for the duration of that relocation.”

The Committee found this RCMP policy to be practical, simple and fair and was unable to understand why the CFIRP Directive contains no

It is extremely important that all subjects concerning anything related to the CF be reviewed by an external and neutral organization. This way it promotes fairness and is less subject to biased opinions.
— A grievor

similar clause that clearly locks in members' right to have their relocation administrated under the same policy provisions from start to completion.

Expecting a CAF member to understand their relocation benefits and to make timely and informed decisions, while risking financial consequence if they interpret them incorrectly, demands a similar onus be placed on the CAF to provide a stable policy that will not change in the midst of that member's relocation.

The Committee recommended the CAF amend the CFIRP Directive to include a clause similar to that found in the RCMP IRP Directive, effectively locking in a member's entitlements throughout their relocation, thereby providing stability of benefits and enabling CAF members to make informed relocation decisions.

Although this is but one example, in any instance where the CAF is making a major policy change that could materially affect the rights, benefits or obligations of its membership, the CAF must

ensure that people are given adequate notice of the changes and relevant information regarding the impact that it may have on them. While it is true that, generally speaking, because of the rules respecting Cabinet Confidence, detailed information cannot be shared until the policy change is approved, the solution is quite simple. Coming into force provisions should be set sufficiently into the future to allow proper notice to CAF members. Surely, an institution that can plan and execute complex international military operations should be able to plan the implementation of policy changes.

Modernizing the Family Care Assistance Policy

The Committee has received a number of grievances related to the Family Care Assistance (FCA) Policy under the Compensation and Benefits Instructions (CBI) 209.335. There are two principal concerns that have been raised by grievors in relation to this benefit: the amount of the benefit and the lack of flexibility provided to CAF members.

With respect to the first issue, two different amounts can be reimbursed to a CAF member depending on whether the care was provided by a commercial provider or a non-commercial provider. The daily limit is \$75 in the case of the former and \$35 in the case of the latter. However, as evidenced by the numerous FCA-related grievances received at the Committee to date, the FCA policy is failing to adequately support these CAF members. Notably, the \$75 commercial care maximum daily rate is simply not enough to help subsidize the high cost of 24/7 care services. In addition, the \$35 rate for non-commercial care is equally insufficient to fairly compensate the more suitable and realistic dependant care options available to most CAF members.

Even though the Committee did not find in my favour, the review and findings were laid out in a way that allowed me to easily understand their point of view on the subject.

— A grievor

With respect to the lack of flexibility provided to CAF members, grievors have raised concerns related to the availability of suitable commercial care facilities and the difficulties in leaving a child for extended periods with an unknown caregiver. The policy is not broad enough to cover a number of situations, including the lack of suitable commercial care providers or unique family circumstances.

While the CAF have acknowledged the financial challenges faced by its members by providing the FCA benefit, the policy fails to provide adequate support to its members. Consequently, the Committee recommended that the FA engage with the Treasury Board promptly to request a review of CBI 209.335 in order to improve the financial support offered to single parent CAF members and service couples, who require the use of dependant care for service reasons. The Committee recommended the CAF emphasize that special consideration should be given to the unique needs of military service, the realities of today's childcare options and the rising cost of living.

Corporate achievements

If the Operations Team's goal in 2021 was to put the CAF members first by working to eliminate the backlog and issue a record number of F&R reports, the Corporate Services Team put the employees of the Committee first. The focus was on evolving the workplace and providing employees with all the tools, resources and skillsets that would not only permit them to be entirely mobile, but able to do their work effectively and efficiently.

Mental health and well-being

The Committee continued to foster a safe and healthy work environment by, among other things, resuming 10-minute virtual meditation Mondays and conducting surveys that gauged employees' needs and their mental health and wellness. The Chairperson led a Healthy Workplace Challenge throughout the month of October and hosted a Health Canada information session on mental health support services. While the first year of telework was stressful and challenging for everyone at the Committee, recent surveys indicate a marked improvement. Employees have appreciated senior management's efforts and support in making the telework experience positive.

Diversity and inclusion

This year, to inform employees on the issues faced by employment equity groups, the Committee published a series of internal blog posts that both challenged and encouraged employees to reflect and examine their personal beliefs and biases. The goal was to humanize the challenges faced by ostracized groups, including employment equity groups and the LGBTQ2 community, and to sensitize employees on how we can each contribute to alleviating these challenges. A Federal Speaker, who suffered mental health issues due to



racism, shared her life experience and journey as a member of an employment equity group at a virtual session hosted by the HR Team. To further the process, employees later came together to share their introspections, questions and observations on the society around us and about themselves.

Senior management applied an inclusive approach when looking for champions on Equity and Inclusion, Mental health and well-being, Official Languages and Beyond 2020. While GC organizational champions' roles are usually assigned to senior management positions, the invitation to be a champion at the Committee was offered to any interested employee. The idea was simple: attract passionate, dedicated individuals from all groups and levels and let them drive these GC initiatives. The champions are able to network outside the organization, gain meaningful experiences through substantial inter-departmental conversations and advise senior management.

Recognition

Recognition continues to remain a priority for senior management. The Awards and Recognition Program at the Committee encourages excellence, initiative and personal commitment. The program focuses on acknowledging employee accomplishments that reflect and promote the mandate, mission and corporate values of the

Committee. This year two employees were recognized in the following two categories:

Chairperson's Award

The Chairperson's Award recognizes exceptional work performance and meritorious contributions, which go beyond the normal expectations of an individual or a team. This award is given to a person or team for outstanding client service, professional excellence, continuous improvements or teamwork.

The 2021 recipient of the Chairperson's Award was Isabelle Jean.

The Innovation Award

The Innovation Award recognizes an individual or team who demonstrates commitment and dedication, with an emphasis on developing significant ideas that use new approaches to advance Committee priorities and contribute to major improvements in services.

The 2021 recipient of the Innovation Award was Aline Morrissette.

Workplace of the future

Prior to the pandemic, there were only a few telework agreements in place at the Committee. The vast majority came to the office everyday and worked in individual closed offices. After working remotely for over a year, the results of a recent survey indicated that 75% would like to continue to work remotely four to five days a week. They also expressed a clear openness to learning about the new open concept vision of the future GC workplace.

Given the Committee will have to secure a new office space in 2026, senior management seized this as an opportunity. Not only can the Committee plan for a reduced office space, post-2026, but would reduce its current office footprint in order to generate funds for alternate use.

A working group was created to oversee the future workplace project. One of the first steps was to go through the GC Workplace assessment document and gauge the organization's readiness to transition to the new GC work environment. Once completed, the working group drafted return to the office guidelines, implemented preparations for a safe return to the workplace in April 2022, conducted an office depersonalization exercise in order to create neutral workspaces, and made minor investments in equipment and furniture to ensure a proper reconfiguration of the current office layout.

Technology

With the ongoing pandemic, it was critical to continue ensuring that every employee was well equipped to work from home effectively and efficiently. To this end, a good part of the year was focussed on providing equipment at employees' homes. At the beginning of the year, we also started to plan our move to the cloud. We developed a four-year road map that will see the Committee's Information Technology infrastructure 100% in the cloud by 2025. The first key step, configuring our cloud environment to meet the Government of Canada security control profile, has already been taken. In addition, we continued to capitalize on the opportunities that digital technology provides by implementing automated solutions such as an Optical Character Recognition (OCR) of Portable Document Format (PDF) files, which can save an employee several hours.

Communications

Due to the remote work scenario in place throughout the entire year, it is safe to say that the focus in 2021 has been on more effective and efficient internal communications. Keeping employees up to date and staying connected with colleagues was vital. With the new intranet up and running, the home page and blogs were used progressively more and more to inform, encourage and support. Specifically, the home page carousel was used to showcase GC-wide initiatives, celebrate national commemorations and flag GC priorities and announcements. The blogs – one a news headline blog and the other a Chairperson blog – were used to keep employees up to date on COVID-19 protocols, GC news, internal and external events and priorities, and key internal business happenings. It was also an excellent avenue to connect with employees about challenges related to physical activity and mental health while working at home. Effective and constant internal communications is the new essential to fully supporting employees in the workplace of the future.





About the Committee

Mandate

The Committee is an independent administrative tribunal reporting to Parliament through the Minister of National Defence. It reviews all military grievances referred to it by the CDS, as stipulated in the NDA and article 7.21 of the QR&O.

Section 29 of the NDA provides a statutory right for an officer or a non-commissioned member to grieve a decision, an act or an omission in the administration of the affairs of the CAF. The importance of this broad right cannot be overestimated since it is, with certain narrow exceptions, the only formal complaint process available to CAF members.

Since beginning operations in 2000, the Committee has acted as the external and independent component of the CAF grievance process. It also has the statutory obligation to deal with all matters as informally and expeditiously as the circumstances permit.

Following its review of referred military grievances, the Committee provides its F&R reports to the CDS and the grievor. The CDS is the final decision-maker and is not bound by the Committee's F&Rs. In any case where the Committee's F&Rs are not accepted, the CDS must provide the reasoning in writing.

Types^{vi} of grievances referred to the Committee

1 Mandatory referrals are grievances relating to one or more of the following matters:

- administrative action resulting in the forfeiture of or deductions from pay and allowances, reversion to a lower rank or release from the Canadian Forces;
- the application or interpretation of Canadian Forces policies relating to the expression of personal opinions, political activities, candidature for office, civil employment, conflict of interest and post-employment compliance measures, harassment or racist conduct;
- pay, allowances and other financial benefits;
- the entitlement to medical care or dental treatment; and
- any decision, act or omission of the CDS in respect of a particular officer or non-commissioned member.

2 Discretionary referrals: The CDS has the discretion to refer any other grievance to the Committee.

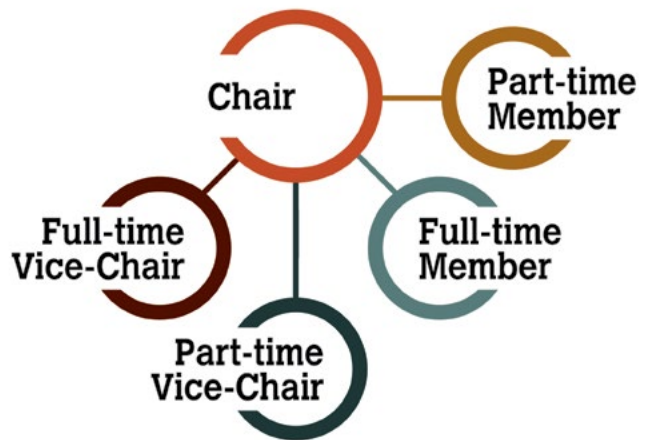
Structure

The Committee consists of Committee Members appointed by the Governor in Council^{vi} (GIC), who are responsible for reviewing grievances and issuing F&R reports.

Under the NDA, the GIC must appoint a full-time Chairperson and at least two Vice-Chairpersons. In addition, the GIC can appoint any other Committee Members that the Committee may require to carry out its functions. Appointments are for up to four years and can be renewed.

The Committee Members work with the support of a registrar, legal advisors, team leaders and grievance officers who provide analysis and advice on a wide range of issues. The responsibilities of the Committee's Internal Services include administrative services, strategic planning, security, performance evaluation and reporting, human resources, finance, information management, information technology and communications.

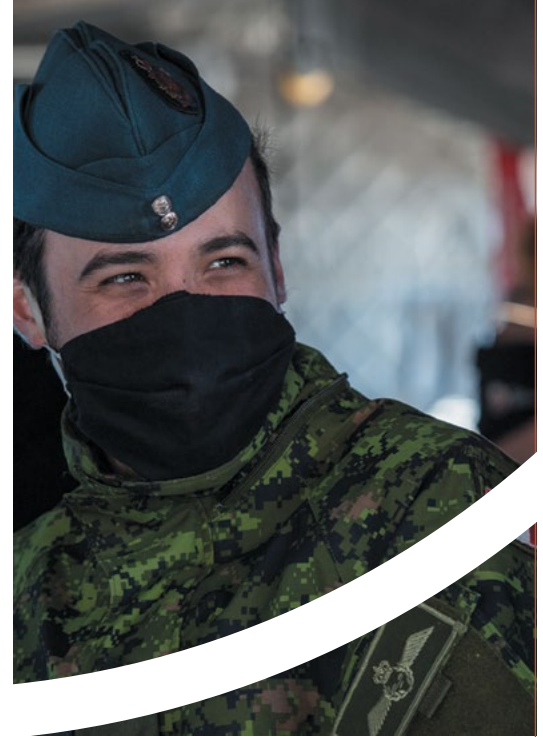
Committee Members



Management Team



Grievance Process



Canadian Armed Forces grievance process

The CAF grievance process consists of two levels and begins with the grievor's commanding officer (CO).

Level I

Review by the Initial Authority (IA)

- 1 The grievor submits a grievance in writing to their CO.
- 2 The CO acts as the IA if they can grant the redress sought. Otherwise, the Canadian Forces Grievance Authority assigns an appropriate IA. Should the grievance relate to a personal action or decision of an officer who would otherwise be the IA, the grievance is forwarded directly to the next superior officer who is able to act as IA.
- 3 The IA renders a decision and, if the grievor is satisfied, the grievance process ends.

Level II

Review by the Final Authority (FA)

- A grievor, who is dissatisfied with the IA's decision, is entitled to have their grievance reviewed by the FA, which is the CDS or their delegate.
- 1 The grievor submits their grievance to the CDS (or their delegate) for FA-level consideration and determination.
 - 2 Depending on the subject matter of the grievance, the CDS may be obligated to, or may at their discretion, refer it to the Committee. If the grievance is referred for consideration, the Committee conducts a review and provides its F&R report to the CDS and the grievor. Ultimately, the FA makes the final decision on the grievance.

Committee grievance process

The Committee's internal review process consists of three steps: grievance reception, review and the drafting of F&R reports.



Step I

Grievance reception

Upon receipt of a grievance, the grievor is contacted and invited to submit additional comments or other documents relevant to their case.

Step II

Review

The assigned Committee Member holds a case conference where the grievance is reviewed and the issues are identified and dealt with. The Committee Member works with a team leader, a grievance officer and legal counsel. If necessary, additional documentation is obtained and added to the file, and subsequently disclosed to the grievor. Although rare, it is possible a hearing may be held.

Step III

Findings and Recommendations

The Committee Member issues a F&R report, which is then sent simultaneously to both the CDS and the grievor. At this point, the Committee no longer has jurisdiction over the grievance. The grievor receives a decision directly from the FA.

Committee Members

Christine Guérette

Christine Guérette, CPA, CGA, was appointed Chairperson and Chief Executive Officer of the Committee in June 2018, for a four-year term. Prior to her appointment, Ms. Guérette had been serving as the Committee's Director-General, Corporate Services and Chief Financial Officer.

Prior to joining the Committee, Ms. Guérette held various senior executive positions in the federal public service: Chief Financial Officer at the Canadian Transportation Agency; Member of the Faculty at the Canada School of Public Service; and leadership positions at the Canadian International Development Agency (now Global Affairs Canada).

Ms. Guérette has led significant transformation initiatives throughout her career. She has upheld the Beyond 2020 tenets of agile-equipped-inclusive for years, implementing nimble corporate governance principles, and efficient accountability and business processes to enhance the performance of organizations. Along the way, Ms. Guérette has nurtured meaningful relationships with colleagues, stakeholders, senior government officials, representatives of non-governmental and private sector organizations, and international partners.

Ms. Guérette holds a Bachelor of Science in Accounting from the Université du Québec à Hull and has been a member of the Quebec Order of Chartered Professional Accountants since 1994. She is currently a member of the Treasury Board of Canada Secretariat Small Departments Audit Committee.



Dominic McAlea

Appointed as of March 28, 2018, Full-time Vice-Chairperson Dominic McAlea will serve a four-year term.

Mr. McAlea was a senior executive with the CAF, Department of Justice and Global Affairs Canada, serving as a Deputy Judge Advocate General in the CAF and Canadian Defence Attaché to Afghanistan, in Kabul. His expertise includes strategic planning, development and implementation of policy, Federal legislation and regulations, criminal and civil accountability systems, and consensus building nationally and internationally.

Mr. McAlea holds a Bachelor of Laws from the University of Windsor; Master of Laws in Public International Law from the London School of Economics and Political Science; and a Master of Philosophy in International Relations from the University of Cambridge.



François Malo

Appointed on May 1, 2018, Part-time Vice-Chairperson François Malo served a three-year term. In March 2021, he was re-appointed for a second three-year term.

Mr. Malo is a veteran of the CAF. He commanded combat missions during the North Atlantic Treaty Organization (NATO) air campaign against the former Yugoslavia, served as Base Commander in North Bay, and held the positions of Director of Space Development and Director General, Canadian Forces Grievance Authority in National Defence Headquarters. It is during this last tenure that Mr. Malo developed unique expertise and experience in the control and administration of the CAF.

Mr. Malo holds a Bachelor of Arts in Political Science, with a minor in Canadian History, from the University of Manitoba. He is also a graduate of Queen's University Public Executive Program and a certified tribunal member by the Council of Canadian Administrative Tribunals.



Nina Frid

Appointed as of February 5, 2018, Full-time Committee Member Nina Frid will serve a four-year term.

Ms. Frid has significant leadership experience as a senior executive in the federal public service and extensive experience in policy and regulatory matters. She also has considerable experience leading dispute resolution services at a federal administrative tribunal.

Ms. Frid graduated with a Master’s in Law from Osgoode Hall Law School, York University and a Master’s in Business Administration from Carleton University. She also holds a certificate in Advanced Alternative Dispute Resolution from University of Windsor Law School and Bachelor-Honours in Economics from the University of Marine Transportation, in St. Petersburg, Russia.



Eric Strong

Appointed on December 14, 2017 as Part-time Committee Member, Eric Strong served a three-year term and was extended for one additional year.

Mr. Strong has over thirty years of experience as an Air Navigator on the Sea King naval helicopter in the CAF, as a civilian employee with the Department of National Defence and in the private sector. He has extensive knowledge of the CAF and its finance and personnel policies. Additionally, he has garnered broad experience working in a client-focused environment within the government.

Mr. Strong graduated from the Richard Ivey School of Business, Western University with a Master's of Business Administration. He also holds a Bachelor of Mechanical Engineering from Carleton University. Mr. Strong is an accredited Project Management Professional (PMP) from the Project Management Institute and a Certified Management Consultant (CMC) from the Canadian Association of Management Consultants. He is also a certified tribunal member by the Council of Canadian Administrative Tribunals.





Endnotes

- i CDS Directive for CAF Grievance System Enhancement, <https://www.canada.ca/en/department-national-defence/corporate/policies-standards/acts-regulations/third-independent-reviews-nda/schedules/schedule-r.html#toc0>
- ii Report of the Third Independent Review Authority to the Minister of National Defence by the Honourable Morris J. Fish, C.C., Q.C., <https://military-justice.ca/wp-content/uploads/2021/06/Third-Independent-Report-Fish.pdf>
- iii Shall be referred to the Committee, “any grievance relating to one or more of the following matters:
 - (a) administrative action resulting in the forfeiture of or deductions from pay and allowances, reversion to a lower rank or release from the Canadian Forces;
 - (b) the application or interpretation of Canadian Forces policies relating to the expression of personal opinions, political activities, candidature for office, civil employment, conflict of interest and post-employment compliance measures, harassment or racist conduct;
 - (c) pay, allowances and other financial benefits;
 - (d) the entitlement to medical care or dental treatment; and
 - (e) any decision, act or omission of the Chief of the Defence Staff in respect of a particular officer or non-commissioned member.” (*Queen’s Regulations and Orders for the Canadian Forces* (QR&O), article 7.21)
- iv The First Independent Review by the Right Honourable Antonio Lamer P.C., C.C., C.D. of the provisions and operation of Bill C-25, An Act to amend the *National Defence Act* and to make consequential amendments to other Acts, as required under section 96 of Statutes of Canada 1998, c.35, p. 98, <https://www.canada.ca/content/dam/canada/military-grievances-external-review/migration/documents/lamer-eng.pdf>
- v Royal Canadian Mounted Police Integrated Relocation Program Directive, p.8, https://www.irp-pri.com/docs/policies_directives/rcmp/RCMP_IRP_2009_10_FINAL_E.pdf
- vi Article 7.21 of the QR&O sets out the types of grievances that must be referred to the Committee once they reach the Final Authority level
- vii Information about GIC appointments can be found at <https://www.canada.ca/en/privy-council/topics/appointments/governor-council.html>



Contact us

Military Grievances External Review Committee
60 Queen Street, 9th floor
Ottawa, Ontario K1P 5Y7
Tel: 613-996-8529
Toll free: 1-877-276-4193
TTD: 1-877-986-1666

 mgerc.information.ceegm@mgerc-ceegm.gc.ca

 www.canada.ca/en/military-grievances-external-review.html