



EXTERNAL MONITOR REPORT

Fourth Status Report – November 12, 2024

November 12, 2024

The Honourable Bill Blair, P.C., C.O.M., M.P.
Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
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Ottawa, ON K1A 0K2

Dear Minister Blair,

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

Sincerely,

Jocelyne Therrien

Enclosure: External Monitor Report – Fourth Status Report

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External Monitor Report – Fourth Status Report

Introduction

1. In 2021, at the request of the Government, former Justice Louise Arbour launched a sweeping review of the problem of sexual misconduct within the Canadian Armed Forces. Her 2022 report is referred to as the Independent External Comprehensive Review (IECR). It contained 48 recommendations that focused on “avenues of reform” in dealing with the “institutional shortcoming and structural impediments” that had allowed the problem to persist.
2. Since the beginning of my mandate in the fall of 2022, I have witnessed departmental action directly in response to the many external recommendations it has received, but also the development of other initiatives related to improving the culture and work environment of the Department of National Defence and the Canadian Armed Forces (DND/CAF).
3. The first three status reports reflect on milestones that have been reached. For example, a Comprehensive Implementation Plan (CIP) has been created that maps out the timelines by which the intent of hundreds of recommendations from external reviews (including the IECR) will be substantively met. Its value lies in the public commitment that it represents. While some may view the CIP as a mere timetable, I see it as an important accountability mechanism that reflects the rate of progress agreed upon at the highest levels of the organization and sanctioned by the Minister of National Defence (MND).
4. I have also commented on some of the impediments that are affecting the rate of progress. A case in point is the CAF’s process for creating and updating its policies. It is multi-layered, involves many interlocutors and is legalistic by design. The impact is clearly seen on the timelines. But it can also affect the clarity of the message in what is meant to be incisive guidance to those responsible for dealing with inappropriate behaviour. In my view, the rotating schedule of CAF members in and out of jobs at national headquarters has a compounding effect.
5. All told, notwithstanding the impediment noted above, there has been positive momentum since 2021 on matters that, in time, could ultimately create the foundation for true change. Here are a few examples:
 - the professional education continuum focused on ethical values that get reinforced throughout a member’s career;
 - a promotion process that is built upon the precepts of character-based leadership;
 - the efforts to choose instructors who genuinely personify and can effectively teach appropriate behaviour; and
 - the creation of a probationary period that will more systematically assess the suitability of recruits in terms of moral values without incurring an administrative burden.

6. However, as the DND/CAF would readily admit, there is much more work to do. The challenge ahead is how to continue to harvest the energy and focus on workplace improvements that will have the greatest lasting impact, while taking into consideration the intent of the many different external recommendations and bearing in mind that resources are finite.

7. After three years of intense activity, it may be time to consolidate, based on what has been showing good results. While this can be surmised anecdotally, the bulk of the knowledge required to assess progress lies in the measurement of outcomes and, by extension, in the quality of the data that the organization has at its disposal. I will elaborate on this further on.

8. This report reflects what the organization has accomplished vis-à-vis the IECR as of this date. Some actions are complete but many remain at various stages. I also include recommendations from other external reports that correlate to this subject. My observations and conclusions are based on interviews and the review of documentation, policies and data.

Fourth Report findings

Clarifying definitions and related policies

9. Recommendations 1 to 4 from the IECR focus on definitions related to matters of sexual misconduct and the clarity with which the CAF is communicating to its members what constitutes prohibited conduct.

10. First, it was proposed that the definition “sexual misconduct” be abandoned as it did not sufficiently distinguish between what is a crime and what is a form of harassment and other inappropriate activities. It was therefore recommended that all relevant policies be more specific as to what constitutes sexual assault and sexual harassment—making reference to the Criminal Code for sexual assault and to the Canada Labour Code for sexual harassment. In terms of defining sexual assault, the IECR added that the CAF should define sexual assault as “intentional, non-consensual touching of a sexual nature.”

11. How the CAF defines conduct in policy is fundamental. The IECR concluded that the “current” state created confusion regarding “how to navigate the system, particularly where conduct may fall into several categories, and prevents clear and predictable routes for redress.” Clarity in terms of what is deemed as inappropriate behaviour arguably represents the first step in eradication. Former Justice Fish, in his 2021 review of the military justice system, also emphasized the need for a refinement of what constitutes a service offence within the *National Defence Act* (NDA), referencing specifically the vagueness of NDA section 129(1) as it currently stands. He recommended the creation of new, more specific, service offences for sexual misconduct and hateful conduct.

12. A CANFORGEN¹ was issued this past summer that communicates the distinction that the recommendations sought to address. It states: “The formal definition of sexual misconduct will be removed and a distinct definition of sexual assault will be included.” As such, the direction is to refer to the following three terms:

- conduct deficiencies of a sexual nature including, but not limited to, service infractions and service offences of a sexual nature (when the act is not punishable under the Criminal Code);
- harassment of a sexual nature; and
- crimes of a sexual nature referring to sexual assault and all other criminal offences of a sexual nature under the Criminal Code.

13. The CANFORGEN also specifies that, in accordance with recommendation 2 of the IECR, the term sexual assault will be defined as “intentional, non-consensual touching of a sexual nature.” These new definitions are deemed to be in force while the many updates to policies are effected, including to applicable Defence Administrative Orders and Directives (DAODs.)

¹ CANFORGENs (Canadian Forces General messages) are important messages from CAF leadership and are applicable to all CAF members.

14. The document referred to as the Spectrum (Sexual and Gender-Based Violence Spectrum), as referenced in the IECR, is a tool that was developed in 2018 to inform CAF members about the range of activities and behaviours that are part of a healthy work environment and those that are not. It has been updated to reflect the changes being made to the terminology. It provides a comprehensive listing of what constitutes (a) acceptable conduct, (b) conduct deficiencies of a sexual nature, and finally (c) criminal acts. It also elaborates upon related concepts such as the notion of consent, illustrating what consent is and what it is not. It is a quick reference guide that is meant to complement other documents and policies in order to contribute to creating a healthy and safe workplace.

15. Recommendation 3 states that the relevant CAF policies should adopt the Canada Labour Code definition of harassment. Former Justice Deschamps had noted in 2015 that the CAF definition was “narrower and more complex” than the definition articulated by the Supreme Court of Canada. Former Justice Arbour explained how the CAF’s current approach, whereby six distinct criteria had to be met, was not in line with the Canada Labour Code or Canadian Human Rights Tribunal case law. The DND/CAF is currently in the process of aligning the CAF with the Workplace Harassment and Violence Prevention (WHVP) Regulations under Part II of the Canada Labour Code—a policy applicable since 2021 for the public service. It is anticipated that the transfer will be complete by early 2025.

16. The premise of WHVP is that of prevention. As such, the process focuses on establishing what the organization needs to do to prevent similar situations from re-occurring. WHVP investigations will be conducted to assess those workplace elements that need to be addressed. The results of this preventative investigation could, for example, suggest training to the entire unit on a specific policy. The major advantage of this approach, as I see it, is the fact that CAF members no longer need to demonstrate that their complaint meets the six criteria. CAF investigations will continue to be undertaken by the unit. However, for more complex cases, the Chief Professional Conduct and Culture (CPCC) can conduct the investigation on behalf of the unit. For those investigations conducted centrally, I would urge the CAF to monitor the unit’s response related to any follow-up action required to deal with the respondent, in terms of redress.

17. Recommendation 4 refers to definitions surrounding personal relationships, repeating concerns raised in 2015 raised by former Justice Deschamps. In her appearance before the Standing Committee on the Status of Women in 2021, former Justice Deschamps stated: “The organizational structure of the Canadian Armed Forces is the reason behind an inherent risk of abuse of power.” The specific DAOD on personal relationships has been reviewed in light of the recommendations of both former justices and much consultation has taken place. A revised DAOD has yet to be promulgated.

Military Justice

18. IECR recommendation 5 states that criminal code sexual offences should be removed from the jurisdiction of the CAF, both in terms of the investigation and the prosecution of cases. Amendments to the NDA that would in effect remove concurrent jurisdiction for criminal code offences of a sexual nature for cases occurring within Canada are contained in Bill C-66, which was introduced by the MND in March 2024. The bill also addresses recommendations regarding the independence of several

actors of the military justice process contained in the third statutory review conducted by former Justice Fish in 2021. The bill is currently at second reading in the House of Commons.

19. Recently, the members of the Federal/Provincial/Territorial Deputy Minister Ad Hoc Committee, established in response to recommendation 5, met to further discuss the best way forward. In terms of Ontario specifically, following the signing of the memorandum of understanding (MOU) between the MND and the province, a working group was established to develop a protocol between the Office of the Canadian Forces Provost Marshal (CFPM) and that of the Solicitor General. The group includes representatives from police agencies, Ontario government officials, provincial victim services, military police and the Sexual Misconduct Support and Resource Centre (SMSRC). The framework established for Ontario will serve as a model for coordination with other provinces. The working group expects to have a draft protocol early in the new year.

20. In the interim, the military police continue to refer cases to provincial jurisdictions that are prepared to deal with them and taking into consideration the preference of the victim. Since December 2021, 233 files have been referred to civilian police, 60 of which were declined.²

Administrative reviews related to the release of members for misconduct

21. Recommendation 6 from the IECR expresses the need for a review of cases wherein the NDHQ centralized authority for release from the CAF has determined that the member should be retained without any career restrictions even though unit commanding officers (COs) may have recommended release for sexual misconduct.

22. Recently, the DND/CAF was able to get a qualified resource to conduct this review via a secondment from the Public Service Commission, and a team was built to include experts in other subjects such as labour relations and victim services. During the months of August to October, the team members reviewed the files that were referenced in the IECR. At this point in time, they are consolidating their findings and recommendations. A report will be provided to the Chief of Military Personnel (CMP) by mid-December. I will be able to comment on the DND/CAF action plan in response to the review in my next biannual report.

23. The time it takes for the central authority to render a decision on cases of sexual misconduct is very lengthy. The IECR notes an average of 328 days for files regarding inappropriate sexual behaviour between 2018 and 2019. Many of the delays are seemingly caused by conditions that are outside the control of the authority, such as waiting for information that others hold (the units, health services and/or external sources such as the police and potentially the courts). In 2018 the Office of the Auditor General stated that the one-year average to reach a decision was most likely contributing to “the victim’s perception that the case was not being taken seriously.” We understand from more recent discussions that the average time to render a decision is now somewhat shorter.

² As of 4 November 2024; source CFPM.

Complaints and grievances about sexual harassment and gender-based discrimination

24. One of the main themes from the IECR was the need to civilianize elements of the DND/CAF internal complaints process in order to introduce an external perspective. Thus, several recommendations include other organizations playing a role in directly receiving member complaints and grievances. This involves both the Canadian Human Rights Commission (CHRC) and the Military Grievances External Review Committee (MGERC).

25. In the past, the DND/CAF's practice was to raise an objection with the CHRC when members with complaints related to sexual harassment and/or gender-based discrimination had not exhausted internal redress mechanisms before submitting their complaint directly to the CHRC. In response to IECR 7, this practice has ceased and internal policies are being amended. As a result, individuals with such complaints may now go directly to the CHRC.

26. So far, the Commission has received 69 complaints, most of which relate to allegations of sexual harassment, adverse differential treatment based on sex, and gender identity or expression.³ These are at various stages of its process. Through conciliation, one case has recently led to a public commitment by the CAF to address the shortcomings identified, including that of ensuring the availability of forensic kits and qualified medical personnel during overseas deployments. As indicated by the CHRC, this settlement has the potential to benefit many CAF members.

27. Earlier this year, representatives of the CHRC participated in various information sessions with representatives of the CAF's Conflict and Complaint Management Services (CCMS) to explain their role, and the CAF has issued several communiqués to its members to inform them of this new avenue of redress. CHRC representatives continue to look for ways to engage with members but have explained that opportunities are limited because of a lack of resources.

28. In terms of grievances that relate to sexual misconduct, sexual harassment or sexual discrimination, or involving allegations of reprisal for reporting, the IECR stipulated that they should be fast-tracked through the system: "[I]these types of grievances are unique, and addressing them promptly will go a long way to repairing or at least avoiding the harmful repercussions that flow from incidents of sexual misconduct." The intent of the recommendation was to ensure that these grievances were dealt with quickly, by subject matter experts outside of the chain of command, with a view to increasing their visibility among senior leaders.

29. The grievance process was revised earlier this year, identifying the CPCC as the initial authority (IA). Cases not resolved satisfactorily at the IA level, or where no decision has been made, are now mandatorily transferred over to the MGERC for review. Since this recommendation was enacted, the CAF has referred 34 cases. Interestingly, approximately 38 % of the cases involve male perpetrators, most of whom are grieving the CAF's decision on redress. To date, six case files have been concluded, with outcomes favoring the grievor in three cases and opposing in three.⁴

³ As of October 31, 2024; source CHRC.

⁴ As of October 31, 2024; source MGERC.

30. I will review the responsiveness of the CAF once more cases have been finalized by these external organizations and I will enquire about CAF action plans whenever systemic issues are identified.

Conflict resolution

31. The CAF has many complaint mechanisms in place. I imagine that, for members with few years of experience, it must be difficult to understand the options, how they differ from one another, and how to ask for assistance.

32. Several recommendations stemming from the 2021 independent review of the military justice system by former Justice Fish speak to this matter. For example, recommendation 94 states that the CCMS centres that exist on most bases and wings should organize outreach activities each posting season to inform the members assigned to local units of their existence and role. According to the CPCC, 193 briefings occurred in 2023–24, reaching over 6,000 members. Unit leaders can also request briefings.

33. I believe that the agents in the CCMS centres play a critical role. They are well positioned to assist members who are unsure about how to navigate the complex CAF complaint network and on how to connect to the broader network of services available to CAF members such as the Ombudsman and the CHRC.

34. The CCMS centres have a network of practitioners that can assist with alternative dispute mechanisms. The CPCC has been promoting early conflict resolution as a means of addressing workplace issues. While alternative dispute resolution is not necessarily the most appropriate mechanism for cases involving sexual misconduct, it can be a useful tool in addressing workplace problems before they escalate and become more intractable. Conflict resolution is also part of the training and education curriculum for CAF members in leadership roles.

Transformation of the CAF's complaint ecosystem

35. In 2021, the Deputy Minister and the Chief of the Defence Staff issued a joint communiqué directing how the DND/CAF was to once again attempt to address misconduct. The document very clearly spells out the scope of the problem, such as:

- unacceptable rates of sexual misconduct, harassment and discrimination;
- the lack of faith in reporting and response mechanisms;
- an investigation process that is lengthy and provides limited transparency; and
- multiple databases to collect and track misconduct-related information, making analysis difficult.

36. This last point had also been highlighted by the IECR, noting that, without good data, “organizations are ill-equipped to make informed policy decisions and measure the impact and effectiveness of those decisions.”

37. Indeed, since then, the organization has been working to transform the CAF's complaint process with a view to simplifying reporting mechanisms while also enhancing the ability to track complaints from initial reporting to case closure. But that is a very complicated task. As reported in the IECR, a review by those responsible for digital information management found that there were 31 unique data assets across the DND and the CAF dealing with tracking and reporting on systemic misconduct.

38. In conducting my work, I have requested information from a number of databases in an attempt to get more detailed information regarding the nature and volume of sexual misconduct. I have noted several issues with data configurations. At this point, I believe that no one can determine, with any degree of confidence, either the true scale of the problem or the extent to which the organization has taken the appropriate measures in response. This is a serious limitation.

39. The DND/CAF is aware of this, and I can attest to the fact that much energy is being devoted to the transformation, but the effort required to create an integrated database that captures all elements of misconduct remains substantial. The organization has decided on an incremental approach. The first phase will be the launch of a reconfigured database specific to capturing hateful conduct. In time, the database will be used as a platform for the add-on of other forms of misconduct, including sexual misconduct. It will feature several progressive elements, including the possibility of submitting anonymous complaints.

40. The ability to easily capture and disseminate information regarding incidents of inappropriate conduct in the workplace is foundational. Without this data, the organization cannot determine if prevention measures are having the desired effect, and whether programs and responses need to be adjusted. Ideally, through a case-management feature, it would also be able to determine if the institutional response has been adequate.

Duty to report

41. Recommendation 11 of the IECR argued that the regulations surrounding the duty to report should be amended to exempt sexual misconduct from its application. Former Justice Arbour reiterated concerns raised in other reviews, such as those of former Justice Fish and of the Standing Committee on the Status of Women. As pointed out in the IECR: "The causes for under-reporting are mainly due to the anticipation of the many negative consequences of reporting. Making it a formal duty does not alleviate the negative consequences; it merely adds another one: the fear of punishment for not reporting."

42. In 2023, the MND announced that the provisions related to the duty to report would be repealed, and the regulations were modified in June 2024 to formalize the changes. The CDS's expectations regarding reporting misconduct were provided in a CANFORGEN that was issued shortly thereafter to explain the changes. It states: "The repeal in no way prohibits reporting but encourages members to consider the needs of victims and affected persons before reporting and using a 'trauma-informed approach'.... (which) aims to reduce feelings of powerlessness...."

43. The CANFORGEN includes, for example, the following principles:

- The direction and guidance provided supersedes all other CANFORGENs and policy direction that refers to the duty to report.
- The repeal of the duty to report applies to all types of misconduct, and not solely sexual misconduct.
- The conditions whereby members must report (for example, when there are reasons to believe that an individual may pose a risk to themselves or others).
- A formal disclosure is not necessary to receive support and services.
- Incidents that are reported to the chain of command, a CAF member or defence team member must be entered in the applicable database within two business days.
- Whenever an “appropriate authority”⁵ in the military justice system receives a complaint or has other reasons to believe that a service offence or a service infraction has been committed, that authority must cause an investigation to be conducted as soon as circumstances permit.
- Information and support on recourse options related to harassment, human rights complaints, the CAF grievance system, or alternative dispute resolution is available through local CCMS centres, with a toll-free line for members serving abroad.
- A complaint concerning sexual harassment or discrimination on the basis of sex can be filed directly with the CHRC (hyperlink provided).
- Leaders and the chain of command have a responsibility to uphold standards of professional and ethical conduct by leading by example.

44. Much work remains to be done however, as many policies and instructions developed over the years prescribed a “duty to report.” All of them must be reviewed and modified to ensure coherence with the overarching philosophy that has been made official through the repeal of the applicable regulations. This would include the CDS Guidance to members who have been appointed as COs.

The Sexual Misconduct Support and Resource Centre

45. Several of the IECR recommendations are related to the SMSRC, some of which focus on realigning its mandate to that of core provider of resources and services for anyone affected by sexual misconduct. In recent years, the list of individuals who can seek SMSRC services was expanded beyond current CAF members. It now also includes former CAF members, Cadets and Junior Canadian Rangers aged 16 years and older, DND public servants, and family members of the wider Defence community. Furthermore, through a grants program, several community groups have been funded to help individuals get services closer to their homes.

⁵ “Appropriate authority” here is defined as, for example, a member of the military police or the National Investigation Service, an officer, or another member of the chain of command who ordinarily deals with matters of discipline.

46. The latest annual report of the SMSRC shows that, in 2023–24, 1,496 calls were made to the 24/7 Response and Support Line and 143 new client cases were opened, the majority of which related to sexual assaults. Services provided range from supportive counselling to accompaniment.

47. All IECR recommendations related to the SMSRC have been actioned: Training and prevention related to sexual misconduct as well as any monitoring have been transferred to the CPCC. The IECR also specified however that the SMSRC should remain a subject matter expert and be consulted as training and prevention projects are developed. Although I understand that this does occur, I believe the CAF could capitalize more on the unique insight that the SMSRC can bring to training related to sexual misconduct.

48. Also implemented is the first phase of the legal assistance program whereby individuals can seek reimbursements for legal fees paid. The plan is to expand the program by having in-house legal experts who can respond to questions from clients. This will be all the more important considering the move to transfer Criminal Code cases to the civilian criminal justice system. The imperative for providing legal assistance was highlighted in several external reviews, including that by former Justice Fish and the Senate Defence Committee. The SMSRC has also reviewed the role of its external advisory committee and revised the terms of reference in order to create a more diversified membership, as recommended.

49. The IECR also recommended that, while the SMSRC should remain within DND (and continue to report to the DM), its administrative structure should be reviewed to increase its independence and effectiveness. The first part of this review took place in 2023 and resulted in recommendations regarding the executive structure of the SMSRC. A revised structure has just been approved but it has yet to be formalized. This is an important step in terms of the SMSRC's ability to stabilize the staffing of its positions.

50. As I pointed out in my last status report earlier this year, the SMSRC's ability to plan its activities is impacted by the lack of a stable budget. This has created concerns regarding the viability of several of its key programs, including the peer support program that is managed jointly with Veterans Affairs Canada, and the Restorative Engagement Program. The SMSRC is expecting to receive additional funding starting in FY 2025–26. In the interim, it is counting on incremental requests for funding to maintain current programming.

51. All in all, while I sense a genuine support for the SMSRC's independent status by the Department of National Defence, I note that the centre periodically gets caught up in departmental bureaucracy that creates inefficiencies for the organization and may impact its ability to operate independently.

A shorter recruitment process, and assessment and early release of unsuitable candidates

52. Recommendations 20, 22 and 25 focus on making the recruitment process more efficient while simultaneously enabling a more thorough assessment of the suitability of recruits in terms of their values and ethics. This dual goal is to be aided by the introduction of a probationary period for trainees

at basic and early training schools. As highlighted by former Justice Arbour in her report, the capacity to release members with less administrative burden than currently exists would directly result in a more streamlined recruiting process.

53. I have been informed that this new approach will be supported by an enhanced statement of understanding that will be signed by new recruits spelling out professional conduct expectations and conditions of employment, including a probationary period. The CAF will develop a probationary period for its newest members, no later than December 2024.

54. In a previous status report I mentioned a trial undertaken by the CAF to increase the number of recruits. It allowed certain groups to bypass the administration of the Canadian Forces Aptitude Test (CFAT) such as applicants with university degrees or college diplomas and those that already met education requirements for certain occupations. According to the CMP, more than 3,000 individuals have been processed in this fashion since April. The CAF is considering expanding this trial to other groups. I will be able to provide more specifics in my next bi-annual report.

55. Other initiatives are underway or under discussion that are expected to either shorten the recruitment period or improve recruiting effectiveness, including:

- the forthcoming introduction of a mobile-friendly online applicant portal;
- the use of digital and scanned signatures to improve the remote processing of applicants;
- the enrolment of members with low-risk foreign implications, with security screening to the required level of security to be deferred until post enrolment;
- a commitment to fully staff all recruiting positions; and
- the review of medical requirements to make them more reflective of societal norms, along with a risk-based application.

56. The IECR also recommended that some of the recruiting functions be outsourced to reduce the workload of CAF recruiters, while also increasing the professional competence of recruiters. At this time, recruiting functions that have been outsourced include reference and background checks. I gather that the priority is to re-engineer the process, especially through digitalization, and then assess the best outsourcing options.

57. While the processing of new recruits is a key area of focus, there is also recognition of the importance of identifying why some recruits might then choose to leave the CAF even before they are fully trained. The CAF's research branch conducts research to identify reasons why this early recruit attrition occurs and to track the rate of attrition.

Military training and professional education

58. On the topic of military training and education, the IECR concluded that: “despite the abundance of doctrinal and training materials, events have demonstrated that ethical education in the CAF continues to fall short of its objectives.” As a result, former Justice Arbour recommended that the CAF use better, more interactive, teaching methods, incentivize instructor positions at the early

training schools, and ensure a more rigorous screening of instructors, both for competence and character.

59. Through a collaborative effort of the Canadian Defence Academy (CDA) and subject matter experts from the CPCC, a continuum of training and education related to conduct and culture was developed. It establishes a progressive framework of the learning events that should be delivered to different ranks, at different periods of their career, on topics such as sexual misconduct, conflict management, workplace violence prevention, diversity, equity and inclusion, and hateful conduct. Currently, the framework is being integrated by the CDA for the new Primary Leadership Program (PLP) training for non-commissioned members (NCMs) at the ranks of corporal/sailor 1st class. The CDA is of the view that the revised PLP training plan represents a wholesale change from task-based to competency-based objectives. With a flow-through of approximately 3,500 NCMs per annum, the potential impact of this change in the PLP curriculum is considerable.

60. In my first status report, I used the example of the revamp of the basic training curriculum at the Canadian Forces Leadership and Recruit School (CFLRS) to show how new ways of teaching had been imbedded. The CAF has dedicated resources that focus on training and education related to conduct and culture development in order to ensure that, not only does professional development training reflect the CAF's values and ethos, but also that the training is delivered using effective adult learning mechanisms such as scenario-based conversations.

61. Bearing in mind the all-encompassing influence of teachers and mentors during the formative years of a recruit, the CAF also needed to work on ensuring that good instructors with the potential to positively influence students would be attracted to postings to early training schools. As pointed out in the IECR: "there are longstanding issues with the staffing of training schools and training positions."

62. The CAF continues to emphasize the need for best-fit instructors as recommended in the IECR. I believe that it has moved from a model of simply filling a vacancy to a more deliberate approach that considers the moral suitability of the individual. Several incentives have been introduced to encourage applicants to training establishments. Currently, however, the reality of the situation is such that becoming an instructor in the CAF often carries a financial disadvantage. The CAF is attempting to address this problem.

63. In terms of better selecting instructors, a screening tool was developed a few years ago when the revamp at the CFLRS occurred. Other training schools have been using a similar approach. The Military Personnel Generation Training Group (MPGTG)⁶ for example has directed that a more structured approach be used. Candidates are screened for suitability based on the unit commanding officer's recommendation and their competence regarding minimum instructor standards. If selected, new instructors participate in an orientation session that reiterates expectations regarding ethical conduct. Finally, selected instructors are expected to continue with their own professional development by participating in the CAF's Instructor Development Program (IDP), which provides three progressive levels of training to gain instructor skills and knowledge. An Instructor Needs

⁶ MPGTG is responsible for the training of approximately 17,000 personnel per year.

Analysis is currently underway to assess the existing situation regarding instructors across the CAF, and I will follow-up on the results of this exercise, when available in the new year.

64. The Assistant Deputy Minister of Review Services (ADM(RS)) is currently conducting an evaluation of military justice and grievance training modules that will encompass several recommendations from the Fish report, including the training for victim liaison officers. Training at the police academy has recently been evaluated, with recommendations to increase its pool of qualified instructors and make better use of subject matter experts.

Royal military colleges

65. The IECR provided several recommendations to the DND/CAF on the military colleges, including the need for an external review of “the costs, benefits, advantages and disadvantages” of the current approach compared to different models for delivering university-level education.

66. The board, consisting of seven members of various backgrounds, began its work in January of this year. Since that time, it has conducted research, collected data and reached out to a variety of stakeholders both within and outside the DND/CAF. For example, the board visited numerous bases and wings and sought the views of junior and senior officers. The board members also consulted with representatives of military academies of several other countries.

67. And, most recently, the board held “listening sessions” with naval and officer cadets, training staff and the leadership teams at both RMC St-Jean and RMC Kingston. Finally, it also launched an online consultation platform open to all Canadians to share their views. In all, nearly 400 responses were submitted.

68. The final report is anticipated for early 2025. I will address the CAF’s action plan in response to the board’s conclusions in my next status report.

69. The IECR also recommended that the existing exit survey be broadened to include naval/officer cadet experiences with sexual misconduct or discrimination. The DND/CAF chose to go beyond the recommendation by extending the survey to students in every year of their program. The 2023 survey was administered, and the results analyzed. These results were discussed with the student body and the staff. The 2024 survey results have been tabulated and will soon be discussed with the naval/officer cadets and staff. The leadership at the two colleges are responding with initiatives to address some of the survey findings.

70. Of note, in 2023, the CDA requested an external Gender-Based Analysis Plus (GBA Plus) review of the physical performance test (PPT) used at RMC Kingston. As a result of concerns raised in the consultant’s report, citing the PPT’s potential to reinforce a “culture of toxicity against female cadets,” the CDA decided to remove passing the PPT as the physical fitness standard for promotion and subsequent commissioning, and replace it with the CAF FORCE Evaluation which is the annual requirement for all CAF members to pass.

71. On a related note, I have been informed that employment equity targets for women, visible minorities and Indigenous peoples have been surpassed for the 2024 cohort of first-year students. So,

for example, women currently make up 26% of the first-year student body. This represents a substantial increase from previous years.

Performance appraisals and promotions

72. Several of the IECR's recommendations relate to ensuring that future leaders of the CAF are selected based on complete information, with more focus on the character of the individual. While acknowledging that the CAF has taken positive steps to improve the selection of its leaders, the IECR recommended that:

- there be an external review of the evaluation tools currently used for general officer/flag officer (GOFO) promotions, and that the use of these tools be extended to other ranks;
- formal and systemic disclosure of past or current misconduct be included in the performance evaluation process;
- succession planning boards consistently and systematically consider misconduct via an incident review list; and
- a misconduct sheet be prepared for candidates being considered for promotion to the ranks of lieutenant-colonel/commander (LCol/Cdr) or above and chief warrant officer/chief petty officer first class (CWO/CPO1).

73. In July of this year, the CAF issued a new form entitled "Past Conduct Deficiency." It is in use currently for promotions to the ranks of LCol/Cdr and above, and to the ranks of CWO/CPO1. The form requires a review of the member's unit personnel file and conduct sheet by the member's CO, who will then certify the absence or presence of any of the following:

- remedial measures where it was determined based on the balance of probability that the CAF member engaged in harassment of a sexual nature, or hateful conduct;
- conviction of any Criminal Code offence of a sexual nature, or a hate-related criminal act;
- conviction by a foreign court or tribunal of an offence of a sexual nature, or a hate-related criminal act; and
- conviction of a service offence under the Code of Service Discipline of a sexual nature, or a hate-related criminal act.

74. The related CANFORGEN states that boards will use the information to determine readiness to perform at the next rank by weighing factors such as: the sanction imposed, the member's rank, position and leadership role when the misconduct occurred, and whether or not the member actively took steps to modify their behaviour. The guidance manual for selection boards has been updated. It explains how information from the past conduct deficiency form will be incorporated into the national selection board process.

75. In terms of accounting for conduct deficiencies in the performance evaluation process, the IECR was of the view that the Performance Appraisal Report (PAR) places greater emphasis on performance, and not enough on conduct. In reviewing the writing guidelines for PARs, the section

on conduct indicates that authors must assess the member's conduct on and off duty as either "acceptable" or "unacceptable" and provide a brief factual description in the case of the latter. The guidelines further state that "only conduct deficiencies where there is an adverse determination in the form of an administrative action, disciplinary action and/or civilian offence conviction will be commented upon."

76. Another new form was recently introduced, entitled the Promotion/Appointment Verification Screening Form. Candidates being considered for promotions to the rank of CWO/CPO1 and LCol/Cdr and above and/or for command appointments, will be required to certify that they are not subject to any administrative or disciplinary action, or have a conviction for a civilian offence. As stated in the CANFORGEN: "It will standardize the promotion screening process that is to be done after a promotion is approved to confirm that a promotion should proceed."

77. Recommendations 33 and 34 refer to the use of psychometric tools to assist in the evaluation of individuals seeking promotions to higher ranks. The external review of the assessment tools currently being used for GOFO promotions has not been initiated, as the CAF is in the process of establishing a contract for psychometric tools which could potentially result in a change to the assessments being used. The IECR also recommended that the use of psychometric tools be extended to the ranks of LCol/Cdr and above, and to CWO/CPO1. Below GOFO ranks, these tools have been extended down to promotions to Colonel/Captain (Navy). I have been informed that once the contracted capacity to expand further is in place, the timeline for the use of these tools for promotions to the LCol/Cdr and CWO/CPO1 ranks will be determined.

Succession planning

78. The IECR contained several recommendations regarding succession planning, noting that policies and practices varied widely amongst the environments and branches; that there was a lack of clear guidance, which made the system susceptible to bias; and that progress had stalled in recent times regarding the promotion of women in terms of their representation at higher ranks.

79. IECR recommendation 36 focuses on establishing a system of progressive targets for the promotion of women within the CAF. This recommendation aims to increase the number of women in each rank, with the goal of enhancing their representation in GOFO ranks above their overall workforce representation in the CAF.

80. There is a concerted effort aimed at addressing the underrepresentation of women in the CAF. For example, the CAF Employment Equity team is actively identifying barriers that hinder the recruitment, promotion, and retention of women, including unconscious bias. Also, each Level 1 organization with CAF personnel will be assigned specific promotion goals for CAF women, with annual reporting requirements to track progress. As noted in a previous report, the CDS and the Commanders meet to proactively manage the talent of women with the potential to become future leaders of the CAF. The objective is to create the right conditions over a 10-year horizon in terms of work experience and of professional development opportunities. This exercise is being expanded to other equity-seeking groups.

81. To implement IECR recommendation 40, a new policy on succession planning has been drafted and its publication is slated for the end of December 2024. Its purpose is to provide the framework for talent management and succession planning activities across the CAF and to promote best practices to reduce barriers that may constrain or negatively impact different groups. This policy has been developed through a series of working groups involving representatives from occupational authorities and subject matter experts using a Gender Based analysis Plus (GBA Plus) approach including feedback from Defence Advisory Groups.

82. The policy also addresses two other IECR recommendations: one on the establishment of incident review lists, to ensure that any concerns about conduct are brought to the attention of succession planning boards; and another on the composition of succession boards. Although the applicable IECR recommendation called for a civilian member external to the Defence Team to be included, the CAF has determined that the inclusion of both a “non-affiliated” CAF member from a different Level 1 organization or command—and at a rank equal or higher than the board members—as well as a civilian Defence Team member with a position just below the executive level, or higher, will meet the intent of the recommendation.

83. Regarding the IECR recommendation about secondment opportunities for senior officers, I understand that decisions on prioritized secondment opportunities will be discussed in conjunction with the results of recent GOFO selection boards at another governance committee, in the coming months, sometime before the next posting cycle in 2025.

84. All told, there is a considerable amount of work being dedicated to ensuring that individuals who present the right character traits are promoted (and vice versa), that talent is noticed and developed, and that practices lead to creating a diverse group of leaders, while simultaneously filling vacancies. This is not an easy task considering the CAF’s rotation schedule. Time will tell if these combined efforts lead to the desired results.

Medical releases

85. The IECR report included a recommendation for the CAF to review its universality-of-service policy through a GBA Plus lens. This was to ensure that women and sexual misconduct victims are “treated fairly, taking into account their particular situation and risk factors.”

86. In December 2023, the CAF re-engaged the external expert who had reviewed a previous version of the universality-of-service GBA Plus report. The contractor noted positive changes, including a stated principle that the DND/CAF was responsible to support members in meeting the universality-of-service standards, prior to a determination that could lead to a transition out of the CAF. The contractor made further recommendations to adjust the GBA Plus analysis. The resulting policy is planned for release in spring 2025. As part of policy implementation monitoring, the CAF will evaluate the programs to determine those most effective in supporting members to meet the minimum operational standards.

87. In its recent report on women veterans, the Standing Committee on Veterans Affairs issued 42 recommendations that aim to address many longstanding issues that affect female members who

transition out of the CAF. In particular, it is recommended: “[t]hat Veterans Affairs Canada and the Canadian Armed Forces, in partnership with the Canadian Institutes of Health Research, fund a research program whose objectives include identifying the reasons for the higher proportion of servicewomen who are medically released compared with men.” The Government has responded that it agrees with the recommendation and will develop a “long-term research plan that is guided by a Gender-Based Analysis Plus and sex-and-gender approach.” This research has the potential to inform any adjustments to the CAF’s universality-of-service policy that may be required.

Input and oversight

88. Several IECR recommendations speak to the role of the ADM(RS) regarding its ability to conduct administrative investigations independent of the chain of command. I understand that it is not very often that these investigations relate to sexual misconduct and, when they do, the ADM(RS) would consult with the CPCC as the functional authority. To address the recommendation that the Minister should be briefed directly on all investigations relating to sexual harassment, sexual misconduct and leadership culture in the Defence Team, the CPCC has indicated that it will include in its statistical report(s) to the Minister any ADM(RS) administrative investigations that contain an element of sexual misconduct.

89. In addition, in response to recommendation 42, the ADM(RS) will report annually to the Minister on statistics and activities relating to investigations under DAOD 7026-1, in line with what is required under the *Public Servants Disclosure Protection Act*. The inaugural annual report on administrative investigations was submitted to the MND in August 2023 and covered fiscal year 2022–23. The second annual report was provided to the MND in August of this year.

90. Finally, as recommended in the IECR, the SMSRC should be able to request an administrative investigation by ADM(RS) into matters related to its mandate. As a result, a formal agreement now exists between the two organizations as to how any such request would be accommodated.

Public online database and external research

91. As noted in the last status report, an online Conduct and Culture Research and Policies Database was published in fall 2023 on Canada.ca to respond to IECR recommendation 45. This online database currently includes over 150 internal research and policy documents related to culture evolution, including the Summary Report which forms Schedule O of the CAF/DND Sexual Misconduct Class Action Settlement. The plan is to update this database annually.

92. The CAF has recently created a Conduct and Culture Data Centre. It is an interactive online tool that contains approximately 150 data metrics from a variety of sources. It was released internally to the DND/CAF in the spring of this year, and final preparations to provide public access to the Data Centre are underway.

93. An IECR recommendation regarding external academic research had two elements. To address the first, a CANFORGEN was released in July of this year to clarify the interpretation of a DAOD on social science research. The CANFORGEN explicitly grants CAF members permission to

participate in anonymous or confidential social science research so as to remove perceived barriers to their engagement. The revisions to the associated DAODs are targeted for completion at the end of this year.

94. In addition, based on consultation with external academic researchers, there are now three options for the Social Science Research Review Board (SSRRB) review of external research submissions where another Research Ethics Board (REB) is involved: simultaneous independent reviews by the SSRRB and REB; waiving the ethical component of the SSRRB review where REB approval has already been granted, but maintaining the methodological review; and collaborative reviews with the academic/external REB. This revised approach has been communicated broadly and at several engagements and outreach activities with research networks and communities.

Institutionalizing the change

95. I explained earlier in this report that the DND/CAF has created a Comprehensive Implementation Plan to establish the milestones for meeting the intent of external review recommendations. Alongside the work that is being carried out in response to the hundreds of recommendations is the Defence Team Culture Evolution Strategy (CES). While the Defence Team organizations had for the most part already developed their own plans in recent years, the CES is providing for a more structured and consistent approach—one that can potentially withstand the effects of the CAF rotation patterns.

96. The CES, anchored in the value statements that are already present in many CAF doctrinal documents, offers specifics on how these values will work their way down into the organization. So, for example, it prescribes an “enabling structure” by creating distinct positions within each hierarchy, i.e. culture evolution coordinators, intersectional advisors, and senior intersectional analysts. Terms of reference for the positions and the required training have already been established. This, according to the CES, “will create a vertical as well as horizontal network.”

97. Monthly culture meetings, hosted by the CPCC, and the online Culture Resource Centre have been created for the sharing of best practices and lessons learned amongst culture coordinators and advisors. This ability to compare notes with, and learn from, other coordinators and advisors across the department, and then also share this information downward within organizations to unit level culture coordinators, will probably be instrumental in achieving the intent of the CES.

98. The CES also directs that all units, regardless of size, establish a professional conduct and culture program to focus attention on this topic as a “core team responsibility.” Units are expected to use the various tools already at their disposal including those created by the CPCC to spark regular team discussions based on methods that use scenarios and guiding questions. COs and team leaders have critical roles to play in the evolution, and this expectation is becoming increasingly clear.

99. One such tool is the Coaching Program, which aims to establish a “growth mindset.” Every year, Level 1 organizations nominate Defence Team members for the program. It employs certified coaches who, based on individual psychometric results, develop skills in areas such as mobilizing people, promoting innovation, and guiding change. The program is available to senior-level leadership, officers

and non-commissioned members and civilians. By the end of this fiscal year, more than 1,000 individuals will have benefited from this program. The objective is to offer team and group coaching programs to all levels of the organization, to contribute to culture evolution through personal and leadership development.

Conclusion

100. This is the fourth biannual report since I was appointed in the fall of 2022. In accordance with the terms of reference, my primary role is to monitor the organization's response to the findings and recommendations of the IECR by former Justice Louise Arbour. I use the commitments that were formally made in December 2022 before Parliament as the benchmark.

101. First of all, I think that it is useful to reiterate that the will to change the organizational culture of the DND/CAF is genuine. By virtue of all that has been undertaken by the organization since 2021, there is no doubt that the leadership of the DND/CAF is fully engaged in transitioning to a more inclusive and respectful workplace based on a professional and ethical code of conduct.

102. The body of this report contains an update on where things stand in terms of meeting the intent of the IECR recommendations. Much has taken place since 2022. All 48 IECR recommendations have been actioned, leading to full implementation in some cases, and to a work-in-progress stance in others. Some of the recommendations involve central agencies and other departments. The DND/CAF does not always control the timetable. There have also been many initiatives stemming from the recommendations of other external reviews. Many of these have also been actioned. The level of effort has been intense.

103. In my estimation, the organization cannot continue with the current pace of change for much longer. It may be helpful at this time to take a step back to determine where the chances of instilling real change are the greatest and to realign resources accordingly, while respecting the intent of external recommendations. There is a certain amount of anecdotal information regarding those tools and programs that are seemingly having effect, such as, the CPCC's Coaching Program and the Leadership Support Training.

104. But the data required to fully understand the scope of the problem and whether or not organizational changes have had the desired effect is missing. Admittedly, the information that is fed into the system regarding the incidents that are occurring is probably much better than it was 10 years ago. However, the data points are scattered over a multitude of systems that do not correspond to one another, and the input of information is neither consistently accurate nor timely. As I point out in the report, this is a recognized problem, and efforts are underway to fix it. But currently, this situation is preventing the organization from fully understanding the breadth and nature of the problem that it is trying to rectify. I also wonder about the extent to which the organization is able to confidently claim that all the reported incidents of sexual misconduct are being effectively managed and that there is a consistency in the redress applied.

105. In previous status reports I also highlighted the problem of policy making within the CAF. The amount of time required to establish new policies or modify existing policies such as the DAODs seems excessive. I believe that the process has been made more complicated than it needs to be. It uses up precious time that could be dedicated to other endeavours.

106. Once all of the structural and procedural changes have been announced, for the most part through CANFORGENS, the DND/CAF will need to create a coherent suite of policy instruments. It could ask itself: What needs to be in the regulations, what needs to be in a policy instrument such as a DAOD, and what can be covered in a guidance document or standard operating procedure? Within each, precise language surrounding who is accountable for the results would be helpful.

107. Last year, the Defence Team Culture Evolution Strategy was launched. Overall, I see the CES as valuable for the way in which it creates an organization-wide approach to embedding the values that are espoused, based on some fairly pragmatic steps. Progress is monitored by the CPCC on a regular basis. The framework for culture change is included in an evaluation that the ADM(RS) has recently initiated. This will provide senior managers with an indication as to whether current efforts to evolve culture has the potential to achieve long-lasting effects.

108. So, there has been a lot of work, and a lot of momentum, but everyone agrees that establishing the structure that will systematically reinforce professional conduct is a long-term project. Once again, I reiterate that, while there is true dedication by many, the DND/CAF is suffering from an overly regimented system of rules. It is questionable at this point whether CAF members are empowered to make the right decisions at the right time.