Military Grievances External Review Committee
Comité externe d'examen des griefs militaires

Canada

# SUCCESS IN CHANGING TIMES

# 2020th anniversary

ANNUAL REPORT

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# Mandate

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

The 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 2021

The Honourable Harjit Sajjan
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 2020 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

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# MESSAGE FROM THE CHAIR AND CHIEF EXECUTIVE OFFICER

This year – 2020 – will leave an imprint on both the Committee's memory and mine for good reason. It was the year of the pandemic, of achieving our second best in productivity, of reducing the backlog, of shortening the time it takes to issue our Findings and Recommendations reports, of witnessing employee dedication and agility grow to new heights, and of celebrating our 20th anniversary. It may have been challenging for the mind and spirit, but it was equally satisfying and maturing for the organization.

To succeed during changing times is quite an accomplishment and a demonstration of the tenacity and flexibility of a group of people focused on the task, regardless of the environment. In short, 2020 was an exceptional year, on all counts.

The Operations Team performed at an optimal level, producing 263 Findings and Recommendations reports. An outstanding number of reports in its own right, and the second best year of productivity in the Committee's history. Meanwhile Corporate Services took care of the organization and its people, ensuring the order of business maintained continuity without disruption during a pandemic.

Although a comprehensive business process review got underway, a special team was put in place to clear the backlog of grievance files and several staffing processes were completed, the Committee is determined to do more. A plan, with short-term wins and long-term foundational strategies, was mapped out and we have a path forward for the next two years and beyond. After the storm, I see bright days ahead for the Committee.

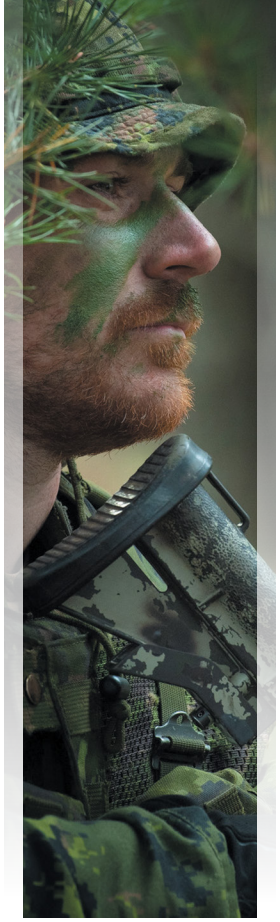
The third Independent Review of the *National Defence Act* started this year and it will continue into 2021. The Committee is working on its contribution of reflections and recommendations, given our experience with the review of the Canadian Armed Forces grievance files. We welcome and seize this opportunity to propose change to the *National Defence Act*.

The pandemic and work from home reality, that defined the better part of 2020, underlined just how important mental and physical well-being contributes to an organization's success. It generated numerous virtual initiatives that actually brought us closer together. A random hallway encounter was replaced with sharing home hobbies and wellness tips in newsletters and virtual coffee meetings.

It is true; people do come together in changing times. I applaud the dedication and resilience of our Committee Members and employees. During a sustained period of pandemic and uncertainty, our staff consistently met the challenges, united by their enthusiasm and belief in the Committee's mandate. We not only end the year with successes, but with a clear path forward.

It is with immense pride that I present to you our story, our journey, our 2020 Annual Report.

Christine Guérette, CPA, CGA
Chairperson and Chief Executive Officer



# 2020 AT A GLANCE

## Our program: Independent review of military grievances

Despite the pandemic, the staff shortages and the adjustment of the new work from home realities, teams and Committee Members succeeded in issuing 263 Findings and Recommendations (F&R) reports in 2020. This ranks as the second highest number of reports ever issued within a year at the Military Grievances External Review Committee (the Committee). Furthermore, it generated improved practices such as digitizing the entire flow of the grievance review process, from reception, analysis, case conferences and issuing reports to the Final Authority (FA) and the grievors.

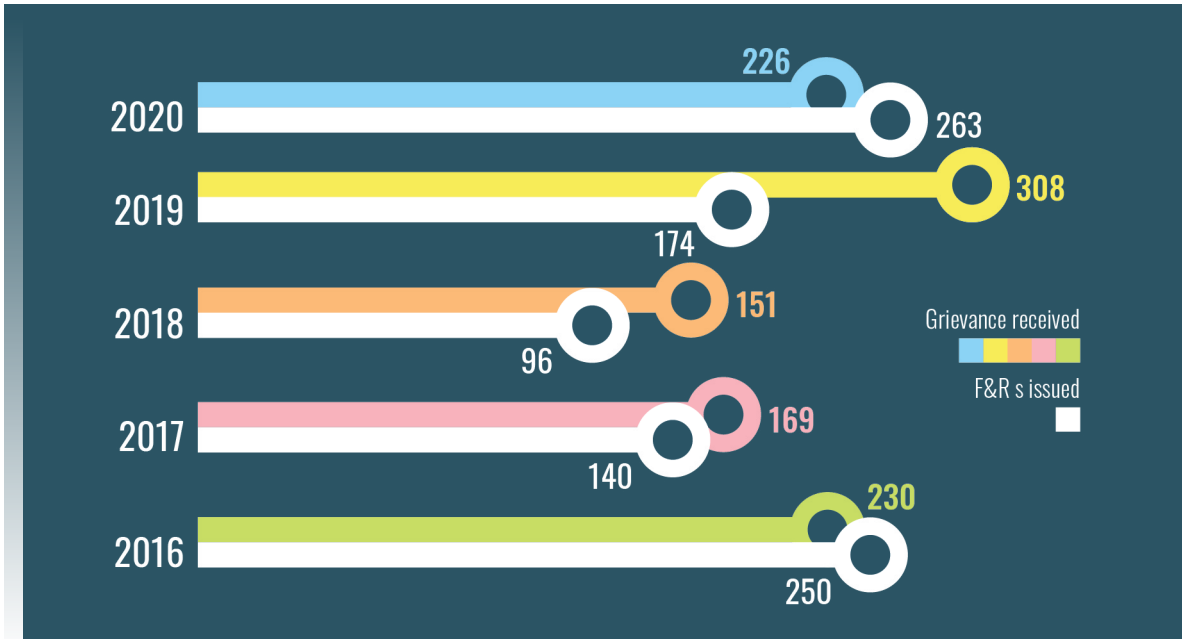
All key positions in the grievance review process were staffed in the last quarter of 2020, following a rigorous staffing process that successfully recruited talented team players. It is expected that these individuals will be fully trained in early 2021.

The Committee also undertook a deep business process review. While it is still ongoing, consultations with staff and Committee Members have taken place. The goal is to optimize the process and implement the results in 2021.

This section includes the number of grievances received and F&R reports issued, of mandatory and discretionary grievance referrals to the Committee by the Chief of the Defence Staff (CDS), the average review time it took the Committee to complete the analysis of a grievance, and the percentage of cases where the CDS is in agreement with the Committee's findings.

"The Committee received 226 grievances, slightly more than the average number received each year over the past 10 years."

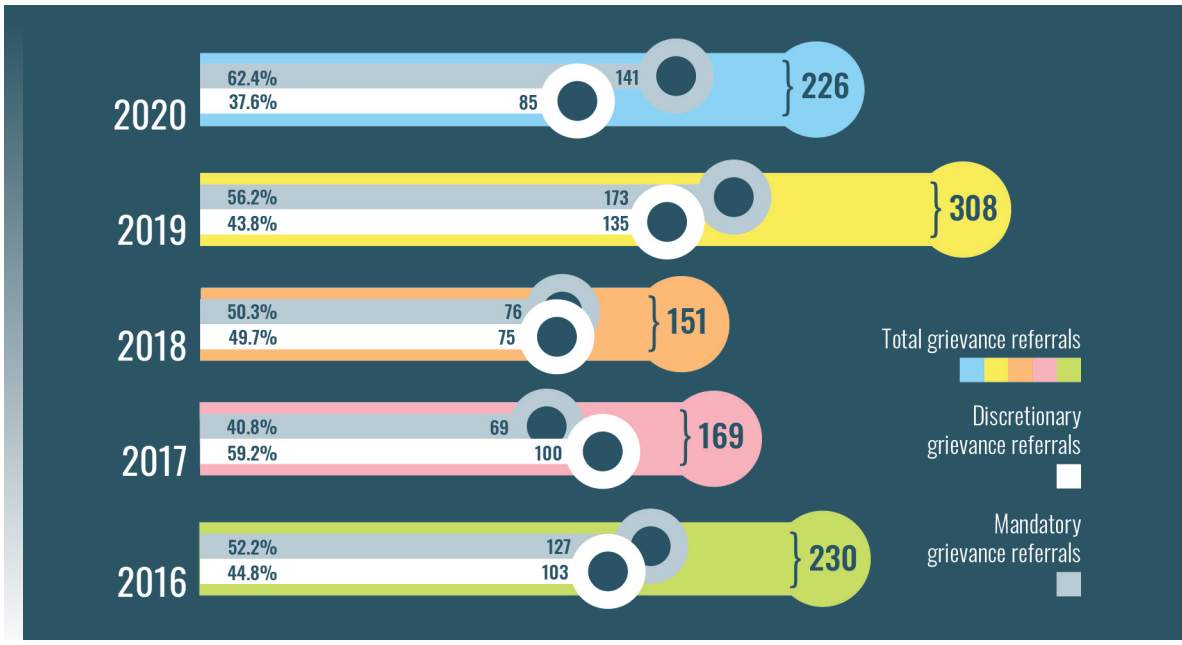
## How many grievances did the Committee receive and how many F&R reports did the Committee complete?



The Committee received 226 grievances, slightly more than the average number received each year over the past 10 years, and surpassed last year's productivity, issuing 51% more F&R reports. This achievement is a testament to the dedication and hard work of employees and Committee Members.

"The number of discretionary referrals is a testament to the benefit the Committee's F&R reports bring to the CAF grievance process."

## How many mandatory and discretionary grievance referrals did the Committee receive?




As per the *National Defence Act* (NDA), the CDS must submit certain types of grievances to the Committee once they reach the FA level.[1] The Committee refers to these grievances as mandatory[2] referrals.

The CDS is also empowered to refer other types of grievances to the Committee when the CDS considers that there is a benefit. The Committee refers to these grievances as discretionary referrals.

The number of discretionary referrals is a testament to the benefit the Committee's F&R reports bring to the Canadian Armed Forces (CAF) grievance process and reflects the CDS' recognition of that value-added. In fact, over the last three years, the CAF 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.

1 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;

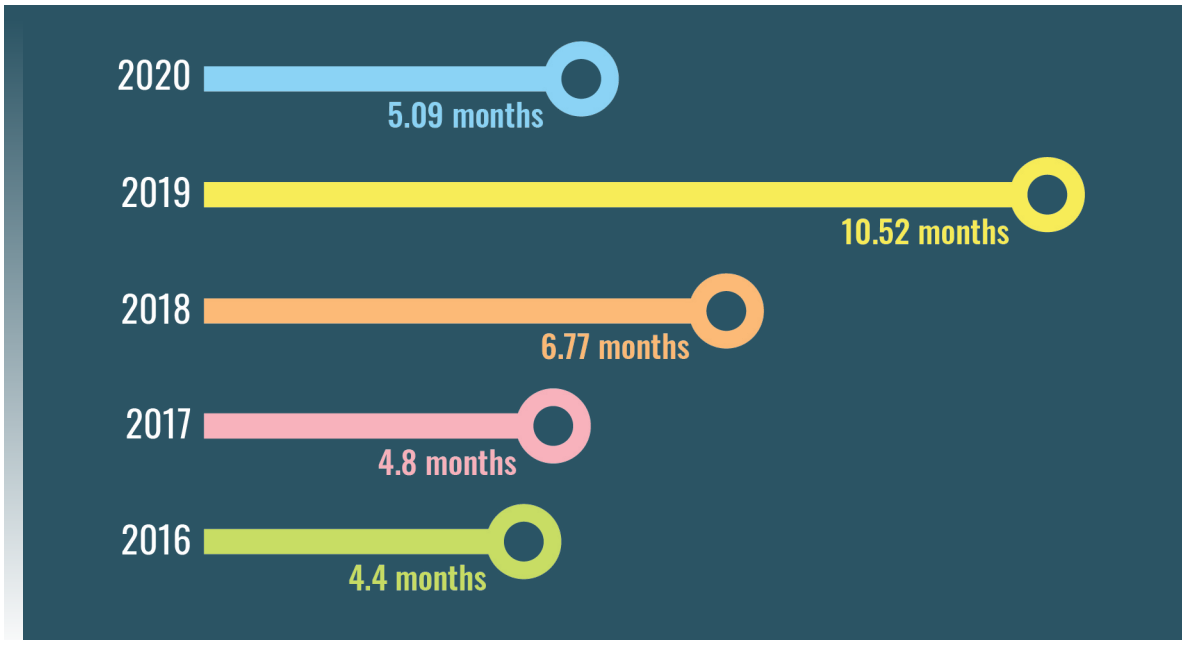
(d) the entitlement to medical care or dental treatment; and

(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* (QR&O), article 7.21)

2 See note 1 for a list of the types of grievances that must be referred to the Committee.

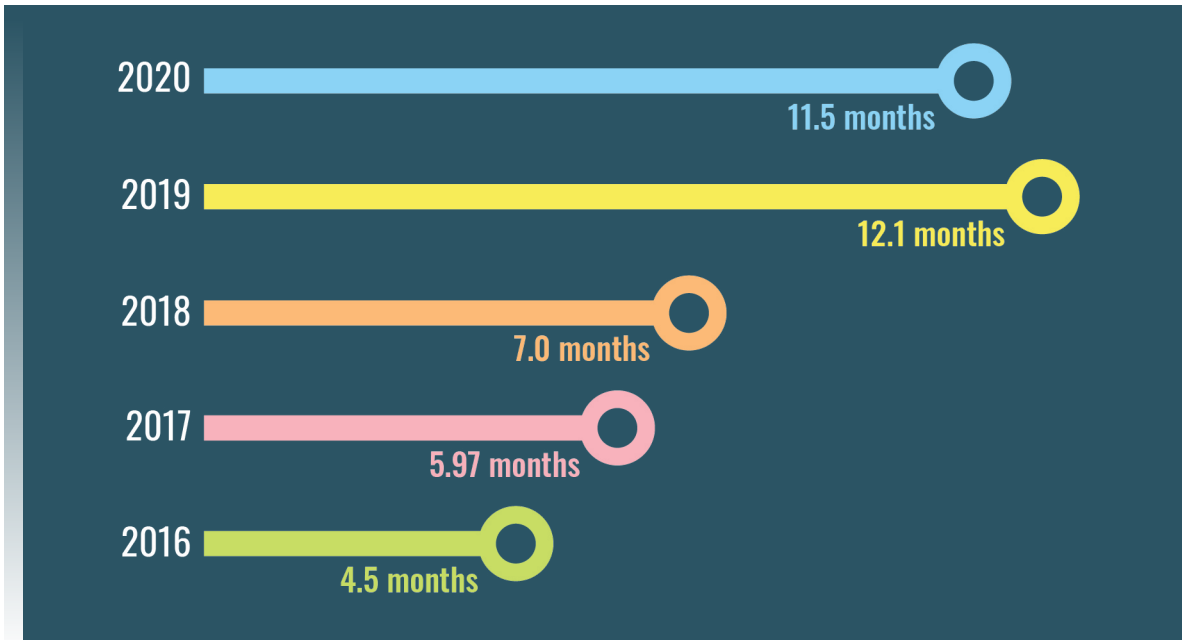
## How long did it take the Committee to review a grievance from the date assigned to a team to the date the F&R was issued?

"The Operations Team was able to process grievances within an average five-month period in 2020."




Although the Committee faces a backlog from previous years, the Operations Team was able to process grievances within an average five-month period in 2020. The Committee put into place a dedicated team to assist in completing additional F&R reports, reducing the time required to complete grievance reviews, and successfully restored optimal staffing levels towards the last quarter of 2020. Having completed more F&R reports than the number of referrals received in 2020 also contributed to reducing the backlog.

## How long did it take the Committee to review a grievance from the date received at the Committee to the date the F&R was issued?



Once the backlog is eliminated, grievance files will once again be assigned to a team for review upon receipt. In that case, 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.

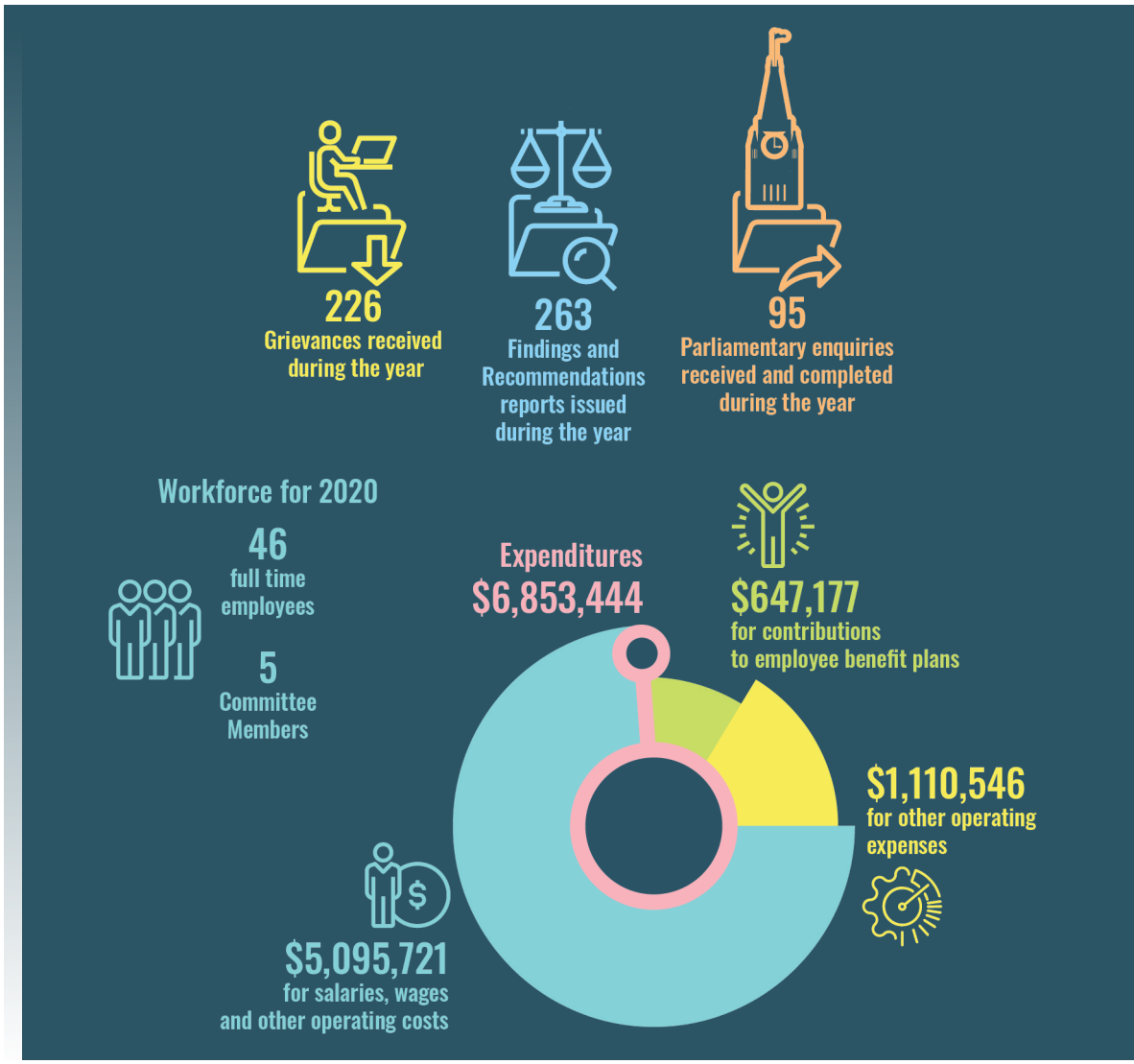
## CDS decisions

***Note:*** *To simplify the reading of this section, we use CDS to refer to the FA, which includes the CDS and their delegates.*

As provided for in section 29.13 of the NDA, the CDS is not bound by the findings or recommendations of the Committee. However, the CDS must provide reasons for not acting upon those finding and recommendations.

In 2020, the CDS made determinations on 126 grievance cases that had been referred to the Committee for its findings and recommendations. Of these:

- in 114 (90%) cases, the CDS agreed or partially agreed with the Committee's findings
- in seven cases, the CDS agreed that the CAF member had been aggrieved, but found that they could not remedy the situation by implementing the Committee's recommendations
- in five cases, the CDS disagreed with the Committee outright



# Spotlight

This Committee is of the view that significant policy changes that will have an impact on CAF members, such as the reduction or the removal of a long-standing benefit, should be implemented with a considered measure of protection or transition. This is uniquely important for CAF members, who, unlike public service members, cannot belong to a union nor do they benefit from a collective agreement negotiation scheme for their remuneration.

Over the years, the Committee has been critical of policy implementation that has failed to provide transitional protections. Yet again this year, the Committee reviewed a number of grievances related to significant changes in benefits where the CAF and Treasury Board (TB) failed to include adequate transitional measures. The following are three such policy changes, which resulted in numerous grievances.

## Capital Improvements Benefit

### (Article 8.2.10 of the Canadian Forces Integrated Relocation Program Directive)

Prior to 2018, CAF members who purchased homes were encouraged to invest in making improvements to their homes in order to ensure the resale value either remained the same or increased. In order to protect members in making such investments, the Canadian Forces Integrated Relocation Program (CFIRP) Directive provided a Capital Improvements Benefit (CIB) through which a member was able to claim any loss on their investment at the time of the sale.

On April 19, 2018, TB approved changes to the CFIRP Directive, which became effective on that date. One of the changes was the elimination of the CIB for any member who sold a home with a closing date after April 19, 2018. There were no transitional measures.

> "It was extremely important to me that the grievance be reviewed by an external organization independent from the CAF. I am aware of a negative stigma regarding some of the issues on my file and the review by an impartial decision maker was extremely important. Having the file reviewed by an external committee devoted to administrative processes and with access to legal advice gave me confidence that there would be little to no risk of bias. Additionally, it gave me some confidence that principles of administrative law and natural justice would be applied."
>
> *— A grievor*

> “For the first time in my experience of the military grievance process, I felt I was heard and that the issue I have has been recognized as a real problem. The fact that my claim has been recognized as reasonable is very heartening.”
>
> *— A grievor*

Given that the policy change was announced in the middle of the Active Posting Season, many members were already in the process of selling their homes, expecting to benefit from the CIB if the resale value did not cover the cost of their improvements. Unfortunately, since the CIB was eliminated on the same date that TB approved the change, some of these members ended up losing money on the sale of their homes. The resale price did not cover the full cost of their original purchase price nor the additional improvements they had made. These members had made decisions to invest in major improvements to their homes based on the knowledge that their investments would be protected. Unexpectedly and without warning, the benefit was cancelled with no transitional grandfather clause.

In one case, a member had already entered into an agreement of purchase and sale on his home, prior to April 19, 2018. In part, he accepted the amount offered based on the knowledge that the CAF would reimburse him for any loss on the capital improvements he had made. Since the closing date was not until after April 19, 2018, he was no longer eligible for the CIB.

## Post-Secondary Shelter Assistance

### (Article 34.6 of the Foreign Service Directives)

CAF members posted outside of Canada are entitled to various benefits, including shelter assistance in relation to dependants who remain in Canada to attend post-secondary education institutions. Prior to April 2019, this shelter assistance benefit applied anywhere in Canada.

On April 1, 2019, without warning, the benefit was changed to include a caveat that a dependant would only be eligible for a shelter allowance if they were attending a post-secondary institution that was located at the CAF member’s last place of duty in Canada. The change included some transition measures to protect those who were already in receipt of the shelter assistance, but it provided no protection for those who were scheduled to begin post-secondary education in the fall of 2019.

> “It is important that an external grievance review committee exists and is completely impartial in its approach. I am very satisfied with its work. I believe that all members of the military should be aware of the existence of such a board.” *(translation)*
>
> *— A grievor*

The timing of the policy change caused significant financial burden to a number of CAF members. Dependants planning to attend post-secondary education in the fall of 2019 were required to submit applications to the post-secondary institutions by end-2018/early-2019 to meet the application deadlines. They chose to submit applications to various institutions, secure in the knowledge that the CAF would provide them with the shelter assistance as provided for in Foreign Service Directives (FSD) 34.6. However, the benefit changed on April 1, 2019, adding the specific location caveat. This change was not widely communicated in a timely manner. Some members only heard of the change through informal Facebook discussions. By the time members became aware of the change, their dependants had already been accepted at post-secondary institutions and had missed the deadlines to apply to other institutions that might allow them to meet the new criteria for shelter allowance.

These members had made reasonable decisions about accepting postings outside of Canada, knowing their dependants could attend the post-secondary education institution of their choice, based on the FSD in effect at the time of these decisions. The sudden change to the FSD imposed an unexpected financial burden of paying for their dependants’ post-secondary shelter without any assistance.

## Calculation of Specialist Pay Increment Level

### (Article 204.03 of the Compensation and Benefits Instructions for the Canadian Forces)

CAF members in specialist occupations only qualify for specialist (spec) pay after they obtain their specialist qualifications. In some occupations, the training to obtain a specialist qualification can be a year or longer.

Prior to June 2017, the calculation of Pay Increment (PI) levels for members in specialist occupations was based on all the time the member had accumulated in their present or higher rank, regardless of their assigned occupation. In June 2017, TB approved an amendment to the Compensation and Benefits Instruction (CBI), to come into effect on September 1, 2017, whereby only time in rank in the specialist occupation would be considered in calculating the spec pay PI level. Both those members already in receipt of spec pay and those who had enrolled directly in the specialist occupation were unaffected by the change. However, the change had a significant effect on members who had completed their transfer to a specialist occupation and were undergoing training to obtain their specialist qualifications.

In a number of files reviewed by the Committee, members had accepted voluntary Occupational Transfers (OT) to specialist occupations with the understanding that, upon attaining their qualifications, their spec pay PI level would be calculated based on all the time they had accumulated in rank. It was only upon completion of their training that they became aware of the changes to the CBI and that only their time in rank in the specialist occupation would be considered in calculating their PI level. In many cases, this meant that instead of receiving PI level 4, which they had expected, based on the policy in effect at the time of their OT, they would only receive PI level 1, a difference of $360 per month.

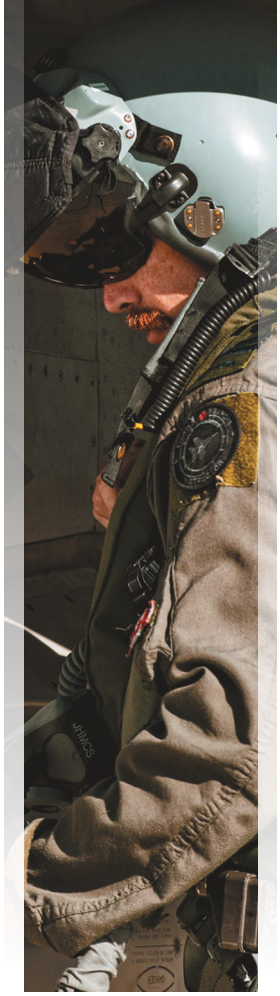
In all of the cases described above, CAF members made investments and educational or career decisions based on policies that were in effect at the time they made these decisions. It is unfair to members to learn of a policy change only at the moment it comes into effect, after significant financial or life commitments have been made. They may well have taken a different course and appropriate transitional measures would have gone a long way to mitigating the financial losses suffered.

While the Committee was unable to recommend that the CAF pay or reimburse members for their losses in the above cases, as doing so would have been contrary to the TB-approved policies in effect, we still find that the members were treated unfairly. These cases are more examples of the impact that unexpected significant changes have on unsuspecting members.

The Committee encourages the CAF and TB to improve the welfare of CAF members by ensuring that significant policy changes, which are likely to have a negative financial impact on CAF members, are implemented with well thought out transitional measures to mitigate potential financial losses.

> "I feel that my issue was fully understood and investigated. All relevant information was addressed and was easily understood as drafted by the Committee. It was encouraging to see that humility was brought to my file/case. It was found that I was indeed aggrieved despite not meeting the legal definition of "eligibility" to support my grievance. [...] I was optimistic to see that the "black and white" facts were not the main interpretation or findings of my grievance. I found the findings very detailed and accurate. Also, the report was done very well so I appreciate that wait was partially necessary to get a comprehensive review. In my case, legal definition would not support my grievance. Case by case interpretation made my grievance feel understood and supported within the regulated restrictions "naturally" imposed."

*— A grievor*



# Systemic issues raised by the Committee to the attention of the CDS in 2020

In the past year, the Committee received several grievances concerning the Home Equity Assistance (HEA) benefit of the CFIRP Directive, a TB-approved relocation policy defining the benefits available to CAF members. With the goal of satisfying the National Joint Council's (NJC) intent of a military relocation imposing a minimum detrimental effect on CAF members, the HEA benefit partially reimburses a CAF member who has experienced a loss of equity on the sale of their residence.

## Background

Prior to the most recent revision to the CFIRP Directive, effective April 19, 2018, the HEA benefit provided a non-taxable maximum reimbursement of $15,000 for home equity losses due to military relocation. However, in any area that the Treasury Board Secretariat (TBS) had designated as a depressed area, members were eligible, under a depressed market provision, for up to 100% reimbursement of their equity loss. This TBS depressed market designation was defined as a census metropolitan area where the housing market had declined by more than 20%.

Historically, the establishment of a depressed market designation has been contentious. Over the years, the TBS has designated very few depressed market areas. In fact, according to the CAF Ombudsman, out of 540 CAF members who applied, only four received 100% reimbursement between 2008 and 2014.

"The HEA benefit provided a non-taxable maximum reimbursement of $15,000 for home equity losses due to military relocation."

In a 2010 grievance, the Committee recommended to the CDS that the HEA policy be revised to better mitigate the catastrophic impact on CAF families who were suffering large home equity losses due to military relocation. The CDS agreed, directing the Chief of Military Personnel (CMP) to work with the TBS to improve the HEA benefit.

Over the next eight years, the Committee continued to see a small but steady stream of grievance submissions arising from exceptionally debilitating equity losses due to military relocation. Throughout this period, the CDS repeated their intent to push for HEA policy improvements and, on April 19, 2018, the CMP announced amendments to the CFIRP Directive HEA policy.

## The current HEA policy

Under the new policy, CAF members are entitled to a maximum of $30,000 as reimbursement for equity losses, although a portion of that amount is taxable. In accordance with the *Income Tax Act*, 50% of any reimbursement greater than $15,000 is considered taxable income. This greatly reduces the effective funds that CAF members can use to offset the equity loss.

More importantly, not only is the depressed market provision no longer in the current CFIRP Directive, but this benefit was eliminated without notice. Any CAF member selling their home, with a closing date on or after April 19, 2018, was no longer eligible to apply for the 100% reimbursement offer under the depressed market designation. As a result, members who were already in the midst of their postings and who began their relocation under the previous policy were now subject to the new CFIRP Directive provisions.

> “Technical arguments and explanations were well constructed with varied and researched supporting documents. The conclusion and recommendations were well supported by the argument part of the text. The reader was not left with lingering questions.”
>
> *— A grievor*

Just a few months after the revised CFIRP Directive came into effect, the TBS designated Cold Lake, Alberta as a depressed housing market for specific times between April 2016 and April 19, 2018, depending on the possession and sale dates of a house. The TBS also declared that April 19, 2018 marked the end of this designation period, in order to align with the HEA policy change date.

## The present situation

Military members relocate frequently based on the needs of the CAF. For the most part, the CAF members have little choice over when, where or how they are transferred. In fact, the TBS describes military postings as akin to forced relocation. This unique requirement sometimes results in members incurring devastating financial losses by not being able to avoid or ride-out housing market fluctuations.

Due to the pan-Canadian nature of CAF posting locations, local housing market conditions can vary greatly. Semi-remote locations, such as Cold Lake or Goose Bay, have limited housing options for members, in contrast to larger markets such as Winnipeg, Halifax or Ottawa. In these semi-remote locations, suitable rentals are often not available, further limiting housing options. Local economies can and do greatly influence the housing markets of some posting locations. In fact, the great majority of home equity loss grievances received by the Committee over the past ten years have been those submitted by CAF members posted to and from Cold Lake.

The economy of greater Cold Lake is influenced by the oil and gas sector. Housing prices increased dramatically from 2011 to 2014 while the price of oil boomed, and similarly plunged along with the price of oil between 2014 and 2018. At the outset, the local Wing chain of command highlighted the need for relief from the devastating losses being suffered by its members, and the resulting negative impact on morale and operational effectiveness. In the grievances most recently seen by the Committee, grievors have suffered crippling home equity losses ranging from $55,000 to $137,000 due solely to their relocation during a depressed housing market. The fact that the 17 recent grievances seen by the Committee over the past year came from CAF members who were posted out of Cold Lake becomes all the more significant when considering that, spread out over the preceding decade, there had formerly only been 21 such files from across the country. Their average equity loss was approximately $96,000. Although these members received the maximum HEA benefit of $30,000 from their Core funding envelope, they were still left with devastating financial losses that will affect these families for years to come. It may even jeopardize their financial security in retirement.

The Committee concluded that the current HEA benefit does little to protect CAF members from catastrophic home equity losses brought on by an order to relocate, and noted that they have remained subject to extremely high equity losses, even after the maximum reimbursement allowed by the revised CFIRP Directive. The Committee also observed that the previous CFIRP Directive HEA policy was little better at protecting CAF members, echoing the public admission of the Director of Compensation and Benefits Administration that the "policy was really ineffective"[3] given that the depressed market designation was rarely ever granted by the TBS.

Despite the CDS' direction for the CAF to seek HEA catastrophic loss protection improvements, the revised CFIRP Directive, approved by the TBS, instead eliminated the existing depressed market clause altogether, thus removing even the faintest possibility of being reimbursed 100% of the lost equity. Regrettably, the elimination of the depressed market clause and TBS designation was not communicated in the CAF's announcement of the April 19, 2018 CFIRP Directive changes, which came into effect while Cold Lake remained in the midst of the obvious and still-worsening depressed housing market.

> "I found it objective, neutral and well developed. The reader did not feel like a certain bias was established from the start."
>
> *— A grievor*

The Committee found that the only potential remedy now available to CAF members rests in article 2.1.01 of the revised CFIRP Directive. This provision allows the TBS to approve reimbursement claims of all or part of expenses reasonably incurred that are directly related to a CAF member's relocation, but are either an exceptional circumstance or are not clearly provided for in the CFIRP Directive.

## Systemic recommendations in 2020

- The Committee recommended that the CDS direct CMP to engage immediately with the TBS in order to develop a catastrophic equity loss mechanism that would reimburse CAF members who suffer equity losses greater than $30,000.
- Pending the development and implementation of such an addition to the CFIRP Directive HEA benefit, the Committee recommended that CMP be directed to support and staff all CAF member claims seeking 100% reimbursement of catastrophic loss of equity over $30,000 to the TBS for approval, under article 2.1.01 of the CFIRP Directive. Additionally, the Committee recommended that such staffing continue until the new catastrophic loss of equity provision has been incorporated into the CFIRP Directive.

The Committee believes immediate action is imperative and that any delay to meaningful change will leave CAF members unacceptably vulnerable to financial disaster. Overall, this will likely impact retention, recruitment and operations.

3 Extracted from CBC article '**DND doubles financial compensation for military who lose money on moving**' (May 26, 2018).

# Corporate achievements

The COVID-19 pandemic and subsequent restrictions pushed the Committee, like all Government of Canada (GC) organizations, into a full-time, long-term work from home scenario. Perhaps like never before, this reality positioned Corporate Services at the forefront, as it needed to take care of employees and ensure continuity and continuation of organization business in uncertain times.

Even if the Committee had been paying particular attention to innovation through the design of business processes and digital tools in recent years, the transition to telework required rapid response and further corporate investments in communications, technology, digital competencies, and the mental health and safety of our employees.

"The COVID-19 pandemic and subsequent restrictions pushed the Committee into a full-time, long-term work from home scenario."

## Communications

At the outset of 2020, the Committee developed, approved and began implementation of an internal communications plan, with a strong focus on enhanced employee engagement. It envisioned myriad virtual-based and digital connections with staff, endeavouring to be present, transparent, collaborative and, above all, supportive of staff's mental health. Activities included:

- monthly virtual all-staff meetings, including breakout group activities, with the Chairperson and Chief Executive Officer (CEO)
- a 20th anniversary virtual celebration, with a facilitated online 'pub trivia' activity
- monthly newsletters to staff with GC-wide and Committee news
- Chairperson's 'Coffee with the Chair' with individual teams
- surveys to staff related to how they were coping with work from home
- consultation with staff regarding their vision for the future of the Committee workplace
- regular 'Stuff you should know' emails from the two directors-general containing Committee and GC-wide headlines

Communications also developed a new intranet, which not only included a user-friendly navigation system and a more detailed inventory of internal information, but also incorporated new content related to wellness and GC-wide initiatives.

## Mental health

The shift to a virtual workplace had the peculiar effect of making the mental health of employees simply more obvious. Hallway encounters, post all-staff outings and spontaneous coffees with a colleague switched to a random email or Skype chat. As such, management was compelled to devise a conscious plan to tend to the mental health of their employees. The Committee:

- issued a special 'Working from home' newsletter, in which employees shared the photos and stories of activities at home that supported their mental and physical health
- issued a special newsletter in May focused on providing staff with mental health tips, strategies and resources
- issued a Chairperson's Healthy Workplace Challenge throughout the month of October, including a gratitude journal, stretching tips and no talk Tuesdays
- hosted a facilitated online session on how to ground oneself in uncertain times

## Technology

The ongoing investment in digital tools shifted quickly from a priority to a necessity. In addition to the acquisition of computer equipment to expand the digital experience of employees at home, Corporate Services allotted a great deal of time, effort and money to the exploration and implementation of new telecommunications tools and systems to render the Committee's communications more efficient and secure. A new videoconferencing system and a secure text-messaging platform enabled the Human Resources Directorate to complete numerous staffing processes over the course of the year, the grievance teams to host their case conferences as per normal practice, and managers to meet with their teams to ensure business continuity.

## Enabling a mobile workforce and increasing digital competencies

Early on in 2020, the Committee completed its cut the cord initiative, replacing all employee landlines with mobile devices. While rendering all employees completely mobile and reachable, it was a cost-effective shift. The Committee also implemented electronic authorizations and signatures in all official documents, ensuring both Operations and Corporate Services were able to conduct business with greater efficiency.

With the digital age taking on new meaning in the context of a pandemic, the Committee developed an enhanced training curriculum to integrate learning focused on the digital skills needed to help employees work more efficiently and effectively from home. Information Management Services not only developed plain-language guides, but also delivered courses to staff on how to use the new tools at their disposal.

# Recognition

Recognition is fundamental to employee satisfaction, engagement and productivity. It remained 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. After all, employee devotion, dedication and strengths are linked to the organization's successes.

In 2020, the Committee recognized three employees in two award 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 that excels in client service, professional excellence, continuous improvements or teamwork.

The 2020 recipients of the Chairperson's Award were Chione Robinson and Ted Benson.

## The Innovation Award

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

The 2020 recipient of the Innovation Award was Luana Mirella.

# Statistics

Since opening our doors on June 15, 2000 to June 15, 2020, the Committee has:

received **3,256** grievance referrals

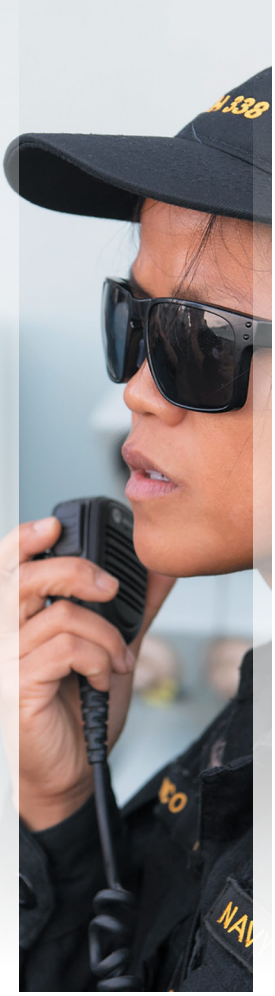
issued **2,919** Findings and Recommendations reports

# 20th Anniversary celebrations

At the Committee, 2020 was memorable not only because of the pandemic, but because 2020 marked the Committee's 20th anniversary. After nine months of being apart, making every effort to stay connected and to keep the work flowing, employees and Committee Members met virtually — dressed to the nines — to commemorate this milestone.

Highlights of the celebration included reminiscing on that rainy June 15, 2000 day when the Committee opened its doors with 150 grievance files to review and on the changes to the NDA in 1998 that actually gave rise to the creation of the Committee.

The celebration was not only about looking at the past, but also recognizing the work of the current team. It may have been a few hours and entirely virtual, but it brought the team together to acknowledge the privilege and responsibility of the work of the Committee and set the tone of success for another 20 years.



# 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 Queen's Regulations and Orders (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.

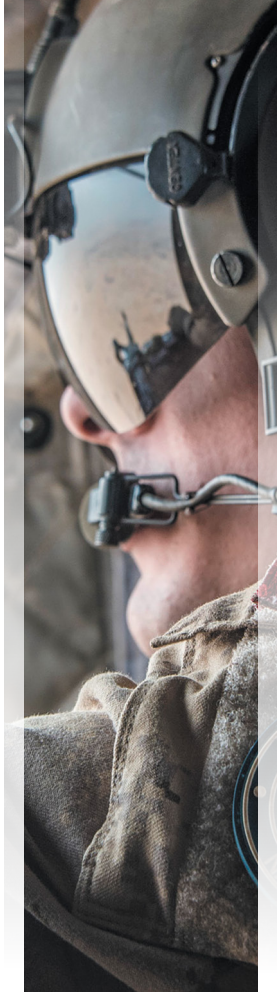
## Types[4] of grievances referred to the Committee

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.**

4 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.

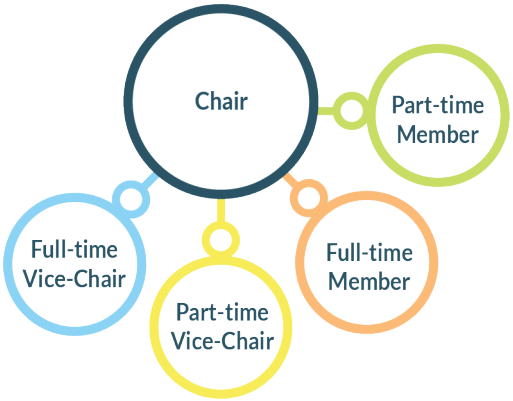


# Structure

The Committee consists of Committee Members appointed by the Governor in Council (GIC)[5], 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.

## Committee Members




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.

## Management Team

5 Information about GIC appointments can be found at **https://www.canada.ca/en/privy-council/topics/appointments/governor-council.html**.

# 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)**

STEP 01 — The grievor submits a grievance in writing to their CO.

STEP 02 — 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.

STEP 03 — The IA renders a decision and, if the grievor is satisfied, the grievance process ends.

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.

**Level II: Review by the Final Authority (FA)**

STEP 01 — The grievor submits their grievance to the CDS (or their delegate) for FA-level consideration and determination.

STEP 02 — 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.

**Committee grievance process**

STEP 01

***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 02

***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 03

***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

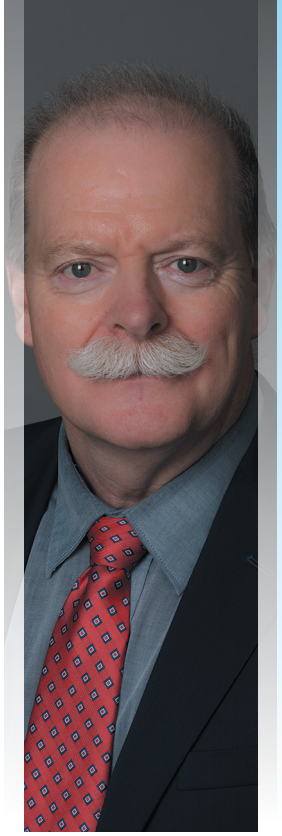
**Christine Guérette**

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.

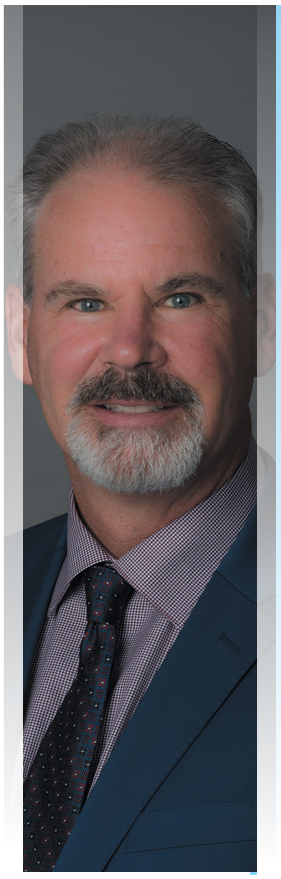


**Dominic McAlea**

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.

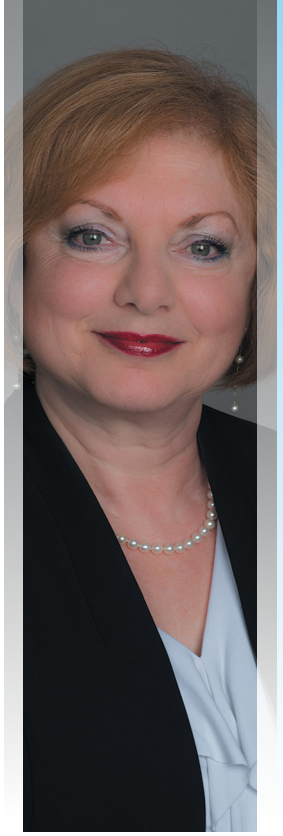


**François Malo**

Appointed as of May 1, 2018, Part-time Vice-Chairperson François Malo will serve a three-year term.

Mr. Malo is a veteran of the CAF. He commanded combat missions during the 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.

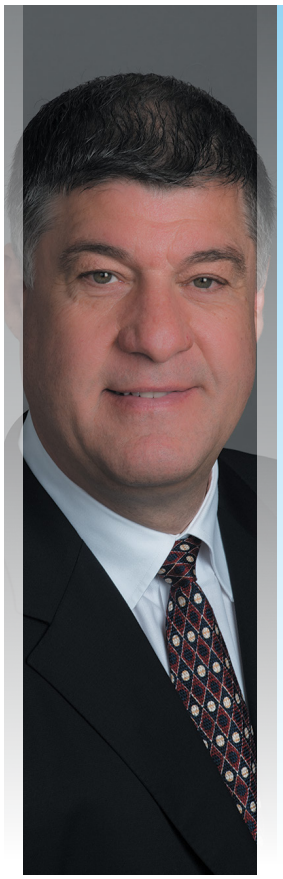


**Nina Frid**

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 a 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 Masters 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.

# Contact us

Military Grievances External Review Committee

60 Queen Street, 10th 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**