



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on National Defence

NDDN • NUMBER 026 • 2nd SESSION • 41st PARLIAMENT

EVIDENCE

Thursday, May 15, 2014

—
Chair

Mr. Rick Norlock

Standing Committee on National Defence

Thursday, May 15, 2014

• (1105)

[English]

The Chair (Mr. Rick Norlock (Northumberland—Quinte West, CPC)): Good morning, ladies and gentlemen.

We're ready to begin our business of the day. Pursuant to Standing Orders 110 and 111, the order in council appointment of Gary Walbourne to the position of ombudsman for the Department of National Defence has been referred to our committee.

The committee, according to standing orders, will examine the qualifications and competence of the appointee or nominee to perform the duties of the posts to which he or she has been appointed or nominated.

Welcome, Mr. Walbourne.

Mr. Gary Walbourne (Ombudsman, National Defence and Canadian Forces Ombudsman): Good morning, Mr. Chair.

The Chair: As usual, we'll begin with permitting you 10 minutes of introduction and statements, which will be followed by questions and answers.

We also welcome you, Mr. Gauthier.

Mr. Walbourne.

Mr. Gary Walbourne: Mr. Chair, committee, good morning. Thank you for inviting me here this morning.

As you know, I am new to the job or the role of the ombudsman for the Canadian Forces and Department of National Defence. The transition from my previous role as deputy veterans ombudsman has been a relatively smooth one, and I've had a number of occasions to meet with the senior leadership within the department.

As you may all be aware, the DND-Canadian Armed Forces ombudsman is the oldest federal ombudsman, and this model works very well. In all my meetings with the senior officials within the department there was a universal agreement that the office provides a vital service to the defence community writ large.

As you would expect, I'm in the process of kicking the tires and looking under the hood and getting an extensive review of the organization, and so far I like what I see. Will there be opportunity for tweaks and moves as we move forward? Definitely. This is just a part of continuous service improvement as we move forward.

That being said, I have been struck by the extent of the professionalism and the level of collaboration between my office and both the Department of National Defence and the Canadian Armed Forces. I just want to reiterate that the release of a public report and

the department's response to it is very rarely the starting point for addressing our recommendations or findings.

While attention is naturally drawn to the release of a report publicly, the reality is that in many cases identified or flagged issues and concerns are often tackled by the department and forces as soon as we bring them to their attention. The multi-level consultations enable timely resolution to issues.

Of course, much of what our office does is at the case level and the intent is very simple. We facilitate the resolution of issues at the lowest possible level. Some issues are relatively simple. Others are very complex and extremely exhaustive. The fact that uniformed members, DND civilians, and their families know that they can come to our office serves the defence community well.

Last week, as you are all aware, we honoured the Afghanistan mission. Some of the health impacts of that and other associated missions are very well understood by this committee. This office has been at the forefront in identifying areas for improvement in meeting the needs of our ill and injured Canadian Forces personnel.

The department and the forces themselves have taken unprecedented steps to adjust to the needs of soldiers and their families as we move forward.

Mr. Chair, in concluding my remarks I would like to add that while the harmonization and the transition of ill and injured Canadian Forces personnel to Veterans Affairs Canada's care or to civilian life is a priority for both the Department of National Defence and for Veterans Affairs. It is also a priority for both ombudsman' offices and I am working with the Veterans Affairs ombudsman in moving forward to try to find ways that we can also bring value to this.

With that, Mr. Chair, I would invite any questions the committee may have, and I'll introduce Mr. Alain Gauthier, who is my director general of operations, and he will assist. As a matter of fact, he holds most of the corporate knowledge at this point in time.

The Chair: Thank you very much for that.

I just mentioned to the committee Mr. Gauthier's name and thank you for giving his title and his position. I was just about to do that, so that not only the committee but the folks who might be looking or might be reading the blues would know who he is and why he is here today.

Thank you for that, Mr. Walbourne.

We'll begin the questioning, recognizing Ms. Gallant for 10 minutes.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Thank you, Mr. Chairman.

Mr. Walbourne, as the new ombudsman at National Defence you will be participating in a number of investigations from across the spectrum on a wide range of issues. Within an organization as large as the Canadian Armed Forces, there are many issues.

Recently the Chief of the Defence Staff announced an external independent review of workplace policies and procedures in the Canadian Armed Forces as it relates to sexual assaults on personnel. In your opinion how will your office receive participating in this review?

Mr. Gary Walbourne: As we've said to both the chain of command and the minister's office, we are prepared to help. I believe the ombudsman's office brings a level of impartiality to any investigation. We have resources on the ground. We could be of great assistance.

I understand that the terms of reference for this committee are being created as we speak and again we have shown we are ready to help as required.

Mrs. Cheryl Gallant: You worked in this office previously, the office of the ombudsman?

Mr. Gary Walbourne: I was at Veterans Affairs.

Mrs. Cheryl Gallant: In the course of your work there, did veterans come to the ombudsman looking for help after having been sexually assaulted in the forces?

Mr. Gary Walbourne: I'm aware of a couple of cases.

Mrs. Cheryl Gallant: How were those cases dealt with?

Mr. Gary Walbourne: It depended on the circumstances of the case. I think one of them is still ongoing. In the other one some assistance was given to the individual, some medical attention they were looking for.

Mrs. Cheryl Gallant: So we have seen most recently with the doctor who was charged, that the government has directed the military to take this issue very seriously. In your capacity as ombudsman you will have women come to you because they are afraid. They know, having seen what happens to colleagues, that if they go to the military police or their superior officer, they risk their careers. Even though they're doing everything correctly in their trade, especially if it's a male-dominated trade, they'll be the ones being transferred.

So they will come to you, Mr. Walbourne, and how will you deal with a situation such as that?

• (1110)

Mr. Gary Walbourne: It'll be on a case-by-case basis. I think one of the issues we have to deal with is that there needs to be consequences for such action. There also needs to be an opportunity so that the person is not revictimized every time they encounter something along those lines.

If someone were being moved from one post to another before they were ready, before they needed to go, we could engage at that level. It would depend mostly on what the individual is looking for as a recourse. So it could take many avenues. Again it would depend on what the person was looking for.

Mrs. Cheryl Gallant: Having experience with this issue in the Veterans Affairs ombudsman's office, would you have any suggestions to prevent this type of activity in the first place?

Mr. Gary Walbourne: I'm a firm believer that most solutions we look for come from education. I think it's got to start at the front line. I think it's a part of the recruitment process. It's part of the training process throughout the life of a military career.

I believe the senior chain of command in the department is taking a strong stance, and I'm glad to see they're moving forward aggressively, but I believe it's communication, education. People who experience these types of behaviour need to have an opportunity to go where they are not going to be revictimized.

Mrs. Cheryl Gallant: Why do you want this job?

Mr. Gary Walbourne: Right now, I'm not sure.

Some hon. members: Oh, oh!

Mr. Gary Walbourne: I joke. Having been at Veterans Affairs I saw the tail end of what happened when soldiers came out ill and injured, and sometimes the struggle they had getting the services and benefits they desired and needed. Looking back at this organization, I believe there is a large gap in communication and education. I'll go back to it again and again. I think our office can play a big role. That's one reason I'd like to be there.

The other one is that I believe it's an opportunity for real change. When you listen to the senior chain of command—and I've had a chance to meet most of them—I believe there's a genuine desire to make some changes. I think we can be at the forefront of those changes, helping people get there. There's a wonderful opportunity here to make a lasting difference to how the Canadian Forces engage, employ, and deploy people.

Mrs. Cheryl Gallant: What approach did you take when leading an investigation at Veterans Affairs? What methods will you use at National Defence that you learned from there?

Mr. Gary Walbourne: At Veterans Affairs and it'll be the same thing here at CF, the first thing is that everything we do has to be evidence-based, because we need the conversation to be around the issue and not the collection of data.

The second big change we made when we were at Veterans Affairs was a collaborative approach, and I'll give you an example. When we did a review of the new Veterans Charter we brought in every advocacy group in the country. They had an opportunity to be educated by us because one of the gaps we found was that people did not clearly understand what they were talking about, and they were making assumptions based on partial information. I believe our role here is much the same. Although I know I'm an organizational ombudsman and have no advocacy role, other than the one for fairness, I believe we can educate and promote those types of things.

Those are two of the things we introduced with Mr. Parent at the Veterans Ombudsman's office. They stood us well. I think they're tried and true measures, and I think they'll work in each environment.

Mrs. Cheryl Gallant: While the issues at Veterans Affairs and National Defence do have some overlap, they are quite different departments and mandates, so as the new ombudsman at National Defence you'll have a very different role. What's your vision for the office of the ombudsman at National Defence?

Mr. Gary Walbourne: I hate to say I'm copying everything I did before, but it's a program that worked. My vision is easy. I would like to see this office looked upon as a centre of excellence. When people want to know how something works, or get educated or informed on something, I would like for us to be one of the first choices. I believe it's incumbent on us to increase awareness of programs, how things work inside the department, and increase the awareness of the office; educate the community, as I mentioned. I think at the end of the day it's bringing that lasting change. As one of the members of the committee was saying earlier, it's no good to keep putting band-aids on symptoms; we need to get to the root cause.

• (1115)

The Chair: Thank you very much, sir.

Your seven minutes is well over.

Mr. Harris, you have seven minutes.

Mr. Jack Harris (St. John's East, NDP): Thank you, Chair.

First of all, congratulations, Mr. Walbourne, on your appointment. I understand that you are from the province of Newfoundland and Labrador. While that's not a qualification in itself, it's certainly a very good start and we are proud to have someone from our province in this important role in the Canadian Forces.

I have a number of questions about a variety of issues, but I'll start with one that is dear to my heart and which was presented to your predecessor, Mr. Daigle, around this time last year. It is regarding the fact that 40 years ago there were six cadets killed in the cadet camp at Valcartier as a result of a grenade explosion during, of all things, a safety demonstration. Some 60 people were injured and there were about 160 survivors of that incident. We are 40 years down the road and many are still suffering and have been seeking assistance from government, but to no avail.

Your predecessor wrote the Minister of National Defence last summer with the recommendation that it was in the public interest for a full investigation to take place, with recommendations to be made to the government. That was necessary because the events were pre the establishment of your office in 1998 of the CF ombudsman. Can you tell us, first, of your familiarity with that and whether you have looked at that already, and whether or not such approval is forthcoming?

Mr. Gary Walbourne: I'm happy to say that the approval has been received. We received official approval to move forward with the investigation yesterday afternoon. Prior to that, my DG and I had already engaged. We started to scope out what that project would look like, how in-depth, and how much detail. We have to start talking about how to engage those people and what to look at, so we are really starting through a project management approach now.

Most of the scoping is done, so we are a little bit ahead of the curve on this one. I had verbal confirmation that the approval would be coming, so on that note we moved forward. Alain and his group

have done a tremendous amount of work to this point in time. As I say, the project plan is there. The scope is defined. We finished it yesterday, as a matter of fact, so I'm very pleased to let you know that we will be moving forward very quickly on this.

Mr. Jack Harris: Thank you, sir. I am very pleased to hear that news. I know the individuals, who have been campaigning for this for some time and receiving to date, frankly, not very positive responses from the military and DND when seeking assistance, will be very delighted to know that this has moved to this step. We look forward to a full investigation by your office and we would be happy to cooperate in any way we can, but I think that's extremely good news and I'm delighted that you could present it to us today.

Sir, one of the issues raised by Ms. Gallant is also one that's at top of mind as a result of recent newspaper and magazine articles from *L'actualité* and *Maclean's* regarding sexual assault in the military, and some surprising reports as to the possible extent of the sexual assault. They also kind of alluded to what appears to be the revictimization of those who have been victims of sexual assault. It came as a shock, I think, to most to see some of the facts there. Whether they are all proven through full investigation is probably a matter for another time.

First off, what I see from the Chief of the Defence Staff and the minister is an announcement of an external independent review of, and here's the quote, "workplace policies and procedures". I'm wondering, sir, whether you think it's adequate to simply look at policies and procedures, or whether or not there ought to be a significant investigative role or particular review to find out.... As an ombudsman, you look at it on a case-by-case basis, but if we have a systemic problem, which appears to be the case, ought there not be an in-depth review of the individual cases that make up...helping to define what the problem is before changes can be made? Would that be a role that your office could play?

• (1120)

Mr. Gary Walbourne: As I said, we stand ready for any role they would bring, and I think that's one we could play.

You know, when they talked about the review of workplace policies and procedures, that was a very macro-level statement, but I do believe—

Mr. Jack Harris: It could be a paper review.

Mr. Gary Walbourne: Yes, understood. But I believe it was focused indirectly on sexual assault inside the military. In terms of the scope of where this is going to be, the terms of reference have not yet been finalized, but I do agree with you that we have to look at not just policy and procedure. We will have to review each case in and of itself to get a collective view of what is actually happening on the ground. I don't think any meaningful change can come unless and until that's done.

Mr. Jack Harris: The former ombudsman, and of course this committee, has been seized with the whole issue of the treatment of ill and injured soldiers within the military, and by Veterans Affairs as well. In his last remarks as ombudsman to the Senate defence committee, your predecessor indicated some concern that members have to fight Veterans Affairs to prove that their health issues are service-related. They don't get the benefit of the doubt. The concern expressed was that Veterans Affairs and DND have different criteria in assessing disabilities. It appears stricter on the Veterans Affairs side than on the military side.

I wonder, sir, as someone who was in the Veterans Ombudsman's office for...what was it?

Mr. Gary Walbourne: It was just over three years.

Mr. Jack Harris: Three years.... So with that experience, and with what you know and will know from your work as a CF ombudsman, is there any opportunity for bridging that gap? Do you operate as a separate silo from the Veterans Ombudsman on these issues, or is there a possibility of an attempt to bridge that impasse?

Mr. Gary Walbourne: As I mentioned in my opening comments, the veterans affairs ombudsman and I have started to work together. One of the things I see happening is that things come to an end when your career ends with the Canadian Armed Forces. Then you start another episode when you start with VAC. There seems to be a hand-off, never a handover.

One thing we talked about when I was with the Veterans Affairs office, and we've also had the conversation since I've taken this new role, is that the piece that gets a Canadian Armed Forces personnel released from the military should be enough, in my opinion—it's my humble opinion, as no research has been done on this—to get a person into the VAC system. Why are there different levels? Why, if a CF medical doctor has said that this is the cause and these are the consequences of it, do we need another doctor to review these as we move forward?

So I think there is a lot of work we can do together there. That's why the Veterans Ombudsman and I will be working on trying to move forward that part of the file.

The Chair: Thank you very much, sir.

For the next round of questioning, we'll go to Mr. Leung.

Mr. Chungsen Leung (Willowdale, CPC): Thank you, Chair.

Congratulations on your appointment. I think it's been barely more than a month.

My questions have to do with the complexity of the modern Canadian Forces. Not only is Canada a society of diverse cultures; we also are multi-faith, multilingual, of multi-religious backgrounds, multiracial, multi-whatever-it-is. This makes a highly structured organization like the Canadian Forces or any military organization very...I won't say "difficult", but it's hard to integrate and keep all these components separate with respect to all this multiplicity of diversity within the Canadian Forces.

From your past experience and moving forward, perhaps you can share with us how you tackle this diversity in the Canadian Forces in the modern era.

Mr. Gary Walbourne: You're right, Canada has a very diverse population, and members from all of those groups make up part of the Canadian Armed Forces. I don't want to pound this to death, but it goes back to education. We have to understand different backgrounds, how people engage, what religion means to people. All of those factors have to be taken into consideration.

I do believe the Canadian Armed Forces does a good job with diversity. I do believe their mix of personnel is good. I'm sure there's always room for improvement, but again, it's an educational issue and a respect issue.

• (1125)

Mr. Chungsen Leung: From your past experience in Veterans Affairs, there are methods and approaches that you might consider in dealing with veterans. How would these translate into an active force? Let me be more specific. How do you deal with faith issues such as going to combat or dealing with equality in terms of male-female roles, or with the broad issues that one encounters in a diverse society?

Mr. Gary Walbourne: I believe with every engagement, every theatre where we place personnel, the chain of command understands the personnel they're deploying.

I may defer to my DG of operations here; he is an ex-military member.

I'm sure when they're on the ground, consideration is given for that. But I do believe it's a management issue, knowing the makeup of your personnel, who's part of your contingent, and just respecting their beliefs and their systems as much as can be allowed.

Mr. Chungsen Leung: As I perhaps suggested to you earlier, I have been on public corporations where I had to act as the person who handled whistle-blowing types of issues. There's a high degree of confidentiality that needs to be put in place.

With the Canadian Forces, though, with your particular role as this ombudsman responding to the chain of the command, do you feel you have to maintain that high degree of confidentiality when these issues are being addressed? How does your office intend to protect that anonymity?

Mr. Gary Walbourne: Well, confidentiality is one of the cornerstones of the ombudsman. There's no doubt about it. There's impartiality, neutrality, and confidentiality. Without confidentiality, we would not have a client base.

The only way that we can ensure those who approach us.... We talk about revictimization. They have to understand and be assured that the information they share with us is confidential and it will not be shared with anyone without their consent to do so. That's a guarantee that we give our constituency up front. It's like trust; once lost, it's lost forever. We cannot, in any way, shape, or form, break the confidentiality we have with our constituency. It just can't happen.

Mr. Chungsen Leung: Finally, in terms of sensitivities, do you feel that our population as a whole, especially as the Canadian military, need to go through sensitivities to deal with the diversity of our culture: sensitivities in religion, linguistic differences, cultural differences, and racial differences? Has that been part of your training, to bring that experience to your new role?

Mr. Gary Walbourne: I've spent 15 years or so as a public servant, so I have been exposed to all of that training. I'll speak to the civilian side, and I'll let Alain speak to the Canadian Armed Forces.

On the civilian side, there is diversity training, harassment training. That is mandatory, and it's held every year. I know that happens in this world, and those are the things that I bring to the table. I'll ensure, as a matter of fact, going through the budgeting process very recently, that these things are put on the calendar so they're there and they're funded moving forward.

That's on the civilian side. Do you want add something about the Canadian Armed Forces?

Mr. Alain Gauthier (Acting Director General, Operations, National Defence and Canadian Forces Ombudsman): It's exactly the same on the Canadian Forces side. They have mandatory training. One way for us to gauge whether there are issues with diversity, sensitivity, and all, is by looking at individual complaints we receive. I would say that we receive very little about this subject. It's one indicator that it's not a huge issue and it's essentially on track.

Mr. Chungsen Leung: In the military, is sensitivity training a requirement for commanding officers or for senior ranked officers?

Mr. Alain Gauthier: There's annual training that is required for all the troops, so that's everybody. When they go through their command courses at the various levels, there's also training for the chain of command.

Mr. Chungsen Leung: I see.

Thank you.

The Chair: You have 45 seconds.

Mr. Chungsen Leung: Oh, great. All right.

In civilian life, or at least in my past experience with being in that possible position, usually I find that it ends up being that there's some sort of monetary reward.

Is that always the case in the military, that you end up with monetary compensation, or are there other ways of dealing with how you address the issue to a successful conclusion?

• (1130)

Mr. Gary Walbourne: Sometimes it is a monetary issue, and other times it's not. Sometimes it could be a posting that someone, because of family responsibilities or issues, cannot move to at that point in time, so their resolution would be not to be posted in that particular season.

The Chair: Thank you very much, Mr. Walbourne.

Now we go to Ms. Murray for seven minutes.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Thank you for being at the committee, and congratulations on your appointment, Mr. Walbourne.

I want to go back to the questions about sexual assault in the military. The *Maclean's* investigation and exposé was a startling revelation of what appeared to be some systemic concerns, a problem with people not just experiencing sexual assault, but more worrisome almost, not feeling safe to have recourse for that.

Has that been identified by the DND ombudsmen over the past years? I'm new on the committee, but I don't recall that this was flagged by the ombudsman's office.

Mr. Gauthier can perhaps tell us whether the alarm was raised on this issue by the ombudsman's office.

Mr. Alain Gauthier: The office has been tracking harassment in general for a few years. The sexual assault piece is something we are not dealing with as an office because it's not part of our mandate. For anything that is of a criminal nature, when people do call us, we immediately refer them to the military police, national investigation services, or even civilian police. So we are not dealing with those files, as we're not trained or qualified to deal with criminal issues.

On the harassment piece as a whole, over the last several years we've been receiving, on average, about 80 complaints related to harassment. Those include abuse of authority, personal harassment, hazing, but also sexual harassment. The sexual harassment is the smallest piece that we do receive, with, on average, three complaints a year.

Ms. Joyce Murray: Okay. Do you track when you receive a complaint about sexual assault and you advise them to go to the military police or their superior? Do you then track how often that is occurring?

Mr. Alain Gauthier: No, we're not. Essentially, we're not opening it as a formal complaint because we're not dealing with those complaints. So it's immediate referral. We send people to the proper authorities.

Ms. Joyce Murray: If not the ombudsman's office, then where in the armed forces do people have a safe place to go with these kinds of concerns when it seems like, even in civil society, nine out of ten people don't step forward when there's been a sexual assault. It surprises me that it's really not your jurisdiction. Whose jurisdiction is it?

Mr. Gary Walbourne: As Alain said, it would be turned over to the military police or in some cases civilian authorities. I think it goes back to the point that we were talking about earlier. I think the reason for this external review is that this is part of the problem. People will not come forward because of the revictimization piece. They need to have a place where they can go to do that. What this review will do and determine at the end of the day is, first, what solutions to put in place so this type of incident doesn't happen again; and second, if it does, that there is recourse for the person.

I do believe that's where that committee will head at some point in time once the terms of reference have been defined.

Ms. Joyce Murray: So you see it as a failing in the system. It takes an investigative journalist from a weekly magazine to put the finger on a serious systemic problem in the armed forces.

Mr. Gary Walbourne: I believe there are failings all around. Again, I'll have to go back to it. I do believe some of those people did not come forward because of the things we've already discussed. Maybe they felt a little freer to talk to the journalist, where there could be some recognition, and maybe some protection would come out of that.

Yes, I think every time anything like this happens it's a failure on all of our parts.

Ms. Joyce Murray: Another area that's also been raised in this conversation is the ill and injured soldiers, and the shortage of professional health care support. Certainly at some of the bases there have been system-wide gaps, a failure still to date, I believe, to fill the positions that were identified in 2003 as needed for supporting ill and injured soldiers.

Do you see your office being a channel for improvement on that issue?

• (1135)

Mr. Gary Walbourne: Most definitely. This office has been involved with this type of issue—especially the mental health issue—since the first report, I think, in 2003. I think the last time the former ombudsman had testified, of the 447 positions they had created, only 380 had been staffed. From what we understand right now, 425 have been staffed, and Alain was telling me yesterday that there are staffing processes in place for the balance of those. So progress is being made.

Yes, to answer your question, most definitely, this office is very interested in this file. We do regular follow-ups on this and we will stay engaged.

Ms. Joyce Murray: In your comments earlier you said your vision is to raise awareness to get to root causes and to bring lasting change, and I want to congratulate you for that clear vision.

What tools do you have for bringing lasting change? What are your tools for taking the report from raising awareness and identifying the causes and what you think is needed, to actually getting lasting change?

Mr. Gary Walbourne: Well, I'll boil it down to its base place, if I may. I think logic needs to be brought to bear when you look at unfairness. Some things are blatantly unfair, and I talked a little bit earlier about collaboration. We deal with the department at many levels. I do believe one of my roles is to get the seniors from the chain of command and the department to understand our position and what we're finding. I can say our success rate has been fairly good when I look back over time at the recommendations we've put forward that have been implemented. So I'm very pleased to see that there is a desire to work with us, but I do believe it comes down to that we have to be evidence-based, we have to show the case, lay it out in front of them.

Ms. Joyce Murray: So it's persuasion, in other words. I'm sorry to interrupt you. I do have a third area of questions.

Before I get to the last question, I want to bring your attention to this committee's 2009 report, which was called "Doing Well and Doing Better", on health services provided to Canadian Forces personnel with PTSD. It's a report that has never been reviewed by the government.

We've seen no record to show that there's been any systematic attempt to take those recommendations and either work on them or jettison them. We've seen nothing that reports on the completion of the 36 recommendations or of progress on them. I invite you to take a look at that report as part of your orientation to what work has already been done to point to solutions to this—

The Chair: Thank you very much, Ms. Murray.

Ms. Joyce Murray: Oh, I never made it to my questions.

The Chair: We'll go to Mr. Chisu for five minutes.

Mr. Corneliu Chisu (Pickering—Scarborough East, CPC): Thank you very much, Mr. Chair.

Thank you very much for your presentation, Mr. Walbourne. Congratulations on your appointment.

While the issues of Veterans Affairs and National Defence have some overlap, these are quite different departments with different mandates. I want to emphasize that when we're looking at the ill and injured in National Defence, the main preoccupation of National Defence is to bring them back to be combat ready. That is their main preoccupation, to come back to their duties. When you are looking at Veterans Affairs, it's about how you are assisting them if and when they are released from the armed forces.

I think the overlap is on the transitional phase, and the transitional phase is very important when you are leaving the forces and are in the care of Veterans Affairs. I have seen a lot of problems there. For example, the medical files are not transferred directly to the VAC. Now, it is in the process—there's something in the armed forces—and I understand that they are digitalizing the medical files and so on.

In regard to looking at these differences, what is your vision for the office of the ombudsman for National Defence in looking at them and also at the overlap between the two departments?

Mr. Gary Walbourne: In regard to my vision, I'll take the question in relation to the transition piece between the two entities. As I said earlier, I do believe that there is a great opportunity for me and for the ombudsman at Veterans Affairs to help bridge the gaps: the transition piece, this handover versus hand-off, the digitalization of files, and those types of things.

On the service rate, injury, the universality of service, and you're out and then how you get into Veterans Affairs, I think those things can become a lot easier than they are. One of the things that the Veterans Ombudsman and I have been talking about is working together, with the support of both departments, to help find a way that we can make that transition much easier.

• (1140)

Mr. Corneliu Chisu: You have extensive qualifications. I've read your bio. It's fantastic to bring them to the new position you have, because in this new position not only are you looking at the life in the military but you're looking also outside the military. Your qualifications are exceptional for that. How will you bring these qualifications to serve you in your position? How do you think that will happen?

Mr. Gary Walbourne: Well, I think the history I have with Veterans Affairs allows me to quickly understand what happens from the point of release through the transition period. I did spend about 10 years with the Department of National Defence prior to joining Veterans Affairs, so I'm familiar with the chain of command and basically with how things work.

Also, I have private sector experience. Someone asked the other day what that brings to the table. I think it brings a sense of urgency to the table. In the private sector—God love them—they are the first early adopters of new technology and new ways of doing things. I think there's a lot we can learn. I know that things and goals are different, but I do believe there's a bit and piece of everything that comes to make a better picture.

Mr. Corneliu Chisu: Why I put this question to you is that I served in the military for 24 years. I served in the reserves—in the reserves, you have people who are working in a different capacity—in the regular force, and in the cadets. I have quite extensive experience in the military life, as I said, and I like that you're emphasizing this experience that you have had in the private sector and in your qualifications, and how that will help you in dealing with all these branches of the Canadian Forces, and also with the civilians who are in National Defence.

Mr. Gary Walbourne: I think a broad base of experience is not going to hurt me. I think it will stand me well. You know, I do understand different perspectives, and because of my experience and my background and with my educational credentials, I think I'm well prepared to take on the diversity of this portfolio. You're right. It is vast. It's large and there are many issues. As I said, I think it all comes, part and parcel, with creating a full approach to the organization.

Mr. Corneliu Chisu: So how will you measure success? What are the tools that you are envisioning to measure success in your new position?

Mr. Gary Walbourne: To measure success, I think there are two pieces. There's the tangible piece, which we can easily measure and count by the number of recommendations we've made and how many have been accepted, how many cases we're getting, how many we're closing. I think that's a very tangible number-counting issue.

I think the real success comes from the intangible, the things you can't lay your hands on. I think it goes back to what the other member was talking about, and that is how we build relationships, who we collaborate with, whether we are listened to, whether we are a first go-to point of reference or contact with people. I think those are the things—

The Chair: Thank you very much, Mr. Walbourne. We'll have to leave it at that.

[*Translation*]

Ms. Michaud, you have five minutes.

Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP): Thank you very much, Mr. Chair.

I want to join my colleagues in congratulating you on your appointment. I also want to take a moment to thank you for the announcement you just officially made regarding the investigation that will be launched into the tragic event that struck the Valcartier military base cadets in the 1970s.

I am the member for Portneuf—Jacques-Cartier. The Valcartier military base is located in my riding. Constituents who are still deeply affected by the incident that took place approach me regularly. They are puzzled by the fact that the government has still not formally recognized the incident. So I hope your investigation will be able to provide some relief to the suffering families, the victims who are still with us today and to citizens from across the country who are truly concerned by the events that took place.

I would like to come back to the purpose of your appearance today. Mr. Chisu talked about your extensive background. As a francophone, I have some specific concerns.

A few months ago, the NDP introduced a bill that has been passed by Parliament. That legislation stipulates that all officers of Parliament must be officially bilingual. I know that you are not considered to be an officer of Parliament as such, but I think the quality of services provided in French to our military members is essential.

I would like to know whether you consider yourself bilingual. Do you feel capable of personally providing equivalent services in French to military members who may reach out to you?

• (1145)

Mr. Gary Walbourne: I may not be able to do so at this time.

I can speak French, but I have noticed that the vocabulary and phrases used in this environment greatly differ from those used in other environments.

I think it's really important for me to take the time to properly understand the overall situation. I did reach the required language level at some point, when I was a public servant. I am a bit rusty, but I have decided to practice every day with my colleagues and employees.

Ms. Éline Michaud: Thank you for the effort you are now making with me.

I want to continue talking about this issue I am very concerned about. A number of military members have come to see me at my office. They have been discussing some fairly significant problems in terms of the status of French and the ability to obtain services in French within the Canadian Forces. For instance, it's difficult to have access to training in French. Certain establishments provide supposedly bilingual courses, but since most of the participants are anglophones, the courses are given in English. So francophones don't actually have access to information in French. That's just one of many examples.

Is that one of the priority issues for you, now that you have taken on your position?

Mr. Gary Walbourne: If that's okay with you, I will answer in English, since the issue is very nuanced.

[*English*]

From an ombudsman's perspective, when I came into this role, I was very pleased to see that 98% of my staff are bilingual. That's an amazing number, and I'm very pleased with it.

I'll let Alain speak to what happens on the ground with training, but we are in a country that has two official languages. Those who decide to join the military should be afforded the same type of opportunity that others are. That would be my main concern.

[*Translation*]

Ms. Éline Michaud: If any specific files are a source of concern for you, I would like to obtain the answer in writing, since another issue was raised in committee, and I would like to quickly discuss it with you.

The media recently reported that no francophone psychologist is on the ground in Afghanistan to serve our troops. The Canadian Armed Forces simply do not have a francophone psychologist in uniform. Some of our witnesses have told us that our military members do not necessarily need that type of service. They said that, as soon as psychological problems would appear to require more monitoring, the soldiers would be sent back home.

However, the Americans have those types of soldiers within their armed forces. They provided psychological services in English to our Canadian military members on the ground in Afghanistan, as necessary. National Defence acknowledged the existence of a problem in this area. A complaint has been filed with the Commissioner of Official Languages.

I find that the arguments put forward whereby this service is unnecessary are somewhat paradoxical. I would like to know how your office intends to deal with this issue.

[*English*]

Mr. Gary Walbourne: I think anyone who would like to join the forces should be afforded the same opportunities. I also believe they should be afforded the same type of service.

If someone has suffered a mental injury or an operational stress injury because of the service, they should have access to it.

Alain and I were having a conversation the other day about what happens on the front line.

Maybe you can add a comment to that.

[*Translation*]

Mr. Alain Gauthier: I will answer in French.

I served in Afghanistan in 2007. Over the next two years, I served as the chief of operations for Afghanistan in the Canadian Expeditionary Forces here, in Ottawa. So I am very familiar with this issue.

Every contingent is deployed with medical officers from the same region. For instance, Valcartier is deployed with its own medical

officers, who use an assessment to determine whether individuals need psychiatric care.

When a psychiatric assessment is done on an individual in the theatre of operations, and it is determined that they have problems, they don't remain on the ground. They have to go back home. Clinical treatment cannot be provided in the operational theatre.

I think the Canadian Armed Forces emphasize the right considerations. Our office has not received any individual complaints when it comes to this.

Ms. Éline Michaud: Unfortunately, the complaints have surfaced in the media.

[*English*]

The Chair: Thank you very much, Madame Michaud. We're about a minute over there.

Mr. Bezan, you have five minutes.

Mr. James Bezan (Selkirk—Interlake, CPC): Thank you, Mr. Chair.

I want to thank our witnesses for coming in.

I congratulate you, Mr. Walbourne, on your appointment as ombudsman to National Defence.

We were talking earlier about this issue of sexual assault and sexual harassment. I understand and I appreciate that sexual assault is a criminal investigation that has to be left to the police officials and authorities, and then ultimately the judicial system to sort out.

You also mentioned the concern that some people don't come forward on sexual assault or harassment because of revictimization.

What about those victims? What role does your office have in dealing with the victims after an assault has taken place, especially as a member of the Canadian Armed Forces? Are there programs in place? Would you have to work through military personnel to ensure that there is programming available for those who have been victimized?

• (1150)

Mr. Gary Walbourne: As Alain said, those types of cases are not handled by our office. They are handed off to the proper authorities. As to what recourse happens from there, I'll have to fall back on Alain's experience again. Having been a military member, he may tell you what steps are in place. But again, once you know it's a sexual assault case, it's turned over to those authorities. Those cases rarely come back to us unless there's a fallout consequence because of that.

Mr. James Bezan: Alain.

Mr. Alain Gauthier: I will refer to the sexual harassment side, a much smaller offence.

If they come back to us and they fear reprisal—and that's most of the cases—then we work with the individual and the chain of command to make sure that we deal with the issue. Sometimes it has to do with ensuring that the working environment is safe and well done. Most of the time when we interact with the chain of command, we do get very positive feedback or answers from them.

Mr. Gary Walbourne: That's on sexual harassment and not on sexual assault.

Mr. James Bezan: Yes. Understood.

Now just talking about chain of command, talking about culture within the military context, Mr. Walbourne, you worked, as you said, 10 years at DND before. Do you feel you understand that culture and some of the obstacles for people to come forward with their complaints?

Mr. Gary Walbourne: Yes. Unless you have served, I don't think you ever understand the esprit de corps. When I look at it from the outside, I do believe I know enough about how the structure works to be able to push the right buttons or pull the right levers to help ease someone's case, or whatever it might be, to move forward their issue.

So I feel fairly comfortable. I'm extremely pleased with the reception I have received from the chain of command and the senior members of the leadership team. It's been an open-door policy. I have been invited in.

As Alain has said, we've handled a couple of small cases already. The response and feedback from the department and the Canadian Armed Forces has been second to none. I'm very pleased to this point in time.

Mr. James Bezan: In your role it comes down to what your personal values are as well, along with your staff, of course. You have already expressed, when you were over as the deputy ombudsman at Veterans Affairs, your concern with those who have come from service dealing with different types of injuries, whether it's operational stress injuries or a physical injury.

In this new role, do you feel those values that you have personally will serve you well, along with your experience, in providing an independent review of how things are conducted within the Canadian Armed Forces?

Mr. Gary Walbourne: I believe so. We want to talk about values. One thing I want to bring to the table, which I think probably influences everything I do, is respect—whether it's respect for the individual, fairness in a process, respect for the chain of command, or respect for the rights of others. If you apply that to it and you bring evidence-based research to what you're doing, I think that value in and of itself in this type of a role.... We talk about respecting confidentiality and neutrality. All those things have to be respected.

I think if we can instill that in not only me but my staff and those around me, that will stand us well moving forward. I think it's the base place to go and it's an easy one to understand.

Mr. James Bezan: You mentioned to Mr. Harris that you're going to be looking at the incident at Valcartier. What other areas are on your radar, which your office is going to be reporting on?

Mr. Gary Walbourne: The first thing Alain showed me when I showed up was the radar, which has a whole bunch of stuff on it. One of the things we're working on right now, which is getting close to completion, is reserve force compensation. That report is just about finished or ready to publish. There's another one that's coming out very shortly. It's about the board of inquiry. I think we're in the final editing stage of that.

As for things that are coming up that we're looking at, the Valcartier one is going to be a large piece of work. I need to make sure I understand what resource implication that has before I commit to too many things here in front of the committee. Those are the types of things we're looking at. Our caseload at the front line has been pretty much the same this year as it was last year.

• (1155)

The Chair: Thank you very much, Mr. Walbourne. We're well over.

The chair's going to reserve about one and a half minutes for a question.

Go ahead, Mr. Harris, for about five minutes.

Mr. Jack Harris: Thank you, Chair.

Sir, my colleague mentioned that of course you're not an officer of Parliament. You report to the minister. That's been complained about in the past. I'd like you to tell us briefly whether you think that affects your independence.

Mr. Gary Walbourne: I don't think so. I know the game rules going in. I know what my left and right arcs of authority are. I think I have enough latitude there to do the job I need to do.

It is critical for me to be able to work with the department and the Canadian Armed Forces to bring change. I don't think standing outside and casting in stones is going to help the role and what we're trying to accomplish as an ombudsman's office. Would it make things a little easier if I were over in another venue and I reported to Parliament? Maybe. But I do believe with the proper approach and the right management style, we're good to go with what we have.

Mr. Jack Harris: As I understand it, your appointment is not at pleasure but on good behaviour, which is a step higher.

Mr. Gary Walbourne: While on good behaviour....

Mr. Jack Harris: In that light, and getting back for one brief question on the Valcartier investigation, with regard to the authorization given by the minister, were there any qualifications or limitations or restrictions on the type of investigation recommendations you would make?

Mr. Gary Walbourne: There were none whatsoever.

Mr. Jack Harris: Thank you. I'm glad to hear that.

Sir, I was listening to your comments regarding the questions you were asked on the sexual assaults. You said this is a matter for police and prosecutions. Of course the sexual assaults themselves are. There is, however, the matter of an institutional response. People might be discouraged from reporting. If people are not complaining, why are they not? There is also the fact that the victims, not the perpetrators, are either isolated or moved somewhere else.

I understand there's a recruitment drive under way to seek to have 25% females in the Canadian Forces. I would suggest that will fail totally if something is not done to ensure that the military is a safe place for women. I suspect there are a great number of matters that would be under the purview of the ombudsman's office if you were asked about them or someone complained about them. Do you agree with that?

Mr. Gary Walbourne: As I said, I do believe there's a role for us here. I do believe we bring a certain impartiality and oversight to that type of review. I agree with you 100% that there has to be opportunity for people to come forward. I'm hoping that, when the terms of reference are known, this external committee is going to look at not only solutions to the issues but whatever plans we are putting in place to move us forward and away from this type of behaviour.

Mr. Jack Harris: Sir, something that comes up often to individual members of Parliament, whether they are members of this committee or not, is the issue of deficiencies in the grievance processes in the military. The process is lengthy, there are many delays, and at the end of the day, there's not enough authority, sometimes to the point that filing a grievance is a waste of time. Do you have any knowledge of the problems within the grievance procedure, and do you think the process needs more attention?

Mr. Gary Walbourne: I think it is something that needs more attention. I'm aware of the situation. I think the report that just came out from the committee also has concerns about it. Alain has some information maybe that he could share with us. But yes, we're aware of the issue and the timelines. It has been of great concern for us, and I think this office has reported on it several times in the past.

The Chair: Thank you very much.

We're at about 11:59.

You can get back to Mr. Harris in writing with regard to his question, or add anything to the questions that may have come up during the committee.

The chair just wants to make an observation, especially for folks out there, after over a quarter-century of policing. I'm glad you mentioned education as a way to reduce stigma and to bring awareness to issues like sexual assault and domestics. One of the

things we find, as you can recall, in our general population is that there's a great amount of advertising by both levels of government that as a woman, you don't have to put up with domestic assaults. There is assistance for you out there. You don't have to accept it. I think the same with sexual assault, especially what we found in policing, sexual assaults against males, because you were expected to deal with it, sort of the macho....

I raise that question, because as we begin to educate people in the military, as we begin to say that there is no stigma for them to come forward and report this, and that there should not be a career limitation because they reported something that was inappropriate, I just would like to make sure that we don't think that it's on the rise. It probably was already there, but we're addressing the problem by having people who have been victimized...first, to stop the revictimization and then to remind them that it is inappropriate to do those things.

The chair just wonders if you would like to respond to that in writing, because we are well over the hour, if you feel a requirement to respond to that last statement and question of mine to you.

I want to thank you very much for appearing before us today, both gentlemen, Mr. Walbourne and Mr. Gauthier. The chair wishes you most success in your new role, and hopefully we can make the situation better because of your presence in that role.

The chair wants to suspend for a few moments, but I'll remind the committee that we'd like to start off immediately because we do have the report before us. You will be issued that report and we want to get at it as quickly as we can.

Thank you very much.

[Proceedings continue in camera]

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>