



National Defence

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JUN 20 2019

The Honourable Kevin Sorenson
Chair
Standing Committee on Public Accounts
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Sorenson,

Pursuant to Standing Order 109 of the House of Commons, I am pleased to present the official government response to the report of the Standing Committee on Public Accounts, entitled: *Report 5, Inappropriate Sexual Behaviour – Canadian Armed Forces, of the 2018 Fall Reports of the Auditor General of Canada*, which was tabled in the House of Commons on March 22, 2019.

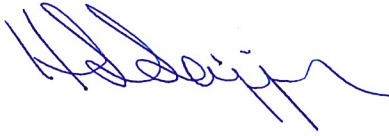
The Department of National Defence and Canadian Armed Forces (DND/CAF) remain committed to ensuring that every CAF member is treated with trust, dignity and respect. Through Operation HONOUR, DND/CAF is working to eliminate sexual misconduct in the military.

While we have taken positive steps to address sexual misconduct in the CAF, we also acknowledge there is still a lot of work to do. We welcome the Committee's and Auditor General's recommendations and are actively working to address them. For example, we are making victim support a top priority by expanding the Sexual Misconduct Response Centre's mandate and assigned resources. Further, we are expanding education and training to foster sustained change in attitudes and behaviours. Finally, we are working on a performance measurement framework to ensure that Operation HONOUR eliminates sexual misconduct in the CAF. The detailed government response is enclosed.

Canada 

I would like to thank you and the other members of the Committee for this report and for your continued commitment and service to Canadians.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Harjit Sajjan', written in a cursive style.

The Honourable Harjit Sajjan, P.C., O.M.M., C.D., M.P.

cc:

Angela Crandall

Clerk, Standing Committee on Public Accounts

GOVERNMENT RESPONSE

GOVERNMENT RESPONSE TO THE 61st REPORT OF THE STANDING COMMITTEE ON PUBLIC ACCOUNTS, ENTITLED: *REPORT 5, INAPPROPRIATE SEXUAL BEHAVIOUR – CANADIAN ARMED FORCES, OF THE 2018 FALL REPORTS OF THE AUDITOR GENERAL OF CANADA*

Introduction

The Government of Canada has considered the Report of the Standing Committee on Public Accounts (PACP), entitled: *Report 5, Inappropriate Sexual Behaviour – Canadian Armed Forces, of the 2018 Fall Reports of the Auditor General of Canada*. The Government would like to thank the members of the Committee for its study and recommendations.

The Department of National Defence and Canadian Armed Forces (DND/CAF) remain committed to eliminating sexual misconduct in the CAF. Over the past four years, through Operation HONOUR, DND/CAF has taken significant steps to address sexual misconduct. However, the Department acknowledges that there is still a long way to go and appreciates the recommendations from both the Standing Committee on Public Accounts and the Auditor General. DND/CAF officials are working diligently to address these areas to ensure a safe and healthy work environment for all CAF members. This includes making victim support a top priority, including by expanding the mandate of the Sexual Misconduct Response Centre (SMRC). The CAF is also expanding education and training to foster a sustained change in attitudes and behaviours that is focused on building a respectful climate and culture that aligns with the CAF's ethical principles and values. Furthermore, the CAF is developing a comprehensive campaign plan for Operation HONOUR that will establish an expanded performance measurement framework for evaluating our efforts to eradicate sexual misconduct. Finally, DND/CAF remains open to review from external agencies, such as the Office of the Auditor General, and will actively seek subject matter expertise from both inside and outside the CAF.

In April 2019, the CAF released an updated policy to clarify the definition of sexual misconduct and appropriate administrative actions. This modification provides a robust definition of what constitutes sexual misconduct. As such, this response uses the term “sexual misconduct” (as opposed to “inappropriate sexual behaviour” which is the term used in the reports of the Auditor General and the Standing Committee on Public Accounts) in this response as it is the terminology that has been precisely defined in departmental policies and orders.

Further details on specific efforts to eradicate sexual misconduct in the CAF are presented in this government response.

Recommendation 1 – Roles and Responsibilities of Organizations involved in Operation HONOUR

That, by 30 June 2019, the Canadian Armed Forces present the House of Commons Standing Committee on Public Accounts with a report that outlines A) the implementation of the revised roles and responsibilities of the Strategic Response Team on Sexual

Misconduct and the Sexual Misconduct Response Centre; and B) how these roles and responsibilities are communicated across the Forces to ensure better understanding for all members.

The Government agrees with this recommendation. This response represents the requested update.

In the report released in fall 2018, the Auditor General criticized the accessibility of services to those members affected by inappropriate sexual behaviour. While the CAF offered and referred affected members to various victim support and care services, there were gaps in those services and the services were not well coordinated. Therefore, victims did not always have access to the right services at the time they were needed. The report further noted that although DND created a charter to replace the SMRC's interim mandate in fall 2017, it did not resolve members' confusion.

To address this finding, the Auditor General recommended that DND/CAF clearly define the roles and responsibilities of the CAF Strategic Response Team on Sexual Misconduct (CSRT-SM) and the SMRC to improve efficiency and avoid duplication of effort. Further, the Auditor General noted that the CAF should communicate these roles and responsibilities across the CAF to ensure better understanding of all members.

DND/CAF agreed with this recommendation and committed in its Management Action Plan to better differentiate the roles of the CSRT-SM and SMRC with a primary goal of ensuring better coordination of victim support services. DND/CAF committed to having the SMRC become the authoritative voice on all aspects of victim support and advocacy from the time incidents take place until the victims' needs have been fully supported and addressed. This would allow improved efficiency and reduced duplication of effort. These changes would also be communicated across the CAF in a variety of ways. The expected completion date for these commitments was March 31, 2019.

DND/CAF has made progress in the following areas:

Revised Roles and Responsibilities

The SMRC has developed a draft charter, which it consulted with critical stakeholders within the DND/CAF, as well as with the External Advisory Council. These consultations identified a need to clarify the policy implications and authorities to grant to the SMRC responsibilities that are currently held within the CAF. The mandates of the SMRC and CSRT-SM therefore need to be further developed. This effort is expected to be completed later this spring.

The new mandates for the SMRC and CSRT-SM, along with an Operating Agreement between these organizations, represent a collaborative, synchronized approach to organizational efforts in support of Operation HONOUR. The new mandates and Operating Agreement enable the SMRC to take on a greater role in Operation HONOUR by expanding some responsibilities, reinforcing other existing authorities and responsibilities, providing clarity where needed, and by introducing a complementary CSRT-SM mandate.

Clarification has been provided in areas such as responsibilities, organization and management, information sharing and communication (i.e. the formal process of the provision of expert advice to CSRT-SM), financial and contractual arrangements, personnel, and dispute resolution. Having a shared understanding of these areas enables increased collaboration and efficiency both within and outside DND/CAF.

Victim support services have been fully transferred from the CSRT-SM to the SMRC by the timeline committed to in the Management Action Plan (December 2018).

Improved Communication

The Department has sent out initial messaging about the SMRC's expanded role through both internal and external communications. The Department will develop and implement a communications approach for promoting awareness of the mandates for the SMRC and the CSRT-SM when they are finalized. At a minimum, DND/CAF would update the Operation HONOUR and SMRC web content to ensure the roles of SMRC and CSRT-SM are clearly explained. DND/CAF would also inform CAF leadership and key stakeholders of the updates.

Recommendation 2 – Uniformity of Victim Support Services

That, by 30 April 2020, the Canadian Armed Forces present the House of Commons Standing Committee on Public Accounts with a report outlining A) the implementation of the new national approach to victim support to ensure that it fully addresses the needs of any member who is affected by inappropriate sexual behavior; and B) how it ensures that members have access to a consistent level of service and specialized support regardless of where they are serving.

The Government agrees with this recommendation.

In the report released in fall 2018, the Auditor General criticized the Department for not addressing several gaps in victim support services that had previously been identified as part of the 2015 external review and a fall 2016 victim support services needs analysis. The gaps were as follows: lack of awareness of services, lack of availability of support services, lack of subject matter expertise and lack of coordination.

To address this, the Auditor General recommended that the CAF establish an integrated, national approach to victim support to ensure that it fully addresses the needs of any member who is affected by inappropriate sexual behaviour. The report also suggested that the approach should ensure that members have access to a consistent level of service and specialized support regardless of where they are serving.

DND/CAF agreed with this recommendation and committed to fully implementing a national victim support plan to ensure access to a minimum level of support services to all CAF members, regardless of location, as part of its Management Action Plan. The Department also agreed to implement a comprehensive case management service by April 1, 2020.

National Victim Support Plan

The development and implementation of an integrated, national plan to support victims of sexual misconduct is underway and on track to meet the timeline committed to the Management Action Plan (October 2019). The Vice Chief of Defence Staff and the SMRC are co-leading this initiative. The SMRC will ensure that the DND/CAF plan remains focused on victim support and is informed by research and best practices. The plan will identify a minimum level of service to be provided, and by whom, whether through internal or external service providers, and will specify the credentials and training requirements of all victim service providers, as well as quality assurance, evaluation and complaint mechanisms. The plan will also be tailored to the unique needs of deployed members and specialized groups of victims (i.e. women; members of lesbian, gay, bisexual, transgender, queer, and two-spirit communities; visible minorities; and Indigenous members).

Comprehensive Case Management Services

The SMRC is leading the development and implementation of comprehensive and integrated victim case management services as a priority. The CSRT–SM recently handed over responsibility for this initiative to SMRC to ensure that the plan is based on the SMRC’s case management experience and analysis of victim requirements. In October 2018, the SMRC started developing the enhancement to its services, to include case management, advocacy, in-person support, assistance with workplace accommodations, accompaniment, and other forms of practical assistance to build upon services currently provided by the SMRC. This new program, called Response and Support Coordination, will both complement existing SMRC and CAF services for CAF members who have experienced sexual misconduct, as well as address critical gaps in the system. An initial service-scoping exercise started in January 2018, to offer a single point of contact, follow-up support, accompaniment and advocacy to CAF members who contact the SMRC. This exercise provided the SMRC with important information regarding the needs of CAF members who access this type of service. Following the service-scoping exercise, a phased implementation of this new program is planned throughout 2019 and 2020. Response and Support Coordination services will be available to currently serving members of the CAF, including: Regular Forces; Primary Reserves, Supplementary Reserve, Cadet Organization Administration and Training Service; or Canadian Rangers.

DND/CAF will provide further details on these initiatives in an update to the Committee by the requested deadline (April 30, 2020).

Recommendation 3 – Victim Support

That, by 31 July 2019, the Canadian Armed Forces present the House of Commons Standing Committee on Public Accounts with a report outlining A) the implementation of the revised comprehensive and integrated victim case management services (from the time the victim discloses an incident to the conclusion of the case); and B) how they ensure that members, service providers, and responsible officials have a clear understanding of what the complaint processes are, how they work, and what the possible outcomes are for both the victim and the alleged perpetrator.

The Government agrees with this recommendation. This response represents the requested update.

In the report released in fall 2018, the Auditor General found that the CAF did not always resolve reported cases of inappropriate sexual behavior in a timely, consistent, and respectful manner. As a result, some victims did not report the incident or withdrew their complaints. They also had less confidence that the investigations would produce tangible results.

To address this finding, the Auditor General recommended that the CAF should make victim support a top priority. First, the CAF should introduce comprehensive and integrated victim case management services from the time a victim discloses an incident to the conclusion of the case. Second, the CAF should ensure that members, service providers, and responsible officials have a clear understanding of what the complaint processes are, how they work, and what the possible outcomes are for both the victim and the perpetrator.

DND/CAF agreed with this recommendation and committed in its Management Action Plan to develop a comprehensive CAF campaign plan, in collaboration with the SMRC, that will designate victim support and the implementation of an integrated, national case management system as a priority. Further, DND/CAF committed to modifying the SMRC charter to allow expanded engagement with DND/CAF leaders. To ensure that members, service providers and responsible officials have a clear understanding of complaint processes, DND/CAF committed to ensuring Operation HONOUR-related resources and policies provide clear and comprehensive information and direction related to sexual misconduct and that their content would be regularly reviewed to ensure accuracy.

Implementation of Revised Victim Case Management Services

The CAF campaign plan is under development and is on track to be completed by the October 2019 deadline committed to in the Management Action Plan. The SMRC is leading the development and implementation of comprehensive and integrated victim case management services as a priority. Comprehensive case management services will enable victims to have a single point of contact, follow-up support, and advocacy, as required, from the time of first contact with the SMRC, until such time as they no longer wish to receive services. The new program, called Response and Support Coordination, will both complement existing SMRC and CAF services, and address critical gaps in the system. The Department will provide further details on this initiative in an update to the Committee by the requested deadline to recommendation 2 (April 30, 2020).

The SMRC charter is under review and will be updated to allow expanded engagement with DND/CAF leaders. This is expected to be completed in spring 2019.

Understanding the Complaint Processes

A number of Operation HONOUR-related resources and policies have been updated to provide clear and comprehensive information related to sexual misconduct.

On April 11, 2019, National Defence published an interim policy modification that clarifies the definition of sexual misconduct (CANFORGEN 049/19 CLARIFICATION ON THE DEFINITION OF SEXUAL MISCONDUCT AND APPROPRIATE ADMINISTRATIVE ACTIONS). The directive aims to ensure consistency of approach and procedural fairness in the application of administrative actions. This modification amends and supersedes other CAF policies related to sexual misconduct.

In addition to clarifying the definition of sexual misconduct, this policy introduced the Sexual Misconduct Incident Management Decision Tree that visually maps the action processes for the chain of command, including guidance with respect to victims.

The information in the Decision Tree is reinforced in detail in the Operation HONOUR Manual, a comprehensive guide to information and resources on sexual misconduct. This manual, released in April 2019, provides all CAF personnel with guidance, tools, and resources to promote a common understanding regarding sexual misconduct response, prevention, and support.

Recommendation 4 – Regulation to Report Inappropriate Sexual Behaviour

That, by 31 October 2019, the Canadian Armed Forces present the House of Commons Standing Committee on Public Accounts with a report outlining its revised approach regarding members’ obligations to report inappropriate sexual behavior to the proper authority, including how such an approach balances the safety of the organization with the need to support victims by allowing them to disclose and seek support without the obligation to trigger a formal report.

The Government agrees with this recommendation. This response represents the requested update.

In the report released in fall 2018, the Auditor General found that the legislative requirement that members report all incidents of misconduct, including inappropriate sexual behavior, was reinforced through the Operation HONOUR order. Known as the “duty to report,” this requirement meant that commanding officers and members with knowledge of an incident were obligated to report it. Victims were then required to report inappropriate sexual behavior whether or not they wanted to or were ready. This discouraged some victims from disclosing for fear of being forced into a formal complaint process, contributing to underreporting. It also placed a heavy administrative burden on the chain of command and the Military Police, which had to manage the complaints.

To address this finding, the Auditor General recommended establishing clear guidance for members on the regulation to “report to the proper authority” in the context of inappropriate sexual behavior. Further, the Auditor General recommended that the guidance should clarify who is considered the “proper authority” under which circumstances with a goal of balancing the need to protect the organization’s safety with the need to support victims by allowing them to disclose and seek support without the obligation to trigger a formal report and complaint process.

DND/CAF agreed with this recommendation and, as part of the Management Action Plan, committed to examining the relevant regulations and developing an appropriate approach for clarifying the obligations of CAF members as they relate to the reporting of incidents of sexual misconduct. The chosen approach would aim to ensure that the views of the victims are considered and respected in terms of the actions taken in response to incidents, to the extent possible.

To study this issue, CSRT-SM established a Duty to Report Working Group in December 2018 to determine if these recommendations can be met within the confines of the Queen's Regulations and Orders (QR&Os) or if amendments to the QR&Os will need to be pursued. Recommendations from this working group are expected in October 2019. DND/CAF are also currently drafting an updated internal policy on sexual misconduct which will include a revised approach regarding the duty to report.

Recommendation 5 – Education and Training on Inappropriate Sexual Behaviour
That, by 30 June 2019, the Canadian Armed Forces present the House of Commons Standing Committee on Public Accounts with a report outlining its progress regarding training all personnel on matters pertaining to inappropriate sexual behavior, including the chain of command, using the Respect in the Canadian Armed Forces Workshop.

The Government agrees with this recommendation. This response represents the requested update.

In the report released in fall 2018, the Auditor General found that the policies, education, and training on inappropriate sexual behaviour were not adequate. Although the CAF successfully increased awareness of Operation HONOUR, the Auditor General found that members' awareness did not always mean that they understood the root causes and effects of inappropriate sexual behavior, and how to respond to and support victims. Further, he found that the briefings and training provided created confusion, frustration, fear and less camaraderie among members instead of increasing their understanding of how to respond to and support victims. As a result, the Auditor General recommended that the CAF prioritize offering the Respect in the CAF Workshop to all members in a timely manner. The Auditor General further recommended that the CAF explore other victim-focused education training options to ensure all members receive appropriate training that supports the goals of Operation HONOUR.

DND/CAF agreed with this recommendation and committed to offering the Respect in the CAF Workshop to all CAF members as part of the Management Action Plan. Further, the CAF committed to validating all training and education programmes on sexual misconduct.

To date, the Vice Chief of the Defence Staff has directed that all senior officials engage their respective leaders to become champions of this initiative and encourage their personnel to attend the Respect in the CAF Workshop. This has resulted in increased attendance. Currently, the Respect in the CAF Workshop is offered approximately 70 times per month (10 months of the year) and is available in 26 locations. For those locations experiencing long wait lists to attend the training, CSRT-SM is conducting additional hiring at five sites to increase capacity. The Department is also working on measures to ensure consistency in standards of delivery. As of

March 2019, 6,067 people have attended the workshop. The Respect in the CAF workshop aims to promote respect in the CAF through awareness and understanding of sexual misconduct, empower CAF members to take a stand against sexual misconduct, and improve support for victims of sexual misconduct.

As previously noted above, the SMRC's charter is currently under review and will be amended to provide an explicit mandate to monitor CAF training and education.

Recommendation 6 – Mandate of the Sexual Misconduct Response Centre

That, by 30 June 2019, the Canadian Armed Forces present the House of Commons Standing Committee on Public Accounts with a report on the revised mandate of the Sexual Misconduct Response Centre: A) recognizing it as the authoritative voice on training content; and B) the improved monitoring and evaluation of CAF training on inappropriate sexual behaviour.

The Government agrees with this recommendation. This response represents the requested update.

In the report released in fall 2018, the Auditor General found that the policies, education, and training on inappropriate sexual behaviour were not adequate and that the briefings and training provided created confusion, frustration, fear and less camaraderie instead of increasing members' understanding of how to respond to and support victims.

The Auditor General recommended that the CAF explore other victim-focused education training options to ensure all members receive appropriate training that supports the goals of Operation HONOUR. Further to this recommendation, the Standing Committee on Public Accounts requested a report on the revised mandate of the SMRC that recognizes it as the authoritative voice on training content and improved monitoring and evaluation of CAF training on inappropriate sexual behaviour.

DND/CAF agreed with the Auditor General's recommendations and is taking steps to ensure that the SMRC is involved in training content to ensure it is appropriate.

SMRC as Authoritative Voice on Training Content

DND/CAF is reviewing and amending the SMRC's mandate to provide an explicit role to the organization to monitor CAF training and education and be the subject matter expert and standard owner of training content. The SMRC's updated mandate expands some responsibilities to provide advice and guidance, as well as monitoring, across the entirety of Operation HONOUR, including the monitoring of programs and recognizes that it will provide expert advice on all matters related to sexual misconduct, including training. As noted in the fourth Canadian Armed Forces Progress Report on Addressing Sexual Misconduct (dated February 26, 2019), the SMRC has already had an active influence on new and revised Operation HONOUR-related training curriculum and standards and have been providing ongoing advice to training authorities. Moving forward, the SMRC will have a formal role in advising the CAF on training and education related to sexual misconduct, including training development, delivery, and

evaluation cycles, as well as the qualifications, training, and supervision of trainers. The specific mechanisms governing this relationship are currently being developed.

The SMRC will ensure that its role in training is supported by the independent, third-party review of the External Advisory Committee and informed by best practices and lessons learned from domestic and international partners. As an example of the latter, the SMRC led the first Five Eyes Forum on Sexual Misconduct in December 2018, which may become an annual event. The Forum offered an opportunity for experts and leaders from Canada, the United States, the United Kingdom, Australia, and New Zealand to discuss how to improve support to victims of sexual misconduct in their militaries and enhance prevention initiatives.

Monitoring and Evaluation of CAF Training

The CSRT-SM conducts regular staff assistance visits as a means of monitoring compliance with established policies, directives and instructions, while providing support and feedback to the facilitators as they implement Respect in the CAF workshops at their location. Staff assistance visits provide the requisite national oversight to ensure that workshop content and delivery are standardized across the CAF. An annual conference is held once the Respect in the CAF Workshops are finished for the session. The purpose of the conference is to further ensure the standardization of course material and to update the program content for the upcoming sessions. The SMRC is fully involved in the staff assistance visits program and conference. In addition, DND/CAF has established a separate annual training and education working group that will provide guidance to responsible officials, ensure that the CSRT-SM and SMRC have strategic oversight of all local Operation HONOUR-related training and education initiatives, and ensure that efforts and resources are coordinated for optimal efficiency and effectiveness.

Recommendation 7 – Performance Measurement Framework

That, by 30 June 2019, the Canadian Armed Forces present the House of Commons Standing Committee on Public Accounts with a report outlining its performance measurement framework to measure its response to inappropriate sexual behaviour, including how the forces collect and uses sound data for this process.

The Government agrees with this recommendation. This response represents the requested update.

In the report released in fall 2018, the Auditor General found that the CAF did not adequately monitor the effectiveness of Operation HONOUR. Further, the Auditor General found that the information the organization collected on incidents of inappropriate sexual behaviour and on the Operation's progress was of poor quality. As a result, senior management did not have the information they needed to know whether the Operation was achieving the intended results and how to continuously improve it.

As a result, the Auditor General made the following two recommendations:

- The CAF should develop a performance measurement framework to measure, monitor, and report on Operation HONOUR. This information should be used to continuously improve

its response to inappropriate sexual behaviour and work towards the goal of eliminating this behaviour across the CAF.

- The CAF should expand its use of external subject matter experts, in addition to using internal information sources and evidence, to ensure it has a wider variety of performance information, and to ensure it receives an independent assessment of its response to inappropriate sexual behaviour.

DND/CAF agreed with these recommendations and committed to designing a new performance measurement framework that will assess the performance and effectiveness of Operation HONOUR. DND also concurred with the recommendation related to the use of external subject matter experts.

Development of Performance Management Framework

CSRT-SM is developing the performance measurement framework for Operation HONOUR, which will be informed by analysis and advice from the SMRC. The framework will be aligned with the Operation HONOUR campaign plan. CSRT-SM is working towards achieving this by the deadline set out in the Management Action Plan, October 2019.

External Advice and Collection of Data

The Executive Director of the SMRC will now be able to actively seek independent advice from its External Advisory Council to support the continuous assessment of Operation HONOUR. This will be reflected in SMRC's updated mandate.

One important source of independent information is the 2018 Statistic Canada Survey on Sexual Misconduct in the Canadian Armed Forces. Statistics Canada completed data collection in November 2018 and results are expected to be released on May 22, 2019. As with previous versions of this survey, this information will provide a rich source of data for DND/CAF to confirm if Operation HONOUR is achieving results.