



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

43rd PARLIAMENT, 2nd SESSION

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# Standing Committee on National Defence

EVIDENCE

**NUMBER 026**

**PUBLIC PART ONLY - PARTIE PUBLIQUE SEULEMENT**

Monday, April 19, 2021

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Chair: Mrs. Karen McCrimmon





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Monday, April 19, 2021

• (1135)

[English]

**The Chair (Mrs. Karen McCrimmon (Kanata—Carleton, Lib.)):** I'm calling this meeting back into order.

We are now in public for meeting number 26 of the House of Commons Standing Committee on National Defence. We're studying addressing sexual misconduct issues in the Canadian Armed Forces, including allegations against former chief of the defence staff Jonathan Vance.

Also, I'll let you know there is no webcast today. It is audio only.

Go ahead, Mr. Bezan.

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

It is unfortunate we couldn't get a webcast, but at least we are public with this debate.

I will move my motion, as amended, back on the floor. It reads:

That the Standing Committee on National Defence, concerning its study on addressing sexual misconduct issues in the Canadian Armed Forces, including the allegations against former Chief of Defence Staff Jonathan Vance and Admiral Art McDonald, summon Elder Marques to testify as a witness; that the witness appear individually for no less than two hours; that the meeting be held in public and be televised; and that the witness testify within seven days of this motion passing; and that the date of the report be not changed.

Madam Chair, I'll speak to that motion.

As we were unable to conclude our debate on Friday, I have to say that I was very disappointed by the antics that were used by the Liberal opposition members. I'm very disappointed, Madam Chair, that you abused your authority by adjourning a meeting without consent. The rules are very clear that you require consent to adjourn a meeting. We've had this discussion in the past. This is the second time that you have adjourned without consent. I would request, Madam Chair, that today you respect the wishes of the committee.

I have sat in your chair as a committee chair for this committee, as well as others. I believe that it is inherent upon committee chairs to, first and foremost, be there to respect the freedom of speech of all members of Parliament, including those who sit at the committee table. Chapter 3 in the *House of Commons Procedure and Practice*, third edition, is very clear that we get to enjoy such special privileges as freedom of speech.

I would just say that when it comes down to suspensions—and I realize that you used suspensions very freely during our debate on Friday—they should only be done to return the committee back to

order, not be used to help with the stifling of debate. I will buy into the fact that you will have to suspend for votes in the House, which is common practice. We'd be permissive of having suspensions for health concerns, but that should only extend to our interpreters and House of Commons support staff, if they so require.

We know that in the meeting we held on Friday, the House of Commons deputy clerk notified all of our respective whips' offices that they would require a one-hour suspension on Friday evening, but then would be able to return to work. I would request, Madam Chair, that when we are getting those directives from House of Commons clerks, especially from the deputy clerk, we would then be making sure we try to encourage debate, rather than shut down debate in our parliamentary processes.

I would also say that these lengthy filibusters undertaken by Liberal members on Friday were incredibly discouraging, especially for the women who serve in uniform. Over the weekend, I received numerous emails—I know that many of you did, as well, since I was copied on some of those emails—from current serving members who were equally disgusted by the spectacle that we witnessed by the Liberal members on Friday.

Madam Chair, I would encourage each and every member here to keep the women in uniform, as well as all those who serve—because we know that there are also men who have also been subjected to sexual misconduct—in the foremost parts of our minds during this debate. Instead of trying to block witnesses from appearing who could shed light on exactly what happened and who knew what and when, we should maybe think about those women and try to get the answers they so rightly deserve, so that we can get back to the report of this study.

We don't want to slow down how this report is put together. Any exclamations by other members that the opposition parties are trying to slow down the report.... It's not that at all. We have one witness on the table right now who we want to have before committee. The analysts have heard all the other testimony and debates that have taken place and can easily draft the report as we wait to hear from this one witness. His testimony could be easily added into the report going forward.

• (1140)

Even though we're seeing this plethora of recommendations coming from Liberal members, we know that when we get to the report it takes some time to go through it and get to a consensus. I'm hoping that at the end of this study we will have consensus, or are we witnessing here that the Liberals already wrote their dissenting report and have the recommendations ready to go?

Madam Chair, I just ask that you respect each and every one of us as members, and that we are not put into the time outs that we experienced on Friday when your decision was overruled. I ask that the parliamentary processes and procedures that are well respected and founded on history are enforced and not allowed to be abused and to deny our ability to speak on behalf of our constituents, speak as individual members of Parliament and stand up for freedom of speech.

Thank you.

**The Chair:** Thank you, Mr. Bezan.

It looks like Mr. Baker is up next.

**Mr. Yvan Baker (Etobicoke Centre, Lib.):** Thanks very much, Madam Chair.

I wanted to speak to Mr. Bezan's motion.

I'm of the view that we don't—

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** I have a point of order, Madam Chair.

**The Chair:** Go ahead, Madam Gallant, and do not point fingers at other members in the committee, please.

**Mrs. Cheryl Gallant:** I'm so sorry.

**The Chair:** Yes, you should talk to me.

**Mrs. Cheryl Gallant:** I thought you couldn't see that I was trying to get your attention.

I did notice that Ms. Alleslev had her hand up and one would think with two clerks here that the speakers list could be properly held.

**The Chair:** Madam Gallant, please. The clerks follow the order. They don't prefer anyone. We were just making sure that it was correct. What I was seeing on my screen was different from what was on the overall screen, so we had to make sure that it was correct. I don't get the same picture as you do exactly, but if you check the participant list, if you go down the right-hand side, it shows exactly who put up their hand and when. Otherwise, if you're in committee, yes, I could miss you and I might not get exactly the right order, but that refers to the time stamp and whoever puts their hand up first goes to the top of the list.

In person, I guess that can happen, but when we're relying upon the technology, it's pretty good.

Thank you.

Go ahead, Mr. Baker, please.

**Mr. Yvan Baker:** Thanks very much, Madam Chair.

I wanted to speak to Mr. Bezan's motion.

I'm of the view that we don't need more testimony on this study because we've heard from many witnesses with recommendations that I think are very valuable to the study. Mr. Bezan made reference to that in his remarks, which preceded me. I think many of the witnesses referred to the Deschamps report. I think it's important that we take into account what witnesses have told us as part of this study, but I also think a lot of work that was done before this committee undertook this study should be taken into consideration.

I want to let members know and remind members of what is in that report. One of the things we heard about a lot during the committee testimony was the issue of culture. One of the sections of the Deschamps report was on that very topic.

I'd like to read from that section, because it's important that we remind ourselves of what's already been studied and what's already been recommended. This, to me, underlines why we don't need to hear from more witnesses.

That section, which is section 4 of the report, says:

...this Report does not aim at capturing all aspects of the culture of the CAF, or its many subcultures, the ERA found that certain cultural behaviours and expectations are directly related to the prevalence of inappropriate sexual conduct in the organization. Any discussion, therefore, of the causes and consequences of sexual harassment and assault in the armed forces—including the effectiveness of current policies and practices—must begin with an examination of the underlying cultural norms that inform the ways in which CAF members interact with each other, and what they perceive to be acceptable conduct.

We heard that quite a bit from many of the witnesses who came forward to present to us and who spoke so often about culture. It continues:

According to *Duty with Honour: Profession of Arms in Canada*, first published by the CDS in 2003 and reviewed in 2009, “(t)he military ethos...is the foundation upon which the legitimacy, effectiveness and honour of the Canadian Forces depend.” Amongst other goals, military ethos is “is intended to establish the trust that must exist between the Canadian Armed Forces and Canadian society; guide the development of military leaders who must exemplify the military ethos in their everyday actions; [and] enable professional self-regulation within the Canadian forces.” Military ethos is therefore essential to creating and maintaining a high degree of professionalism within the organization, and underpins the right of the CAF to self-regulate through an independent system of military justice. It is “the foundation upon which the legitimacy, effectiveness and honour of the Canadian Forces depend.”

The concept of military ethos is founded upon respect for the values protected by the Canadian Charter of Human Rights (the Charter), including the right to dignity and security of the person. More precisely, DAOD 7023-0 on “Defence Ethics” emphasizes that the Canadian public expects the highest standards from [Canadian Forces] members:

“The DND and the [Canadian Armed Forces] are integral parts of our democratic society and must reflect and practice the values of that society. Fundamental to the effectiveness of the DND and the [Canadian Forces] is the strength and vitality of its ethical culture. The Canadian public expects the highest level of adherence to ethical standards by DND employees and [Canadian Forces] members.”

Reflecting on what I've just read to you there, I think it's one of the things that we were discussing on Friday, certainly during the debate and in previous committee hearings during this study—the importance of the fact that the Canadian Forces reflect the values—and that's what I've just read to you from the Deschamps report.

● (1145)

It's also important, in my view, that the Canadian Forces reflect Canadian society, both in terms of values but also in terms of its makeup. One of the things that we heard a lot about, I think, is the importance of that and the importance of making sure that, in particular in the context of this study, women are welcomed into the forces and that they are treated with the respect they deserve.

We discussed a whole series.... Fellow members will recall a number of discussions we had and witnesses who spoke to how we can ensure that women are treated equally, because many of them, in most cases—perhaps not all, but most—are integrating into roles that have been traditionally reserved for men, so the Canadian Forces need to do a better job of adapting and making sure that women are properly integrated.

I think this highlights nicely some of the things that we've heard from some of the witnesses. I'll go on:

Leaders are taught that respect for the dignity of others takes precedence over other ethical principles:

There are a few items here:

“The Statement of Defence Ethics contains three ethical principles that are hierarchical in nature; that is, normally, the first one takes precedence over the second one, which takes precedence over the third:

Respect the dignity of all persons;

Serve Canada before self; and

Obey and support lawful authority.”

Further, [Canadian Armed Forces] members belong to the “Profession of Arms”. Professionalism and military ethos are interconnecting concepts:

“Understanding the nature of professionalism, its relation with the military ethos, and the vital institutional role of the [Canadian Forces] is crucial to combat effectiveness and to meeting Canadians’ expectations that their military professionals will defend the nation with honour. This entails meeting the highest standards of professionalism and having a full understanding of the obligation inherent in military services.”

To meet the Canadian public's high expectations, [Canadian Forces] members:

“have a special responsibility to fulfill their functions competently and objectively for the benefit of society. [They] are governed by a code of ethics that establishes standards of conduct while defining and regulating their work. This code of ethics is enforced by the members themselves and contains values that are widely accepted as legitimate by society at large.”

The Canadian public has granted the [Canadian Armed Forces] the right to self-govern.

I think we heard about this issue of self-governance in a number of different contexts throughout this study, so I think this is an important point to highlight, as was made by some of the witnesses. It continues:

In some respects, this is related to the fact that Canadians hold members of the [Canadian Armed Forces] to a higher standard of conduct than ordinary Canadians. This is because of the unique role played by the [Canadian Armed Forces] in Canadian society and abroad. Thus, one of the reasons for establishing an independent military justice system, separate and apart from the justice system that regulates the conduct of ordinary Canadians, is to be able to uphold these higher standards. As Justice Lamer stated in *R. v. Généreux*:

“Breaches of military discipline must be dealt with speedily and, frequently, punished more severely than would be the case if a civilian engaged in such conduct.”

I think this is very relevant to our study. I think this is something that we heard from some of the witnesses. I think it's something interesting that we need to reflect on: the role of this and how to make sure that victims get justice. As is indicated here in the Deschamps report, there's a separate independent military justice system. I know that's something that Mr. Bezan is particularly interested in, and that we're to do a study on. I believe it's next, if I'm not mistaken. This ties in nicely with the work we've been doing here, I hope, but this part of the report speaks to some of the reasons why it exists. I think it's important to underline that:

The National Defence Act includes the [Canadian Armed Forces] Code of Service Discipline...and is the legal foundation upon which the military justice system is based. In addition, policies on administrative and remedial measures give to CAF leaders specific tools to intervene to ensure compliance with those higher standards. Again, as leaders are instructed:

“effective self-regulation—

• (1150)

**Mrs. Cheryl Gallant:** I have a point of order, Madam Chair.

**Mr. Yvan Baker:**

—is necessary to sustain the trust and confidence of both the Government and the society served by an armed force.”

**The Chair:** Go ahead, Madam Gallant.

**Mrs. Cheryl Gallant:** Madam Chair, I called for the point of order because Mr. Baker is rehashing what we have already heard in this committee previously. I would respectfully request that we call the question or go to Ms. Alleslev perhaps.

**Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.):** Madam Chair, I would ask if she could find in the blues where there is repetition, because I don't believe that he was repeating himself at all. If you could point out where it is in the blues, that would be very helpful.

**Mrs. Cheryl Gallant:** It's about relevance.

• (1155)

**The Chair:** It is relevant actually. I'm taking notes. Some of these things I haven't heard for years, and they're really important principles.

Carry on, Mr. Baker.

**Mr. Yvan Baker:** Thanks very much, Chair.

I would highlight that what I started with was explaining—and I've tried to underline that—that not only is this relevant to the study but we've heard some of these things from witnesses. I'm trying to articulate the fact that I don't believe we need to hear from more witnesses because of what we've heard already, and what we've heard already from witnesses ties into a lot of past work, of which the Deschamps report represents an important component. In case there are further notes about why I'm speaking to this, this is why.

I'm just going to go back a bit because I want to make sure nothing was missed here. As I was saying, as I was reading:

The National Defence Act includes the [Canadian Armed Forces] Code of Service Discipline...and is the legal foundation upon which the military justice system is based. In addition, policies on administrative and remedial measures give to CAF leaders...tools to intervene to ensure compliance with those higher standards. Again, as leaders are instructed:

“effective self-regulation is necessary to—

**Mrs. Cheryl Gallant:** I have a point of order, Madam Chair.

Thank you, Madam Chair, for acknowledging my point of order. We are now debating a motion, not going through the proposed report. What we're hearing is a discussion on the report once it's before us, but what we want to debate is the relevance of having... Actually, we would like to go right to the motion and vote on whether or not we're going to have the witness appear as we requested.

**The Chair:** I thank you, Madam Gallant, but there are five other people who have their hands up to speak.

If you would wrap it up, Mr. Baker, we'll hand it off to someone else.

Thank you.

**Mr. Yvan Baker:** Okay. Maybe what I can do, Chair, is just finish this point that I was trying to make and highlight this important point. I was actually getting very close to the end, so I'm just going to read the last few sentences here.

As a consequence, significant responsibility is given to CAF leaders to both ensure that members are treated with dignity, and to maintain a standard of professional conduct that respects the dignity of all persons. Only by carrying out this self-regulation effectively will the CAF be able to maintain the trust and confidence of the broader Canadian public.

I think this point is one that ties in with what we've heard from many of our witnesses, which is how carrying out, in this case, the self-regulation the Deschamps report was referring to is important not only to making sure that we regulate those behaviours and that misconduct is appropriately dealt with but also to maintaining the confidence of the Canadian public and, I would argue, also the confidence of CAF members. We heard a lot about that from our witnesses.

Unfortunately, however, it was apparent throughout the consultations that, with respect to inappropriate sexual conduct, the culture of the CAF on the ground does not, in many ways, measure up to the professional standards established by the policies and described in *Duty with Honour*. Rather, the ERA found that there is a significant disjunction between the aspiration of the CAF to embody a professional military ethos which embraces the principle of respect for the dignity of all persons, and the reality experienced by many CAF members day-to-day.

I think that's a really important point to underline, and I'll wrap my point up here, Chair.

As I just stated, there's a difference between that aspiration to live up to a higher standard and the reality that many CAF members experience, and I think that gap needs to be closed. I think we heard that from a number of members.

I wanted to highlight these topics, Chair, because, again, as I said, these are things that we've heard from the witnesses in some part throughout this study and I think this is the kind of thing that highlights why further witnesses aren't necessary. With that, I will pass it on to the next colleague.

Thank you.

**The Chair:** Thank you, Mr. Baker.

Ms. Alleslev, please go ahead.

**Ms. Leona Alleslev (Aurora—Oak Ridges—Richmond Hill, CPC):** Thank you very much, Madam Chair.

This is highly disconcerting. As elected officials, I don't need to remind everyone on this committee that our loyalty is to country first, to Canada first. Before party, before individuals, we are here to act in the best interest of the country.

You, Madam Chair, like me, swore an oath. We swore to serve and defend the country, and the values for which it stands. The military defends those values, but we must also embody them.

I would like to remind you, Madam Chair, of the words on our commissioning scroll that place the trust and confidence in us, in our loyalty, our courage and integrity. You, Madam Chair, never unswore that oath.

Canadians are counting on you. Men and women in uniform are counting on you to lead by example, and put your service to this country, this committee and this Parliament before yourself.

• (1200)

**Ms. Anita Vandenberg:** On a point of order, Madam Chair, as honourable members, we do not attack the integrity of other honourable members. Ms. Alleslev is getting very close to that in her remarks, and I would ask her to please treat all members with respect, dignity and integrity.

**The Chair:** Carry on, Ms. Alleslev.

**Ms. Leona Alleslev:** Thank you very much.

I would remind the committee that this chair, as the commissioned officer and an elected member of Parliament, along with all members must put their country above their own personal gain or position.

That is not what has happened. What we have seen, Madam Chair, from the actions last Friday, is that a motion was brought to entertain another witness, and you ruled it out of order. In fact, there was no question that it was not out of order, because the motion simply said what we're going to study. The recommendations would be submitted by Friday and the report for this study would be done by a further date. It did not in any way say that no new witnesses could be brought forward, and this is not a new witness. This is someone we have been trying to get to committee since March 8.

We challenged your decision, and we were able to overrule your decision. Madam Chair. In return, you suspended the committee meeting for 80 minutes as a punishment for bringing this motion forward without giving 48 hours' notice, when in fact it is protocol and generally accepted that we bring motions, and absolutely nothing prevents us from bringing motions from the floor. Your rule, Madam Chair, as I understand it, is to facilitate the process fairly and honourably, not to punish members of Parliament on the committee.

You then failed to monitor the debate to ensure there was relevance around the topic we were discussing, as well as that points were not being made repeatedly over and over again.

If the motion on the table was to bring a specific witness, Elder Marques, forward, then the debate should be around that, not about whether or not we have enough recommendations so that we don't need to review this anymore. We don't know what testimony a witness is going to bring until we actually hear from that witness. It is unconscionable we would debate that, because we have so much other information, which may or may not be relevant to what this witness is going to say, that we don't need to hear anymore.

We are counting on you, Madam Chair, to ensure the will of the committee is maintained—not just the will of a few Liberal members but that the will of the committee is maintained. It was clear on Friday that the will of the committee was not to adjourn, and Madam Chair, you did not have the will of the committee to adjourn. It was clearly the will of the committee to get to a vote on this critical motion before adjourning.

This motion is not some frivolous procedural motion. This is a critically important motion. This committee is essentially the last line of defence in all of the things we're doing to get to the bottom of sexual misconduct, abuse of authority, harassment and discrimination in one of the most important institutions of our country, the Canadian Armed Forces.

We have heard of the repeated failures in the process. We still do not have answers as to not only how a chief of the defence staff could remain in his position for three years with unresolved allegations of sexual misconduct but why no security review was conducted. He also received his performance at-risk pay, a salary increase, and was allowed to become the longest serving chief of the defence staff ever.

This motion is to hear from an individual who was in the Prime Minister's Office. Ministerial accountability only comes if we know who knew what when. We can't just take the Minister of National Defence's word for it, and the Minister of National Defence clearly said he didn't. He told his chief of staff who, he believes, told Elder Marques.

• (1205)

Who Elder Marques told, we don't know, yet that's very important because we heard from the Clerk of the Privy Council that a plan was put forward to the Prime Minister to remove the CDS, change the CDS, before the last election.

However, for whatever reason, that didn't happen, and as I said, he received his performance at-risk pay and a salary increase and was extended as the longest-serving CDS ever. How? How could that have occurred while there were unresolved allegations of sexual misconduct against the highest officer in the land?

We have not done our job. We are the last line of defence until we know exactly what Elder Marques in the Prime Minister's Office knew, who he told and how this occurred.

Yes, it is our job to fix the processes, and we've heard lots of recommendations around processes, but this is not only about processes. This is about the individuals in critical positions and whether they followed those processes. When people fail to do what they've been entrusted to do, we need to understand how we can fix the system or how we can hold those people accountable so that it doesn't happen again. Therefore, for the government to say we don't need to hear more testimony is unconscionable.

Again, the committee decides, and the will of the committee is to hear from this critical witness. No change will occur if those who have the authority and responsibility do nothing or allow the process to be frustrated and critical information not provided.

You, Madam Chair, from your actions on Friday, are complicit in preventing this committee from doing the will of the committee.

Therefore, we implore you to use the powers vested in you, with loyalty to country, integrity and the courage to do what is right, not what is easy, to put the best interests of the country, the rule of law, our democracy and the sacred responsibility to our fellow men and women in the Canadian Armed Forces first, to honour them and fight for their desire to be treated fairly and serve free from harassment and discrimination.

We can only do that—our job as a committee, as the last line of defence—if we hear this critical testimony from Elder Marques and if you facilitate fairly, procedurally, openly and honestly the will of the committee and the best interests of the country first.

Thank you very much.

**Mr. James Bezan:** Hear, hear!

**The Chair:** Thank you, Madam Alleslev.

Mr. Spengemann, go ahead please.

**Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.):** Madam Chair, thank you very much.

Good morning, colleagues, or good afternoon. It's good to be back discussing this important issue.

I will say from the outset that this is a debatable motion and that members are free to express their agreement or disagreement with it. I would caution colleagues not to jump to any conclusions of what the will of the committee is or is not, prior to our having resolved this issue. I appreciate the comments that have been made by colleagues on that side.

• (1210)

**Ms. Leona Alleslev:** Then let's have a vote.

**Mr. Sven Spengemann:** I'm sorry. I think I have the floor, Ms. Alleslev. Thank you for your comments earlier.

My point is that members are free to express their disagreement not necessarily because of one particular aspect or angle that they've taken on the motion but certainly to illustrate in debate what the alternative would be or should be to the committee if it were to follow the motion that's been put on the floor. The motion is to bring a certain witness. The alternative to that might be a more fulsome discussion of the recommendations from other evidence that's already before the committee.

I think any of those arguments, Madam Chair, and I would implore you to take that view, would be as legitimate as the arguments that Ms. Alleslev has just put forward.

Colleagues, I would take you back to the opening comments from my colleague Mr. Bezan. He was very emphatic in his opening remarks that we should have freedom of speech and that we should encourage debate rather than shut down debate. This also applies to the discussion we're having today.

Madam Chair, I want to take the committee back, and other colleagues will want to make comments too, to the Deschamps report. It's one of the cornerstone reports that's out there. It's been around for a number of years now. The external review authority, as it's also known, is from 2015. The most dangerous thing that could happen with the report is that it goes into a physical or virtual drawer at its conclusion, that it is acknowledged at the time it was released but then not discussed, deliberated or applied again. I think that's why it's important that the committee make itself aware of or refresh itself on the recommendations and opinions enunciated in that report and, in fact, in a number of other reports in Canada and around the world.

I want to just take the opportunity, Madam Chair, early on in our discussion this afternoon to bring forward the 10 recommendations in the Deschamps report that really capture what the ERA most wanted to say to Canadians, and then invite colleagues on all sides to reflect on them and to see how we can incorporate them in our way forward.

This is the first recommendation of the Deschamps report:

Acknowledge that inappropriate sexual conduct is a serious problem that exists in the [Canadian Armed Forces] and undertake to address it.

For this committee, it would simply be a point of accepting, acknowledging and applying this first recommendation. There still is, in 2021, very much a serious problem in the Canadian Forces that we have seen, particularly in the instance involving the former chief of the defence staff.

Madam Chair, Madam Deschamps' second recommendation is as follows:

Establish a strategy to effect cultural change to eliminate the sexualized environment and to better integrate women, including by conducting a gender-based analysis of CAF policies.

Gender-based analyses and GBA+, as it's known across the civil service, are cornerstones of the Canadian commitment to gender equality. She is basically calling on this committee to turn its mind to how we implement this kind of approach as a structural change within the Canadian Forces that will allow us to change the culture.

I would like to draw members' attention again to the openness by our current Minister of National Defence to doing that work. He said that we need "complete and total cultural change" and that the "time for patience" is over. We have a door to walk through. We have an ability to apply this recommendation and to recommend the granularity of change that's required to take the Canadian Forces forward. I think members of this committee should and need to do this work in addition to the discussion we had on the appearance of witnesses.

Recommendation three is as follows:

Create an independent center for accountability for sexual assault and harassment outside of the CAF with the responsibility for receiving reports of inappropriate sexual conduct, as well as prevention, coordination and monitoring of training, victim support, monitoring of accountability, and research, and to act as a central authority for the collection of data.

Again, we've heard testimony from witnesses. We have the SM-RC, the sexual misconduct response centre, that's been stood up as an organization. Our work as a group of parliamentarians across party lines is now to take these recommendations, apply them to the

context of 2021 and take the minister up on his invitation to do whatever it takes to change the culture in the Canadian Forces.

Madam Justice Deschamps' fourth recommendation is as follows:

Allow members to report incidents of sexual harassment and sexual assault to the center for accountability for sexual assault and harassment, or simply to request support services without the obligation to trigger a formal complaint process.

Sensitivity to the will of the victims and survivors has been front and centre in our deliberations. Again, here is a recommendation that goes into exactly that line of argument.

• (1215)

The report recommends, in recommendation five, the following:

With the participation of the center for accountability for sexual assault and harassment:

There are a number of sub-bullets.

Develop a simple, broad definition of sexual harassment that effectively captures all dimensions of the member's relationship with the CAF.

Develop a definition of adverse personal relationship that specifically addresses relationships between members of different rank—

We've heard a lot about the differential in authority and its importance.

—and creates a presumption of an adverse personal relationship where the individuals involved are of different rank, unless the relationship is properly disclosed.

It's extremely relevant, extremely poignant and worthy of the committee's consideration as it's formulating its draft report. It continues:

Define sexual assault in the policy as intentional, non-consensual touching of a sexual nature.

This is a very clear recommendation on the definition that this committee may decide to adopt, moderate or alter as it sees fit. It again continues:

Give guidance on the requirement for consent, including by addressing the impact on genuine consent of a number of factors, including intoxication, differences in rank, and [very importantly] the chain of command.

Recommendation six of the report reads as follows:

With the participation of the center for accountability for sexual assault and harassment, develop a unified policy approach to address inappropriate sexual conduct and include as many aspects as possible of inappropriate sexual conduct in a single policy using plain language.

The latter is going through accessibility of the policy to members of the Canadian Forces of all experience levels and all ranks.

Recommendation seven is to:

Simplify the harassment process by:

Directing formal complaints to COs acting as adjudicators in a grievance.

Reducing emphasis on ADR.

Recommendation eight reads:

Allow victims of sexual assault to request, with the support of the center for accountability for sexual assault and harassment, transfer of the complaint to civilian authorities; provide information explaining the reasons when transfer is not effected.



The provision of reasons is one of the greatest accountability tools. When a certain decision is made that may be questioned or even receive objection, the reasons keep us within the administration of justice, because it'll be clear, through the reasons, why and how that decision has been taken, just like any judge would do in her or his deliberations.

I'll finish up in a second. Recommendation nine reads:

Assign responsibility for providing, coordinating and monitoring victim support to the center for accountability for sexual assault and harassment, including the responsibility for advocating on behalf of victims in the complaint and investigation processes.

Lastly, recommendation 10 reads:

Assign to the center for accountability for sexual assault and harassment, in coordination with other CAF subject matter experts, responsibility for the development of the training curriculum, and the primary responsibility for monitoring training on matters related to inappropriate sexual misconduct.

These are the 10 recommendations that underpin the Deschamps report, or the ERA, the external review authority. Again, colleagues are going to have comments and elaborations at their discretion on parts of that report as elaborated by Madam Justice Deschamps.

I just wanted to put to the committee, again, that heavy lifting has been done here in Canada, elsewhere in the world, and I'm going to, in future interventions, maybe have a chance to draw the committee's attention to some of those.

That work takes us in part to where we need to go, certainly with respect to the granularity of recommendations, the kinds of institutional changes that are being recommended by institutions like NATO, DCAF—the centre for the democratic control of armed forces—and other institutions that have already put significant amounts of energy into these kinds of questions.

The committee's attention needs to be drawn to them fairly expeditiously because we are in the process now of developing a report. This is, all again, with respect to the original motion and my assessment of what the committee could and should do as an alternative to going fishing for additional witnesses.

There really are other things that may fall by the wayside, if we indulge too far the arguments that are being made by colleagues on the Conservative side.

Thank you so much.

**The Chair:** All right. Thank you very much, Mr. Spengemann.

We have Monsieur Barsalou-Duval, please.

[*Translation*]

**Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ):** Thank you, Madam Chair.

I have carefully listened to my colleagues' remarks. To be perfectly transparent, I must admit that I was less interested by those that went on and on and brought nothing new. A lot of comments, in my opinion, were made more with the purpose of taking up the committee's time than with the purpose of fuelling debate and reaching a decision.

I wanted to have the opportunity to speak to the motion on the floor today. I feel that what we are debating at the moment is still very important.

More than a week ago, the governing party asked for our cooperation. They told us that it is important to produce a report so that there can be some follow-up to the committee's work. Basically, they wanted the victims to recognize that everything would not end up on the shelf and there would be some follow-up. They also wanted the government to have some options for action; they wanted us to tell it what it should do and which direction it should take.

We were very sympathetic to that idea. We felt that it was important for the committee to prepare a report. That is why we voted for the motion at that time. We wanted the committee to produce a report.

However, the intention behind it was never to prevent witnesses from appearing before the committee, particularly important witnesses like Elder Marques. I should also emphasize that, when we passed that motion so that the committee could prepare a report, it was still possible for Mr. Marques to appear on Friday.

Unfortunately, as we saw, he did not appear and I feel that the motion by my Conservative colleague Mr. Bezan became even more important at that time, meaning last Friday.

I am very pleased that our wishes were considered by accepting the amendment to not delay work on the report as we waited for Mr. Marques to appear. We are still hoping that he will, because we feel that it is required.

That gives us the best of both worlds, I feel. We have an appearance by a very important, long awaited witness who certainly has important things to tell us. If he did not, I have a hard time figuring out why the governing party would be so opposed to his appearance.

Actually, I was a little surprised that there would be so much opposition to Mr. Marques appearing before this committee, because the government tells us that it wants to get to the bottom of the matter, that it wants to solve the problem, and it wants to work for the victims. We would be inclined to believe them, but it is surprising when we see that they have tried to prevent key witnesses from appearing before the committee. We end up wondering whether, instead of protecting the victims, it may actually be looking to protect itself.

I hope that is not the case because, first, it would be irresponsible on the part of the government and second, it would be dishonourable. The government has the responsibility to see that justice is done and that its work is done transparently. It must also be accountable to the electorate. It must not put obstacles in the way of the committee's work.

The government itself says that committees are independent of the government. I assume that, putting their partisan interests aside, the Liberal representatives who are part of the government have all the independence they need to complete the committee's work. I hope that they too want us to have all the information, so that we are not always wasting time, but are able to get to the bottom of things.

• (1220)

Instead of wasting precious time, as we are doing at the moment, because of the systematic obstruction by the governing party, the committee could already have heard from Mr. Marques. We could perhaps have already started work on other matters that are important for the public.

I am convinced that not all members of the committee like the manoeuvres that are underway at the moment. So I invite everyone to take a deep breath and ask themselves what the best thing to do would be at this time. I don't feel that it would be bad to agree to an appearance by a witness. On the contrary, I feel that, if the government has nothing to hide, it would let us hear from him.

Let's hear from the witness; the topic will be settled and everyone will be reassured. We will then be able to hear Mr. Marques' version of the facts.

Personally, the more I see the Liberals persisting with all kinds of ways to prevent Mr. Marques from testifying, the more convinced I am that the witness should be here at the committee.

Thank you, Madam Chair.

• (1225)

**The Chair:** Thank you very much.

[*English*]

We'll move on to Mr. Bagnell, please.

**Hon. Larry Bagnell (Yukon, Lib.):** Thank you, Madam Chair.

Thank you very much.

I appreciate the last intervention.

I want to remind the committee though that politicians in committees do not do investigations. That has to be independent. The appropriate investigations are going on, they will run their course and the information will be public.

To add to what Mr. Spengemann said in relation to Ms. Alleslev's comment about limiting people's input, as Mr. Bezan said, people should be allowed to speak. This motion extends the debate for reasons I'm not sure of.

Any comments that members have about things that would be more useful in extending a debate or why it doesn't need to be extended or other input.... If we're going to extend it like we are today, there's some valuable information getting on the record. If one member agrees and says that, there's nothing to stop another member from saying that and repeating it.

There was an email and the person refused to allow an investigation. As Mr. Wernick said, there was nowhere to go. People know that in this particular instance. I'm not sure what more information there would be on that. There is a lot of information from the thousands of members in the military who have, as I explained in a previous meeting, been affected by this, plus the serious and sometimes terrible information we have from serving members, victims.

As Mr. Bezan said, we should respect them. I would suggest we respect them and get on with it. If Mr. Bezan would withdraw his motion instead of prolonging this, we could move forward on this.

The second concern is that Mr. Bezan was prejudging the recommendations. This is very concerning to me because we haven't even discussed those yet from what I have heard. The things that Liberals are bringing up, we'll continue to get on the record.

As Xavier said, important input from members and victims is related to the changing culture, the independence of the processes and the repercussions. People are terrified of reporting because of the repercussions on their careers.

I'm not sure which of those things Mr. Bezan is calling into question in terms of recommendations when we haven't even discussed those. Anything that I've heard the Liberals put forward is related to what the victims and the experts have said needs to be done, so why would we be questioning those recommendations?

I have more to add to the debate. I could repeat someone else just so I could agree with them and read in excess of what they have said. What I am going to add now has not been said by anyone. It's something I've wanted to get in at previous meetings but I didn't have a chance yet.

It's related to the change in administrative directives, which is very important information and is much more than what the motion suggests. It's the change in directive to the DAOD 9005-1, which replaced the DAOD 5019-5.

I read these about a month ago because I was interested in what changes had been made. I read these directives dealing with the situation. It appears on the surface to be very comprehensive with very good changes. The question that the committee should be looking at, which would be a much more valuable witness than the motion before us, is why these things aren't changing.

• (1230)

The new 9005—for the record it's DAOD 9005-1, which I'll refer to as 9005—has a fundamentally different approach in how it frames sexual misconduct in addressing allegations of sexual misconduct in a preventive and reactionary methodology compared to 5019.

DAOD 9005's language and approach is very intentional, clearly designed to give direction and not be left up to the reader's discretion. I thought this was an excellent change, but the victims have explained that this isn't working. The DAOD expands to include specific definitions, frameworks and perspectives, which include supporting the respondent, not simply dealing with the incident.

The case can be made for this interpretation based on numerous items in the 30-page document. I won't read them all, but I'll read some of the sections that support this claim and then make the case for our witness—instead of the one proposed, which are dealing with something we've already dealt with—on why this 9005 isn't being effective.

**The Chair:** Excuse me just for a minute, Mr. Bagnell.

Go ahead, Madam Gallant.

**Mrs. Cheryl Gallant:** Thank you, Madam Chair.

To stall this witness, the government is now using excuses that counter their original arguments that said we don't need any more witnesses. This member is saying we need more. The member is being repetitive.

**Mr. Sven Spengemann:** That's not a point of order, Madam Chair.

**The Chair:** Thank you, Madam Gallant.

Madam Gallant, these need to be points of order. I interrupted the member and he was in the middle of his speech, so we'll go back to Mr. Bagnell, please.

**Hon. Larry Bagnell:** Thank you.

If Ms. Gallant wants to add to the stalling by continuously bringing points of order, this is a motion about a witness. As I said at the beginning, there could be more effective ones if the committee insists on stalling this further.

The framework of 9005 on sexual misconduct is elaborated and identified using specific languages and definitions—

**Ms. Leona Alleslev:** I have a point of order, Madam Chair.

**The Chair:** Who is that? Put your hand up, please. That way we'll see you.

Go ahead, Ms. Alleslev.

**Ms. Leona Alleslev:** The honourable member, my colleague Mr. Bagnell, has just admitted that this is stalling. This is not furthering the debate. Mr. Bagnell has just said he is stalling the motion.

Madam Chair, this is not in good faith. This is not adding to the conversation. This is in fact in his words—and I would assume that his colleagues also agree—“stalling” and, therefore, in bad faith and jeopardizing the process, progress and will of this committee.

**The Chair:** Thank you, Madam Alleslev.

**Mr. Sven Spengemann:** Madam Chair, on that point of order, I don't believe the rules stipulate that the word “stalling” is in any way connected to the term “bad faith” so the point of order really is not a valid point of order.

• (1235)

**The Chair:** Thank you.

We'll go back to Mr. Bagnell please.

**Mrs. Cheryl Gallant:** I have something, too, on that point of order. I have two points. The member for Yukon said that I was contributing to the stalling, and that could not be further from the truth. I'm trying to get to the question to be asked.

**The Chair:** That was very close to.... I don't want anybody.... I thought Mr. Bagnell was accusing someone else of stalling, so I don't want anybody to be accused of stalling. That's just not on.

We will go back to Mr. Bagnell, please.

**Ms. Leona Alleslev:** Madam Chair, I'm not accusing him. I have a point of order. I'm not accusing him of stalling. I am calling him out on the fact that he is stalling and there is no rule that says that stalling is not actually in bad faith.

**The Chair:** Stand by. It wasn't you, Madam Alleslev. It was Mr. Bagnell. I thought he was accusing somebody of stalling, and I wasn't on with that. It wasn't you, Madam.

We'll go back to Mr. Bagnell, please.

**Hon. Larry Bagnell:** Thank you, Madam Chair.

All I was saying was that, if the opposition member would withdraw the motion, they wouldn't continue prolonging this when members of the military really need the action we know is necessary at this time.

**Ms. Leona Alleslev:** I have a point of order, Madam Chair.

**The Chair:** It better be a point of order and not more debate.

All of these points of order—none of them have been legitimate points of order—have all been debate. I'm trying to be patient, but it's crying wolf all the time. If every time you cry for a point of order, it's not a point of order, sooner or later people won't take it seriously, and I think a point of order is very serious.

**Ms. Leona Alleslev:** Thank you, Madam Chair, but the only way to get to a resolution on this is not to remove the motion or withdraw the motion, but rather to have the debate collapse and vote on it.

**The Chair:** Thank you.

We'll go back to Mr. Bagnell, please.

**Hon. Larry Bagnell:** Thank you.

As I said at the beginning, we have important work to do. There's a report on COVID. We're in a pandemic and it's affecting the military as it is the rest of us. There's a report on mental health. There's this serious report that affects thousands of members of the military that we could make some meaningful change on. That's what I think we should be debating today. That's the summary of what I was saying.

Carrying on where I was, sexual misconduct is elaborated and identified using specific language and definitions in section 2 of 9005, compared with 5019. DAOD 9005 also establishes the various means of conducting sexual misconduct as well as specifically highlighting the Canadian Criminal Code and using it as a framework for definition within the DAOD. DAOD 5019 is broad and only addresses sexual disorder as it is a part of the APA and defines sexual misconduct as acts that are “sexual in nature”. DAOD 5019 does not address harassment, use of technology to cause harm or evaluation as a form of sexual misconduct, whether that's based on sex, sexuality, sexual orientation or gender identity, etc. DAOD 9005 also identifies the workplace and work environment and leaves no room for guesswork as to where SM can occur. DAOD 5019 does not even go near these items or topics.

The general principles for both of the DAODs—section 3 for 5019 and section 4 for 9005—are framed differently. DAOD 5019's language is simple and straightforward and aims to protect the institution, whereas 9005's first point of concern is the claimant and victim. DAOD 5019 states that CAF is committed to investigating and dealing with misconduct as soon as practicable. DAOD 9005 states that CAF is committed to three things, which are preventing sexual misconduct, addressing sexual misconduct “as soon as practical”—I found this language a little off-putting, but that's just an aside—and supporting victims of sexual misconduct.

The language used in section 4 explicitly delves into consent and the potential harm and trauma a victim can face via SM. DAOD 5019's language frames it more so as harming the institution of CAF and how it undermines the institution's values. While that can be true, 5019's objectivity fails to address the needs of the claimant or the victim.

I think all these things should be and are improvements. Why aren't they effective? In 5019, 3.7 and section 4, “Process”, and 9005 section 5, “Reporting”.... DAOD 9005 states “all CAF members have a duty to report”, which is not explicitly stated in 5019. We heard from the witnesses that this has led to some problems and this needs to be certainly part of our debate on the recommendations on what should happen there.

DAOD 9005 breaks down potential conflicts, considerations and duties that the officer has when deciding if they can adequately address the misconduct, and if and how it should be reported. DAOD 5019, in contrast, is very procedural and almost like a flow chart. There is no mention of factors to consider and not consider, which 9005 does in great detail.

Section 5.5, “Reporting Considerations”, to 5.16, which is reprisal and harmful behaviour, is one of the fundamental differences between the two DAODs. I've brought this up. Where's the defence in the code of ethics and in the code of service? Are there strong enough penalties related to reprisals? Because with the hundreds of people who were aware or involved and only a few reports, obviously there's a problem. I think that's what this new directive is trying to focus on.

● (1240)

DAOD 5019 uses language that focuses more on the respondent in section 6, “Treatment and Rehabilitation”. While 9005 does not discourage treatment and help for those who need it, the language focuses on the claimant, the victim, in section 7, “Support”.

The chain of command can help by keeping open lines of communication or providing CAF and non-CAF-related resources as support. The support has to be.... From what we heard from members, victims have to be independent of the chain of command. Mental health and well-being is also stressed, along with discussing the potential workplace difficulties a claimant may face.

The DAOD 5019 makes no mention of what the CO's responsibility toward the victims is, where 9005 does. All members of the committee would agree that this is a very important change, that there be support for the victims, which we've heard is necessary in the testimony provided.

We found that the legislative requirement of members of the CAF to report all incidents of misconduct, including inappropriate sexual behaviour, was reinforced through the Operation Honour order, known as the duty to report. This requirement meant the commanding officer and members with knowledge of an incident feared significant consequences if they did not report. Victims were therefore required to report inappropriate sexual behaviour, 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, which contributed to under-reporting. Finally, it placed a heavy administrative burden on the chain of command and the military police to manage the complaints.

As I mentioned previously, I tried to do some research on this, as to why this duty to report was causing a problem for victims who did not want, for instance, to have an investigation, and could cause even more grief for the victim. That's something we have to look at in the report.

One of the recommendations is that the Canadian Armed Forces should establish clear guidance for members, in the regulations, to report to the proper authority in the context of inappropriate sexual behaviour. The guidance should clarify who's considered the proper authority and under which circumstances. The goal should be to balance 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. We have to look at that very carefully.

I will leave it there. There's more information I can bring back later, but the point is, and no one's raised this, that we have DAOD 9005 that replaced the existing order. As I said, I read it about a month ago, because I was interested in what improvements had been made. A number of improvements have been made in the last few years, but some of them, obviously, aren't working to the extent they should. There are some very good changes in this change of orders, but why isn't it working? The recommendations that we come forward with would have to deal with that.

I'll leave it at that for now, but I could add more later.

● (1245)

**The Chair:** Thank you, Mr. Bagnell.

[*Translation*]

Mr. Robillard, the floor is yours,

**Mr. Yves Robillard (Marc-Aurèle-Fortin, Lib.):** Thank you, Madam Chair.

We take allegations of sexual misconduct very seriously and we want to provide survivors with the support they need. As former Supreme Court of Canada Justice Marie Deschamps recommended in her 2015 report, we have established the Sexual Misconduct Response Centre, the SMRC. This centre will feature prominently in our discussions, which is why I feel the need to explain how it operates.

The centre is in fact the designated authority investigating allegations of sexual misconduct in the Canadian Armed Forces. The operation of the service has never been explained and I believe that it is important to do so today.

The SMRC provides expert guidance and confidential support, 24 hours a day and seven days a week, to members of the Canadian Armed Forces who have been or who are victims of sexual misconduct. Centre counsellors are ready and able to help and advise victims on the various options available to them.

The goal of the centre is to support victims of sexual misconduct and inappropriate sexual behaviour. At the victims' request, counsellors can facilitate access to military or civilian resources, including services for mental health, physical health, counselling, spiritual support or even administrative assistance.

Since August 2019, members of the Canadian Armed Forces have also had access to the response and support coordination program, which now provides the services of designated coordinators, specifically for members of the Canadian Armed Forces who have been affected by sexual misconduct. This new program will therefore provide personalized support in better navigating survivors through the system and the process. This is a very important feature because, as we all know, the Minister of National Defence has stated that all options are on the table and we can really contribute to improving the situation.

The dealings between the Sexual Misconduct Response Centre and members of the Canadian Armed Forces are confidential and can also be anonymous. [*Technical difficulties*] can also provide information to leaders or to other members in order to assist members of the Canadian Armed Forces.

I see that other members have their hands up, so I will continue to talk about this important matter later on.

• (1250)

**The Chair:** Thank you, Mr. Robillard.

[*English*]

Mr. Spengemann, go ahead please.

**Mr. Sven Spengemann:** Madam Chair, thank you very much.

Colleagues, you'll recall that during his most recent testimony, Michael Wernick made reference to a report that came out of the United Kingdom, which I believe he referenced as the Wigston report. The actual title is "Report on Inappropriate Behaviours", and it's dated July 15, 2019, issued by the Ministry of Defence of the U.K.

As colleagues will know, we have a very strong relationship with the United Kingdom, not only on matters of defence but in a number of other respects as well, parliamentary relationships, trade and

commercial relationships and cultural connections, the United Kingdom being the mother Parliament, as we occasionally refer to it as, and also the Westminster system. I believe this report is relevant in terms of the tenor and the nature of the recommendations it makes.

If you'll indulge me, I'd like to use the occasion to very briefly extend my condolences to Her Majesty Queen Elizabeth II, the royal family and the people of the United Kingdom on the passing of His Royal Highness, Prince Philip, the Duke of Edinburgh, who as many of us will know has been deeply involved in questions of military strategy and management across the Commonwealth.

I would like to put the executive summary of that report to the consideration of colleagues. It's less than two pages in length. I will simply put it forward in its entirety and colleagues will see that this really has some granularity and very direct relevance to what we're discussing today.

The summary states the following:

On 10 April 2019 in response to repeated instances of inappropriate and allegedly unlawful behaviour by serving members of the U.K. Armed Forces, the Secretary of State for Defence commissioned an urgent report into inappropriate behaviours in the Armed Forces. The report, [then] due in mid-May 2019, was expected to: understand the current evidence regarding inappropriate behaviour across the Services; make recommendations on what can be done to ensure and reassure the Armed Forces are an inclusive and modern employer; and identify areas for further action, including potential improvements to controls, processes or policy.

There are nearly 250,000 people in Defence, military and civil service, and the overwhelming majority serve with great pride collectively protecting the U.K. 24/7. The U.K. Armed Forces are a formidable fighting force and the commitment of all military and the civilians that support them is rightly celebrated. In bleak contrast, however, inappropriate behaviour persists which harms people, the teams they serve in and, ultimately, operational output. There is no single comprehensive picture of inappropriate behaviours in Defence, however the data that does exist points to an unacceptable level of inappropriate behaviour and a sub-optimal system for dealing with it when it does occur. Such behaviour—and its consequences for the people affected by it—damages—

**The Chair:** Mr. Spengemann, stand by for a moment, please.

Go ahead, Madam Gallant.

**Mrs. Cheryl Gallant:** On a point of order, Madam Chair, it's my understanding that this is the executive summary for the study on sexual misconduct. I don't believe the committee members have all received a copy of this to review before it's made public.

**The Chair:** Mr. Spengemann, can you clarify that, please?

**Mr. Sven Spengemann:** Yes, Madam Chair, absolutely. Thank you.

The report is already public. It was referenced briefly. It was actually released in 2019, and there has since been a response in 2020 that is also interesting. The report was referenced by Mr. Wernick in his testimony but only mentioned at the very top level in the sense that it exists. He did not have the opportunity at that time to go into details.

I'm putting forward the executive summary for some initial consideration by colleagues, because of the depth, the granularity and the relevance of the recommendations it makes later on, which will become apparent.

**The Chair:** Mr. Spengemann, carry on.

**Mrs. Cheryl Gallant:** Madam Chair, I have a point of order.

Since he wants this to be part of the discussion on the study that we are going to be discussing in camera, why does he not just table what he's saying instead of wasting valuable time, when I know that everyone is very eager to get on to the vote on the motion that Mr. Bezan has before the committee?

• (1255)

**The Chair:** Thank you, Madam Gallant.

Mr. Spengemann, carry on.

**Mr. Sven Spengemann:** Thank you very much, Madam Chair.

I will continue where I left off.

Such behaviour—and its consequences for the people affected by it—damages the UK Armed Forces' hard-won reputation for courage, determination and professionalism, and almost certainly has an impact on attracting, recruiting and retaining the talent that our Armed Forces and Civil Service need. Culture and performance is not a trade-off; tackling inappropriate behaviour is performance-enhancing for Defence, as well as the right thing to do.

Tackling inappropriate behaviours is recognised at the highest levels in Defence, and this report confirmed that policies, governance and training programmes to address the problem are enlivened across the Naval Service, Army, Royal Air Force and Civil Service. There are further opportunities to share good practice and learn from others—internally as well as our international allies and other external organisations—and we make a number of observations and recommendations in that regard. Ultimately, however, it is about the determination of leaders to change the culture; everything else hangs off that.

It then goes on to make a number of recommendations:

We must do more to stop instances of inappropriate behaviour occurring. This is principally a chain of command issue for the Naval Service, Army and Royal Air Force, and for Civil Service line management. It is about leadership at every level in the organisation, setting the culture and standards, and ensuring people meet those standards consistently. It is also about effective and resourced training, and a focused system of governance which we recommend should include centralised assurance and the compilation of a single set of data and statistics relating to inappropriate behaviour.

We have to do better when instances of inappropriate behaviour have occurred or are alleged to have occurred. Our own surveys and external stakeholders highlight repeatedly the shortcomings of the current system for raising complaints about inappropriate behaviour, with complainants citing a fear of retribution or lack of faith that anything would be done. The Service Complaints Ombudsman judges our Service Complaints system is neither efficient, effective or fair. Furthermore, the disproportionate overrepresentation of women and ethnic minorities—and a lack of data on other minority groups—in the Service Complaints system is of widespread concern. There is a pressing need to reform the Service Complaints system including: anonymous reporting of inappropriate behaviours; a helpline; a parallel channel for raising Service Complaints outwith the chain of command; and a dedicated central Service Complaints team equipped to deal with the most complex allegations of bullying, harassment including sexual harassment, and discrimination.

We should establish a Defence Authority working to the Chief of Defence People as Senior Responsible Owner on behalf of the Chief of the Defence Staff and Permanent Secretary. The Authority would inter alia be responsible for: pan-Defence policy and governance; holding all management information on inappropriate behaviours; conducting assurance activity across the Armed Forces; sharing leading practice across Defence; and housing the central Service Complaints team, operating in support of and with respect to the single Services' chain of command.

Evidence reflected in this report indicates a significant number of our people have experienced bullying, discrimination and harassment, including sexual, but have not felt able or been able to come forward to report it; we recommend consideration of a call for evidence from people affected, coincident with the establishment of the Defence Authority.

This report makes 36 recommendations. Some are about improving the complaints system and processes, and the majority are about preventing instances of inappropriate behaviour occurring in the first place. Encouraging and enabling more complaints—and dealing with them better—should lead to greater trust in the organisation and help signal the leadership's determination to stamp out inappropriate behaviour. Ultimately, however, the challenge of inappropriate behaviour can only be addressed through a determined effort across the whole force to change the culture, driven persistently from the top and at every level of leadership and line management below that. It requires authentic leadership; relentless engagement; and consistent communication, with everybody playing their part.

The Secretary of State demanded an urgent report which, by its very nature, did not permit the time to conduct deep evidence gathering or expert analysis of the situation. It is acknowledged and accepted that in the future more detailed work and analysis recommended in this report may reinforce or reveal contrasting interpretations of the evidence. The report does, however, offer clear signposting of where further work is now required. Some recommendations should have an immediate impact but, to change embedded cultures and behaviours, a much longer view is necessary; experience among allied armed forces is of a five- to ten-year programme of concerted activity to make a measurable difference and we should be prepared for the same.

• (1300)

The report is signed by Air Chief Marshal M. Wigston, Commander of the Order of the British Empire.

Madam Chair, I will leave it there, just with the message that with other countries having grappled with the same issue and having developed recommendations, it may do two things. It may reinforce our own thinking on the recommendations that this committee would prioritize and put forward. It may also take us to different recommendations and different thoughts that we may not yet have considered.

As a starting point, I wanted to put forward the executive summary in the report, which was referenced by Mr. Wernick. Mr. Wernick also made reference to a number of other international efforts, reports and activities that may well be relevant to the work of this committee. I will leave it there for the moment.

Thank you very much.

**The Chair:** Thank you very much, Mr. Spengemann.

We'll go on to Mr. Baker, please.

**Mr. Yvan Baker:** Thanks very much, Chair.

I wanted to weigh in on this. When I spoke the last time, I was speaking about culture and some of the points that were being made in the Deschamps report around culture and its impact. One of the things I was trying to highlight was that, through some of the witnesses we've heard from, they've referenced some of the topics that were highlighted in the Deschamps report. The combination of the witnesses that we've heard from and the Deschamps report, I think, provides an adequate, strong basis for us to write a report on this study. Therefore, I don't believe there's a need to call further witnesses.

I wanted to highlight some of what the Deschamps report highlighted and that I hadn't yet spoken to in my previous intervention.

In the Deschamps report, under the section on culture, there's a subsection, if you will, around organizational culture. It's interesting because the report actually speaks to how they define culture, or at least the way they thought about culture in writing their report, and I think that's important for us to keep in mind as we move forward. It states:

By "culture", the ERA refers to the ways in which, over time, people who work or live within a particular organizational and institutional setting develop a shared set of understandings, which allow them to interpret and act upon the world around them. As one expert in organizational behaviour has defined it:

"Organizational culture is the pattern of basic assumptions that a given group has invented, discovered, or developed in learning to cope with its problems of external adaptation and internal integration, and that have worked well enough to be considered valid, and, therefore, to be taught to new members as the correct way to perceive, think, and feel, in relation to those problems."

I think this is incredibly relevant to our study and to what we're discussing, because when we think about the problem of sexual harassment and sexual misconduct in the Canadian Armed Forces, this explanation of what organizational culture is helps to highlight how important a role culture plays in not only potentially—as we certainly heard from witnesses—contributing to that problem but also resolving it. This ties in, I think really nicely, with what we heard from many of the witnesses who came and spoke at committee about the need for cultural change.

I'll go on:

Organizational cultures are defined both by the values they espouse (for example in public statements of identity such as *Duty With Honour* and the DAOD policies), and deeper, tacit assumptions that are embedded, taken-for-granted behaviours. These assumptions are usually unconscious, and so well integrated in the organizational dynamic that members of the organizational culture may not even be able to recognize or identify them.

I think that just shows and underlines how influential culture can be and how it would evidently require a tremendous amount of work to change. That's why I think our report is so important in helping to make recommendations as to how to do that. To go on:

The ways in which these shared assumptions are passed on to new members entering the organization, and in which the organization is able to develop a recognizable identity, are through processes of socialization. For example, training practices, social events, and rites of initiation are all means of bringing new members into an established group. Multiple sub-cultures will, of course, exist in any organization, particularly one as large and diverse as the [Canadian Armed Forces]. These sub-cultures co-exist in overlapping, and sometimes conflicting, ways. At the same time, military organizations generally have particularly strong internal cultures because of their nature as "total institutions"; members of the military live, work, train and socialize together within a closely regulated environment, largely set apart from the rest of society. The particular intensity of experience associated with training, combat, and the overall mission of the organization, also lends to the growth of a strong organizational culture.

● (1305)

I think this is incredibly relevant to our study as well, because there are a few points here that are worthy of underlining. One is the element that the Canadian Armed Forces operates to a great extent distinctly from civilian society, so the culture that it develops is unique. That's one of the points that's been made here, but another one is that because of that intensity of those interaction—"socialization" is the word that I think was used by the Deschamps report—that culture is even more strongly ingrained and entrenched in the organization.

Again, this underlines, I think, the degree to which culture, when it needs to be changed, requires a tremendous amount of effort, es-

pecially in the case of the Canadian Armed Forces, because, as I think what the Deschamps report is arguing here, the culture is more ingrained than it would be in most other organizations and it's more distinct than the cultures of most organizations from the rest of Canadian society.

Going on, it says:

The development of group culture can be a very positive phenomenon. Indeed, it is through shared assumptions and understandings that groups develop organizational cohesion, loyalty, and camaraderie, and are able to act together in efficient and effective ways to achieve their objectives. Throughout its consultations, the ERA observed many powerful and positive manifestations of the organizational culture of the CAF. Participants expressed their deep commitment to, and engagement in, the broader mission of the Canadian Armed Forces. Sparkling eyes, engaged voices and active participation in the interviews conveyed the sense of fulfillment these members experience both in their day-to-day work, and in their participation in the broader community of the armed forces. The ERA met with participants, both men and women, who appeared genuinely happy with their experiences in their unit. Participants indicated that military life allows them not only to contribute to society, but also to exercise their chosen trade or profession and to have an opportunity to move up the social ladder. The CAF provides them with the comfort of a family and the benefits of a rewarding work environment.

At the same time, however, the consultations revealed that there is a sexualized culture in the CAF, particularly among members of lower rank. This sexualized culture is manifested through the pervasive use of language that is demeaning to women, sexual jokes and innuendos, and low-level harassment. While the ERA heard fewer reports of sexual assault, it was clear that the occurrence of sexual harassment and sexual assault are integrally related, and that to some extent both are rooted in cultural norms that permit a degree of discriminatory and harassing conduct within the organization.

I wanted to pause there. I wanted to highlight this for members of the committee, because I think this is really echoing and reinforcing and perhaps going into some detail that we couldn't get into in our hearings with witnesses about the pervasiveness of culture, how the Canadian Armed Forces has a distinct culture and that it is deeply entrenched.

This last part was speaking to the fact, to what we've heard from victims, from people who've studied this issue, that there's this—and I'm quoting from the Deschamps report—"sexualized culture" in the Canadian Armed Forces. Here the Deschamps report talks about how it manifests itself in some of those cases, and I think what's striking as well about this is that this particular paragraph to me was a good reminder of how pervasive sexual harassment and sexual misconduct can be because it can appear in everyday interactions as "language that is demeaning to women, sexual jokes and innuendos", etc.

I thought this was an important element to highlight, especially around organizational culture and how it's defined, and how it both manifests itself in the Canadian Armed Forces and how that ties in with what we've heard from witnesses.

One of the things that the Deschamps report also looked at was the differences between naval, land and air forces, colleges and reserve units, and that's something I don't know that we had a lot of time to hear from witnesses on in our study. I just want to highlight a few of the findings there.

I'm reading from the report:

Interviewees consistently described cultural differences between the Air Force, the Navy and the Army, and it is clear that different subcultures exist within the three different service areas. For example, participants described members of the Air Forces as more “mature and educated” and the Air Force environment as one in which “skills are more valued”. However, ultimately there were no substantive differences between the three subcultures with respect to the nature, frequency or severity of sexual harassment and assault reported to the ERA. Neither was there any evidence that the responses of the CAF to such conduct were better or more effective in any one particular service. As such, the ERA’s findings and recommendations apply equally to all three branches of the CAF.

● (1310)

That’s an important insight to add to what we’ve heard about culture, but this element of the Deschamps report talks about the fact that when it comes to sexual misconduct, there aren’t differences between the different units, or between the air force, the navy and the army.

In the colleges the ERA visited—the Collège militaire royal du Canada and the Royal Military College of Canada—participants reported that sexual harassment is considered a “passage obligé”, and sexual assault an ever-present risk. One officer cadet joked that they do not report sexual harassment because it happens all the time.

When I read this, this to me was absolutely striking. We’ve heard a lot of horrific things about some of the behaviour, but this really struck me. It basically said that sexual harassment is essentially a rite of passage, and harassment is so commonplace that nobody reports it. That’s important to highlight.

Experiences in reserve units appear to be more mixed; while members in several units reported a highly respectful environment, other units appear to have adopted a sexualized culture similar to the regular forces. Because of the constraints of the Review, the ERA did not have the opportunity to delve into the causes of the differences between various units. Therefore, no distinction is made in the Report between reserve units or between reserve and regular members.

In general, the ERA found that the locations where incidents of inappropriate sexual conduct occur are diverse. Although a number of interviewees mentioned that sexual assaults are more likely to occur in barracks, incidents of sexual harassment do not appear to be limited to particular locations or hours. As such, the ERA could not conclude that simple changes to physical facilities were likely to reduce the occurrence of inappropriate sexual conduct.

This is an important insight that ties in nicely with what we heard from many of our witnesses. We’ve heard about organizational culture, and we talked about the need to change culture. We’ve heard many people and many witnesses speak to some of the steps that need to be taken, and the challenges that are involved in that.

The report spoke to that, as I alluded to earlier in my intervention. This is underlining that further, because it’s basically showing that simple changes like the ones to physical facilities didn’t appear, according to Deschamps, to be the sorts of things that were likely to reduce the occurrence of inappropriate sexual conduct. That’s important to think about as we build our report and recommendations.

The other thing we didn’t have a chance to delve into as much as we would like, or at least I would like, but are useful to highlight here is the difference between ranks. The Deschamps report took a look at that. It said:

During the consultations—more particularly during focus group discussions with junior and senior non-commissioned members (NCMs)—the ERA found that there is a prevailing sexualized environment characterized by the frequent use of sexualized language, sexual jokes, innuendos, discriminatory comments with respect to the abilities of female members of the military, and less serious but unwelcome sexual touching, such as touching an individual’s shoulder or back without her consent. While the degree to which this sexualized culture is evident may vary across regular and reserve, Naval, Land and Air Forces, and as

between individual units and different ranks, the ERA found that it is widespread, and frequently condoned. Specifically, the ERA found that this sexualized culture creates a climate conducive to more serious incidents of sexual misconduct.

This is also an important insight that I want to highlight. Because this behaviour, according to the Deschamps report, is frequently condoned, it enables more serious incidents of sexual misconduct. Not only are those “less serious”—to use the language in the report—incidents not being dealt with and not being stopped, and people aren’t being punished for that. On top of that, that permissiveness allows for more serious incidents of sexual misconduct.

● (1315)

I’ll go on.

More specifically, a significant majority of lower rank women who participated in the Review reported being exposed to frequent and demeaning sexualized language. As one interviewee put it, “all women have experienced to a certain extent how men do not want them in the military”.

I think there are so many reasons we need to address this issue of sexual misconduct in the military, but this is one of the.... I think the testimony from this particular woman highlights one of the reasons it’s so important. She’s basically saying that all women who are in the forces have experienced, to some extent, men not wanting them in the military. It must be incredibly demeaning. It must be incredibly difficult to serve under those circumstances. I think it’s another good reminder, which ties in with what we’ve heard from our witnesses about the importance of addressing this problem.

I’m reading from the report:

Another participant put it more bluntly, referring to the frequency with which women experience inappropriate sexual conduct in the CAF: “There is not a female who has not had a problem”.

That just shows how pervasive it is.

Experiences with sexual harassment and sexual assault begin as early as basic training, where inappropriate language used by trainers appears to go unpunished. The consultations revealed that more serious conduct, such as dubious sexual encounters between trainers and trainees and date rape, is also prevalent.

It’s really difficult to read that. It’s just difficult.

At the same time, interviewees commented that trainees are reluctant to call the behaviour of their trainers into question for fear of negative repercussions. As a result, many women trainees learn to keep their concerns to themselves early on.

Amongst the NCMs, the use of language that belittles women is commonplace. Interviewees reported regularly being told of orders to “stop being pussies” and to “leave your purses at home”. Swear words and highly degrading expressions that reference women’s bodies are endemic.

**Mrs. Cheryl Gallant:** I have a point of order, Madam Chair.

**The Chair:** Stand by, Mr. Baker.

Go ahead, Madam Gallant.

**Mrs. Cheryl Gallant:** Thank you, Madam Chair.

I don’t understand what this speech has to do with the motion before us that deals with having Mr. Elder Marques come as a witness before our committee.



Is the member suggesting that we need even more witnesses before closing the study?

**The Chair:** Thank you, Madam Gallant.

**Hon. Larry Bagnell:** On that point of order, Ms. Gallant keeps making the same point of order, and it's not a point of order. I suggest we carry on.

**Mrs. Cheryl Gallant:** To the point of order, Madam Chair, relevance is a point of order. That's what I was calling the speaker at the time on of not doing. He's speaking to something else that does not have to do with the motion before us. The motion is when we're going to have Elder Marques appear, because it's also been voted on by the House for him to appear.

**The Chair:** The motion is relevant to the study.

**Mrs. Cheryl Gallant:** The motion is relevant to the study, yes.

**The Chair:** As long as the topic is relevant to the study, then he's allowed to bring forward whatever issues he wishes to bring forward.

Mr. Baker, are you done, or have you more to add?

• (1320)

**Mr. Yvan Baker:** I have more to add, Chair.

I can wrap up soon.

**The Chair:** Could you? We have other people with their hands up.

**Mr. Yvan Baker:** Okay, I apologize to my colleagues. I will wrap up this point.

If I may, what I wanted to do just quickly here was basically say that.... I'll finish this last point and then I'll turn it over to my colleagues.

I want to finish the point I was making before Madam Gallant's point of order. I think that some of the testimony the Deschamps report speaks to is quite poignant, and it reinforces what we've heard from some of our prior witnesses.

I'm reading from the report:

Swear words and highly degrading expressions that reference women's bodies are endemic. The use of the word "cunt", for example, is commonplace, and rape jokes are tolerated. In response, women feel pressure to accept the sexualized environment or risk social exclusion. Many develop informal coping mechanisms to protect themselves from persistent unwanted comments.

I guess I'll pause it there.

All this is to say, I just wanted to underline how the.... What I've been reading from and commenting on is incredibly relevant to our study. We've heard a tremendous amount from our witnesses. I think this ties in with that. It provides additional detail. It helps to understand it better, and it's relevant to our report.

I will leave it there, Madam Chair.

**The Chair:** Thank you very much, Mr. Baker.

We'll go over to Ms. Vandenberg, please.

**Ms. Anita Vandenberg:** Thank you very much, Madam Chair.

At the last meeting, I had gone through a number of recommendations that we heard through the course of the study. I didn't quite

complete all those recommendations on Friday, so I would like to do that in order to demonstrate that we don't need any more witnesses and that we have actually had quite a bit of study on this already.

Madam Chair, I would like to continue with a number of recommendations.

First of all, we have the recommendation that we need a strategic review to look at processes from beginning to end with a trauma-informed and survivor-centred and -informed lens. The reason this is so vitally important, and that it has to be trauma-informed and survivor-centred, is that we know that very often there are solutions proposed that are not trauma-informed and they can actually be more harmful. They can actually revictimize and can put the people who have survived and have gone on with their lives in a very bad position, but with good intentions. This is making sure that there is a strategic review and that everything will be looked at with a trauma-informed lens.

The next one is that we need a comprehensive plan for systemic culture change. I know that the "Path to Dignity and Respect" was something that we put out several months ago, because we have been working diligently on this topic, well before the committee's study began. We heard from witnesses who said that it wasn't enough, that the path needs to be broadened and that it needs to refer specifically to the toxic masculinity. We heard this from multiple witnesses. I think that making sure when we talk about culture change.... We heard from witnesses that we have to really make that comprehensive and we have to make it systemic.

We also had recommendations from witnesses about creating options and opportunities for restorative justice when it's wanted by survivors. This is a very important point, because not everybody.... By the way, we are talking about men and women and non-binary and transgender persons. This is something that all genders can suffer from.

Not everybody who suffers sexual misconduct, sexual harassment or sexual violence wants to immediately go the punitive route and say that they want to go through the court system or the military justice system. Sometimes it is a matter—and this is more when it's at the level of sexual harassment, where it isn't something that was clearly criminal—where you have somebody you'd really rather be able to work things out with and be able to have restorative justice. This is also important because there are people who may have said some off-colour jokes many decades ago and are reflecting back now and thinking that they didn't realize it then, but they were being disrespectful. They may want to have a process by which they can actually make amends for some of the attitudes and some of the things that may have happened.

When we talk about restorative justice, it is not the only solution, of course. Accountability is vitally important. I think we have seen that people need to be held to account for their behaviours, but it has to be a decision of the person who has experienced the behaviours and is coming forward to have options, to have choices and to be able to direct that process and have control over that process themselves. I think that's something that is probably a core thing in what our study was. We've heard from many witnesses. I don't think we need more and more witnesses.

The other thing that has come up through our witnesses is that the abuse of authority and power needs to be core to the increased education and awareness of this issue. We have seen on occasion that people talk about this as if it is about a sexualized environment. What it is, plain and simple, is abuse of power. We heard from many witnesses that this is clearly about abuse of power and that we need to stop saying that this is somehow about sex or about flirting. It has nothing to do with that. It has to do with power.

● (1325)

I know that we have enhanced the education and training. We heard from many witnesses that we need to enhance that even more. The fact is that, when we do that education, we need to do it so it's not about gender relationships, but about power. We need to make sure that people are aware of that as the core issue.

The other recommendation we heard is that respect for the dignity of the individual needs to be reinforced. It says here "individual". I think this is very important because what we're talking about is something that can poison an entire unit, an entire team, the camaraderie and, in fact, the operational effectiveness of a unit. When you're not treating people who are subordinate or people around you with respect and dignity, these are things that can impact everything that the Canadian Armed Forces do. At the core of this, Madam Chair, we need to make sure we reinforce the respect and dignity of the individual.

I am glad, Madam Chair, that it says "individual" because as I mentioned.... I have had some survivors contact me since Friday, who heard me speaking. I actually want to apologize that I kept saying "women". While it is very much a majority of women who experience this, we know—we've heard from witnesses—that men experience it, too. Men have an even harder time coming forward. It's difficult for women to come forward, but it's even more difficult for men, non-binary and transgender members of our military. We have to make sure that it is the individual who is respected.

We have also heard a recommendation that the values and attributes of an ideal soldier—or an ideal aviator or sailor—must be updated for the 21st century. No longer do we have a Canadian Armed Forces like in World War I, where it was the trenches and you saw a very masculine vision of what a member of the Canadian Armed Forces was. We have so many occupations in the Canadian Armed Forces and we heard from witnesses that the culture....

As we heard from Mr. Spengemann, it's not just the Canadian Armed Forces that are undergoing a tremendous culture shift. It is all militaries. All of our allies are facing the same thing because we really are moving toward a world where it's not brute strength. It is intelligence, skills, adaptability, the ability to reflect the population, the diversity of our Canadian Armed Forces and the ideas that people with different lived experiences can bring to a mission. That is what gives our Canadian Armed Forces strength.

When we look at the ideal soldier, unfortunately—maybe because of pop culture, history or socialization—we often still think about that brute strength. That is a very masculine kind of concept. While we are going through this change, we really need to understand that it is a culture shift that is happening. There are people who need to be brought along to adapt to the idea that strength is sometimes compromise. Strength and bravery can sometimes mean

that you are doing something much more intelligently. That is something we have heard many times from witnesses. Also, when we talk about gender, there is this idea that if you show emotion, you're somehow weak—that you're somehow not strong.

We have all of these things in our psyche. A lot of this comes from war movies that we watch or the socialization when we are little boys and girls.

Madam Chair, I would like to add a small story about what happened to me when I was 12 years old. When I was 12, we went on a field trip. I grew up in Calgary and the Currie Barracks were next to Heritage Park, where we used to go on field trips. After our field trip, my mom was driving and we had three or four other 12-year-old girls in the car. We ended up stopping at the ice cream shop. We saw some military personnel go by. I remember one of the girls saying that if she were a boy, she would join the navy. Another girl said that if she were a boy, she would for sure join the air force. Somebody else said that if she were a boy, she thought she'd join the army. I'm not going to say what I said, because of course as parliamentary secretary, I don't want any of the forces to think I have a preference for one over the other.

● (1330)

At 12 years old, in Calgary, as young girls growing up in the eighties, it never occurred to us that little girls could join the navy, the army or the air force. It never occurred to us because we'd never seen a woman in uniform. I, for one, had never seen one, either on TV or in reality. There were no role models.

I think what our study has shown through all the witness testimony we've heard is that this is the kind of thing that still exists, these subliminal ideas that we internalize that we are not even aware of. We need to make sure that, when we look at the ideal soldier, the ideal aviator, the ideal sailor, every little girl, every transgender person, every non-binary person, every racialized person or anyone can look at their Canadian Armed Forces and see themselves and see it as a place where they can contribute and where they are welcome, and not just a place that tolerates or accepts.

We heard many witnesses talk about the little indignities that happen day to day that say you don't really belong here, the things that say we need to accommodate you. It's not about accommodating. It is about making sure that the Canadian Armed Forces are a place where the wide diversity of people in this country can contribute absolutely, fully and be welcome, and where little girls who are 12 years old who see the military driving by can say, "When I grow up, I want to be one of them." That is what we're looking for. That's why I think that recommendation, which I have here as number 82, is probably one of the most important recommendations.

We also have a recommendation here, and this is something that isn't always looked at, for the health care needs of women to be fulfilled, including research and development and gaps in occupational and operational military medicine for women that need to be identified and addressed. The example here is pregnancy, and we actually had this discussion in the status of women committee the other day with our witnesses. I think this recommendation is very important because, again, it goes back to what I said. Rather than feeling as though they're being accommodated, we need to make sure that people feel they're fully and absolutely participating.

We know that there are gaps. We know that when it comes particularly to women on deployment, in terms of health care needs, the military medical system is primarily focused on trauma medicine, of course, and it's focused on people who are fairly in the prime of their lives. They're fairly fit, they're fairly active, they're younger and they're mostly men. What you have, then, is a military system where.... I've spoken to some veterans who said that when they were on deployment it was very hard to look at things like birth control, to look at anything that had to do with gynecological needs.

There are things that we know are different occupational and environmental hazards that can impact on fertility, and that's not just for women but for men as well. However, it has not been researched. It has not been studied enough to see exactly how those impacts affect women. That's why I think this is a very important recommendation that has come up: the research and development and looking at the gaps in operational military medicine.

We also heard from witnesses that we need money for the full integration of women in traditional male environments and it must be dedicated funding. Today is a very hopeful day because in a few hours we have our budget coming. I know we heard from many women, many veterans and many survivors, that it is very difficult if the money to do the so-called "accommodation", if you need a special uniform....

I know very well that there is actually a lot of movement to make sure that things like uniforms are coming from a central budget so that it doesn't come out of the unit budget. To make sure that there is funding, very specific funding that would allow for the needs of women and other diverse members of the Canadian Armed Forces, to be able to have that dedicated fund that then doesn't get used for something else, or worse yet, get taken from somewhere else and then the unit says, the reason we can't go on our welfare trip or some other thing is that we had to use the money on somebody's uniform....

• (1335)

We've heard this. I believe that many advancements are being made right now. I've had those conversations, but I do think we have to pay attention to that recommendation that came from our witnesses. Again, this indicates that we don't really need to hear from many more witnesses, because in fact we have heard really, really good recommendations.

I will leave it there, Madam Chair. I see there are some more hands up. I will let my colleagues speak. I just want to indicate that I have many, many more that I still haven't gotten to. I would like to come back later and talk about those.

**The Chair:** All right. Thank you very much, Madam Vandenberg.

We've been in a public meeting for two hours. Do we want to carry on?

Yes...? Okay. Good.

**An hon. member:** Could we have a bathroom break, Madam Chair?

**The Chair:** That's actually not a bad idea.

How about a five-minute suspension, then, for a bathroom break?

Okay.

• (1335)

(Pause)

• (1355)

**The Chair:** Thank you, everyone.

We'll call this meeting back to order.

We'll start up again with Mr. Bagnell, please.

**Mr. James Bezan:** I have a point of order, Madam Chair.

**The Chair:** Go ahead, Mr. Bezan.

**Mr. James Bezan:** I know there was some discussion around suspending the meeting from 3:30 to 5:30 today. I know that agreement was made for other committees. It wasn't made for this committee, so I expect that we'll keep sitting. It's only a suspension going forward for votes.

I'd also offer again, Madam Chair, that if you wish to take a comfort break, I am more than happy to assume the chair in your absence.

**The Chair:** All right.

We'll just carry on with Mr. Bagnell, please.

**Hon. Larry Bagnell:** Thank you, Madam Chair.

I'm going to pick up where Mr. Baker left off.

As you know, the three major areas for improvement or for recommendations that victims have given, which are of primacy, are the culture—

**Mrs. Cheryl Gallant:** This is [*Technical difficulty—Editor*] serious one.

We're still waiting for the webcast, the video, to start. I'm finding that it still hasn't started. It's just audio. We were told that this was supposed to be visual by now.

**The Chair:** Thank you. We'll look into it.

**Hon. Larry Bagnell:** The three major areas for improvement were the culture, the independence of the processes and the repercussions on reporting.

Mr. Baker did a good outline from Deschamps on the culture, information on culture. I'm going to follow up on another major area, which is the independence of processes.

Except where sexual harassment rises to the level of criminal conduct, sexual harassment and sexual assault are treated as distinct and unrelated conduct. In the ERA's review, this strict dichotomy is misplaced and risks allowing some improper sexual conduct to go unpunished, particularly low-level sexual assaults. Moreover, the consultations raised a number of serious concerns with respect to whether the procedures currently in place are appropriate and effective.

Because sexual assault and sexual harassment are treated separately, I will start with how sexual harassment is dealt with and then in my next intervention, I will go on to the processes for sexual assault, although as it was said earlier, they shouldn't necessarily be treated separately, but at the moment they are.

Under the "Current Practices" related to sexual harassment:

The practices and procedures for receiving, investigating and adjudicating a complaint of sexual harassment are set out in a number of different policy documents within the CAF. As noted, DAOD 5012-0 regulates four different types of harassment: personal harassment, abuse of power, sexual harassment, and racism. While the DAOD establishes the broad parameters of the policy—including the delegation of authority to certain individuals to receive, investigate and adjudicate complaints of harassment—more detailed instructions are provided in the Harassment Prevention and Resolution Guidelines.

They then refer to them as the "Guidelines".

These Guidelines are intended to provide procedural guidance in support of the Harassment Prevention and Resolution Policy. They are issued under the authority of the CDS and have the same compulsory force as the DAOD 5012-0. Both DAOD 5012-0 and the Guidelines flow "directly from and are consistent with the Treasury Board of Canada Secretariat Policy on the Prevention and Resolution of Harassment in the Workplace".

As set out in DAOD 5012-0 and in the Guidelines, COs and other more senior officers may be assigned the responsibility to adjudicate harassment complaints and, in such circumstances, are referred to as ROs. ROs have decision-making authority under the DAOD and the Guidelines. They receive specific instructions from the CDS to discharge their duties. Guidance is also provided to Harassment Advisors—

I'll refer to them as HAs.

—whose role includes advising ROs with respect to processing a complaint of harassment. HAs are designated by COs and will generally be members of a unit who have either volunteered, or been requested, to serve in this role.

The Harassment Advisor Reference Manual identifies two broad approaches to resolving harassment complaints: (1) alternative dispute resolution (ADR), which is "encouraged"; and (2) administrative investigation. Generally speaking, complainants are strongly encouraged to pursue ADR (either through informal ADR techniques used by those in the chain [of] command, or with the assistance of a third party mediator) before laying a formal complaint and requesting an administrative investigation. In either case, the Harassment Advisor Manual establishes that one of the guiding principles for the RO is to attempt to resolve the problem at the lowest possible level utilizing ADR techniques:

"When harassment has occurred and/or a harassment complaint has been submitted, DND employees and CAF members are encouraged to resolve harass-

ment issues at the most appropriate, lowest possible level, through alternative dispute resolution techniques."

• (1400)

In either case, the harassment adviser manual establishes that one of the guiding principles for the RO is to attempt to resolve the problem at the lowest level.

The report continues as follows:

This focus on low-level resolution and ADR is also reiterated in the RO Guide.

Given these procedural requirements, before a harassment complaint is fully resolved, a harassment victim may be required to go through three separate stages. The first stage (ADR) takes place after the victim reports the improper conduct but before a formal complaint is lodged, the second stage (the Administrative Investigation) is initiated once a complaint is filed, and the third stage (a grievance) occurs if a party seeks to challenge the RO's decision on the complaint.

With respect to the first stage, although it is not mandatory, the CAF strongly encourages its members to start by using so-called "self-help" techniques where-by the concerned individual should first speak directly to the instigator of the unwelcome conduct....If the immediate supervisor cannot help, or if the supervisor is a party to the incident, the victim may turn to a higher-level supervisor to seek his or her intervention. This approach is part of the CAF's "open door" policy. If recourse to the chain of command does not produce adequate results, or if it is not appropriate, the member may be offered formal ADR with the help of a third party mediator.

If none of these techniques is successful or appropriate, the victim may lay a formal complaint, which leads to the second stage: an administrative investigation. This is generally initiated by a written complaint and triggers certain procedural obligations, such as that the complainant has the right to receive information about the complaint. A workplace relation advisor (WRA) can also be assigned to the complainant. The WRA provides information about the investigation process, but cannot provide advice on the merits of the complaint. For moral and additional administrative support, both the complainant and the respondent can also receive the help of an "Assistant". As with Has and WRAs, Assistants are members who have volunteered, or who have been requested, to take on [that] role.

Once a written complaint is received, a situational assessment is conducted. The Guidelines foresee that the investigation process is seldom terminated at this stage, however:

"There may be exceptional circumstances where the RO is completely satisfied that he/she has all the facts."

In such rare circumstances, the RO will decide, based on the situational assessment, whether the criteria provided in DAOD 5012-0 are met or not. If he or she is not so satisfied, a harassment investigation will be conducted by a harassment investigator (HI). An HI is either a member who has been certified as an investigator through CAF training, or a civilian certified to conduct investigations. Also, if it is found that the facts warrant the continuation of the investigation process, the complainant will again be invited to use ADR. If it is determined that an HI must be appointed, terms of reference (TOR) circumscribing the mandate of the HI are drafted, and the file will be assigned to an HI.

After completing the investigation, the HI must first...draft [a] report, which does not contain any recommendations. The RO reviews the draft report for conformity with the TOR. Once the RO is satisfied that the draft report is consistent with the TOR, the RO forwards it both to the complainant and to the respondent. The RO must ensure that procedural fairness is respected. The RO is then in a position to make a decision as to whether or not administrative action will be taken, and of what kind. In the case of a harassment complaint that is found to be substantiated, the RO can impose remedial measures, which range from counselling to a written warning on the perpetrator's record or, in the most severe cases, counselling and probation and release from the CAF.

The Guidelines provide that if either party is not satisfied with the decision of the RO, he or she can grieve the decision. Although the grievance process is not used exclusively for harassment complaints, for a harassment [complaint], it is the third and final stage. The grievance is submitted to an Initial Authority, who is usually the CO of the complainant. Upon receipt of the grievance, the CO must first determine if he or she is in a position to offer redress. If the CO has this authority and has no conflict of interest, he or she will make the initial decision on the grievance. If he or she is not in a position to adjudicate, the grievance will be forwarded to an officer who has the appropriate authority. Principles of procedural fairness must be followed, including disclosure to the respondent. If the grievor or the respondent remains unsatisfied with the decision of the Initial Authority, he or she can ask the Final Authority—the CDS—to review the grievance decision. The CDS may ask the Military Grievance External Review Committee (MGERC) to review the matter and present recommendations. The MGERC is an independent body, and it does not have authority to issue a final and binding decision, but only to make recommendations to the CDS.

• (1405)

In addition to the multiplicity of policy documents that apply across the CAF, more explicit or specific orders may also be issued by the COs of the Naval, Land and Air Forces, which apply to the members in the unit. Within each formation or unit, additional orders may be made which may reiterate, or in some cases expand upon, the words of the policy. As a consequence, just as a subordinate member must obey the order of his or her superior unless it is manifestly illegal, in practice members must abide by the lowest level instrument, the CO's standing orders, which he or she is asked to recognize in writing upon joining the unit—

**The Chair:** Stand by, Mr. Bagnell.

Mrs. Gallant.

• (1410)

**Mrs. Cheryl Gallant:** When this committee finally gets its video, after several hours now, will that icon up there in the corner that has a red line through it be eliminated, so that we know we're on? How will we know when we finally get there?

It says “public with conference”, but it doesn't say “with video”. It just says “public”. I don't know if it shows extra video, because it says that when we're public.

**The Chair:** The clerk says that it's on, Mrs. Gallant.

**Mrs. Cheryl Gallant:** Is it?

That isn't the signal there. Is that the icon in the upper left-hand corner that's crossed out?

**Ms. Anita Vandenberg:** That means 15 people are on and nine people are off.

**Mrs. Cheryl Gallant:** It's working.

Thank you, Madam Chair, and I apologize.

**The Chair:** Mr. Bagnell, please continue.

**Hon. Larry Bagnell:** Thank you. I'll continue:

For example, unless it is illegal, a seaman must follow the standing orders issued by the vessel's CO, without questioning whether these are consistent with the upper level policy statements in the DAOD or Guidelines.

The ERA notes that this normative order is significantly different than in the civilian world. In civilian law, there is a clear hierarchy of law, which is vertical and works top down. The most fundamental law, the Constitution, takes precedence over statutes, which take precedence over regulations, which take precedence over policies. Every citizen may question the authority of a government policy, regulation or law if it appears to be contrary to the Constitution. In the military, by contrast, a number of different policy instruments all have the same—horizontal—normative force. This can result in the inconsistent interpretation and application of CAF policies and, in practice, may lead to practices that do not conform to the policies.

Given this difference in the operation of rules, it is all the more important that CAF leadership is appropriately trained in the content and importance of policies on inappropriate sexual conduct, in order to ensure a more consistent implementation of the policies across the organization.

Not surprisingly, given the number of different stages involved in a harassment complaint and the number of steps within each stage, interviewees described the harassment complaint process as confusing and overly complex. In addition, participants raised a number of concerns which highlighted substantive problems with the processes in place to investigate sexual harassment.

### 7.1.2 Lowest-level Resolution

The ERA heard numerous serious criticisms about the CAF's policy of attempting to resolve sexual harassment complaints at the lowest level. The purpose of this policy appears to be to allow for the resolution of minor disputes without unnecessarily escalating a complaint, which can be damaging both for the respondent and for the complainant. While this goal is laudable, the ERA found that in fact the policy acted as a major disincentive for complainants to come forward or pursue a complaint. In particular, the policy fails to recognize the anxiety many complainants may feel about having to face their aggressor, and the fact that the imbalance of power that may have given rise to inappropriate sexual conduct may still be at play in the context of “low-level resolution” or mediation. For example, while several resolute female interviewees said that they had been able to speak up about sexually harassing conduct and to confront the perpetrator, many more interviewees indicated that ADR techniques were not appropriate for sexual harassment cases because victims were not comfortable taking a confrontational position, particularly when the harasser was of a higher rank.

Further, the vast majority of interviewees who did take the step of discussing their complaint with supervisors reported that the complaint was not taken seriously. Responses from supervisors ranged from warning the complainant about the negative consequences to their careers if they continued with the complaint, to openly disbelieving the victim. Regardless of the basis upon which the supervisor discouraged the complainant from pursuing a complaint, it is clear that the policy of “lowest-level resolution” is a major impediment to the resolution of sexual harassment complaints and to a change in the overall culture of the CAF.

Furthermore, the ERA heard that the process of attempting to resolve complaints at the lowest level tends to undermine confidentiality—a key concern for most complainants. Lowest-level resolution requires sharing the information with the supervisor, or potentially escalating the complaint through numerous individuals up to the RO. Further, witnesses may need to be interviewed if an investigation is launched. All of which will result in a serious loss of confidentiality as a number of members will necessarily learn both about the details of the incident, and the fact that the victim has made a complaint. As a result, interviewees indicated that they preferred not to report out of fear that their reputations would be damaged, and the stigma that would likely attach. Many victims were also concerned about being labelled as someone who would complain about a teammate, which could result in becoming socially ostracized. Interviewees further reported that harassment incidents are “swept under the carpet” by those higher up in the chain of command. The easy answer from supervisors when learning of a complaint seems to be to just “get over it”.

• (1415)

Ultimately, the ERA found that, despite the good intentions [from] the policy, the pressure to settle a complaint at the lowest level functions to stifle complaints at an early stage and to intimidate complainants so that they will not pursue legitimate concerns. As a result, [the] actual or perceived roadblocks prevent victims from obtaining satisfactory resolution where sexual harassment has occurred, and feeds distrust in the system.

Furthermore, the policy of resolving complaints at the lowest level is inconsistent with the CAF's zero tolerance policy. This policy is embodied in DAOD 5012-0:

“Harassment in any form constitutes unacceptable conduct and will not be tolerated.”

Because the practical effect of the low-level resolution policy is that complainants are strongly discouraged from pursuing their complaints and incidents of sexual harassment are swept under the carpet, this directly undermines the credibility of the CAF's zero tolerance policy. Most participants viewed the zero tolerance policy as purely rhetorical, with little connection to the reality on the ground.

In respect to the "Open-Door Policy", it states:

At the same time that many interviewees reported facing difficulties resolving complaints at the lowest level, the ERA found that attempts to escalate complaints to a higher level were also largely unsuccessful. Although several COs advised the ERA that the CAF has an open door policy, many interviewees described this as an unrealistic option. Too many NCOs are seen as part of the boys' club and concerned more with protecting the reputation of their unit than supporting [the] victim. Interviewees further reported that, groomed by NCOs, junior officers often turn a blind eye to inappropriate sexual conduct. Moreover, not only is it seriously frowned upon to skip a level in the chain of command, but there also appears to be only a small number of exceptionally open COs who would be prepared to act on a complaint of sexual harassment in a meaningful way when a complainant skips one or more levels of the chain of command.

As a result, the practical reality is that when a member attempts to meet with a CO about a...harassment complaint, the "open door" is in fact guarded by a number of persons who insist on knowing why the CO is being approached. In such circumstances, the possibility of filing a formal complaint with an HA is not a realistic option, nor is the purported right of the complainant to convey his or her concerns directly to the CO or to someone at a higher level. Again, this creates serious impediments to reporting and to the effective investigation and resolution of complaints. It only takes one person in the chain of command to make a complaint disappear. Indeed, an individual who can make a complaint disappear is generally seen as a problem-solver and as appropriately protecting his superior.

Now I want to talk about "Challenges with Using ADR". It states:

The heavy reliance on ADR techniques in the complaint procedures also raises concerns. The RO Guide suggests that ROs should consider ADR at two different points. First, ROs should consider utilizing ADR techniques early in the complaint process, before the administrative investigation is formally set in motion. Second, if this early attempt at resolution is unsuccessful and a formal complaint is filed, ADR should be utilized after the harassment investigation is concluded. While, theoretically, alternative dispute resolution has certain advantages, a number of critics have suggested that this approach is generally not appropriate when addressing incidents of sexual harassment. As one researcher notes, "(p)lacing the responsibility to confront the harasser on the person being harassed does not work well within the rigid power relations and hierarchy of the military." Moreover, as a participant commented, the CAF's ADR service is designed to help restore harmony to the workplace, not to address the broad cultural aspects of inappropriate sexual conduct. This comment was substantiated by many comments the ERA heard from participants in the Review. Indeed, it is not insignificant that although almost 15 years have passed since the adoption of the DAOD 5012-0, the ERA was not provided with any examples in which ADR techniques had been successfully used for sexual harassment cases.

● (1420)

Nonetheless, even if ADR techniques are generally inappropriate in addressing sexual harassment complaints, there may be a limited number of circumstances in which a complainant prefers to address the complaint with the help of a third party mediator—

**The Chair:** Thank you. Is that—?

**Hon. Larry Bagnell:** No.

**The Chair:** I'm sorry. I didn't mean to interrupt you, Mr. Bagnell

**Hon. Larry Bagnell:** I had to get water to clear my throat.

The essence of ADR is to offer an empowering approach to conflict resolution. In the context of sexual harassment, this principle is key because of the importance to victims of being able to exercise a degree of autonomy in the complaint process. For this reason, victims need to retain some control over the process and should, without pressure to settle, be offered ADR only as one possible course of action.

There are a few other problems related to this process:

Even where sexual harassment complaints were ultimately held to be well-founded and remedial measures were imposed, the sanctions were often perceived by interviewees as a "slap on the wrist" and meaningless—for example being required to complete an on-line training course—and inconsistent. At the same time, as previously discussed, complainants may experience a number of negative repercussions as the result of pursuing a complaint, including impediments to career progression, stigma, and becoming socially ostracized. The dichotomy of outcomes for the victim and harasser reinforces the view of many members, discussed above, that CAF does not take sexual harassment complaints seriously.

The ERA also heard frequently from interviewees that an unintended consequence of the posting system is that harassment complaints are not dealt with in a timely fashion by the departing CO, and are left for the incoming CO to deal with when he or she is new to a unit, and least capable of effectively resolving the matter. The fact that the cost of the harassment investigation is borne by the unit also appears to be a disincentive to ordering an investigation.

Overall, the ERA found that the complexity of policies and procedures related to sexual harassment diminishes the relative value of each one. In addition, the policies are, at times, inconsistent and inefficient. Reporting is not encouraged and the higher leadership is protected from information about what is occurring on the ground. In fact, the CDS's instructions to COs indicate that ROs are unlikely to even hear about a harassment incident unless and until a written complaint is filed. Ultimately, many of those who used the formal complaint process were left scared. One interviewee described the experience as "atrocious", and a number stated that they would not do it again.

Just to sum up here, I'll add one more point on the collection of data:

Finally, the ERA found that data with respect to harassment complaints, investigations, and outcomes are not recorded in a systematic way. Although several members indicated that it would be possible to simply enter data with respect to sexual harassment complaints in logs already in use, this is not currently taking place. The Harassment Complaint Tracking System appears unreliable for many reasons, including the lack of clear instructions as to how and when to file reports, confusion over coding systems, and the absence of any sanction where members simply fail to use the tracking system. The Significant Incident Report (SIR) system appears to be more widely used but, as its name indicates, only tracks the most serious incidents. Further, the ERA was warned about the unreliability of the Canadian Forces Health Information System (CFHIS).

The end result is a general absence of any means of assessing the frequency of reported incidents or how these incidents were dealt with—including whether investigations were carried out, the length of time between when a complaint was lodged and any resolution achieved, and the nature of the ultimate sanction, if any. This makes it impossible for the CAF to measure the overall accountability of the chain of command in responding to harassment complaints. This lack of accountability allows those in command to minimize or ignore complaints if they choose, and those who breach the policies on sexual harassment to do so with impunity.

There are a number of serious problems with the investigation process, so what are the avenues for improvement to those? Some of them are:

Overall, the ERA found that the harassment complaint process is overly complex, emphasizes informal resolution to the detriment of victims, and impedes the CAF from fully confronting and resolving incidents of sexual harassment. As such, three important steps should be taken to improve the harassment complaint process.

• (1425)

First, as previously discussed, complainants should be able to report complaints of sexual harassment to the CASAH, acting as an independent authority outside of the CAF, and should have control over whether the complaint triggers a formal complaint process, including a possible investigation. If a victim chooses not to initiate an investigation, he or she should still have access to support and advice. If the complainant decides to commence a formal complaint process, the complaint would trigger the administrative investigation process.

Second, the process should be simplified and streamlined. Formal complaints should be channelled directly to a grievance procedure before a CO acting as an adjudicator, rather than emphasizing the use of self-help techniques, or requiring the [complainant] to pass through numerous members in the chain of command and then through the formal investigation process. This would have the advantage of making sure that incidents of sexual harassment would come to the attention of the CO as quickly as possible. The grievor and the respondent would both be offered assistance to advise and support them with respect to the grievance procedures. Similar to the current practice for harassment complaints, the CO could have the option of requesting an HI to conduct a more in-depth investigation. Both parties would also have the right to submit a written statement to the CO. The respondent would be entitled to procedural fairness, including disclosure of the relevant information.

Finally, the third recommendation reads:

...the policy should significantly reduce the emphasis on ADR and low-level resolution of complaints. Requiring the victim to confront his or her harasser, particularly where there is an imbalance of power, will be inappropriate in most instances. While the CO should give the grievor the option of utilizing the most appropriate ADR mechanism, it should be made clear to her [or him] that this is only one option, and is entirely voluntary.

The proposed model allows the member to have access to a simplified process—one that is reduced from three stages to just one. In addition, under this model, the CO retains better control of his or her unit and is able to intervene at a much earlier stage.

To summarize that recommendation, it reads:

Simplify the harassment process by:

Directing formal complaints to COs acting as adjudicators in a grievance. [and]

Reducing emphasis on ADR.

As I said, sexual assault is dealt with differently, and I'll go over the processes and recommendations related to it in my next intervention.

Thank you, Madam Chair.

• (1430)

**The Chair:** Thank you very much, Mr. Bagnell.

[*Translation*]

Mr. Robillard, the floor is now yours.

**Mr. Yves Robillard:** Thank you very much, Madam Chair.

I would now like to continue on the subject of the SMRC, the Sexual Misconduct Response Centre. It operates within the Department of National Defence and reports directly to the Deputy Minister of National Defence, outside and independently from the chain of command.

The services of the SMRC are available all across Canada and in all operational theatres around the world, through internal and external partnerships and organizations. Those services include support, such as referrals for Canadian Armed Forces (CAF) members. Those services are provided by the Directorate Professional Military Conduct (DPMC). This is the strategic level planning and coordination organization leading the CAF's institutional change ef-

forts to address sexual misconduct and promote a focus on the dignity and respect of the individual.

The Director General of the SMRC reports directly to the Deputy Minister of National Defence, with the goal of ensuring the independence of the services provided to members of the Canadian Armed Forces affected by sexual misconduct.

The SMRC provides services primarily, but not exclusively, to regular forces, to members of the Reserve, to cadets, to the Rangers, and to the chain of command.

As part of its mandate, the SMRC also provides advice and guidance to the Directorate Professional Military Conduct, DPMC, on all matters related to sexual misconduct.

In addition, in order to change the current culture in the CAF, the SMRC provides counselling services to members of the Canadian Armed Forces. The counsellors listen without judgment to the victims and try to understand each situation. They work together with the victims and with other counsellors so that the victims can make informed decisions. They recognize, respect and try to understand the needs of the members of the Canadian Armed Forces who consult them.

They are also sensitive to the members' feelings, their hurts, their needs, their concerns and their fears. The calls have no time limit, so that as much time as possible can be spent with each member, in the victim's language of choice. That is very important for French-speaking victims so that they do not feel even more disadvantaged.

The counsellors also inform the victims about what the SMRC can and cannot do, in order to refer them to other competent services as required.

Moreover, because of the topic our committee is studying at the moment, it is our responsibility to focus on the victims and the survivors. Their health and well-being are and must be our priority. That is why we must concentrate on our recommendations, in order to honour our commitment to the Canadian Armed Forces.

I will now leave the floor to my colleagues, but I will be coming back to this critical topic later.

• (1435)

**The Chair:** Thank you, Mr. Robillard.

[*English*]

Mr. Spengemann, please go ahead.

**Mr. Sven Spengemann:** Madam Chair, thank you very much.

I'd like to thank my colleagues for their fulsome interventions as well. We have a lot of good substance on the floor this afternoon.

Madam Chair, I want to circle back to the Wigston report, which I had introduced earlier with respect to its executive summary. I want to circle back briefly to a comment by Air Chief Marshal Wigston in the introduction in which he refers to two components of the work to change the culture. The first of which, of course, is that it's "the right thing to do". It is morally wrong what is happening in the Canadian Forces and, as we saw, in so many other forces, including the British armed forces.

The second argument he makes is that it is not only morally the right thing to do to achieve culture, but all of us who do this across jurisdictions will achieve a better armed forces system in the process. He calls it "performance enhancing", the conclusion being that anybody who engages in sexual misconduct, harassment or worse actually weakens the defence forces, weakens every member currently serving, and then by reputation, also past serving in the forces. I think that was a point very much worth highlighting.

Following up on Mr. Wernick's testimony, colleagues have also referred to the fact that there are a number of other countries that are dealing with this. It's by far not Canada alone. Any country, basically, that has armed forces that are subject to democratic control are facing similar issues. That's not for a moment to say that as Canadians we have to worry about this less because other countries are equally handling this unsuccessfully or incompletely so far. It's the opposite. It's acknowledging that this is a systemic problem that has to do with the culture of masculinity that's been described by many of our witnesses across jurisdictions and across allies.

In some brief research this morning, Madam Chair—I think I spent 15 or 20 minutes looking at this issue—I discovered that there were questions, and in many cases initiatives, in Sweden, Poland, Australia, New Zealand, South Africa and in the United States in addition to the work that I described earlier with respect to DCAF, the centre for the democratic control of the armed forces in Geneva, and also NATO, which had looked at this issue.

For the benefit of our analysts, who I am very happy to see online—and I'd like to thank them, through you, Madam Chair, for their tremendous work in preparing our draft report—I think it's important to flag that this is a pan-jurisdictional issue with comparative elements and comparative opportunities.

I'd like to get back into the Wigston report in a bit more detail. The introduction actually highlights the fact that the Wigston report itself refers to Canada and the Canadian experience. What we say and do will not only achieve change here, but will also very potentially and very tangibly influence the policy opportunities and opportunities for progress on the part of our allies, especially the ones we work with most closely, including the Five Eyes.

Madam Chair, the Wigston report makes the following identifying statement with respect to the issue we're studying. It says:

For the purpose of this report we defined inappropriate behaviours as those which: breach laws, norms of behaviour or core values and standards, including sexual offences and bullying, harassment and discrimination, that harm or risk harming individuals, teams and operational effectiveness, and that bring or risk bringing the reputation of individuals, units, the Service or Defence into disrepute.

That is the definition that they have adopted. I put it to colleagues for their consideration.

The report continues to say that:

The Armed Forces and Civil Service operate at different terms and conditions of service, however Defence people exist within a shared culture and environment. The report focuses on the Armed Forces, regular and reserve, however it identifies opportunities to work better as a whole force, including the MOD Civil Service, wherever we can. The need to adopt a whole force approach is reinforced by the lessons of others, in particular the Canadian Armed Forces who went through an extensive process of review in 2015.

Madam Chair, that's just to underscore the point I made a minute ago with respect to the Canadian experience actually being looked at by other forces as well. The review that's being referenced there is the ERA that my colleague, Mr. Bagnell, just took a detailed look at in his previous intervention.

The Wigston report itself then comprises three separate sections. Part 1 is an assessment of the current situation in the United Kingdom. Part 2 considers what more could be done to stop inappropriate behaviours from occurring, and part 3 makes recommendations on what more could be done to deal with inappropriate behaviours when they have happened.

The report states:

A key recommendation of Part 3 is the establishment of a new Defence Authority responsible for cultures and inappropriate behaviours, external to the single Services' chain of command and responsible to a Defence Senior Responsible [officer], emulating the successful models of the Canadian Armed Forces, Australian Defence Force and United States military.

● (1440)

For context, Madam Chair, this report of course was put out in 2019, some two years ago and prior to the specific incidents that this committee is also studying.

Mr. Bagnell, in his previous intervention, made reference to a very important component of the external review authority, or the ERA, which is the question of data. Here, I think, the British experience is also helpful to this committee in its deliberations as we go forward in the coming weeks.

Under the subheading "Management information", the chief air marshal says the following:

To build a comprehensive picture of the behaviours and culture of any organisation, it is necessary to have a single repository where all key data is collated, monitored, tracked and analysed. The resulting intelligence can then be used to inform the chain of command to address issues at the earliest opportunity by enabling resources to be directed to specific hot-spots—situations with a high risk of victimisation for example—or to specific types of behaviour.



Annual statistical data and courts martial outcomes from cases in the Service Justice System, the Service Complaints system and surveys, as well as reports from the single Services, demonstrate a significant effort to capture available information. We observe that the convergence of data and information within each Service lacks depth and [that] there is no coherent analysis at MOD-level. Serious cases within the Service Justice System and the Service Complaints system capture broad headline data sets, such as gender, age, type of offence [and] complaint, but this is superficial and at present there is insufficient metadata captured to provide an appropriate level of insight, nor is there a consistent approach across minority groups. Furthermore, we do not automatically receive comprehensive data or information on cases dealt with in the Civil Courts, so [we] cannot describe the full scale of the issue within Defence at the most serious level; this would require a change to primary legislation. We judge that better and more coherent data would provide actionable information for the chain of command at all levels—and centrally for Defence—to identify where additional training, support and intervention is most needed.

Madam Chair, I'm going to get into some of the recommendations that are being made, but I would preface the fact that mentioning the recommendations does not necessarily mean that we should accept them. In fact, in some cases we may legislatively—by virtue of our customs, procedures and constitutional structure—not be able to adopt them as easily, but they are here for us to consider because, in my submission, they have the right level of granularity. They have the right level of specificity. They will move us forward.

With that in mind, I would like to mention three recommendations that the chief air marshal has put forward under “Management information”.

The first is:

Defence must improve the level of detail and metadata captured on serious unacceptable behaviour as well as instances of lower severity, to provide a single comprehensive picture of inappropriate behaviours across the organisation.

The second is:

Defence should consider amending primary legislation to require the sharing of information from the civilian Criminal Justice System.

The third under this rubric is:

Defence should develop performance measures relating to inappropriate behaviours for use at Defence Board, Executive Committee and Performance and Risk Reviews.

Madam Chair, with this recommendation, you'll recall a brief exchange I had with Rear-Admiral Patterson. I asked her if there was an option to include gender equality championships—I think that's the way I put it at the time—in performance evaluations within the the Canadian Forces. Her initial reaction was “Absolutely”, so there may be some ground here, based on this very specific British recommendation, for us to make a recommendation in parallel in our system that would achieve culture change and progress.

The report also makes recommendations with respect to the use of surveys. Again, this is not for us to accept. It's for us to debate and potentially to accept what we find appropriate and constructive. The report reads as follows:

Defence should conduct a harassment survey in 2021 building on the Army Sexual Harassment Survey 2018, informed by an independent advisory group. In line with recommendation 3.1, Defence should consider a “call for evidence” on inappropriate behaviours in conjunction with this survey, in order to provide supporting detail to the survey.

● (1445)

In parallel with that, it states:

Defence should better coordinate and focus the bullying, harassment and discrimination elements of continuous attitude surveys to improve understanding, reduce duplication and streamline data analysis. Use of contemporary, on-line survey formats should also be considered.

This is a set of very tangible, very specific recommendations that go to the issue of data management. A first step is to call the problem what it is and I think in many respects this committee has done that. Getting the data that speaks to the qualitative and quantitative aspects of the problem is equally important, and then having the opportunity to actually analyze the data at the right level, with the right specificity and granularity, is crucial to taking us forward.

The report makes a recommendation under “Climate assessments”. “Climate” in this context is not in the context of climate change but with respect to the work atmosphere and climate.

The report says:

A proactive process for assessing the Command climate and behaviours is now well-established across all three Services. The Army has developed and matured a tiered process, including the completion of focus-group based analysis within units, led by trained facilitators. The Naval Service conduct a similar advisory process as do the Royal Air Force. This approach, utilising focus groups, by trained facilitators, is seen as leading practice and is utilised by other nations and organisations including the United States military. Such data, although confidential, can be analysed centrally and utilised as a tool to understand behavioural themes.

There you can see that the reference in this report, just in the few brief sections that I outlined, to both Canada and the United States really puts us onto, in some ways, a common denominator with our allies with respect to the nature of the problem, not only acknowledging that we have the problem but also finding potential solutions. These two suggestions here vis-à-vis Canada and the U.S., adopted by the British report, indicate that collaboration and joint problem-solving may well be worth our while. At a minimum, taking account of and reviewing the reports by leading countries in our group of allies and friends would be extremely worthwhile for this committee.

The recommendation that follows from this is that “Climate assessments and advisory visits should be sustained and exploited across Defence.”

I'll finish with the recommendation on “Values and standards” and I'll come back in subsequent interventions.

It says:

Each Service has established and operates a core set of values and standards. These values and standards, developed over time and from extensive operational testing, reflect the unique culture, ethos and operating environments of the respective Armed Forces and Civil [defence]. Values and standards for the Royal Navy, Royal Marines, Army and Royal Air Force are well established, comprehensively communicated and understood. The governance surrounding the Civil Service Code is less well recognised, as noted in the Sue Owen Review, which observed that in some workplaces, “staff are looking for a more explicit articulation of the behaviours they should expect to see.” Communication of the Civil Service Code must therefore be amplified and include military line managers of civilians.

The recommendation that follows is that:

Single Service values and standards should be sustained but communication of the Civil Service Code should be amplified.

This is also relevant.

Again, page by page, I'm surprised at how poignant these recommendations are, specifically with respect to the issue in Canada also potentially or actually involving civilian employees of the Canadian Forces.

There really is some substance here, some fodder for deliberation and some opportunities to achieve real and tangible progress. As we go through these experiences in other countries, I would encourage all my colleagues to take note, and also our analysts, and I look forward to reactions from members of the committee.

I'll leave it there for the moment.

Thank you.

**The Chair:** Thank you very much.

Mr. Baker is up next, please.

**Mr. Yvan Baker:** Thanks very much, Chair.

I want to thank my colleagues for speaking to a number of the important considerations that we should take into account for this study. I think Mr. Spengemann's interventions on the Wigston report are important. They underline that other militaries have been trying to resolve some of the same issues that we're trying to resolve here in this committee. I think it's sound advice on Mr. Spengemann's part that we strongly consider the specifics of what's in the Wigston report. There's probably a lot there that we could learn and that we could consider in applying solutions to the problem of sexual misconduct here in the Canadian Armed Forces.

I thought the interventions by my other colleagues were also quite welcome. I appreciated Mr. Bagnell's comments about the processes that are followed. There's a lot, I think, in terms of the processes that are followed that we need to learn from and clearly adjust to here in Canada.

I want to go back to an issue that I was speaking about earlier—culture. I think when I left off last time, I was talking about some specific examples cited in the Deschamps report about the kinds of treatment that women who are serving in the armed forces are often subjected to. I want to continue on that theme.

I will read from the Deschamps report, which speaks to how women deal with that in particular:

Ultimately, many women report having to develop a thick skin and to becoming desensitized to a culture of sexually inappropriate conduct. LGBTQ members also report a similarly degrading environment. Notably, while the ERA heard nu-

merous comments about the hostile environment that results from this pervasive low-level harassment, fewer participants reported instances of quid pro quo harassment (in which an individual feels pressured to accept unwelcome sexual conduct in exchange for some workplace benefit or to avoid some detrimental action against her). The ERA found, therefore, that members of the [Canadian Armed Forces] are less likely to be faced with quid pro quo harassment than they are to be affected by an overall organizational culture that conveys demeaning and negative attitudes about the role and value of women.

Perhaps not surprisingly, male and female members of the [Canadian Armed Forces] generally reported vastly different perceptions of the occurrence of inappropriate sexual conduct. While most male participants in the Review recognized that the experiences of their female colleagues are different, many of these male interviewees did not perceive that there is pervasive inappropriate sexual conduct in the [Canadian Armed Forces]. Rather, many men perceived the treatment of women in the military to be similar to what they would experience in broader Canadian society, and some felt that women in fact fare better in the [Canadian Armed Forces] than men do. Others argued that inappropriate incidents are simply inevitable as a result of the integration of women into the [Canadian Armed Forces], or expressed the view that a certain degree of aggression is appropriate in the military. In particular, most men did not view sexual language as harassing, and thought that attempts to “police” language would be “ridiculous”; as one male participant stated, “girls that come to the Army know what to expect”.

This is just horrendous. I think it speaks to the specifics of some of the things that we heard from victims, that we heard from women, and that some of our witnesses have spoken to.

The report continues:

While women of a higher rank seemingly do not suffer as much from the sexualized environment, the ERA found that this is largely because members appear to internalize the prevailing sexualized culture as they move up through the organization. Whether to achieve their career goals or as a coping mechanism, female NCOs and higher-ranking women tend to adapt their own conduct [*Technical difficulty—Editor*] the organization.

• (1455)

What I'm trying to underline here for our colleagues is the tremendous number of coping mechanisms that are put in place by women according to the Deschamps report and echoed by our witnesses.

I'm going to leave it there, Chair.

**The Chair:** Go ahead, Ms. Vandenberg.

**Ms. Anita Vandenberg:** Thank you very much, Madam Chair.

I have a proposed amendment. I would like to amend the motion to read, “That the Standing Committee on National Defence, concerning its study on addressing sexual misconduct issues in the Canadian Armed Forces, including the allegations against the former chief of the defence staff...”

Madam Chair, I may not have a motion at this time, so I'm going to allow Mr. Baker to continue talking. I am very sorry, Madam Chair.

**The Chair:** It's 2:55.

This meeting is suspended until further notice.

[*The meeting was suspended at 2:55 p.m., Monday, April 19*]

[*The meeting resumed at 1:07 p.m., Friday, April 23*]

**The Chair:** I call this meeting back to order.

This is a resumption of meeting number 26 of the House of Commons Standing Committee on National Defence, which started on Monday, April 19, 2021.

Mr. Bezan, your motion is still on the floor.

**Mr. James Bezan:** Madam Chair, I'm pleased to withdraw the motion, so that we can get on with our business at hand.

**The Chair:** Thank you very much.

We need unanimous consent to withdraw the motion. Are there any objections?

(Motion withdrawn)

**The Chair:** Pursuant to Standing Order 108(2), and the motion adopted by the committee on Tuesday, February 9, 2021, the committee is resuming its study of addressing sexual misconduct issues in the Canadian Armed Forces, including the allegations against former Chief of the Defence Staff Jonathan Vance.

With us today by video conference, we have Mr. Elder Marques, former senior adviser to the Prime Minister.

After opening remarks, we will proceed with the round of questions.

Welcome, Mr. Marques.

I invite you to make your opening statement.

**Mr. Elder Marques (As an Individual):** Thank you very much, Madam Chair.

I want to begin by thanking you and the committee for the invitation to appear before you today. I'm happy to help support the committee's study into these issues, because they are of the utmost importance, not only to the Canadian Armed Forces but, frankly, to all Canadians.

My hope is that the committee will use this study in a non-partisan way to identify and recommend the changes needed to improve both the structure and the culture of the Canadian Armed Forces. Canadians deserve to be confident that all of our institutions are well equipped to identify and root out all forms of harassment, and that includes ensuring that the survivors of harassment are supported and protected and that there are no systemic barriers to their ability to access justice.

I will try to be as helpful as I can be to the committee today, but I should note at the outset that I am almost exclusively relying on my independent recollection of events that occurred more than three years ago.

As the committee is aware, I am no longer a public office-holder. I left the Prime Minister's Office in December, 2019, and I left the government last year.

I am here today voluntarily. To be clear, I never refused to be here and have only been co-operative in my dealings with the clerk of the committee.

With that said, I'm pleased to share the recollection that I have of these events and to take your questions today.

Either late on March 1 or early on March 2, 2018, the chief of staff to the Prime Minister or her assistant asked me to get back to the chief of staff to the Minister of National Defence on an issue relating to the CDS. At that time, I was senior adviser to the Prime Minister, working in the Prime Minister's Office.

I spoke with the chief of staff to the Minister of National Defence that same day. She advised me that the ombudsman for the Department of National Defence and the Canadian Armed Forces, who was then Gary Walbourne, had initiated an unscheduled discussion alone with her minister. In that meeting, she told me, Mr. Walbourne had raised an allegation of personal misconduct against the CDS, and there were no other details provided.

The important, sensitive and unusual nature of this matter was immediately obvious to me, even in the absence of any details regarding the allegation. I immediately brought this issue directly to the Clerk of the Privy Council and secretary to the cabinet, who was then Michael Wernick. I advised the chief of staff to the Prime Minister that I was taking this step, and I then kept her apprised as matters developed.

I met with Mr. Wernick at least twice that morning. He advised me, I believe after having sought legal advice, that the matter would be dealt with by Janine Sherman, deputy secretary to the cabinet, who was responsible for senior personnel.

My discussions with Ms. Sherman were about the PCO's taking carriage of the matter, including providing assistance and advice to Mr. Walbourne and taking steps to move any investigation forward in an appropriate manner. I wanted to ensure that Mr. Walbourne received this advice in writing so as to limit any risk of a misunderstanding or a miscommunication, and I also wanted to ensure that he received that advice promptly.

At no point did I offer any opinions on the nature of what the appropriate procedural next steps were, as it was not my place to do so.

My understanding is that the Privy Council Office engaged quickly with the public service lawyers to determine the best way forward. They provided me with draft language that the Minister of National Defence or his team could use to send to Mr. Walbourne. That draft language suggested that Mr. Walbourne should speak directly with the Privy Council Office, noting that the matter concerned a Governor in Council appointment.

As of that point, the Privy Council Office had the matter in its hands, and my involvement effectively ended. While I was hopeful that this potentially serious issue could be investigated effectively, I did not have a further role in that process, nor do I believe it would have been appropriate for me to have one. At no time, for example, did I ever attempt to contact or speak with Mr. Walbourne.

Later on, though I cannot recall the date, I was made aware that the Privy Council Office had, in fact, spoken with Mr. Walbourne, but that he had indicated the Canadian Armed Forces member in question did not want her information shared. I understood at that time that Mr. Walbourne was going to continue to seek that consent so that the matter could be investigated, but it was not clear whether or not he would obtain it.

At no point did anyone advise me that the file was in some way closed.

My understanding was that the PCO would leave the file open in case there was further information that would allow an investigation to proceed. Essentially, my involvement in this matter was limited to promptly bringing the issue to the PCO, sharing the entirety of the limited information I had, and asking PCO to take whatever steps it could to ensure that matters were investigated and that Mr. Walbourne was provided with advice.

It was apparent to me at that time—and absolutely remains so in hindsight—that an allegation of this sort about a Governor in Council appointee should not be investigated in some kind of ad hoc way by members of cabinet, including the Minister of National Defence or the Prime Minister, or by political staff members. The best way in those circumstances is to ask the non-partisan public service, with its institutional and legal resources, to identify the path forward and work with whoever possessed the information—in this case, Mr. Walbourne—to permit the allegation to be investigated. That is what took place here.

The Privy Council is uniquely placed in the machinery of government. The Clerk of the Privy Council is also head of the public service. PCO has expertise in all issues dealing with the appointment, tenure, and performance of Governor in Council appointees. The Privy Council also has immediate access to the best legal advice on matters of public administration and public policy, and in my experience of nearly five years in the Government of Canada, the leadership of the Privy Council Office works in ways that are responsible, professional and non-partisan.

I had every confidence that the Privy Council Office would take the steps that it could to have matters investigated, and if gaps needed to be filled, that it would propose new procedures to fill those gaps. In this specific case, at no point did anyone in the public service or among political staff ever suggest anything other than ensuring that the matters in issue were investigated appropriately, and I believe everyone acted in good faith trying to ensure that happened.

Indeed, my recollection is that despite a lack of detail surrounding the nature of the allegation, everyone appreciated the potential gravity of the issue. Once I informed the PCO of an allegation and I received their confirmation that they would be taking further steps, I had no further involvement in this matter. In my view, the proper entities were managing the issue and would follow appropriate procedures. That could include briefing staff and the PMO, or the Prime Minister himself, but at an appropriate time. I have no recollection of personally briefing the Prime Minister on these issues, nor was I ever made aware of any such briefing.

I would now be pleased to take questions that the committee may have for me.

**The Chair:** Thank you very much, Mr. Marques.

Mr. Bezan, over to you.

**Mr. James Bezan:** Thank you, Madam Chair. I just want to thank Mr. Marques for appearing today and being available.

Your testimony is very important to the study at hand here. I agree with you that we want to stamp out sexual misconduct, but I think your recollection of what's happened three years ago has led to the crisis that we're in now. I just want to make sure I understand what your testimony was today, because the defence minister, when he appeared on April 6, said that Zita Astravas communicated first with the PCO and then with you. However, you're saying that the chief of staff to the Prime Minister contacted you and then contacted Ms. Astravas. I just want to make sure we have this straight.

**Mr. Elder Marques:** I'm happy to give you my best recollection to try to be most helpful. I am really on this point going from my recollection that my contact with the minister's chief of staff came following a request from someone in my office, who I believe was the chief of staff or her assistant, to call her. To the best of my recollection, that's how that happened. I don't believe that at that time she had already spoken with someone in the Privy Council Office, but I don't know.

In any event, I engaged the Privy Council Office almost immediately, and so I don't think.... Although I understand that you're asking to make sure the chronology is clear, I suspect not much would actually turn on it, because I think very quickly everyone had the same information, which was very limited, and we quickly moved to asking the Privy Council to now take carriage of that matter and do what it could with that information to try to have an investigation ultimately take place.

**Mr. James Bezan:** Thank you, sir.

Katie Telford asked you to contact Zita and the PCO. You went to the PCO. Then you had a communication with Ms. Astravas. Was that done by phone? Was it a personal meeting? Was it done through email or text messages? How did you communicate?

**Mr. Elder Marques:** I can't be a hundred per cent certain. I expect—because my recollection is that it was either late on March 1 or early the next day—that it was probably a phone call, and that she would have told me on the phone what had happened and expressed a desire to make sure that the right steps were now taken to follow up with that information—

**Mr. James Bezan:** You're under the impression that Ms. Astravas was working on direction from Minister Sajjan.

**Mr. Elder Marques:** I would assume that.

My sense was that the.... I don't want to speak here for the minister or his chief of staff at the time, so I want to be a little careful. I'm just trying to be accurate to be most helpful, but I understood that in the face of receiving that knowledge from Mr. Walbourne, everyone agreed that we needed to get this now into the hands of the Privy Council to make sure the right thing happened.

The way to do that.... It is pretty common that if a minister or someone on the minister's team is trying to get that done—trying to engage with the central machinery of government—as a staffer in the Prime Minister's Office you help to facilitate that and make sure that happens and there is no miscommunication along the way.

**Mr. James Bezan:** I appreciate that, sir.

In terms of your communication with Ms. Astravas, in your opening comments you said that the allegations were personal misconduct, but at any time when you talked to Ms. Astravas, did you guys talk about the allegations being sexual in nature? Yes or no.

**Mr. Elder Marques:** I believe I was told that the issue was an issue of personal misconduct. I have to say in the context of hearing that I think my presumption was certainly that it could be of a sexual nature, but I don't think I was actually given that information specifically. Again, in the absence of knowing what it was and whether it was serious or not, we operated on the assumption that it was serious and could be a very serious allegation, and acted accordingly. I don't think in any way that I formed a view about what it was and then changed what I did. I treated it assuming it was very serious; that was the way I went into it.

**Mr. James Bezan:** I appreciate that, Mr. Marques.

How many times did you actually talk to Ms. Astravas over the coming days on this issue? Do you have any idea of how many times you talked or emailed each other back and forth?

**Mr. Elder Marques:** Unfortunately, I can't say. I would have remained in touch with her to the extent we were getting any sense of what the next steps were—things like that. She would have been engaged, because we both at that time appreciated that, one, this could be something very serious, and that there was some urgency.

If you have someone in the form here of the ombudsman putting his hand up and saying he has a concern, an issue or a question, or needs advice, you don't want to leave that hanging. You want to make sure that steps are taken quickly to make sure he gets an answer. That was my concern on that day.

**Mr. James Bezan:** As you're having these discussions and getting more information, and since you had been tasked to do this by Katie Telford, how many times did you report back to Katie Telford with how the investigation or the situation was progressing?

**Mr. Elder Marques:** Again, I can't say exactly how many times. Katie was an accessible member of the team. I would have understood, given that we all appreciated the sensitivity of this issue, the need to get an answer out quickly. I would have reported back pretty quickly to say, here's where we're at and here's what the next steps look like. I would have been updating her on the—

**The Chair:** Thank you, Mr. Bezan. That's your six minutes.

We have Mr. Bagnell, please.

**Hon. Larry Bagnell:** Thank you very much for being here, Mr. Marques. You're really providing the best you can, which is great. We really appreciate it at the committee.

I want to ask you a couple of questions. You may have covered them already, but I want to make sure we have the information on the record. We know that the Minister of National Defence's then chief of staff reached out to your office to bring the situation to your attention.

Can you confirm when you were first contacted on the issue, what steps you followed and when they occurred?

**Mr. Elder Marques:** Again, I wish I could pinpoint it a little more clearly. I just don't want to say anything that isn't accurate. It either would have been March 1...which I understand is the day the

ombudsman had his meeting with the minister. I was asked either on that day directly—I imagine late in the day, given that the meeting had already happened—or early the following morning.

It's clear, just in looking back on this, that there would have been a lot of activity happening on that morning of March 2 on this issue. It may be that I began the day on March 2 by learning about this, or it may be that I began the day on March 2 by following up.

What I was doing primarily by following up was really going to see the clerk, going up the stairs and down the hall, making him aware of the situation and making sure they appreciated the importance of making sure the right steps were then taken, and I think that's what happened.

**Hon. Larry Bagnell:** Mr. Bezan covered this a bit. We also know that this was raised to the Clerk of the Privy Council Office within hours of the allegations being brought forward. Were you the one who brought the allegations to the Clerk of the Privy Council Office?

**Mr. Elder Marques:** I was. I think I did that in person, in his office. We didn't have a scheduled appointment. I went up and asked if he had a few minutes to see me, and I spoke to him that way.

**Hon. Larry Bagnell:** Would it be fair to say that the minister's chief of staff, and consequently you yourself, moved pretty quickly to try to establish an independent process to investigate these allegations?

**Mr. Elder Marques:** I think everyone who was involved in this appreciated that it was important that the next steps be the right steps, that it be done appropriately and responsibly, but there was initially, at the very beginning, also an urgency that I think was important to say that if Mr. Walbourne has asked for some kind of assistance or advice, we can't... You know, no one wants to leave that hanging any longer than it needs to be. Certainly, in my dealings, but I think everyone really shared this, there was sort of an appreciation that let's make sure very quickly that he gets answers, and then let's continue the work in the Privy Council to make sure they figure out what the next steps are, and—if there are other things that should be done—that they work on those so there's something in place to look at this.

**Hon. Larry Bagnell:** Okay. This has been very helpful.

Did you ever refuse to come to this committee?

**Mr. Elder Marques:** I did not. I am happy to be here, because I can understand the reason the committee is exploring these issues. I think understanding this chronology is important. I'm happy to be helpful to the committee, and I hope I am today.

**Hon. Larry Bagnell:** We established that you took action immediately upon receipt of the information. I'd like to move on and ask why you thought it was appropriate to bring these allegations directly to the Clerk of the Privy Council Office.

**Mr. Elder Marques:** I think there is probably more than one way to handle what you do with a situation of that sort, who you talk to and who you engage, but in my mind, you can't go wrong by taking it to the Clerk of the Privy Council. The clerk, in our system, wears a lot of different hats. He runs the Privy Council Office, which is effectively the Prime Minister's department. In that sense, he's like a deputy minister. However, he is also head of the public service. He has that responsibility, which is system-wide. It means that he is able to marshal whatever resources need to be marshalled within the PCO or outside of the PCO, to make sure that the right people are involved and the right institutions are involved, and to get the best possible advice in the system about what to do.

He's also secretary to the cabinet. Here you have a situation where a minister has had this exchange with the ombudsman, which I think everyone would agree is unusual and not a normal occurrence. In his role facilitating the work of ministers around the cabinet table, and making sure that institutionally ministers know where they are and what they need to do, he was also well situated in that role. He wears these multiple hats, and in a way each of them was relevant to this issue.

Frankly, you go to the top because you want to make sure that, to the extent there's anything that can be done, it is done immediately and the right way. The way to do that in our system is certainly to rely on the clerk. I certainly had confidence that he would do that. Nothing about how he responded to me ever made me doubt that.

**Hon. Larry Bagnell:** Thank you very much.

**The Chair:** All right. Thank you very much.

We move on to Monsieur Barsalou-Duval, *s'il vous plaît*.

[Translation]

**Mr. Xavier Barsalou-Duval:** Thank you, Madam Chair.

My question is for Mr. Marques.

Mr. Marques, perhaps you are aware that our wish to call you here as a witness gave rise to a lot of resistance on the part of the governing party.

Do you know the reasons for that reaction?

**Mr. Elder Marques:** Thank you for your question.

[English]

I have to say, being in government was a real privilege and I was very happy to be able to play the roles that I played, but being out of government also means I don't get involved in those types of issues, and I'm happy not to be involved in them. Therefore, I will leave that to the very capable members of this committee and commentators. That's not something I was aware of, other than—

[Translation]

**Mr. Xavier Barsalou-Duval:** Okay. So you really do not know why.

When you left the government, were you on good terms with your former colleagues?

[English]

**Mr. Elder Marques:** Listen, yes, I was very fortunate, and this is not always the case in politics, to have a longer run than I think I expected when I came in. When I joined the government, this was not, for me, meant to be a career change. I meant to come in and play a role, and I ended up playing three different roles at different times, each of which was really an honour to be able to—

[Translation]

**Mr. Xavier Barsalou-Duval:** So you were on good terms when you left your position. I am actually asking the question to find out whether you were on bad terms, or whether members of the government had anything to fear from your appearance today. I see that that is not the case.

Did any of your former colleagues or your former superiors discuss your appearance at the committee today before this meeting?

[English]

**Mr. Elder Marques:** I have not discussed my testimony with anyone in the government, anyone who was involved or anyone otherwise in the government. I've tried to recreate as best I can for you the events based on my own recollection and a very limited couple of documents that were disclosed to the committee that helped me make sure that my recollection was accurate. That's the basis of my testimony today, and I'm here to share that with you and happy to have you explore that in whatever way you'd like.

[Translation]

**Mr. Xavier Barsalou-Duval:** Thank you.

You gave the information to the Clerk of the Privy Council, the most senior person in the government, because, as you said, it was very serious. However, you did not share it with the Prime Minister, whose advisor you were and with whom you were working. Is that correct?

[English]

**Mr. Elder Marques:** The reason for going to the Clerk of the Privy Council is that the Clerk of the Privy Council is responsible for the apparatus that now needs to do its best with the resources that it has to respond. At this stage, there is not anything that the Prime Minister is supposed to do in relation to this information, and I would suggest in fact it would have been problematic had the Prime Minister or other members of cabinet or other political staff tried to insert themselves at that point.

At that point, PCO is fully engaged. They have advisers who are engaged. No one was not appreciating the seriousness of the issue. I think any involvement at that stage could risk being counterproductive, even if it's in good faith and just trying to ensure things are moving along.

My reason for going to the clerk is that the clerk now had responsibility and he had work to do to make sure that everything that can be done in, frankly, quite unusual circumstances is done and that we hopefully get to a point where there is a proper investigation where we can find out what occurred. That then may lead to the involvement of others who may need to make decisions as a result of that.

We're not anywhere near that. We're not even at the beginning of the process. We're at a preliminary stage.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** I am trying to understand the process, because you said earlier that, when you left, it was your impression that the case was still open, although it had been closed.

Did you have any responsibility in following up on the matter, or, once it was transferred to the deputy secretary to the cabinet, Janine Sherman, did you no longer have a role?

I am wondering how you were not aware that the case had been closed, and, if you had been aware, could you have done anything in that regard?

[*English*]

**Mr. Elder Marques:** My understanding at all times was that the file was not closed. I appreciated, as I indicated in my opening statement, that there was a question of whether the complainant was going to consent to her participation or the sharing of her information in the following steps. I understood that was the question. That is something that can change over time, and I think in such cases it's probably not unusual that it may change at different times.

My sense of that was not that it meant the file was closed. It meant that there is an opportunity if any further information becomes available to make sure that the next steps are taken appropriately, and I certainly had an expectation, or at least a hope, that information—direct information from the complainant—would help make sure that this went into whatever the right process is to then assess it. I never had any reason to believe that was not what was occurring. I don't believe Mr. Wernick said the file was closed. I think the file was kept open but with that difficulty, which I think is also a real difficulty.

**The Chair:** Thank you very much.

We will move on to Mr. Garrison, please.

**Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP):** Thank you very much, Madam Chair.

I too want to thank the witness for being with us today. I know we're asking him about events of three years ago, and I do have a couple of specific questions, but I want to start by going back to the general situation that the committee finds itself in and that I think the government finds itself in. To state the obvious again, we're trying to make sure women can serve equally in the Canadian Forces, and that requires the confidence that those at the top both understand sexual misconduct and will act on allegations of sexual misconduct.

What we had in the case of General Vance was a chief of the defence staff who we now know had been investigated at the time of his employment by both the U.S. military and the Canadian military on accusations of sexual misconduct. We also know that General Vance's sexual misconduct indiscretions were thought to be widely known among the senior leadership. We've had testimony at the status of women committee saying that, and I've personally been told that a great many times. The third thing we have was an accusation of sexual misconduct brought against that serving chief of the defence staff.

It's a bit disconcerting that no one seems responsible for the government finding itself in that situation. How could this be true? It gives credence to the arguments that have been made—again, by many former members—that somehow the senior leadership was subject to different standards and not held as accountable as the ordinary members of the Canadian Forces would be.

In our system, there's always a minister responsible, so, Mr. Marques, who is the minister responsible for the failure to investigate and the failure to follow up on the accusations against General Vance?

**Mr. Elder Marques:** There's a lot to unpack in what you said, so let me try to do my best.

First of all, let me say I am not here to say that I am in any way an expert in these issues, and I don't want anything I say to be taken to be claiming that I am qualified to opine on what the next steps should be in terms of how we fix these problems.

I can say as an observer, in the way that Canadians are observers, that it is very obvious that very serious reforms, not just institutional or structural but cultural, need to take place. That's not going to be easy. That's going to take time. I think you are hearing the evidence you need to shape those recommendations, and you're hearing it from survivors. You're hearing it from experts. I think, for those reasons, the work of the committee is very important.

In terms of responsibility, taking it back to this case, I certainly was not aware of any other information that was relevant. I've shared what I was told. I was told there was a complaint. I was not told what that complaint was. I was not aware of any previous complaints. I did not at any other time learn about that and would not in the normal course of my work, frankly. That's not surprising. This is not a sort of a file that I was dealing with in the sense of dealing with issues around military leadership. However, I think those issues are real. I think the responsibility of someone who has the information, the responsibility of somebody who has learned something, is to make sure that information, to the extent they're able to share it, goes to the right place.

In this case, I think that's what we were certainly trying to do, and again, I don't want to speak for the minister or his staff, but my understanding is that, possessing limited information, the instinct there, and I think the right judgment, was to say, "Let's make sure we put this in a process." How do you do that in the best way? How do you make sure you're doing it in the best possible way? Well, you probably want to rely on the Privy Council Office. They're better placed than anyone else, and they're not going to have some specific agenda or angle. They are there to try to solve the problem.

These are really serious problems. That's why I hope—and I'm confident, frankly—that the members get that just from listening to what we all in the public realm are listening to about the situation. That's why this study is so important. I hope you use that opportunity. There are experts and there are people who have lived experience who can hopefully help to suggest a better way forward so that these things don't happen again and so that, when they happen, there is a process that everyone feels confident in and feels able to participate in without worrying about reprisal, embarrassment or anything else.

Those are complicated issues, but they are issues that everyone is grappling with and has to grapple with. I think the committee has an opportunity here to really help shape that for the Canadian context. I hope you seize that opportunity.

**Mr. Randall Garrison:** There is still the confidence question. If you're going to make reforms, how will there be confidence in the reforms if the same people who were in charge when this was not followed up and not investigated are in charge of implementing the reforms?

Let me turn to one specific thing that I would like to ask you before I run out of time in this round. When you were told about the allegations, were you made aware that the minister had refused to look at evidence that was offered by the ombudsman? You didn't know the details, and I accept that, but were you told that the minister had been offered that evidence and refused to look at it?

**Mr. Elder Marques:** That's a good question. I didn't address that specifically in my opening statement.

I don't know what exactly I understood about the exchange, but I certainly understood that Mr. Walbourne had additional information and that the minister effectively said in some way or another—I don't want to put words in his mouth—that that information needed to go somewhere else. What I saw our role as doing in the Prime Minister's Office was now supporting that answer, so being able to say, “Okay, here is what you can tell Mr. Walbourne to make sure that the loop is closed and to make sure that this isn't left hanging.”

**The Chair:** All right. Thank you very much.

We'll go on to Madam Alleslev, please.

**Ms. Leona Alleslev:** Thank you very much, Madam Chair.

My first question would be, can you give us an approximate number of times that you spoke with Ms. Telford on this issue and over how long?

**Mr. Elder Marques:** I really don't want to give you a number that may be wildly inaccurate. We were engaging regularly on the issue during the time that I was involved in it.

**Ms. Leona Alleslev:** Fair enough, but was it around five times, 10 times? You said it's serious, it's urgent, so five, 10, 20...?

**Mr. Elder Marques:** I would have given her an update as things proceeded. That's really all I can say. I don't think the number of the interactions ultimately makes a difference. We understood the situation. We understood the importance of getting the Privy Council fully engaged in trying to figure out what the right next step was. That was our focus.

**Ms. Leona Alleslev:** As a point of fairness, it was on a number of occasions.

**Mr. Elder Marques:** Yes. Yes, it's plural.

**Ms. Leona Alleslev:** All right. Thank you very much.

Was it your understanding that Zita spoke with Katie about this issue?

**Mr. Elder Marques:** This is why I was deliberately clear that I wasn't entirely sure who told me to call the minister's chief of staff. I don't know. It is possible that there was a conversation between the chief of staff and Ms. Telford, and then Ms. Telford said to me,

please call Zita. It's possible that didn't happen and that I was asked to call her because she was trying to reach someone in the Prime Minister's Office to deal with this.

**Ms. Leona Alleslev:** Perfect. I think that's why we would need to hear from Zita herself.

When you spoke with Mr. Wernick, did he indicate that Zita had already spoken to him about this?

**Mr. Elder Marques:** I believe that when I walked into the clerk's office that day, this was the first time he was hearing about this issue. I don't know whether that means no one in PCO at that time had heard anything. That would be, probably, my presumption, but I don't actually have a specific reason for knowing, other than I think this was news to him at that time. He very quickly, I think, tried to get some other advice. I don't know what consultations he did. By mid-morning that day we had already spoken at least twice. We were obviously both engaged on it and were trying to make sure that things were moving.

**Ms. Leona Alleslev:** Perfect, so who holds PCO accountable to do a good job, to do the job that needs to be done to govern, and look after Governor in Council appointments and all the things that PCO is responsible for? You gave a very good outline of what PCO is responsible for. Who holds PCO accountable for doing that job?

**Mr. Elder Marques:** Again, now that I'm a private citizen I'm going to leave the questions of politics to the politicians and those who play in that arena. That's not the arena I'm playing in now. I'm here to just tell you what happened, what we were thinking, what we tried to do and why we were doing what we were doing. I'm happy to be as helpful and candid as I can be to let you have those answers. I'm not here to talk about things that are better suited to other meetings of this committee, or the House of Commons or a press conference.

**Ms. Leona Alleslev:** Okay, but you did work in the Prime Minister's Office. Therefore, you could be viewed as being more knowledgeable about authorities and accountabilities in our democracy than, say, the average person on the street. For us to understand elected responsibility versus public servants, who is the elected—in our democracy—minister or prime minister who holds the public service head, the Clerk of the Privy Council, responsible and accountable?

**Mr. Elder Marques:** I don't want to engage in a political science lecture on ministerial responsibility. You are all very capable. I'm not here in that capacity. I'm going to leave it for you to very ably, no doubt, make your arguments in the House and in the public realm about how to understand what happened. I'm just trying to explain to you what was in our minds at the time, how we approached it and what we did to really make sure that PCO was fully engaged in what was then a very unusual situation.

**The Chair:** Thank you very much.



We move to Mr. Baker, please.

**Mr. Yvan Baker:** Thank you very much, Chair, and thank you very much, Mr. Marques, for being with us today.

I want to go back and ask some questions about follow-up on some of the things you've stated in your testimony.

Do you know if having the Clerk of the Privy Council Office look at allegations concerning a Governor in Council appointment was standard practice?

**Mr. Elder Marques:** There was probably nothing standard about this situation, either in the manner in which the information came up or then how to respond to it.

The Privy Council itself plays a very active role, and I think sometimes that doesn't get a lot of attention in relation to all Governor in Council appointees.

There's a team of people who are expert at dealing with all issues around appointments, reappointments, issues of tenure and issues that you might think of as HR issues in that space. Certainly there, more than anywhere else in the Government of Canada, there is actually expertise with how to deal with issues around executive performance, but also conduct.

If there are problems, PCO is the best place to go to, not just because they're in the centre and play that coordinating role, but they actually have expertise on that senior personnel team because that's part of what they do. They make sure that Governor in Council appointees have gone through a rigorous process to be chosen. Once they are there, if there are any concerns—if there are institutional issues or governance issues relating to executive leaders dealing with boards of directors, for example, or anything like that—they are the people who are best equipped to provide that support.

This is not an area I dealt with a lot, but my understanding is that it does happen, because the number of such Governor in Council appointees is quite significant. In that sense, to the extent there is that expertise, it is located there.

In addition to that, to the extent that there is not a procedure that exists that is a clear answer to what to do next, PCO is also the expert in machinery of government questions and machinery of all types of institutional and organizational questions that you'd want to be mindful of if you are needing to create some kind of process or some kind of system to now investigate something.

**Mr. Yvan Baker:** It sounds like it would be standard practice, then.

After you brought these allegations forward to the Privy Council Office, was it your understanding that the clerk would be looking into this, or did he suggest that you bring the issues to the attention of another member of the Privy Council Office?

**Mr. Elder Marques:** My recollection is that we had at least two meetings in a row. It was following that second meeting that he indicated specifically that this would be the responsibility of the senior personnel team. I think he probably would have suggested that in the first meeting as well but then wanted to maybe pause and get some advice on that, which he was able to do very quickly, because, as I say, by mid-morning that day it appears we had met at least twice.

That referral probably didn't happen immediately, but it happened very quickly, probably within an hour or two of my first bringing the issue to his attention.

Then I would have dealt directly with Ms. Sherman. There are some emails in the record that are between me and Ms. Sherman, and I would have met with her to discuss the issue.

**Mr. Yvan Baker:** It was suggested that you speak with Ms. Sherman.

**Mr. Elder Marques:** That's right.

**Mr. Yvan Baker:** Okay. Thank you.

Can you run us through what happened after it was suggested that you speak with Ms. Sherman?

**Mr. Elder Marques:** I can't give you a very specific, exact sequence that I am confident is perfectly reliable, but she made herself available very quickly. We promptly discussed those issues, and then we would have remained in touch. She understood, I think, and you see in our exchanges, that I had a sensitivity to this, frankly, especially as this was a Friday: Let's make sure that we provide, today, an answer to Mr. Walbourne. Even if it's an imperfect or preliminary answer, let's make sure that there's some engagement today.

I believe she had that same view. I think everyone understood that, again, in a situation where you have a person who has an institutional role the way the ombudsman did, who has sort of put up their hand and asked for assistance or whatever the right word is, you want to make sure that gets answered. You don't want that to happen and then there not to be a response, so I think we touched based during that day to make sure that happened.

Ultimately, she provided me with some language, which I then shared with the office of the minister to suggest that this be the language, or something like that, used to give to Mr. Walbourne so that there was kind of a follow-up or a response to his interaction with the minister of the day before.

**The Chair:** All right. Thank you very much.

[*Translation*]

Mr. Barsalou-Duval, the floor is yours.

**Mr. Xavier Barsalou-Duval:** Thank you, Madam Chair.

Mr. Marques, you said earlier that, although you had no details, you knew that the allegation was serious. In fact, according to the information we have today, we know that it was particularly serious.

Would you say that the Privy Council Office failed in not managing to shed light on the matter?

[*English*]

**Mr. Elder Marques:** Let me say two things. First, on this point about the seriousness and what we know now and didn't know then, at the time I was involved, all we knew was that there was a person with a complaint. We didn't know what that meant. We didn't know anything about the nature of that, or the details of that or the seriousness of it.

As I said before, we were treating it as if it was very serious. I don't think if—

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Thank you.

But you were in the position until 2019; thereafter, if I am not mistaken, you had no news. You said that it was your impression that the case was open. As you had no news about the case and the case was about a serious allegation, did you not want to follow up on it?

[*English*]

**Mr. Elder Marques:** Listen, as I indicated before, I think everyone who was aware that someone had raised something—not even knowing what it was, but that someone had raised something—would want the outcome to be that whatever that is gets properly looked at, absolutely. I think everyone shares that. I don't think that's a partisan issue. I think that's a pretty straightforward “do the right thing” issue, which is that somebody is saying there's a problem, so let's investigate it—

[*Translation*]

**Mr. Xavier Barsalou-Duval:** So would you agree that the case was not dealt with appropriately?

[*English*]

**Mr. Elder Marques:** I certainly agree that the outcome of the issue not being looked at is not what anybody would have wanted at the time, either then or in hindsight. What I think is important to consider is what options were available at that time to actually do anything in addition to what was done. I think what changes could be made, either institutionally or otherwise, so that in future that outcome could be different....

Again, that's why the work the committee is doing is hugely important. I hope—and I am confident that it is, based on the members' questions to me, certainly—it's with the lens of ensuring several things. The first is that these things don't happen at all, and that if they do happen, there's always a proper system to do it—a system that survivors can be confident in and feel confident participating in. That, in a way, is a different question from—

[*Translation*]

**Mr. Xavier Barsalou-Duval:** I would like to ask you one more question.

[*English*]

**The Chair:** Your time is up, Mr. Barsalou-Duval.

We will go on to Mr. Garrison, please.

**Mr. Randall Garrison:** Thank you very much, Madam Chair.

Mr. Marques, I want to return to the question of what was known at the time. You've just restated things, leaving out, I think, critical detail: that is, not just that people knew there was a serious allegation, but you confirmed to me that you knew there was evidence connected to that allegation that the minister, for whatever reason, didn't look at and that the Privy Council Office did not get access to.

Is that correct?

**Mr. Elder Marques:** I certainly didn't mean to restate things in some way that changes that. You are right that I understood at that time that Mr. Walbourne had more that he wanted to say. What that more was, I don't know and I don't think anybody knew at the time.

I think what you see by focusing Mr. Walbourne on dealing with the Privy Council Office is precisely an attempt to understand what that more is, or at least understand enough about it, maybe still in an anonymous form or in some other way, but enough about it to be able to develop or point him in the right direction, and a direction that would permit that to be investigated, or if necessary, take some other steps to investigate it. That is hard to do if you don't have that information.

I agree with you that getting that information was important. That is reflected in what, from what I see, certainly looking back, I think the Privy Council was trying to do.

**Mr. Randall Garrison:** It's also clear from Mr. Walbourne's testimony that he was offering an anonymous version of that evidence to both the minister and the Privy Council Office.

I want to turn, then, to your reporting relationship to the Prime Minister's chief of staff. Would you, or did you—I guess I can say that and see if you have the recall, and I acknowledge that it was three years ago—let the Prime Minister's chief of staff know that there was that “more” involved in these allegations? Would you have passed that information, or do you remember if you did pass that information, to the Prime Minister's chief of staff?

**Mr. Elder Marques:** I don't have a perfect recollection. I am confident that the first time we would have discussed this issue in full, either with my having spoken to the minister's chief or with Ms. Telford having spoken to the minister's chief, we exchanged all the information we knew at that time.

I am confident that at that time I would have relayed to her what the chief of staff had told me. Frankly, if she'd had the conversation, I'm confident she would have relayed to me the entirety of that as well. It's an unusual situation, but it wouldn't have been difficult to recount all of that information.

I'm confident we would have, because we both would have been immediately in the mode of trying to make sure that we get this into the right place, that we get an investigation going and that it goes to PCO: We don't know anything more than PCO does; let's make sure that they are fully engaged.

That was my headspace as I went to talk to the clerk and as I dealt with Ms. Sherman, and to the extent that I may have dealt with others, it was always to ensure that we do not somehow possess some information that could be relevant.

Even though we didn't have a lot of information, we made sure all of it was given to PCO. We were certainly expecting, and I think rightly so, and with no reason to doubt that they would, that they would be then following up and have full carriage of the matter.

**The Chair:** Thank you very much.

We'll go on to Madame Gallant, please.

**Mrs. Cheryl Gallant:** Thank you, Madam Chair. Through you to Mr. Marques, what was your role in the Prime Minister's Office, that the chief of staff would have chosen you as the correct point of contact in the PMO regarding the General Vance allegations?

**Mr. Elder Marques:** I don't have a specific explanation that I would speculate about as to why I was asked to place that call. I don't think it's—

**Mrs. Cheryl Gallant:** What was your role in the capacity of adviser? Were you in charge of certain issues?

**Mr. Elder Marques:** The nature of the role was not defined in relation to specific departments or specific issues that would fall to me. The way the office was structured at that time, there would be a policy team where all—

**Mrs. Cheryl Gallant:** I just wanted to know why she chose you, Mr. Marques.

How many other people knew about this issue in the PMO? There was you, Ms. Telford...

**Mr. Elder Marques:** I recall speaking with Ms. Telford about this issue. I don't have any recollections of speaking with anyone else in the Prime Minister's Office at that time about the issue—

**Mrs. Cheryl Gallant:** That's not what I asked you. I asked you who else in the PMO would have known about this issue.

**Mr. Elder Marques:** I am being very careful today to answer about what I know and not to speculate about what I don't, so what I am trying to say to you is I know that I spoke to the chief of staff. That's how my involvement in this issue originated. I would have been dealing with her and making sure she knew what I knew about what was then happening. I'm confident that happened, and I can't really speak to whether there were other conversations. I'm not here to speculate.

**Mrs. Cheryl Gallant:** We'd like you to provide the names of all the individuals in the PMO who you feel should have been, or were probably, involved in this investigation.

On April 6, Mr. Sajjan was asked who in the PMO informed the Prime Minister that there was an allegation against General Vance. His answer was, "Once we raised it with the Privy Council Office and with the Prime Minister's Office, I'm not sure who". I'd like to know from you, being in the PMO, who informed the Prime Minister of the allegation against General Vance?

**Mr. Elder Marques:** As I indicated in my opening statement, I did not brief the Prime Minister on this issue, and I'm not aware of any briefings of the Prime Minister on this issue, so I'm not in a position to answer your question. That's really as much as I can say on that.

**Mrs. Cheryl Gallant:** This is a pretty important issue, the individual in charge of Canada's military and knowing all our security secrets having this type of allegation made against him. Did you suggest that the Prime Minister be briefed on this matter?

**Mr. Elder Marques:** At that time, as I indicated, we didn't know any details about what the allegation was. Our focus at that time was on making sure that the allegation got to the right place. The

only person who I understood at that time had information about what was the allegation was Mr. Walbourne, and the proper place for that to be looked at and for consideration to be given as to what to do with it, where to put it, how it was looked at, how it was examined, was the Privy Council Office. That's the connection we wanted to make at that time, and I'm confident that was done.

**Mrs. Cheryl Gallant:** Did you make any notes on this issue? Did it just kind of fly by and it was all verbal? Did you take any notes, briefings, so that if the Prime Minister asked, you'd have something to refer to?

**Mr. Elder Marques:** I don't have any notes about this issue.

**Mrs. Cheryl Gallant:** Why would the Prime Minister have been kept in the dark about Canada's top soldier, who holds that very sensitive security clearance?

**Mr. Elder Marques:** At the time I was involved in this issue, what we had was a suggestion by Mr. Walbourne that there was a complainant who had an allegation, which we assumed could be a serious allegation. We knew nothing else, and our job was then to make sure that allegation got to the right place. The right place is not the Prime Minister's Office, ultimately.

**Mrs. Cheryl Gallant:** Okay, so there wasn't just an allegation, there was evidence that he had. Back when they were first looking at General Vance for the position of CDS, there was a mere rumour that there was something in his past and they consulted the national security adviser because he holds such high clearance, but there was no such step taken at all that we can find by this Prime Minister's staff.

Did you just not consider that this type of information getting in the hands of other people might put the general in a predicament and make him subject to potential blackmail?

**Mr. Elder Marques:** You can't go further up the chain than giving it to the Clerk of the Privy Council, and I did that, and I had confidence that he was taking carriage of this matter and that he and his people would do everything they could to make sure it was dealt with appropriately.

**The Chair:** All right. Thank you very much.

[*Translation*]

Mr. Robillard, you have the floor.

**Mr. Yves Robillard:** Thank you, Madam Chair.

Good afternoon, Mr. Marques. Thank you for your testimony before the committee today.

We have also heard from Janine Sherman, Deputy Secretary to the Cabinet, who is in charge of senior personnel and public service renewal. She also advises the Prime Minister and the Cabinet on Governor in Council appointments. She stated that, although she did look for additional details on the matter, she was not specifically seeking details on the complainant's identity.

She also stated her understanding that the complainant wanted to remain anonymous. That is also confirmed by the documents we have received. I am referring to exchanges of emails between herself and the former ombudsman.

You have already answered this question, but I just wanted to be sure that I understand correctly.

Can you tell us whether you had a conversation with Ms. Sherman?

[English]

**Mr. Elder Marques:** I just want to reiterate that I definitely spoke directly to Ms. Sherman. I believe I spoke to her on more than one occasion. There was email correspondence. I think there were phone calls. She was the point person, I understood, in the Privy Council Office to be dealing with this matter, which makes sense given her role in respect of senior personnel more generally.

I am going to leave the specifics as to what she was saying to Mr. Walbourne to those witnesses. I was not part of any of those conversations. I had no interaction with Mr. Walbourne, nor did I try to. The issue around the anonymity and how much information is needed is probably an important one in the sense that I think the challenge, in the absence of really knowing any information, is that it may not be possible to identify what the possible routes are that could lead to a resolution, and by resolution I mean an investigation of the issue.

Figuring out what route is the right route may in part depend on understanding more context about either what happened or whether there had been some other process related to it, and so I think these were all details that, frankly, I was not engaged in, quite deliberately. As I look back on those issues, that is what I think was happening there, and those are important questions, because, especially if the environment is one where survivors are not confident that the institution is well equipped to protect them and to support them through a process, that is going to be a problem.

That's why I think testimony about what happened here and who said what to whom at what time is important, and I am happy to share what I know. I'm trying to be as candid as I can be, but ultimately this committee also has to make sure that it's not just focused on that chronology and trying to say, "Ha, here is something of interest," but is going out and listening to people who have lived experience and have been on the wrong end of what seems to be a very problematic institutional structure and institutional culture when it comes to these issues. I hope that is part of what this committee and others are looking at, because I think Canadians, in watching what is unfolding in the media, are rightly shocked and concerned and want to make sure things get better.

[Translation]

**Mr. Yves Robillard:** Do you know whether Ms. Sherman tried to follow up on this situation with the ombudsman?

[English]

**Mr. Elder Marques:** Indeed, my understanding was that the issue of whether the ombudsman felt he had the consent of the complainant to share all or part—I don't know—of the information that he had was that there had been an initial conversation and that this

was an ongoing process, which makes sense in the sense that I don't think it is right to think of survivors as having one moment to consent or not to do that.

I think that can be something where that answer is different at different times. That was my understanding of where that was at that time, so I want to really defer to the evidence you've heard directly from those players, but I think there was follow-up, and that was my understanding of what that follow-up was about.

[Translation]

**The Chair:** Thank you very much.

[English]

We move on to Mr. Benzen, please.

**Mr. Bob Benzen:** Thank you, Madam Chair.

Thank you, Mr. Marques, for being here today.

I would like to circle back to something you said a little earlier. You were talking about the PCO drafting language to bring back to Mr. Walbourne. Can you give us a sense of what that drafting language was and what they were trying to accomplish there?

**Mr. Elder Marques:** Let me maybe start with what we were trying to do, which was to ensure that, ideally on March 2, Mr. Walbourne would get, from either the minister or the minister's team, a direct follow-up as to where things had been left after his meeting with the minister. What we didn't want was a gap where he's raised this, and now there's nothing. I didn't know what that would look like, because that, frankly, depends on what the next step is. It could have been that I went to the PCO and they said, "We have a system for that; here's who runs that system. Mr. Walbourne should talk to so-and-so or he should fill out a form." I did not know the answer to that question. That is why I engaged the Privy Council.

**Mr. Bob Benzen:** There wasn't anything in there about what Mr. Walbourne was concerned about, which was the protection of this person. It was just, here are the channels to go through. He was really looking for that kind of protection. That wasn't in the language, though.

**Mr. Elder Marques:** My understanding was that if Mr. Walbourne was speaking to Ms. Sherman, one of the primary issues they would be discussing was, indeed, how do we make sure this complainant gets the protection or the cover that she feels she needs to move forward? That's the point of connecting them. I don't think the email to Mr. Walbourne needs to say that. I think Mr. Walbourne, certainly, given his expertise and experience.... I would have thought that's what they are then talking about.

I don't want to speak for them. You've heard from those witnesses, so I want to be a little careful. The language we wanted was to be able to have Mr. Walbourne know what he is to do next, and what he is to do next is to speak to Ms. Sherman, because she is by far—I think this makes sense with my own experience—the person who is best equipped to understand what the institutions are that can play a role here and what to do.

**Mr. Bob Benzen:** Thank you.

Were your conversations and your communications with Katie Telford all verbal? Was there any text messaging, any email, any written documentation? Can you tell us how you communicated?

**Mr. Elder Marques:** I expect that all of our interactions would have been verbal. I don't have any reason to believe they were otherwise. I don't have any written notes or emails or anything like that that tell me otherwise, but I can't say for sure. I expect it would have been. In the normal course, it depends what's happening on a given day, but we would be working in close proximity and would be able to have moments in a day to exchange information.

**Mr. Bob Benzen:** Sure.

Now, the CDS serves at the pleasure of the Prime Minister. Obviously, the Prime Minister needs to know everything he can to make sure that he has the right person in the position. Do you think Katie Telford informed the Prime Minister and brought him up to speed on what was going on here?

**Mr. Elder Marques:** Again, what I can say is that I did not do that. I made sure that she had all the information I had.

At that time, our focus is really on how we make sure that this is in the right place, both in respect of Mr. Walbourne knowing where he's supposed to go and whoever is receiving the information, or dealing with Mr. Walbourne—in this case, Ms. Sherman and the Privy Council Office—also being ready and understanding, hey, this is something that is important that may be coming, so they can therefore respond appropriately in that situation.

**Mr. Bob Benzen:** Obviously, you don't know if Katie told the Prime Minister. I understand that. That's fine.

Do you think, knowing the seriousness of this allegation, she should have told the Prime Minister, so that he knew what was going on? In your opinion, should she have brought the Prime Minister up to speed? This is just your opinion. Should she have done that?

**Mr. Elder Marques:** Listen, I'm not here to pass judgment on whether and when that should have happened, and if it should have happened. All I can say here is the focus that we had at that time: We don't know what this is, but let's assume it's really serious. How do we make sure we put it in the right place so that the right people can do the right thing, which is to investigate it?

That was our focus the entire time. That's what animated me that day. I think that was her focus. As I indicated before, at this time there's not a thing the Prime Minister is supposed to take action on. In fact, taking action on that, even well-meaning action, may be inappropriate at that stage of events, for sure.

**Mr. Bob Benzen:** Going forward, there are a couple of things we know about Mr. Vance. He had an extension, a three-year extension. This allegation had never been resolved. You knew it was significant. Should that have been thought of at the time when his extension was brought up? You said this was very serious, as soon as you heard about it, but yet it never got closed and there was never this big follow-up. But then you have these incidents starting to happen that maybe should cause it to be reviewed again—such as his extension, such as his maybe going to NATO, such as his pay raises.

Are any of those things starting to click in, where we're saying, geez, we need to figure out what happened with this allegation that was never followed up? What are your thoughts on that?

**Mr. Elder Marques:** First, on the seriousness, again, I'm not saying we knew it was serious; I'm saying we assumed it could very well be serious. We treated it the way we would have treated it if we had known that it was very serious. I just want to make sure that is clear.

Again, you sort of said it wasn't followed up or that it should be reviewed again. As I understand it, the right people in the system are made aware that this has been raised, and they are going to do everything they can to have that come forward.

It's not that someone is holding back an investigation. It's not that someone is giving some direction that isn't letting the PCO do what it's supposed to do. They have the information. They know who has the additional information that will be necessary for something to happen, and I have confidence that when they know what to do and know who to do it with, they are going to do that.

We are very fortunate in this country to have the public servants that we do. Suggesting that at that point someone on the political side should be trying to get involved in that and change how it is being dealt with.... I can imagine that being problematic.

**The Chair:** Thank you very much.

It's on to Mr. Spengemann, please.

**Mr. Sven Spengemann:** Madam Chair, thank you very much. Thank you, Mr. Marques, for being with us this afternoon.

I want to take you back to earlier testimony from our colleague, Mr. Garrison, who characterized the events as a failure to investigate and a failure to follow up. In your opinion, was there a failure to do so?

**Mr. Elder Marques:** All Canadians who are watching what is happening on the file of harassment in the military are rightly shocked and concerned, and I think they share—and I certainly don't want to speak for the committee—what I expect the committee members probably also feel, which is that we are going to need really meaningful reform efforts, structurally, institutionally and culturally, to make sure things get better. Those are not overnight solutions.

Again, I would commend the committee to listen to the experts and the survivors to make sure that those recommendations are properly informed in that way. As part of that, a key question is how to make sure, when something occurs and when someone has a complaint they want to bring forward, that you have a system they are confident in, that they are not going to hesitate to participate in and that will let them ultimately have that matter be treated the right way—a way that doesn't revictimize them but is in fact supportive of them as they go through that.

I think people want that, and I think that when they see a situation where there's a complaint but for some reason that complaint is not reviewed, that is a situation no one is happy about. Part of the important work of this committee is figuring out how we make sure that doesn't happen.

**Mr. Sven Spengemann:** Thank you very much, Mr. Marques. Those are very important reflections, and I'm grateful for them.

Over the course of the case, for the length of time you were involved in it and within your reach as a government official, was there a failure to follow up? Did anybody not do what they appropriately should have or could have done?

**Mr. Elder Marques:** Obviously, I can speak only to things I witnessed and people I interacted with, but as I said in my opening statement, this file was not closed, as far as I was ever informed. No one here was not taking it seriously. No one here was not doing, as far as I can see, everything in their power to do what I think we would all say is the right thing, to try to make sure that things come to light. Never was there a suggestion that we should have any other priority in mind, yet despite all that, you had the outcome that you had.

I think Canadians are rightly frustrated by that. I'm frustrated by that as well. That needs to now inform how we make sure, going forward, that it's less likely to ever happen again. That's what I hope the committee does.

**Mr. Sven Spengemann:** Mr. Marques, the committee heard from a number of witnesses, including the former Clerk of the Privy Council himself, Mr. Wernick, that there was an impasse with respect to this particular case. Can you expand, from your perspective, on what that impasse was?

**Mr. Elder Marques:** I don't think I have full information on this, so I want to be a little careful that I'm not speaking in place of others who may have better information. I did understand at that time that there was a question about whether the consent of the complainant to move forward was going to be there for some further process. Obviously, that is a very important consideration in any case like this. It's hard in the absence of knowing the circumstances to say anything too insightful about that, so I want to be careful.

I could understand why that would make taking the next step complicated and difficult. Ultimately, I think we all hoped that consent or partial consent to have some or all or whatever information shared could take place if that meant that there could then be some type of proceeding, some type of review, that would let people understand what happened. Unfortunately, as I understand it, that did not ultimately take place.

**Mr. Sven Spengemann:** Thank you. I think that's my time, Madam Chair.

**The Chair:** It is. Thank you.

[*Translation*]

Mr. Barsalou-Duval, the floor is yours.

**Mr. Xavier Barsalou-Duval:** Thank you, Madam Chair.

Mr. Marques, since we began to study this topic, almost everything that has come before the committee has told us that it wasn't their fault, or that it was not their responsibility, or that they did not know whose fault or whose responsibility it was. They have all been somewhat passing the buck.

People also said that they were not able to see evidence or obtain information. Actually, the Minister of National Defence is the only decision-maker who had the opportunity to have the information in

his hand and to see the evidence, and he refused to have anything to do with it.

The result was that the proper decisions were not made and the Chief of the Defence Staff stayed in his position for another three years in spite of this unacceptable situation. Would that not be the problem?

[*English*]

**Mr. Elder Marques:** What I don't know and I don't want to speculate on is the terms under which Mr. Walbourne said he was sharing that information. What I think we can agree on is that the minister certainly shouldn't then receive information and take some kind of effort to investigate it. I think what you want to do is make sure that the information that's going to start the investigation goes to the right place.

I don't think the minister is the right place, ultimately. I'm not suggesting anyone did anything wrong, but it's not the minister himself who is somehow going to conduct an investigation or review. I think we would all agree that this would be not a very good system—

[*Translation*]

**Mr. Xavier Barsalou-Duval:** When the Armed Forces ombudsmen appeared, the former one and the new one, they both said that it would not have been interference on the part of the Minister to become apprised of the information as presented. So did Lieutenant-Colonel LeBlanc, who is the commander of the Canadian Forces National Investigation Service. But the Minister said that he was not the right person to come to.

However, both ombudsmen and Lieutenant-Colonel LeBlanc also told us that the Minister could very well have asked for an investigation to be launched or have suggested taking the matter further. It was not up to him to conduct the investigation but he can ask for one to be conducted. He could have shared the information he had at hand, but he refused to consider it.

Basically, he was the one with the best chance to communicate the appropriate information, because everything became stuck afterwards.

[*English*]

**Mr. Elder Marques:** I don't want to speculate or offer a view. I'm not an expert in what authorities the different players would have had, so I just don't want to speculate unduly.

What you want to ensure happens is that this information ultimately goes to the right place. As for what routes would have facilitated that and whether they would have facilitated that, I think you are hearing all the evidence, so I imagine you will be in a position to make that judgment. I don't feel I'm equipped either in terms of understanding the various authorities or, frankly, because I have heard all the evidence, because I haven't. I don't want to be speculating or making judgments—

[*Translation*]

**Mr. Xavier Barsalou-Duval:** I understand, but the members' frustration—

[English]

**The Chair:** Thank you very much.

We'll go on to Mr. Garrison, please.

**Mr. Randall Garrison:** Thank you very much, Madam Chair.

Again, without going down the rabbit hole of proceduralism, which I think there's a tendency to do in this case, there are two questions. There's one about individual misconduct of a very senior military leader, and there's the second of trying to root out sexual misconduct in the Canadian Armed Forces.

Mr. Marques, do you remember if the Prime Minister was ever briefed on the lack of progress that Operation Honour was making on the question of sexual misconduct in the military in the time that you were in the Prime Minister's Office?

**Mr. Elder Marques:** I was not part of any briefing of that sort, but that doesn't mean anything. That would not ordinarily be a briefing that I would be a part of, so I can't say.

**Mr. Randall Garrison:** That would be the same thing on the question of whether the chief of staff briefed the Prime Minister on the accusations and evidence with regard to General Vance. You wouldn't necessarily have known about such a briefing or taken part in that briefing.

**Mr. Elder Marques:** Not necessarily. Certainly, in a situation where I didn't possess any different or better information, I can't say. I'm just trying to tell you what I know and be as candid as possible about that, to the extent it's helpful to you. I don't want to make—

**Mr. Randall Garrison:** I appreciate that. I'm not implying anything. I'm just trying to make sure we're clear, because we ended up in a situation where General Vance stayed on longer than most chiefs of staff. As the person in charge of Operation Honour, which is to root out sexual misconduct, when he had multiple accusations of sexual misconduct against him, it seems to me no wonder there's this question of confidence at the senior levels and in the ability to confront the policy problem—not the individual complaint, but the policy problem—of rooting out sexual misconduct in the military.

Would the Minister of Defence have presented a report to cabinet on this question at all in this period? Would you have any way of knowing that?

**Mr. Elder Marques:** I don't know the answer to that question and I don't want to speculate as to how that would have been briefed in the course of the mandate.

I think the commitment to those principles and to that reform is real. I'm just not in a position where I can tell you what that looked like operationally in terms of who was briefed when and how progress was being assessed over time. I don't want to just speculate, because I don't know.

**The Chair:** Thank you very much.

We'll go on to Mr. Bezan, please.

**Mr. James Bezan:** Thank you, Madam Chair.

Mr. Marques, as was mentioned earlier, Michael Wernick was at committee on April 6 and talked about there being conversations between the PMO and him around March 16 or 17 to report that

there was such an impasse. You testified that you thought that the file was left open.

My question is who dropped the ball here? Was it the PCO for not getting to the bottom of this? Was it the PMO for not following up, or was it Mr. Sajjan himself for not actually meeting face to face with Gary Walbourne, who was the ombudsman at the time, to get the details of the allegations?

**Mr. Elder Marques:** I want to focus a little on my evidence because I want to be careful in comparing and contrasting. At all times, I understood the file to be open. I thought Mr. Wernick's evidence to this committee was actually that, as well—that the file remained open in the hopes that either consent would be forthcoming and there would be information from the complainant, or that other information could come forward that might permit some type of review or investigation, even in the absence of information from the complainant.

That was my understanding.

**Mr. James Bezan:** Mr. Marques, what was the standard process for reporting sexual misconduct in the PMO, for PMO staff or—General Vance is always referred to as a GIC appointee—for Governor in Council appointees? Was there a standard operating procedure that you had to live by within the Prime Minister's Office and the PCO?

**Mr. Elder Marques:** I would expect that.... I was not involved in any other cases.

**Mr. James Bezan:** As a staffer yourself, you must have known that there was some sort of code of conduct as it relates to sexual misconduct and reporting, and how those are investigated. Would that code you had in the Prime Minister's Office not also apply to someone like General Vance, as a GIC appointee?

**Mr. Elder Marques:** In a situation in which the person in question is a Governor in Council appointee, I have no doubt that the right place for that to go is the Privy Council Office and, almost certainly, senior personnel at the Privy Council Office.

**Mr. James Bezan:** Do you think that would be the same process that you would have at the PMO? Would you be able to do a comparison?

I'm just saying that because I think within the Prime Minister's Office, about that same time, just before these allegations came to light with General Vance, there were reports about Claude-Éric Gagné. I wonder how you dealt with that, and wouldn't there be extra concern within the Prime Minister's Office on making sure we stamp out sexual misconduct within the public service and among GIC appointees?

**Mr. Elder Marques:** I'm here to talk about the issue that's in front of the committee, which relates to a Governor in Council appointee, so I'm going to limit my comments to that. I think that's appropriate.

There is no doubt that where you have a Governor in Council appointee, it certainly doesn't live on the political staff side to say, "Let's go round up an investigation and look into this." What you would want is people who are serious and responsible, taking any information they have and making sure it's put in the right place. The right place here is the Privy Council, because if it's not the right place, they'll know where to go. That's essentially how our system works. That's why that was done here. It was done within hours, literally, and I would hope that would be done in all such cases.

I didn't deal with any other cases that—

**Mr. James Bezan:** I appreciate that.

If you look back at the testimony of Mr. Wernick, he actually said he regrets that he never got to the bottom of this three years ago, knowing how things have impacted the Canadian Armed Forces, especially women in uniform today. He said he wished Minister Sajjan had actually taken the evidence. He was very concise in his statement.

Would you share that feeling, that Minister Sajjan should have taken that evidence and that you guys should have got to the bottom of this three years ago when you had the chance?

You were one of the key players in this, along with Mr. Wernick, along with Zita Astravas, along with Katie Telford and along with Minister Sajjan.

**Mr. Elder Marques:** I share the frustration of survivors and of the public with the scope of the problem in the Canadian Armed Forces, which it seems we learn more about every day. What I reflect in thinking about that is that it is very important that this committee take its responsibility seriously to now present in the best way possible, in a way that is informed by experts, by survivors and by international experience, and provide us with at least some guideposts for the way forward.

There is a consensus here that is not a partisan issue about how we have to tackle these issues better, both institutionally and culturally. That is not going to be easy. That's some heavy lifting, and I think the committee is uniquely placed to offer some of that.

**Mr. James Bezan:** We're prepared as a committee to do that.

**The Chair:** Thank you very much.

We'll move on to Madame Vandenbeld, please.

**Ms. Anita Vandenbeld:** Thank you very much, Madam Chair; and thank you, Mr. Marques, for accepting our invitation to be here today.

I want to start with a couple of things that were said here today, and get some clarification.

Ms. Gallant offhandedly mentioned for you to provide the names of those in the PMO who were probably involved in the investigation. Are you personally aware of anyone who would have known about this, other than the ones you have told us about today?

**Mr. Elder Marques:** No. I tried to be clear in my answers on that point. I'm not in opposition to providing you with names. I'm here now. You can ask me. I don't have any other names. If there are other people involved, they are not people I'm aware of.

**Ms. Anita Vandenbeld:** Thank you for clarifying that. I appreciate that.

I also heard Mr. Garrison suggest today that Mr. Walbourne may have provided anonymized information to Ms. Sherman. I don't believe Ms. Sherman said that in her testimony.

Is it your understanding from your conversations with Ms. Sherman that Mr. Walbourne provided anything at all, even in terms of the nature of the allegation?

**Mr. Elder Marques:** My understanding was that there was a hope that some information—even if incomplete, even if anonymized, even if purely contextual—would be provided that would then maybe be enough to enable some further step to be taken. To the best of my knowledge, that information was not provided, and I don't believe anonymized information was provided.

Again, I wasn't involved in that directly, so I would certainly defer to other evidence that the committee may have heard on that point, but my understanding was that the information was never provided.

**Ms. Anita Vandenbeld:** Yes, and that would be consistent with other testimony we've heard. In fact, everything you're saying before the committee today is consistent with the other testimony we have heard.

Would it be accurate, then, to say there wasn't enough actionable information at the time to pursue an investigation?

**Mr. Elder Marques:** From our point of view in the Prime Minister's Office, the next step was not in our hands. I would defer ultimately to the view that was formed by those individuals in the Privy Council Office who were managing the file. My understanding is that no additional information was provided. Therefore, if you have a situation in which you understand there was a complaint but you have literally no other information—you don't have a complainant, you don't have witnesses and you don't have some other person to turn to for information, other than a person who is saying, for what may be good reasons, that they are not able to provide it—it's certainly not clear to me what the next step is supposed to be.

I don't want to speak, however, for the Privy Council. What was important from our point of view was ensuring that this was put in the right place and, frankly, that the assessments as to what next steps can happen and whether something exists now that can help in a situation like this or whether something needs to be stood up—all of those questions—were in the hands of the Privy Council.

Frankly, I had a lot of confidence that they were thinking about them the right way and taking them seriously. At no time did I feel there was a dropped ball or a lack of seriousness or a lack of commitment to dealing with what are very serious issues.

**Ms. Anita Vandenbeld:** I note that Mr. Walbourne himself said the information he had was not actionable.

Mr. Marques, I'd be interested to know whether the process you used is the same one you would have followed to look into concerns brought forward about any other Governor in Council appointment.



**Mr. Elder Marques:** I don't believe I was ever involved in another file that involved a Governor in Council appointee, but I think where you would go—your first port of call, in a situation like that—would of course be the Privy Council Office. As I indicated before, that team, especially the senior personnel team, but I think the institution more generally, are the experts on issues of tenure, of performance and of conduct in relation to Governor in Council appointees.

If this, then, were not in the military context but involved a different Governor in Council appointee and the facts were otherwise the same, and our office was being asked to assist, I think we would do the same thing. I think we would say, let's go to the experts to understand whether there is something available now that can help us deal with this or whether something can be made to deal with it. We would take those steps. I don't think it was different here because of who the particular GIC was.

**The Chair:** All right. Thank you very much.

We move on to Madam Alleslev, please.

**Ms. Leona Alleslev:** Thank you very much, Madam Chair.

Mr. Wernick in his testimony said that he prepared a briefing note for the Prime Minister's Office on General Vance, including options for replacing the CDS before the next election, which was this last election.

Were you aware of the existence of this document?

**Mr. Elder Marques:** I didn't have any involvement in any discussions or briefing notes or anything around the issue of the general's tenure. That was not something I had participated in or have any knowledge about that I'm able to share with you today.

**Ms. Leona Alleslev:** Were you aware that those conversations were going on?

**Mr. Elder Marques:** I was not aware of it as an issue either at this time or—

**Ms. Leona Alleslev:** Who would he have provided that briefing note to in the PMO? It was not you, but who would Mr. Wernick have provided that briefing note to?

**Mr. Elder Marques:** I frankly don't know the answer to that question. There's a whole system for briefing notes. It's not an informal, ad hoc system. There's a system that brings those notes up, and they are allocated. Because I wasn't involved, I can't say.

**Ms. Leona Alleslev:** Thank you.

Mr. Wernick also mentioned that General Vance's performance at-risk pay was also delayed. Would you have been made aware of that or had any knowledge, even in passing, of that conversation?

**Mr. Elder Marques:** I don't believe I had any involvement in that issue around his pay or related issues around this particular appointment. I don't have any recollection of that, and in the ordinary course, I wouldn't expect that I would have—

**Ms. Leona Alleslev:** Well, that's perturbing, actually, because you were made the point man, essentially, on the allegations, and you said they were "serious" allegations that needed to be resolved urgently; yet in terms of his performance at-risk pay and his tenure or anything about his continuing in his position, you weren't in any

way involved in those discussions or contacts. Is that your testimony?

**Mr. Elder Marques:** My involvement here was to deal with a situation in which the Minister of Defence and his staff had been made aware, without any details, that there was a complaint, and to take every possible, reasonable step to make sure that that complaint got to the right place. For the reasons I've mentioned, the right place is the Privy Council. I engaged with the clerk immediately, made sure that happened, and had every confidence that the Privy Council would take every step it was able to take, so that they understood that context—

**Ms. Leona Alleslev:** There would be no connection between a complaint of this serious nature and any conversation about his performance, and you wouldn't have been connecting those two dots.

**Mr. Elder Marques:** The complaint, as I've indicated several times, is one we assumed could be very serious, and that is why we acted the way we acted. If I had known it was really serious, I wouldn't have done anything in addition to what I did. We were treating it as very serious.

Ultimately, no information was brought out about the nature of that complaint that permitted any kind of process. That wasn't our decision to make. That was a decision made by the people whose job it is to figure out what we can do, and I think that, to the extent I was involved with them, they all acted very responsibly in trying to do that.

**Ms. Leona Alleslev:** Thank you, Mr. Marques.

In your mind, then, is a chief of the defence staff the same as every other GIC appointment? There's nothing special about a chief of the defence staff in terms of being a GIC appointment.

**Mr. Elder Marques:** I think all GIC appointments have unique features and things that are unique to them. Obviously, the chief of the defence staff is a unique feature of our military architecture for reasons that are apparent, certainly to this committee. What I'm saying is, how you deal with a complaint about personal conduct in that context when you have the information that you have in this case and don't have any other information is, I think, what was done appropriately. I—

**Ms. Leona Alleslev:** Thank you.

I just want to say thank you very much for taking the time to be here with us today. You, of course, have been a central figure to several other issues in this government's past—

**The Chair:** All right. Thank you.

We go on to Mr. Bagnell, please.

**Hon. Larry Bagnell:** Thank you very much, Mr. Marques.

I just wanted to make sure this was on the record. There was a suggestion that the allegation that people were dealing with was serious, and I'm very glad that you took it seriously, as if it could be serious, although there was no evidence as to whether it was serious.

There was another suggestion that the ball was dropped. However, given that a complaint—you didn't even know how serious it was—was immediately forwarded to the people who should investigate it, and given the fact that you needed some amount of information to investigate that wasn't yet available, the file was left open so that an investigation could occur as soon as the information became available. I'm not sure who would have dropped the ball. It just seems everything was done appropriately.

We've heard in your remarks and answers that you had limited knowledge of what the complaint was about, but you still tried to get the allegations looked into. Is that correct? We appreciate that you did that.

**Mr. Elder Marques:** Listen, I think the committee has heard all the evidence and you will form judgments, based on what you have heard about it, as to whether there were additional steps that could have been taken or done. If you do that, I hope that's constructive and helpful.

In the absence of any additional information other than there was a complaint and the ombudsman chose to raise it with the minister, we acted on the assumption that we treat it as if it is very serious because we don't know what it is. It may be or it may not be. It may be grounded in something or it may not be, but you don't want to make that judgment. You want to act on the assumption that it is. I think that's what we did in the Prime Minister's Office.

To the extent that I was exposed to what the Privy Council Office did, they acted the way I think Canadians would expect them to act, which was to take it seriously and try to put it in the right place.

The outcome we have, though, both in this case and in everything else that Canadians can read in the newspapers, suggests to me that this committee has real work to do. I hope it is done in a way that's constructive in trying to address what to Canadians are very obviously serious issues. I don't want to pretend I have the expertise to present the answers to you. There are experts and there are survivors who have lived experience that we have to be listening to, to understand why our current systems don't work and what systems we don't have that maybe we should have.

I hope that's what you do. I'm confident you will do that. I think that's why that's important. Notwithstanding how people reacted here, there's a situation in which, ultimately, there wasn't what you would want to see in the form of an investigation.

**Hon. Larry Bagnell:** Would you say that every independent option you had at the time was taken to ensure the allegations were looked at by the appropriate authorities, which was the Privy Council Office in this case?

**Mr. Elder Marques:** Yes, certainly to the extent that I was made aware of what took place. People were doing their very best to have the information come out that would enable them to make sure it goes to the right place where it can be investigated, assessed and then actions can be taken in response to that.

In the absence of that information, that was a real challenge. From the point of view of a political staffer, I think we all viewed our responsibility to be to make sure no information is held by political staff or by ministers that hasn't been given directly to the Privy Council in the context of what they are dealing with. That's

what we did. I think that's important. I think that is the right way to handle those situations, because you don't want something that may seem not relevant to some person to turn out to be actually relevant to some kind of proceeding. You want to make sure it is put in the right place. The right place here is the Privy Council Office.

**Hon. Larry Bagnell:** I assume you agree that it's time to move on with the recommendations to improve this serious situation.

**Mr. Elder Marques:** I'm going to defer on the question of the work of the committee to the committee itself. I have to think that when Canadians are reading the media articles and stories that are out there, what they want to know is how we are fixing it.

The committee is in a great position to say that they've been looking at these issues in depth, they have heard from a bunch of people, they know the public debates out there about reforms, and they're going to propose some recommendations that can be taken up by the government.

As disappointing and frustrating as it is to see what is out there in the media, if that is indeed what is happening, what Canadians want to know is that there's going to be a thoughtful answer. I think the committee can be one of those parties that steps up to help give that shape and hopefully take us all to a better place on these issues.

**The Chair:** All right. Here we are at three o'clock.

Mr. Marques, thank you very much. I know it took us a little while to coordinate schedules. We know you're a busy man, and we appreciate the time you took out of your schedule to join us today, so thank you on behalf of all the members of the committee for your testimony today. We thank you for joining us.

Have a good day and take good care.

**Mr. Elder Marques:** Thank you, all, very much.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** A point of order, Madam Chair.

[*English*]

**The Chair:** Go ahead.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Generally, when we start a round of questioning, is it not the tradition to finish the entire round so that the speaking time is shared fairly?

[*English*]

**The Chair:** The witness had said he needed to leave at three o'clock because he had other things.

We try to keep it as equal... I let some of the other questions go longer, so that everybody had a fair chance. He was here with us for his two hours, which was his commitment.

At the very beginning of the meeting, we kept the introduction really short. It doesn't always work out, but we try to keep it as fair as we can.

[*Translation*]

Thank you very much, Mr. Barsalou-Duval.

[*English*]

Is the will of the committee to adjourn?

**Some hon. members:** Agreed.

**The Chair:** All right. Thank you.

This meeting is adjourned.

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