

Canadian Forces Grievance Board



**For the period ending
March 31, 2005**

Departmental Performance Report

The Honourable Bill Graham P.C., M.P.
Minister of National Defence

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SECTION I – OVERVIEW

Chairperson's Message

I am pleased to submit the Canadian Force's Grievance Board's fourth *Departmental Performance Report*, for the period ending March 31, 2005.

Our accomplishments for 2004 exceeded many of our expected results; despite the year's challenges, it was nonetheless the Board's most productive period to date. Whether it be improved operational performance, the development and implementation of a human resource strategy, or increased successful interaction with key stakeholders, the Board has managed to surpass several of the objectives it set out for itself. As we continue to improve our processes, to invest in our employees' continuous learning and to build upon our ever-growing body of precedents, our productivity is expected to increase.



I am proud of the success story that the Board has become. In the five short years we have been in operation, we have dealt with the expectations of a difficult mandate and forged a pioneering role in the area of external military grievance review. However, as Chairperson, it is also incumbent upon me to ensure that the results of this department's efforts also meet the objectives we set out in our *Report on Plans and Priorities*. As this report clearly shows, we have surpassed them in several areas.

Diane Laurin
Chairperson

Management Representation Statement

I submit for tabling in Parliament, the 2004-05 departmental Performance Report (DPR) for Canadian Forces Grievance Board.

This document has been prepared based on the reporting principles contained in the Treasury Board of Canada Secretariat's *Guide for the preparation of 2004-2005 Departmental Performance Reports*:

- It adheres to the specific reporting requirements;
- It uses an approved Business Lines structure;
- It presents consistent, comprehensive, balanced and accurate information;
- It provides a basis of accountability for the results pursued or achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved numbers from the Estimates and the Public Accounts of Canada.

Name: Diane Laurin

Title: Chairperson

Summary Information

The Board's Raison d'être – The Board officially began operations on June 15, 2000, when it received its regulatory authority. It is external to and independent of the Canadian Forces (CF) and the Department of National Defence (DND), with the statutory mandate to review military grievances and to submit findings and recommendations to the Chief of the Defence Staff (CDS).

The CFGB's mandate is to issue fair, impartial, transparent and expeditious findings and recommendations on grievances from members of the Canadian Forces, in accordance with the *National Defence Act and referred to under Chapter 7.12 of the Queen's Regulations and Orders for the Canadian Forces (QR&O)*. The CFGB is mandated to review grievances pertaining to:

- deductions from pay and allowances;
- reversion to a lower rank or release from the Forces;
- the application or interpretation of policies relating to the expression of personal opinions, political activities, and candidature for office, civil employment, conflict of interest and post-employment compliance measures, harassment or racist conduct;
- pay, allowances and other financial benefits;
- the entitlement to medical care and dental treatment; and

The Chief of the Defence Staff shall refer every grievance concerning a decision or an act of the Chief of the Defence Staff in respect of a particular officer or non-commissioned member to the Grievance Board for its findings and recommendations. The CDS also has the discretionary power to refer any other type of grievance to the Board for review.

Mission

To review grievances, in order to render fair and impartial findings and recommendations in a timely and informal manner to the Chief of the Defence Staff and the grievor.

Vision

The Board's grievance review skills and expertise will be recognized through the quality of its findings and recommendations.

This will be realized when:

- The principles of integrity and fairness guiding the Board create a climate of confidence in members of the Canadian Forces;
- Members of the Canadian Forces are confident that the Board's findings and recommendations are objective, timely, fair and impartial;
- The work of the Board has a positive impact on the conditions of work for military personnel and contributes to a better understanding and application of regulations, policies, and guidelines;
- Other public agencies, in Canada and abroad, consult the Board regarding their own grievance management and review processes.

A Unique Role

The Board is the first and only civilian body in the world that reviews military grievances. In its role as an administrative tribunal, it conducts objective, transparent and independent reviews of grievances, with due respect to fairness and equity for each member of the Canadian Forces (CF), regardless of rank or position. It ensures that the rights of military personnel are considered fairly throughout the process and that the Board's own Members act in the best interest of parties concerned. Ultimately, it is part of the Board's long-term objective to contribute to the improved working conditions for CF members to have a positive effect on morale, and to instil confidence in the effectiveness and fairness of the improved grievance process.

The Board is a civilian administrative tribunal with quasi-judicial powers. To fully examine all information that could be relevant to a grievance, if it appears necessary, the Board can conduct hearings, summon civilian or military witnesses, and compel them to give oral or written evidence.

The Board reports its findings and recommendations to both the CDS and the grievor. Its recommendations may deal not only with the grievance itself, but with potential systemic changes that could alleviate a problem or issue forces-wide.

Total Financial Resources (in '000\$)

Planned Spending	Total Authorities	Actual Spending
\$8,555.0	\$8,262.0	\$6,784.1

Total Human Resources

Planned	Actual	Difference
56*	47	9

* Includes Board Members appointed by Governor in Council.

Summary of Performance in Relationship to Departmental Strategic Outcomes, Priorities and Commitments

Strategic Outcome:		
The Recommendations of the CFGB are implemented in the Canadian Forces and lead to improvements in the conditions of work.		
Business Line:	Planned Spending	Actual Spending
Review of Canadian Forces grievances referred by the Chief of Defence Staff	\$8,555.0	\$6,784.1

Context and Operating Environment

Factors that affect the time it takes to resolve a grievance - The Lamer Report recommended that grievances should be answered within 12 months from the time the grievance is submitted to the Commanding Officer (CO) to the time the Chief of the Defence Staff (CDS) renders his decision. The Board agrees that this is reasonable and works towards this deadline.

However, the Board must also deal with factors beyond its control that affect its ability to meet the deadline. These factors include:

- The expediency with which a grievance is examined by the Initial Authority;
- The expediency with which a grievance is referred to the Board by the CDS once it is at that level and the expediency with which he examines the CFGB's findings and recommendations;
- The complexity of a grievance. Many grievances can be very complex, requiring Board staff to conduct more research and gather additional information;
- The promptness with which the Board receives a response from parties from whom it has requested additional information;
- The number of Board Members at any given time.

The Board's primary duty is to evaluate each grievance using the necessary steps for preparing a fair and transparent review. In doing so, the Board must also assess the 12-month standard against external factors, such as procedural fairness, disclosure or public hearings—all of which can add time to the review process.

Since its creation in 2000, the Board has developed mechanisms that have enabled it to expedite the review process. These mechanisms fall into three key areas:

- Increased procedural efficiency;

- An established databank of precedents;
- An ongoing record of quality findings and recommendations.

Consolidating Knowledge and Gaining Ground

Over the past four and a half years, the Canadian Forces Grievance Board has been building on its expertise and body of knowledge. Now with some history behind it, it is better equipped to assess its workflow and conduct its business more efficiently. For example, each year has seen the Board steadily increase its production and closure rate. In 2004, it completed more cases than it received for that period, making it the most productive year to date. This increase in productivity results from a number of process changes introduced to increase efficiency, but the talent and dedication of the Board's employees and Members have also been major factors.

External Communications

External communications continues to be a priority for the Board. The results of an environmental analysis show that there exist degrees of confusion concerning the role of the different players who deal with grievance cases or complaints. The CFGB has been aware that its contribution to the overall grievance process is not known or understood as it should be among members of the military and various stakeholders.

By 2004, as internal priorities were realized, the Board was able to devote more time to communications initiatives. Among the most direct and rewarding have been the increasing number of visits to CF bases, where both Board Members and staff were able to speak, and hear first-hand questions and comments from the well-attended audiences of military personnel

Overall Departmental Performance

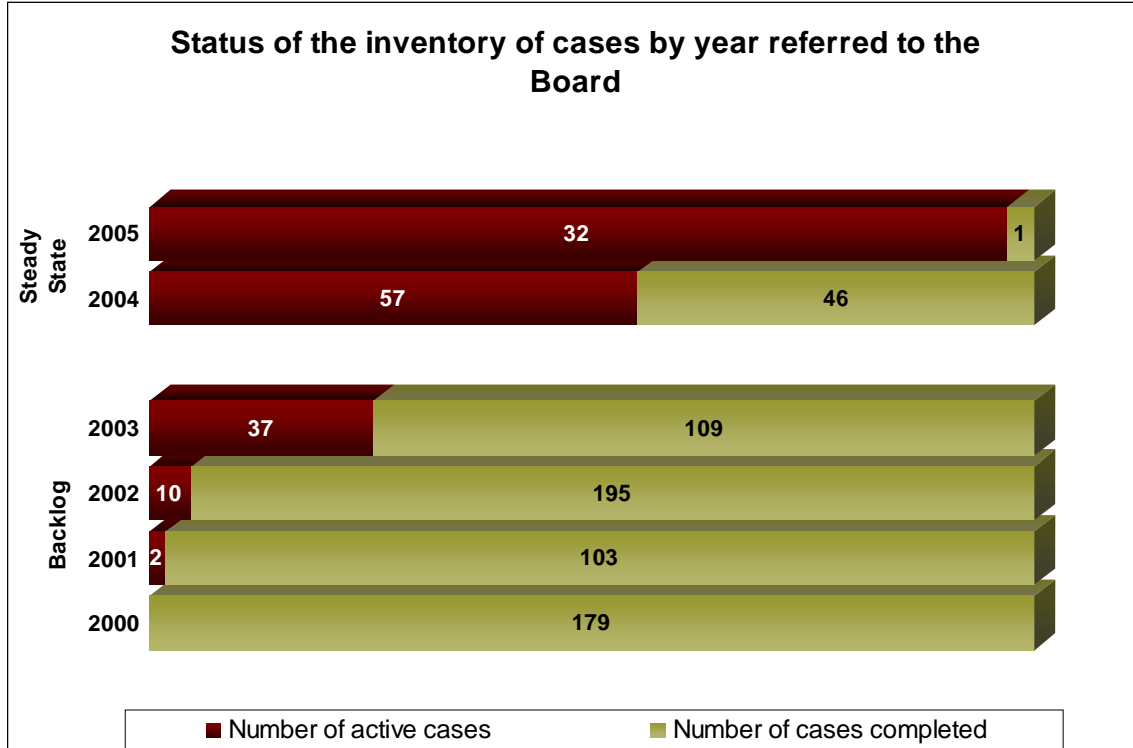
2004–2005 Priorities/ Commitments	Type	Expected Results and Current Status
<p>Priority #1 Increase the Board's operational performance</p>	Ongoing	<p>Expected Results</p> <ol style="list-style-type: none"> 1. Substantially eliminate the backlog and achieve a steady state of operation. 2. Streamline its business processes. 3. Implement its performance measurement and reporting strategy. <p>Current Status: Exceeded</p>

Reducing our inventory of grievance cases

In its first fiscal year of operations, the Board inherited a backlog of 177 cases from the former CF grievance system¹. Over the years, the Board continued to receive grievances predating 2000 for a total number of 292, of which 283 have now been completed (*Data as of May 18, 2005*). This backlog, coupled with the additional cases it received each year (100–150) has made attaining a steady state difficult. In August 2003, the Board submitted to the Minister of National Defence an operational plan that it developed in consultation with the CF. The sole objective of the plan was to deal with the inventory of cases that the Board had received on or before December 31, 2003, which constituted the bulk of the Board's work for 2004-05. In 2004-05, the Board began with an inventory of 265 active cases and completed 169 grievance cases; up from 152 cases in 2003-04.

¹ Grievances filed prior to the 1998 amendments to the NDA. These amendments came into force on June 15, 2000.

The following graphic represents the status of the inventory of cases by the year they were referred to the Board. You will note that 92% of the backlog cases have been completed and that 49 cases are left to be completed as part of the 2003 operational plan. (Data as of July 31, 2005)



An Effective Management Tool - Case Management and Time Tracking System

The Board’s main activity is to review grievances and issue findings and recommendations to the CDS. At the heart of its operations is the Case Management and Time Tracking System (CMTTS), a system that serves a double purpose. As a management tool it provides timely results based performance information and enables the organization to promptly measure its effectiveness and productivity. For example, a work flow of tasks gives the progression on grievance files, including the projected completion of a grievance file, and the time spent on a file at each step of the grievance review process. At any point in time, management and statistical reports can be obtained on all facets of operations to be used for decision making. The system allows the Board to capture the resources, both human and financial, associated with the process.

Throughout 2004, the Board finalized its Results Based Management Accountability Framework (RMAF), which is now aligned and linked to its Management Resources and Results Structure in which relevant information on results will be gathered to assess organizational performance.

2004–2005 Priorities/ Commitments	Type	Expected Results and Current Status
Priority #2 Develop and implement a human resource strategy and plan in order to mitigate the Board's number one corporate risk.	New	Expected Results 1. The strategy includes training and professional development, succession planning and knowledge management. Current Status: Successfully Met

Valuing Our Resources

The Board is a knowledge-based organization requiring specialized expertise to review grievances in a military context. As a result, employees are its key resource, most notably in operations. In 2004–05, it implemented a staffing strategy to ensure that it had a sufficient number of qualified human resources to fulfil its mandate. The Board nurtures in-house expertise through mentoring and training programs, learning frameworks for professional development, and a variety of knowledge-sharing activities for its staff and Members. The Board recognizes that it has to sensitize its employees to the military culture and to this end organized a series of exchanges with key stakeholders throughout the year. As Board Members and employees learn more about the CF and its environment, they can bring a more informed perspective to their work.

An ongoing activity at the Board has been to build on its knowledge management; over the year, a database of Board recommendations and CDS decisions was finalized and a reporting model was developed that produces analyses on the internal precedents the Board has accumulated. Reinforcing our knowledge using the information that has been input into the Board's Case Management and Time Tracking System (CMTTS) and the application of that knowledge is also critical to its effectiveness. The use of the model increases efficiency by identifying similar cases occurring under similar circumstances, which improves the consistency and timeliness of its findings and recommendations. The beauty of this system is that it is also a critical tool for creating, managing and leveraging knowledge. It enables employees to access case-related information, search a database for precedents, e.g. Board findings and recommendations, CDS decisions and case summaries, as well as conduct impact analyses of decisions rendered by the CDS.

2004–2005 Priorities/ Commitments	Type	Expected Results and Current Status
Priority #3 Participate in the legislative review of the <i>National Defence Act</i> .	New	Expected Results 1. Involvement in the legislative consultations and initiatives regarding the grievance review process. Current Status: Pending

Since the last report, there is no change. However, the offices of the Judge Advocate General and the Director General of the Grievance Authority of the Canadian Forces have regularly provided relevant information to the Board as to the progress of the intended amendments to the National Defence Act.

2004–2005 Priorities/ Commitments	Type	Expected Results and Current Status
<p>Priority #4 Continue to implement its external communications strategy in order to better inform Board stakeholders about its role within the grievance review process.</p>	Ongoing	<p>Expected Results</p> <ol style="list-style-type: none"> 1. Implement the Board’s external communications strategy. 2. Pursue various outreach activities <p>Current Status: Successfully Met</p>

Reaching Out

In 2004, the Board decided to step up its efforts in implementing its external communications strategy, developed to better inform Board stakeholders about its role within the grievance review process. To this end, a series of presentations and visits took place over the course of the year. For example, the Chairperson met with several key players within DND and the CF — the new Minister of National Defence (appointed in June 2004), the CDS and the new Vice Chief of the Defence Staff (VCDS) (appointed in September 2004).

The Chairperson also gave presentations to the Military Law Section of the Canadian Bar Association and the Armed Forces Council, and participated in a field study exercise organized by the National Security Studies Course at the Canadian Forces College. It involved visits to the North American Aerospace Defence Command (NORAD), the United Nations (UN) and the Pentagon, and included exposure to planning sessions on military strategies, diplomatic perspectives and international defence issues. In February 2005, the Chair participated in another field study in Brussels and Geneva, where she gave a presentation to students of the National Security Studies Course (NSSC) N° 7. The real benefit of these events was the opportunity for the Chairperson to meet with key senior military officials and exchange on the military culture and operations which in turn translates into valuable knowledge and insight shared with Board employees.

Other outreach activities in 2004 included a presentation by the Director, Grievance Analysis and Operations, to the investigative staff from the Office of the Ombudsman. To further their training and understanding of military culture, the Operations Sector attended a one day session at the Canadian Forces Leadership and Recruit School in Saint-Jean, Quebec. This afforded an opportunity for both organizations to learn from one another and share views on issues of mutual concern. Other outreach activities included trips by Board Members and employees to Esquimalt and Halifax, where they met with members of the Canadian Forces during base tours and where the Vice-Chairperson gave presentations at two Town Halls.

The Board will continue to actively pursue opportunities to reach out to different stakeholders. It is becoming better known within DND and the CF, but it must continue raising its profile through better communications. The aim of its outreach is to demonstrate that the Board does make a difference to grievors and non-grievors alike in the CF and to help dispel some of the confusion about its role in contrast to those of other oversight mechanisms.

2004–2005 Priorities/ Commitments	Type	Expected Results and Current Status
<p>Priority #5 Continue to implement its Management Improvement Action Plan in keeping with the government’s framework for modern comptrollership.</p>	<p>Previously committed</p>	<p>Expected Results 1. Further develop and improve its management practices, in accordance with MAF. Current Status: Successfully Met</p>

Managing for Results

The Canadian Forces Grievance Board has to deliver on a challenging and unique mandate, namely the fair and expeditious review of military grievances. The efforts required to achieve its key results demand that sound management practices are in place to support it in this role. This includes ensuring that the Board has the tools necessary to measure, monitor, evaluate and report on its performance results at many levels.

Acquiring the proper management tools to achieve this has been in development for some time. Throughout 2004, for example, the Board did considerable work to refine and finalize its Results Based Management Accountability Framework (RMAF). The RMAF is now aligned and linked to the Board’s Management Resources and Results Structure (MRRS) and includes the Board’s governance structure, its Results Chain and a performance measurement and reporting strategy, all of which are aligned with the Board’s strategic outcomes. Also included are the enabling activities that support the Board’s main activity and purpose. It also spells out the performance indicators and the ways in which relevant information on results will be gathered to assess organizational performance.

The Board proceeded with a management review of the Finance & Procurement functions (process and procedures); a pay review, a Threat and Risk Assessment; a review of its administrative procedures; a mid-program evaluation and benefited from the results of the audit conducted by the Office of the Privacy Commissioner. All these have allowed the Board to identify needs, strategies and areas for improvement and developed appropriate action plans.

Beyond the System - Employee Performance Management System

In 2004, the Board piloted its Employee Performance Management System (EPMS) developed in consultation with employees and union representatives. Considerable work

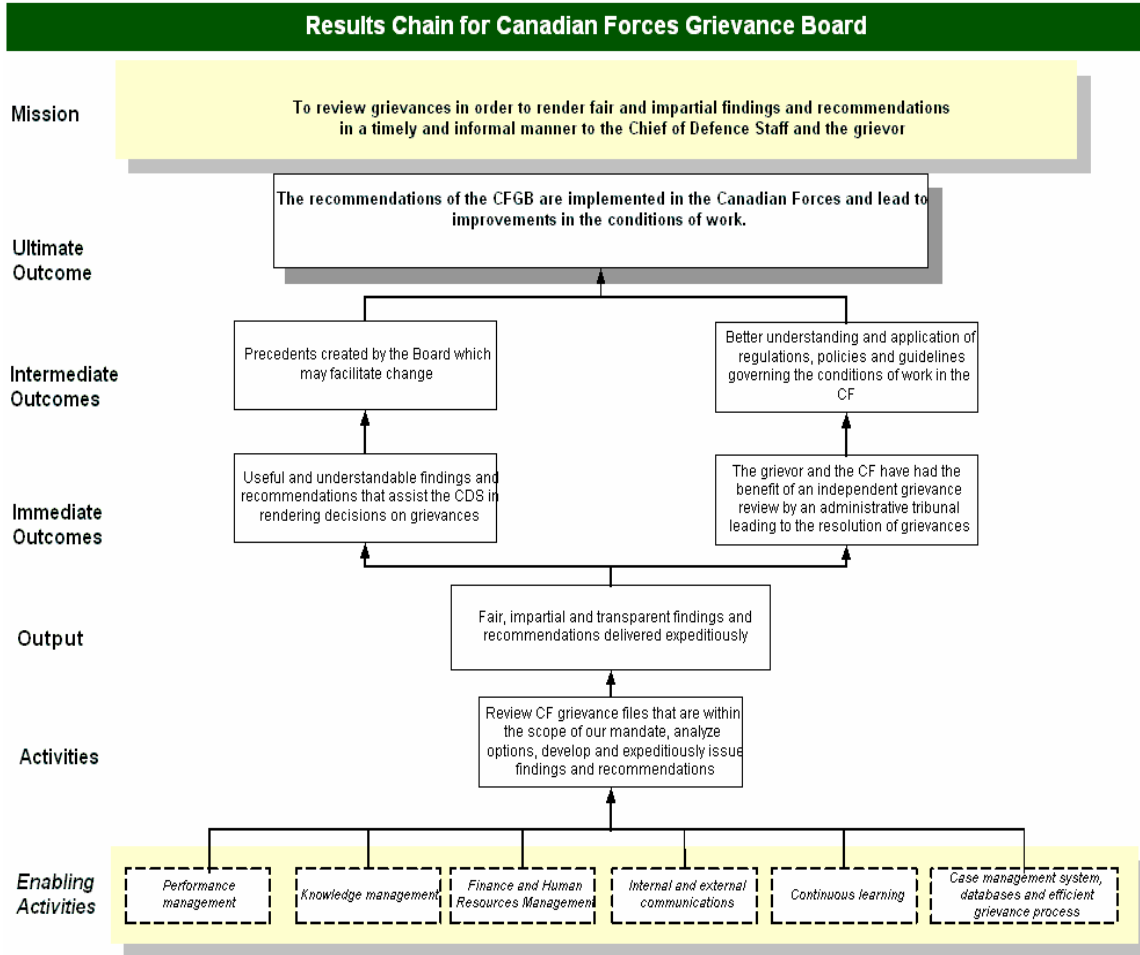
has been done with regard to performance and standards, as well as competencies. Nonetheless, some adjustments are required in order to better align individual work to organizational objectives and harmonize the EPMS with the performance and results-based approach implemented by the Board.

2004–2005 Priorities/ Commitments	Type	Expected Results and Current Status
Priority #6 Validate the Board’s baseline-funding requirement for future years.	New	Expected Results 1. Seek increase in funding if necessary. Current Status: Successfully Met

CFGB has validated its needs in 2003-2004 and will not require additional funding for 2005-2006. However, uncertainty remains for the coming years.

**SECTION II - ANALYSIS OF PERFORMANCE BY
STRATEGIC OUTCOME**

The Board's Results Chain or Logic Model demonstrates how each of the items contributes to the fulfillment of the Board's mission and the achievement of its ultimate or strategic outcome.



Strategic Outcome

The Recommendations of the CFGB are implemented in the Canadian Forces and lead to improvements in the conditions of work.

The strategic outcome reflects the enduring results for Canadians consequential to the Board's work. This is the long-term result that logically flows from the work conducted by the Board, and it is expected that it will take about 10 years before seeing substantial evidence of this result.

Expected Results:

- Intermediate Outcomes

1. Precedents created by the Board which may facilitate change.
2. Better understanding and application of regulations, policies and guidelines governing the conditions of work within the CF.

- Immediate Outcomes

1. Useful and understandable findings and recommendations that assist the CDS in making decisions on grievances.
2. The grievor and the CF have had the benefit of a grievance review by an independent quasi-judicial tribunal leading to the resolution of grievances.

Plans, priorities and commitments

Follow-up on CDS decisions to address systemic issues raised by the CFGB that merit further study for possible policy or regulatory change.

Program, resources, and results linkages

The Board has one program and one business line : Issue fair, equitable expeditious and objective findings and recommendations on grievances referred by the Chief of the Defence Staff. [*Please refer to the summary information section for data on the financial and human resources*](#)

Assessing Performance

Several mechanisms are used to evaluate and/or measure performance, in the context of sound performance management at the Board.

Results are monitored using the following mechanisms:

- Determine the number of CFGB findings and recommendations supported by the CDS;
- Review reasons provided when CFGB findings and recommendations are unsupported by the CDS;
- Obtain feedback from members of the Canadian Forces whose grievances have been reviewed by the Board;
- Obtain views from other members of the Canadian Forces;
- Review any Federal Court decisions regarding grievances that had been reviewed by the CFGB;
- Follow-up on changes made to conditions of work of CF members as a result of the Board's work.

Moving towards our Strategic Outcome - How the Board is Making a Difference

Overview of CDS Decisions

For the period covered by this report, the CDS provided decisions on 181 grievances. For the most part, the CDS partially or fully endorsed 150 of the Board's recommendations. While the Board is not bound by previous CDS decisions in rendering its findings and recommendations, they are obviously given great weight. Further, there is a subjective element in the determination of grievances given that they sometimes deal with the application of policies to specific situations.

“Findings indicated that the CFGB’s operations are consistent with its mandate and are appropriately focused on achieving its intended outcomes.

The vast majority of CFGB findings and recommendations were endorsed by the CDS, and those that weren’t are said to have nevertheless been useful and taken into account in CF policy reviews”

Formative Evaluation of the CFGB

CDS Decisions rendered in 2004-05

CFGB Recommendations	CDS Fully and partially endorses recommendations	CDS does not endorse recommendations	Case withdrawn at CDS Level	Total
Upheld & Partially Upheld	56	21	1	78
Denied	91	9		100
Mediation	1			1
Withdrawn	2			2
Total	150	30	1	181

While the CDS does provide decisions in relation to Board recommendations that will have an immediate relief for the grievor, the Board also makes recommendations whose effects will not be seen in the short term because they will involve changes in regulations, directives and policies.

Feedback from our Stakeholders

The Board had its formative evaluation conducted by an external firm (Goss Gilroy Inc.). The evaluation covers the period from the Board's initial establishment in June 2000 to the end of FY2004-2005. The purpose of this formative evaluation was to provide information to the management of the CFGB to guide their decision-making, to enhance their ability to report on the CFGB's progress, and to identify areas for improvement.

Specific evaluation issues covered by this evaluation include:

- **Rationale and Relevance** - *To what extent are the operations and outcomes of the CFGB consistent with its mandate?*
- **Design and Delivery** – *In what ways have the CFGB's governance structure and delivery approach contributed to achievement of its objectives?*
- **Cost-effectiveness** – *To what extent are the CFGB operations and processes cost-effective?*
- **Success** – *What progress has been made towards achieving outputs and immediate outcomes?*

Do the CDS and the grievor have a clear and accurate understanding of the rationale of the Board's Findings & Recommendations?

"The former CDS reported that one of the more impressive aspects of the performance of the CFGB has been the depth and detail of the analyses of cases. The F&Rs produced are viewed as comprehensive, extremely well thought-out, and of a very high quality."

Formative Evaluation of the
CFGB
GOSS GILROY INC.

Evidence for this evaluation was collected from an extensive review of documents and the CFGB's administrative database, interviews with Board Members, managers, staff, and external stakeholders (including the Chief of Defence Staff, Vice Chief of Defence Staff, Canadian Forces Military Careers, Director of Canadian Forces Grievance Authority, and lawyers), and focus groups with CFGB staff. One limitation of the present evaluation is that there were no grievors interviewed or surveyed. Part of the evaluation strategy was originally to have information from a survey of grievors available; however, the survey was not implemented in time to be included in the formative evaluation as the Board was dealing with cases that were from the previous system and reducing its backlog. As the Board is reaching its steady-state of operations, it will be implementing a systematic collection system in its 2005-06 plans.

Based on the findings outlined in the report, the following are some extracts of the conclusions and recommendations.

Conclusions

Rationale and Relevance

CFGB's operations are consistent with its mandate and are appropriately focused on achieving its intended outcomes. The ultimate strategic outcome expected is that the recommendations of the CFGB are implemented in the Canadian Forces and lead to improvements in the conditions of work. The vast majority of CFGB findings and recommendations were indeed endorsed by the CDS, and those that weren't are said to

have nevertheless been useful and taken into account in CF policy reviews, including the impact of recommendations on improving conditions of work in the Canadian Forces at the systemic level. Evidence indicated that other factors beyond the control of the CFGB may limit the potential impact of the recommendations.

Design and Delivery

The evaluation team found clear evidence of the flexibility and dedication of the CFGB managers and staff to continuously improve the Board's design to ensure that it functions effectively and meets its targets.

Cost-effectiveness

The CFGB has adopted an appropriate iterative approach to developing its grievance review process. In clearing the backlog of cases, the Board is viewed as having maintained an appropriate balance between the quality and the timeliness of the production of findings and recommendations.

Success

The CFGB has essentially succeeded in eliminating the backlog of cases it inherited at the start, and is now entering a steady-state of operations. Indications from the performance measurement data are that the CFGB is progressing towards a more efficient processing of grievances, the time spent per case having steadily diminished.

Recommendations

- That the CFGB continue to engage in the active promotion of its role and mandate to members of the Canadian Forces.
- That the CFGB finalize and implement its new system to systematically collect and integrate feedback from grievors within its overall performance measurement framework.
- That the CFGB continue to review the performance targets to ensure they are valid for a steady-state of operations.
- That the CFGB monitor the effectiveness of its new internal communications plan to improve the quality and quantity of information flowing between managers and staff; and across units.
- That the CFGB pursue as planned for 2005/06 its decentralization of financial authority to managers to improve their capacity to manage effectively and efficiently.
- That the CFGB continue to seek the appointment of new Board Members.

To view the full report, please link to the following: http://www.cfgb-cgfc.gc.ca/pdf/CFGBFormativeEvaluation_20050525-e.pdf

Alerting the CDS to systemic issues

By the end of its first fiscal year, the Board realized that there were grievances reflective of recurrent issues, caused by rules and regulations appropriate for the military workplace, but not adjusted to address changing working conditions—let alone changing social mores.

It is important to keep in mind that in the military environment, rules and regulations must of necessity be followed rigidly. Adjusting employment policies to address variations is therefore much more onerous than it is in the private sector.

The Board's mandate, however, does place it in an ideal position to identify systemic problems. Its full-time focus on grievances, its in-depth analysis of every case, its grievance-tracking systems, its ability to investigate all aspects of the apparent cause of a particular grievance, and its ever-growing library of precedents make it easy to recognize when certain types of grievances seem to be clustering around a systemic stumbling block.

The Board therefore decided that, where recurring grievances appeared to be triggered from systemic issues of which the CDS might be unaware, it would be useful to flag them in the findings and include recommendations that the CDS consider for further investigation. If DND could address a given issue, the likely result would be better working conditions, improved morale, and ultimately, elimination of future grievances related to the subject.

Consequently, at any given time, the Board keeps in mind issues that might be ameliorated through systemic changes; it has completed many investigations that have enabled it to include with its recommendations possible systemic areas for the CDS to consider further. The Board also believes that its systemic recommendations are among the major contributions it can make towards improving the quality of working life in the CF. Towards this end, the CDS response has been largely favorable. While not always in agreement on every recommendation, in the many cases where the CDS has agreed, he has directed the appropriate DND or CF authority to investigate further.

“The grievance system is, to some degree, a barometer of current issues of concern to members of the CF. Several recurring grievances on the same issue may indicate a poor policy, or the unfair application of a misunderstood policy. In some cases, the underlying law or regulation may be out of date or otherwise unfair.

The Board feels a particular obligation to identify issues of widespread concern which may well have implications for morale for members of the military, and where appropriate, provide recommendations for remedial action to the CDS.”

CFGB Annual Report 2004

The following cases illustrate the types of recurring issues that the Board has recommended for further investigation, and describe the CDS' responses.

Acting Rank/Pay

The Board's findings and recommendations

The Board issued findings and recommendations on this issue in several grievances. In its findings submitted to the CDS, the Board stated that it is unfair to have members perform without receiving the pay associated with the rank of the position they fill.

The CDS's response

- The CDS has in all instances responded positively by fully or partially upholding the grievance.
- In response to the Board's systemic recommendation that the CDS clarify when exceptions to the Acting Rank policy should be granted, the CDS has ordered a review of the Acting Rank policy (which includes the AWSE policy).
- He also directed that certain grievors be granted the acting rank that they sought, even though they did not satisfy all of the criteria specified in CF policies. In these cases, the grievors lacked the formal training qualifications required for the rank of the positions that they filled temporarily.

Submarine Specialty Allowance (SUBSPA)

The Board's findings and recommendations

The Board issued findings and recommendations in nine separate grievances, all dealing with entitlement to be paid the SUBSPA. Unfortunately, as a result of the explicit regulatory criteria, the Board has been unable to recommend to the CDS that he grant the SUBSPA to any of these grievors. However, the Board is very cognizant of the inherent unfairness and inequity of the current system and the negative effect that it must undoubtedly have on the morale of affected members.

The CDS's response

- In line with the findings of the Board, the CDS has consistently denied grievances related to entitlement to SUBSPA for those in shore-based, non-designated positions.
- He has acknowledged that the current SUBSPA framework is a source of dissatisfaction for submariners and that more positions merit designation than the current cap allows.
- He has reported that a review of the SUBSPA system is actively under way, but declined to make any changes to the current system until he has received the results of this review.

Recovery of an Overpayment – Write-off of a Debt

The Board's findings and recommendations

The Board has dealt with two cases in particular that related to pay rates where overpayments were made due to an error outside of the CF members' control.

In both cases, the CF told the grievors that the overpayment must be recovered, which in turn gave rise to the grievances. The Board found that the relevant legislation was clear: (subsection 155(3) of the *Financial Administration Act*, and Article 203.04 of the QR & O with respect to the recovery of money by the Crown): Overpayments must be recovered by the CF. Therefore, the Board recommended that the CDS deny the grievances.

The CDS's response

- Although CF members are responsible for ensuring that their pay is correct, the Acting CDS considered the change in the grievor's situation was initiated by the CF, and that the grievor did question the accuracy of his pay.
- In both cases, the CDS and Acting CDS directed the ADM (Fin CS) to explore the feasibility of a submission to the Governor in Council through Treasury Board to seek remission of the debts.
- The Acting CDS also directed the ADM (Fin CS) to explore the feasibility of amending the *National Defence Act* and the *Canadian Forces Superannuation Act* (CFSA) to adopt a standardized and comprehensive approach for authorities to deal with the recovery of overpayments.

Base Shelter Value (BSV)

The Board's findings and recommendations

In two cases, the Board determined that the BSV had been correctly calculated, and therefore recommended denial of the grievance. In terms of systemic changes that could prevent future grievances, it also noted that the CF could have given better information about the factors that would affect the claimants. The Board suggested that CF authorities fully publicize and explain in detail any consequences of changes to Quality of Life policies, particularly those involving changes to the implementation of housing and living allowances.

The CDS's response

- The CDS agreed and directed the ADM (HR-Mil) and the ADM (Infrastructure and Environment) to consider these broader recommendations and report the results to him.

Rates of Pay on Transfer to the Regular Force from the Reserve Force

The Board's findings and recommendations

A number of grievances clustered around the issue of pay changes that occur when a grievor has been transferred from Reserve Force to the Regular Force. In three of four cases, the Board found that the grievor's claim should be granted.

The CDS's response

Among the Board's recommendations related to particular aspects of these cases, the CDS agreed with the following recommendations and asked the ADM (HR-Mil) to consider the Board's findings that:

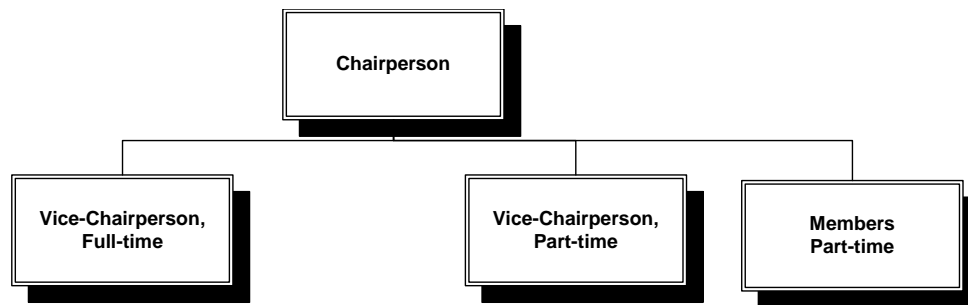
- an existing study team consider the merits of a single-entry pay regulation with a broader scope and more flexibility to adapt pay to past qualifications and that experience or merit be considered;
- the CF adjust its administrative procedures and documents to distinguish between transfer and enrolment, in conformity with the *National Defence Act*, both in official documents and in internal procedures;
- the CDS take measures to complete the review of the Canadian Forces pay structure and regulations that deal with vested rights and former service (which the CDS had directed in January 2002 in relation to a similar case).

More on the individual grievances that make up the Board's work can be found in regular updates as part of the Case Summaries section on the website at www.cfcb-cgfc.gc.ca. Issues range from harassment, to in-vitro fertilization, same sex couples, drug possession and compassionate travel allowance, to name a few.

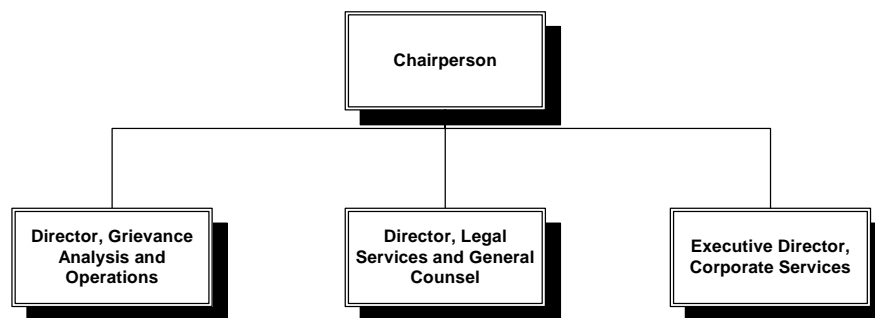
SECTION III – SUPPLEMENTARY INFORMATION

Organizational Information

Board Members



The Management Team



The Chairperson is ultimately accountable for the work carried out by the Members of the Board. The Chairperson, the Vice-Chairperson and other Board Members are primarily supported in their work by the Director, Grievance Analysis and Operations. Grievance officers review individual grievances and seek legal input and advice when conducting their research. In addition to providing legal advice to grievance officers and Members of the Board, legal counsel led by the Director, Legal Services and General Counsel, also provide legal opinions to the Chairperson and the Vice-Chairperson on a wide range of issues. The Executive Director is responsible for providing corporate services to support the operations, including strategic business planning and performance reporting, in addition to communications, finance, administration, information technology and human resources services.

Table 1 - Comparison of Planned to Actual Spending (incl. FTE)

(\$ Thousands)	2002-03 Actual	2003-04 Actual	2004-2005			
			Main Estimates	Planned Spending	Total Authorities	Actual
Review of Canadian Forces grievances referred by the Chief of Defence Staff	8,896.0	6,513.0	8,555.0	8,555.0	8,262.0	6,784.1
Total	8,896.0	6,513.0	8,555.0	8,555.0	8,262.0	6,784.1
Plus: Cost of services received without charge	249.0	254.1	333.0	333.0	336.0	276.0
Net cost of Department	9,145.0	6,767.1	8,888.0	8,888.0	8,598.0	7,060.1
Full Time Equivalents *	46.0	46.0	56.0	56.0	56.0	47.0

* Includes Members appointed by the Governor in Council.

The Board's annual reference level for future years is \$6,211. However it was allocated \$8,555 fro 2004-05 to increase its funding to a steady state level on a temporary basis. Further to the government's announcement of a Salary Cap some of the forecasted expenditures were postponed, furthermore positions of additional Board Members appointed by the Governor in Council were not filled, which all together resulted in a lapse. An amount of \$1,260 was placed in a frozen allotment.

Table 2: Use of Resources by Business Lines

(\$ Thousands)

Business Line	2004-2005	
	Budgetary	Total
	Operating	
Review of Canadian Forces grievances referred by the Chief of Defence Staff		
Main Estimates	8,555	8,555
<i>Planned Spending</i>	8,555	8,555
Total Authorities	8,262	8,262
<i>Actual Spending</i>	6,784	6,784

Table 3: Voted and Statutory Items

(\$ Thousands)

Vote or Statutory Item	Truncated Vote or Statutory Wording	2004–2005			
		Main Estimates	Planned Spending	Total Authorities	Actual
15	Operating expenditures	7,661	7,661	7,699	6,221
(S)	Contributions to employee benefit plans	894	894	563	563
	Total	8,555	8,555	8,262	6,784

Table 4: Net Cost of Department

(\$ Thousands)	2004–2005
Total Actual Spending	6,784
<i>Plus: Services Received without Charge</i>	-
Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds)	276
2004–2005 Net cost of Department	7,060

Table 5: Response to Parliamentary Committees, Audits and Evaluations

Internal Audits or Evaluations
Formative Evaluation of the Canadian Forces Grievance Board: http://www.cfgb-cgfc.gc.ca/pdf/CFGBFormativeEvaluation_20050525-e.pdf

Table 6: Travel Policies

Travel policies
The CFGB follows and uses TBS Travel policies parameters.

SECTION IV – OTHER ITEMS OF INTEREST

The Grievance System - A Two-Level Process

Level I: Review by the Initial Authority (within the Canadian Forces)

A common misconception about the Canadian Forces grievance procedure is that a grievor can submit a grievance directly to the Board. In fact, the process begins not with the Board, but with the grievor's Commanding Officer (CO):

- Step 1: The grievor submits the grievance to his or her CO.
- Step 2: If the CO cannot act as the Initial Authority, he submits the grievance to someone who can act as the IA, i.e. the next superior officer having the responsibility to deal with the matter. If the grievor is satisfied with the Initial Authority's decision, the grievance process ends there.

Level II: Review by the Chief of the Defence Staff

Grievors who are dissatisfied with the Initial Authority's decision or where an initial authority other than the Chief of the Defence Staff does not determine a grievance within the period required, the grievor may request that the initial authority submit the grievance to the Chief of the Defence Staff for consideration and whose decision is the final stage in the grievance process.

Grievors initiate this second level of review as follows:

- Step 1: They submit their request for a second level of review.
- Step 2: For those grievances that fall within the Board's mandate, the DGCFGA (Director General, Canadian Forces Grievance Authority) forwards the grievor's file (on behalf of the CDS) to the Canadian Forces Grievance Board.

The Board's Procedural Response

When the Board's Registrar receives the grievor's file from the DGCFGA, the Board will send a letter of acknowledgement to the grievor, and in accordance with the rules of procedural fairness, will disclose to the grievor the information the file contains. The Board will also invite the grievor to submit additional information related to the case. In addition, should the Board deem it necessary; it can hold formal hearings and call witnesses. Should the Board acquire new information, it will be disclosed to the grievor.

Processing the Grievance

A grievance officer conducts an in-depth analysis, which may involve a lawyer, following which the assigned Board Member develops the final findings and recommendations. These are subsequently forwarded simultaneously to both the grievor and the CDS. The CDS, who may accept or reject the Board's findings and recommendations, will communicate the decision(s) directly to the grievor, with a copy sent to the Board. If the CDS chooses to disagree with the Board, the reason(s) must be set out in the decision(s).