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CANADIAN ARMED FORCES

Action Plan on Inappropriate Sexual Behaviour

Addressing the External Review Authority Report's Recommendations

The Canadian Armed Forces' continued success in operations across Canada and around the world in volatile, dangerous mission areas depends on the unwavering trust and cohesion amongst our members, regardless of gender, ethnicity, orientation or background.
(General Tom Lawson, Chief of Defence Staff – 30 Mar 2015)

CANADIAN ARMED FORCES ACTION PLAN ON INAPPROPRIATE SEXUAL BEHAVIOUR

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INTRODUCTION

In April 2014, the Chief of Defence Staff (CDS), General Tom Lawson, commissioned an independent external review to look into inappropriate sexual behaviour in the Canadian Armed Forces (CAF) following a number of media reports on the subject and a subsequent internal review. Madame Marie Deschamps, a former Supreme Court of Canada Justice, conducted this review by speaking with the men and women of the CAF on bases and wings across the country. She also reviewed relevant CAF policies, processes and procedures.

The CDS has consistently made clear that inappropriate sexual behaviour of any kind is abhorrent and has no place in the CAF.

I do not accept from any quarter that this type of behaviour is part of our military culture. As uniformed members representing Canadian society, we must maintain the highest ethical and professional standards in all areas of our conduct.

*General Tom Lawson, Chief of Defence Staff
April 25, 2014*

In advance of completion of the External Review Authority (ERA) Report¹, which the CDS received on March 27th, 2015, the CAF Strategic Response Team on Sexual Misconduct (CSRT – SM) was stood-up under the authority of the CDS.² The CSRT is tasked to conduct a detailed review of the report and to develop an action plan to address its recommendations.

Following a review of the ERA Report and a preliminary analysis of its ten recommendations, the CSRT has initiated the steps described in this action plan.

¹ External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces by Marie Deschamps, C.C., Ad. E., External Review Authority, dated March 27, 2015

² CDS Initiating Directive – Sexual Misconduct and Harassment Prevention and response in the Canadian Armed Forces, 25 February 2015

The Action Plan

The present Action Plan is the result of the CSRT-SM's preliminary analysis of the ERA's Final Report. The Action Plan is designed to specifically address the ten recommendations included in the ERA's report.

THE STRATEGY

The strategy developed by the CSRT – SM to address the problem of inappropriate sexual behavior in the CAF consists of four major lines of effort, designed to understand, respond to, support victims, and prevent.

In order to address the problem of inappropriate sexual behaviour across the institution, the CAF must fully understand the problem. Therefore, the first, and potentially the most challenging activity for the CSRT – SM, is to thoroughly study and **understand** the scope and complexity of the problem of inappropriate sexual behaviour in the CAF. As a start point, the team will carefully review the ERA report and determine available options to deal with the underlying issues identified by the ERA.

The CAF must **respond** to incidents of inappropriate sexual behaviour promptly, effectively and fairly. Accordingly, the second aspect of the strategy is to improve the CAF's response to incidents of inappropriate sexual behaviour, and to encourage reporting.

As a priority, the CAF must be able to **support** victims of inappropriate sexual behaviour effectively and with sensitivity. Thus, the third major focus for the team is to improve the support available to CAF members who report incidents of inappropriate sexual behaviour.

Inappropriate sexual behaviour is a complex problem, and quick band-aid fixes are unlikely to solve the many dimensions of the problem. We need well-considered innovative change to arrive at a long-term and sustainable solution.
Major-General Chris Whitecross, Comd CSRT-SM
April 15, 2015

The strategy's fourth line of effort is the **prevention** of incidents of inappropriate sexual behaviour to the greatest extent possible. This will help ensure that the long-term vision for the CAF is attained, which is to improve upon the CAF's professionalism and better uphold the culture of dignity and respect with the highest standards of conduct. This vision begins by eliminating, inappropriate sexual behaviour to the greatest extent possible.

Understand

The Understand line of effort has five significant activities associated with it:

- To establish a comprehensive research plan in order to analyze existing information concerning inappropriate sexual behaviour in the CAF;
- To quickly engage with a full range of stakeholders inside and outside the CAF;
- To organize and categorize existing and new information through the creation of an information management system;
- To integrate information and to enable the development of a reporting framework to inform leadership decisions; and
- To better understand the spectrum of inappropriate sexual behaviour by:
 - tracking the latest developments that address this behaviour
 - leveraging internal research resources and partnering with external expertise

Respond

The CAF must respond to incidents of inappropriate sexual behaviour promptly, effectively and fairly. This line of effort has two associated activities:

- To ensure that the CAF takes appropriate action upon being informed of an incident of inappropriate sexual behaviour; and
- To lessen factors influencing under-reporting through the development of an enhanced victim reporting protocol.

Support

As a priority, the CAF will support victims of inappropriate sexual behaviour effectively and with sensitivity. The strategy's support line of effort has three major activities:

- To ensure CAF members have the required skill set to deal effectively and sensitively with victims of inappropriate sexual behaviour by revising and delivering training including new approaches to enhance learning;

- To ensure the existence of a comprehensive and accessible victim support system that meets the needs of members. The CAF will evaluate and modernize current support mechanisms integrating best practices within a Canadian framework; and
- To ensure that continuing support is available and provided to CAF members, who are victims of inappropriate sexual behaviour for as long as required.

Prevent

The strategy's fourth line of effort is the prevention of inappropriate sexual behaviour to the greatest extent possible by fostering a culture of dignity and respect embedded in the highest standards of conduct. It has three key activities:

- To discourage CAF members from engaging in or tolerating inappropriate sexual behaviour through the development and implementation of a visible, effective prevention program based on stronger and sustained leadership and vigilance at all levels;
- To lead positive culture change in the CAF through a tailored permanent addition to the education and training curriculum for all CAF members, focused on identifying and preventing inappropriate sexual behaviour; and
- To revise and better integrate internal policies.

ERA RECOMMENDATIONS AND SUPPORTING ACTION PLAN

Recommendation 1: Acknowledge that inappropriate sexual conduct is a serious problem that exists in the CAF and undertake to address it.

This recommendation is accepted.

The CDS has publicly acknowledged that inappropriate sexual behaviour is a serious problem and is committed to eliminate it to the extent possible. As one of his first steps in this direction, the CDS directed the formation of the CAF Strategic Response Team on Sexual Misconduct (CSRT – SM), which was established under the leadership team of MGen Chris Whitecross and CWO Helen Wheeler. The next significant step will see them meet with CAF members across Canada and abroad. The CDS has also issued direction on inappropriate sexual behaviour to his senior leadership.

By acknowledging the serious nature of this problem publicly, the CDS has raised the awareness of the men and women of the CAF, and signalled a strong intention to deal with it.

Recommendation 2: 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.

This recommendation is accepted.

Cultural change will take time. The CAF leadership will convey the CDS' intent in plain language to their subordinates, to include a more consistent approach to existing rules and regulations that address inappropriate sexual behaviour. At the same time, the CSRT – SM will lead CAF efforts to review, clarify and strengthen current policies and programs.

This policy and program review will include a gender-based analysis³ component to highlight the differential impacts for both men and women serving in the CAF. Overall, CAF leadership will create and maintain a command climate that sets clearer boundaries on what constitutes acceptable and unacceptable behaviour.

In the longer term, sustained senior leadership engagement, reinforced by enhanced education and training, will effect lasting cultural change.

The essential elements of culture are being launched. Sustained behaviour change and the initial efforts to enhance education and training are underway. Modernized, more effective policies and programs will ensure the continuation of a cultural change.

³ Gender-based Analysis Plus (GBA+) is an analytical tool the federal government uses to advance gender equality in Canada.

Recommendation 3: 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.

This recommendation is accepted in principle.

The CSRT – SM will conduct a detailed study of how other domestic and foreign organizations deal with inappropriate sexual behaviour and consult with leading experts in the field in Canada and abroad with a view to developing a centralized capability that would work within the Canadian context.

It is acknowledged that some members may not wish to report inappropriate sexual behaviour through the chain of command. A major focus of the CSRT – SM will be examining alternative mechanisms to mitigate this problem.

The CSRT – SM has launched detailed planning activities to coordinate an information-gathering visit to the United States and Australia to the specific organizations responsible for dealing with inappropriate sexual behaviour in their militaries. Follow-on visits to other countries are planned in the near future for similar purposes. In addition, other domestic and international organizations that have experienced similar incidents and have worked towards addressing it, such as police services and fire departments, are also included in the CSRT – SM visit plans. Best practices and lessons learned will be studied and applied in a Canadian context as appropriate.

Recommendation 4: Allow members to report incidents of sexual harassment and sexual assault to the centre for accountability for sexual assault and harassment, or simply to request support services without the obligation to trigger a formal complaint process.

This recommendation is accepted in principle.

CAF acknowledges that there are obligations, responsibilities and command functions that must exist within the CAF to encourage increased reporting of incidents of sexual harassment and sexual assault. Concurrent to researching how our Allied partners have succeeded in this area, a process will be developed to better explain and guide CAF members to

The United States and Australian military have both developed approaches to allow victims of inappropriate sexual behaviour to report incidents solely for securing support. Recognizing that the Canadian legal framework differs from the USA and Australia, the CSRT – SM will examine our Allies' approaches in detail and identify what aspects might have applicability to the CAF in the Canadian context. A comprehensive guide will be produced to provide victims and others reporting incidents of inappropriate sexual behaviour the full range of options available to them.

current and evolving procedures, including but not limited to, possible outcomes of reporting incidents of inappropriate sexual behaviour. These could include an incident investigation, potential disciplinary action and/or administrative measures, as well as accessing support already available through the Canadian Forces Member Assistance Program (CFMAP). Currently, victims of inappropriate sexual behaviour may seek confidential medical and mental health support without necessarily triggering an investigative process.

Similar to recommendation 3, the CSRT – SM will conduct a detailed study of how other domestic and foreign organizations are organized, and how they are able to ensure formal complaints are not triggered when faced with an incident of inappropriate sexual behaviour. The CSRT – SM will study how these procedures can be incorporated within a Canadian context.

Recommendation 5: With the participation of the centre for accountability for sexual assault and harassment:

- **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, and creates a presumption of an adverse personal relationship where individuals involved are of different rank, unless the relationship is properly disclosed.**
- **Define sexual assault in the policy as intentional, non-consensual touching of a sexual nature.**
- **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 the chain of command.**

This recommendation is accepted in principle.

The CAF acknowledges that it is necessary to review many of its definitions that relate to inappropriate sexual behaviour. The CSRT – SM will coordinate an in-depth review of definitions to simplify the associated language where possible and will seek clarity with respect to the complex issue of consent.

The CAF will also ensure that revised policies and definitions are incorporated in its education, training and leadership development.

Recommendation 6: With the participation of the centre 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.

This recommendation is accepted in principle.

The benefit of inclusive and integrated policy covering all aspects of inappropriate sexual behaviour, written in clear, simple language, is acknowledged. The CAF will conduct an extensive review of existing policies with the objective of integrating as many policies as feasible, simplifying language where possible and developing new, plain language policies where required to deal with inappropriate sexual behaviour.

In addition, the CSRT – SM will coordinate the development of a comprehensive guide to navigating the policy framework and communicating this to CAF members.

Recommendation 7: Simplify the harassment process by:

- **Directing formal complaints to COs acting as adjudicators in a grievance**
- **Reducing emphasis on ADR**

This recommendation is accepted in principle.

The CAF recognizes the benefit of improving and simplifying the manner in which sexual harassment is reported, investigated and addressed.

The CSRT – SM will evaluate the impact of lowest level resolution at the unit level, and will examine other potential solutions to ensure sexual harassment complaints are reviewed by Commanding Officers.

There is currently a dedicated project underway called the Integrated Conflict/Complaint Mechanism (IC2M) to examine the potential of unifying, and simplifying, the harassment, alternative dispute resolution, and grievance system. The CSRT – SM will coordinate activities with IC2M's efforts and will provide input to ensure that inappropriate sexual behaviour is fully considered within the IC2M's mandate, especially as it refers to aspects of the grievance process and effectiveness of alternative dispute resolution.

Recommendation 8: Allow victims of sexual assault to request, with the support of the centre for accountability for sexual assault and harassment, transfer of the complaint to civilian authorities: provide information explaining the reasons when transfer is not effected.

This recommendation is accepted in principle.

The CAF will look into increasing the influence of victims in terms of whether it is military or civilian authorities that process their complaints, and will explore means to better inform victims of their reporting options.

Victims of sexual assault are already able to make complaints to either military or civilian authorities under certain circumstances. Educating CAF members on their options is therefore key. The CSRT – SM will work with the Canadian Forces Provost Marshal (CFPM) to ensure the victim's choice is respected and the victim kept informed, where possible.

Similar to recommendation 3, the CSRT – SM will conduct a detailed study of how other domestic and foreign organizations deal with this aspect and consult with leading experts in Canada and abroad to assess how this may work within the Canadian context.

Recommendation 9: Assign responsibility for providing, coordinating and monitoring victim support to the centre for accountability for sexual assault and harassment, including the responsibility for advocating on behalf of victims in the complaint and investigation processes.

This recommendation is accepted in principle.

The CAF acknowledges the importance of supporting victims of inappropriate sexual behaviour.

Similar to recommendation 3, the CSRT – SM will conduct a detailed study of how other domestic and foreign organizations deal with victim support and advocacy on sexual assault and harassment and consult with leading experts in Canada and abroad to assess how this may work within the Canadian context.

The CSRT – SM will explore options for the development of a centralized capability that would provide support to CAF members alleging inappropriate sexual behaviour.

Recommendation 10: 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 conduct.

This recommendation is accepted in principle.

The current approach to education and training related to sexual assault and sexual harassment in the CAF must be improved. The CSRT – SM will examine the approach to education and training that has been developed in other domestic and international organizations, to identify approaches that may best be employed within the Canadian context. CAF education and training institutions will be consulted to assess the current curriculum on inappropriate sexual behaviour, and to identify gaps. Additional education and training packages will be developed based on a needs assessment. The content will be tailored and delivered to enhance the learning of CAF members on this important issue from the time they enter the CAF until they release.

The effectiveness of training will be regularly measured and reported to the CAF leadership and communicated to internal and external stakeholders.

SUMMARY

The CAF will improve its culture of dignity and respect for all the men and women of the CAF, ensuring that the highest professional standards are maintained. This is not only a moral imperative, it is also an operational one, for the CAF's continued success in operations across Canada and around the world depends on the unwavering trust and cohesion amongst all our members, regardless of gender, ethnicity, orientation or background. The CDS has stated clearly that he will make it a priority to support victims of inappropriate sexual behaviour, and that he will hold the leadership more accountable for their conduct and that of the CAF members. The ERA report points the way forward to eliminate such corrosive behaviour. Through the actions described in this action plan, the CAF will address this serious problem.

As proud members of the CAF, we are all driven by a deep commitment to serve in the defence of Canada against increasingly diverse and complex threats from around the world and even within our own country. It is absolutely unacceptable that any of you should have to defend yourselves against other CAF members.

*Chief Warrant Officer Kevin West, CFCWO
April 20, 2015*

Conclusion

The existence of inappropriate sexual behaviour within the CAF threatens the essential principles on which the Canadian military culture stands. Such behaviour will not be tolerated within the CAF – all levels of leadership and all men and women of the CAF will be held accountable for upholding and embodying the military ethos and adhering to the highest standards of behaviour that the profession demands. The CAF has launched a series of activities that will enhance operational readiness by eliminating incidents and the resultant negative impacts of inappropriate sexual behaviour to the extent possible. The way ahead will be challenging and the level of effort significant. Nevertheless, a CAF that upholds a culture of dignity and respect with the highest standards of conduct justifies the level of effort.