

The case for a legislated defence ombudsman

Our men and women in uniform deserve nothing less than to have an ombudsman whose functions are entrenched in legislation.

BY GARY WALBOURNE

In 1992, Canada turned 125. The people who are fortunate enough to inhabit this shining light of democracy, diversity and inclusion felt a surge of pride as our country continued to fortify its national identity both at home and abroad.

Our democratic institutions were flourishing, and were gradually being reinforced by the creation of ombudsman positions to ensure administrative and procedural fairness for vulnerable segments of our population. In fact, so advanced is Canada in this domain that in that same year, the Government of Canada created the fully independent Office of the Correctional Investigator, an ombudsman position that

investigates and seeks to bring resolution to complaints made by those incarcerated in federal prisons. The independent powers of the correctional investigator are entrenched in legislation passed by the Parliament of Canada, and the individual selected to sit in that chair has the control and management of all matters of connected with his or her office.

As Canada marched towards its 150th birthday, new ombudsman positions were created to serve a number of constituencies as independent “fairness” monitors. There are currently ombudsmen for victims, veterans, companies vying for federal contracts, as well as for the Canadian Armed Forces and Department of National Defence, a position that I am proud to have held since 2014. However, not all of these positions were created equally. The Office of the National Defence and Canadian Armed Forces Ombudsman was stood up rather hastily as a direct result of the sexual misconduct inquiries coming out of Somalia. It was a dark period for the Canadian Armed Forces, and the creation of an ombudsman’s office went a long way in restoring public trust in an institution so desperately in need of it. In 1998, this office opened its doors and saw a slow trickle of inquiries and complaints

as members of its constituency slowly became aware of its services. Its mandate and governance structure were promised to be reviewed within six months of opening its doors. In 2016, the office fielded some 12,000 inbound phone calls from CAF members, National Defence employees and their families every year, opened more than 1,300 investigations, and had a favourable resolution rate of over 95 per cent. This office has evolved. Unfortunately, its mandate has not.

Unlike the Office of the Correctional Investigator, I do not have full control of all matters connected to my office. Rather, the rules that govern my office contain blurred lines of accountability for its operations. Therefore, over the past 19 years, this office and its administration has sometimes been the victim of competing bureaucratic interests. In short, this office has been functioning rather successfully not because of its finely tuned governance structure, but in spite of its lack of one. Almost every single one of my predecessors has raised this governance issue with successive ministers of National Defence. There remains no change.

Equally distressing is that the governance structure of my



National Defence Minister Harjit Sajjan should create a truly independent defence ombudsman’s office, woven into the same legislative tapestry that contains some of our country’s founding documents, writes Gary Walbourne. *The Hill Times* photograph by Jake Wright

office has not been entrenched in legislation, meaning that at stroke of a pen, it could be dissolved. This office does valuable work for our men and women in uniform. It helps to ensure fair treatment for those who have sacrificed so much for us. Last month, I submitted a report to National Defence Minister Harjit Sajjan calling for a truly independent defence ombudsman’s office, woven

into the same legislative tapestry that contains some of our country’s founding documents. I made that report public last week.

Our men and women in uniform deserve nothing less than to have an ombudsman whose functions are entrenched in legislation.

Gary Walbourne is the National Defence and Canadian Forces ombudsman.

The Hill Times

Ethics week: Canada’s leadership something to be celebrated; stronger when we work together

Canada, through our innovative sector, is leading on the world stage when it comes to the ethics file at APEC.



Chrisoula Nikidis

Column Name

National Health Ethics Week starts today and will likely go unnoticed by many Canadians, but we have a lot to be proud of for a Canada-led and implemented national and international ethics initiative in the biophar-

maceutical sector. It’s a unique accomplishment that deserves attention, especially heading into Canada’s 150th year.

We know that relationships are the foundation of business and policy. Good relationships will yield good business transactions and successes for all involved, and will ultimately lead to good public policy for Canadians and ultimately for patients. Bad relationships, or relationships that do not have solid ethical cores, will hurt everyone. Trust is undermined, innovation is stifled and the industry’s efforts to help patients is compromised.

The pharmaceutical industry in Canada recognizes this. That’s why all members of Innovative

Medicines Canada are bound by the association’s Code of Ethical Practices, which maintains strict standards on what is acceptable in our work with healthcare practitioners, governments, patient groups and stakeholders and we publicly report any violations of the Code. It’s why we also worked with the Canadian Medical Association, the Canadian Pharmacists Association, the Best Medicines Coalition, which is an organization that represents patient groups, the Canadian Nurses Association and the Health Charities Coalition of Canada to develop the Canadian Consensus Framework for Ethical Collaboration.

We are convinced of the old adage that we are stronger when we work together with our partners. Our goals are aligned with the broader health-care community: we want to ensure patients have the best possible health outcomes while ensuring the long term sustainability of the health-care system. These notions are important when we consider the exciting pharmaceutical research we work on with partners across the life sciences spectrum.

We’re not only leading on an ethics consensus here at home, but also globally. Launched in 2010, the Business Ethics for APEC SMEs Initiative has emerged as the largest public-private partnership in the world to strengthen ethical business practices in the biopharmaceutical and medical device sectors. With over 1,000 partner organizations spanning all 21 APEC member economies and beyond, this model initiative is driving results in two distinct areas: the identification and implementation of high-standard ethical

business practices across the biopharmaceutical and medical device industries through codes of ethics; and the facilitation of consensus-based frameworks among stakeholders to implement ethical business practices across health systems.

To strengthen ethical business practices aligned with the APEC principles across entire national health systems, the initiative also facilitates consensus-based frameworks among leading industry, health care professional, patient, and government stakeholders within member economies. In 2016, the Canadian Consensus Framework and the Peruvian Consensus Framework were designed, deliberated and launched—the first national-level agreements of their kind to date, leveraging the Global Consensus Framework concluded in 2014 as a key reference. With encouragement from APEC ministers, the Business Ethics for APEC SMEs Initiative aims to support the launch of consensus frameworks within each APEC member economy by 2020. Consultations are underway in numerous capitals to achieve this goal.

No matter where you sit, there is something in this for you. For patients and healthcare providers, they can enhance access to safe and innovative medicines that save and improve the quality of lives. For industry, they help equalize the competitive environment, reduce reputational risks and improve access to markets. Strong ethical practices are good news for governments, too. Strengthened industry self-regulation and compliance with high standards lowers enforcement burdens, improves patients’ trust in the healthcare system, improves health outcomes and product quality and supports trade.



Health Minister Jane Philpott, pictured right, March 29 at the Senate’s Legal and Constitutional Affairs Committee, to talk about Bill C-37, the Controlled Drugs and Substances Act. *The Hill Times* photograph by Jake Wright

For economies, they help support economic growth, innovation and consumer confidence.

Canada, through our innovative sector, is leading on the world stage when it comes to the ethics file at APEC. This means more collaboration, increased transparency and accountability and growing trust which leads to developing more innovations, economic growth and better health outcomes for all Canadians. It’s something we should all be celebrating this week—especially as we look forward to the 150th anniversary of Confederation.

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