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# CONTINUOUS FULL-TIME RESERVE SERVICE : RECONCILIATION OF DIVERGENT COMPENSATION POLICIES

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**JCSP 44**

***Exercice Solo Flight***

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By Major Kirk Millenor

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## **CONTINUOUS FULL-TIME RESERVE SERVICE: RECONCILIATION OF DIVERGENT COMPENSATION POLICIES**

*The essential basis of military life is the ordered application of force under an unlimited liability. It is the unlimited liability which sets the man who embraces this life somewhat apart. He will be (or should be) always a citizen. So long as he serves he will never be a civilian.*

- General Sir John Hackett, *The Profession of Arms*

### **INTRODUCTION**

The Canadian Armed Forces (CAF) is a team composed of two main components, the Regular Force and the Reserve Force. The pay and benefits framework established to compensate these two structures was designed for a very rigid application and did not allow for the flexibility required to accommodate an evolving method of employing full-time reserve members. The salaries of reserve members who are employed continuously on full-time service alongside Regular Force members in interchangeable jobs with the same conditions of service remain considerably less and with little, if any, substantiation for this policy. An analysis of the compensation policy using the Walt and Gilson model of context, content, and process will reveal that while inequality may have once been intended and could be rationalized based on prevalent circumstances at the time, the current reality of full-time reserve employment, as equals to their teammates, is now more congruent with a state of inequity and requires a substantial re-evaluation. The context and content will be analyzed to reveal a diverse and largely inconsistent set of policies and workarounds, as well as the associated conflicts and challenges that currently exist. Secondly, the reserve employment framework of like-minded allied nations with similar reserve force structures will be examined to highlight some of the concepts and practices in place that could similarly overcome some of the CAF challenges. Finally, some potential process steps will be examined for their potential to address the contemporary context of full-time reserve employment. While several promises have been made

in Canada's latest Defence Policy, the inconsistencies currently at play go beyond what simple recruiting goals and retention schemes can address.

## **CURRENT CAF POLICY**

### **Military Ethos**

The context of military compensation policy must first be discussed in terms of the unique conditions of military service and the military ethos. "The profession of arms is distinguished by the concept of service before self, the lawful, ordered application of military force, and the acceptance of the concept of unlimited liability."<sup>1</sup> This military ethos separates the CAF member from the members of the private sector as well as even civilian members of the public service. It should be noted that there is no separate ethos for Reserve Force members that distinguishes them from Regular Force members. Further to this, the following passage from *Duty with Honour* highlights some of the sentiments to be considered in the analysis of service worth.

The conditions of military service give rise to a set of reciprocal expectations between the profession and society. CF members serve voluntarily and, as such, willingly accept the statutory authority of the chain of command to compel members to perform any lawful duty at any time. This includes accepting the risks to health and life of performing hazardous duties or being placed in harm's way. Members are also subject to a much stricter degree of discipline than in civilian organizations and must accept limitations on their rights and freedoms to make public statements and engage in political activities as citizens.<sup>2</sup>

In return, the the government and the Canadian public have an obligation to ensure that members are "fairly and equitably compensated for the services they perform and the skills they exercise

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<sup>1</sup> Department of National Defence, *Duty with Honour: The Profession of Arms in Canada* (Canadian Defence Academy - Canadian Forces Leadership Institute, 2009), p.10

<sup>2</sup> *Ibid*, p.46

in performance of their many duties and that such compensation properly take into account the unique nature of military service.”<sup>3</sup> Another concept that comes into play is that of Universality of Service as follows:

Effective performance of the broad range of defence and security tasks assigned to the CAF requires that CAF members be capable of performing a similarly broad range of general military, common defence and security duties, in addition to the more particular duties of their military occupation or occupational specification. This open-ended nature of military service is one of the features that distinguish it from the civilian notion of employment governed by a contract, which obliges employees to perform only those duties specified in their job description or contract.<sup>4</sup>

All members of both the Regular Force and the Primary Reserve Force must at all times be able to respond to incidents and crisis and be able to perform basic soldier-oriented skills and duties with little or no warning in the defence of Canada both domestically and abroad for undetermined periods of time. Although these tasks may not be part of the expectations of a member’s normal duty position, this does not preclude the requirement to maintain good health and a healthy lifestyle, and a higher degree of physical fitness than most civilian or private sector positions. Failure to meet these requirements can result in termination of employment at the extreme, but most certainly some form of administrative sanction at the very least. In accordance with the CAF principles of universality of service, both Regular Force members and Primary Reserve Force members must meet the minimum operational requirements of physical fitness, employability, and deployability. Physical fitness involves the ability to perform such tasks as digging trenches, evacuating casualties, and carrying sandbags. Employability refers to such

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<sup>3</sup> *Ibid*, p.47

<sup>4</sup> Department of National Defence, Defence Administrative Orders and Directives 5023-0, *Universality of Service* (Ottawa: DND Canada, Last modified 18 Sep 2018)

tasks as firing and maintaining personal weapons, fighting fires, and performing first aid. And finally, deployability involves traveling to a wide variety of geographical locations; sustaining irregular and prolonged working hours; and performing duties under physical and mental stress with minimal or no medical support.<sup>5</sup>

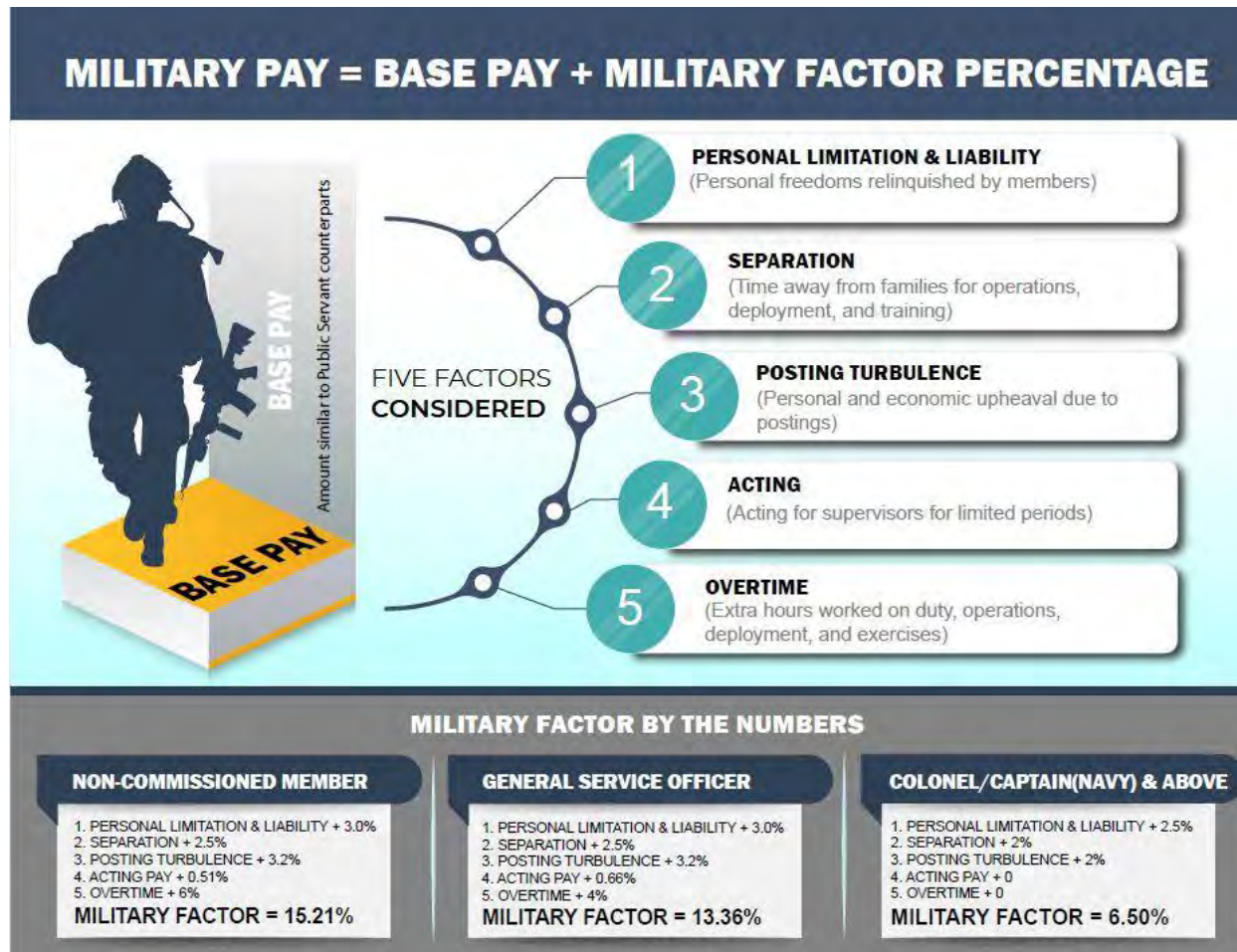
In the CAF, a rank-based team concept or institutional approach is used to determine pay based on the value of the work performed at a specific rank level, “which is different from the more common Public Service method where an individual is paid based on the worth of their position.”<sup>6</sup> Pay for CAF members is composed of two main components - the base pay that is derived through a comparison with public servants at similar levels and a military factor that is designed to compensate for the specific nature of military service as described in the previous

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<sup>5</sup> Department of National Defence, *Defence Administrative Orders and Directives 5023-1, Minimum Operational Standards Related to Universality of Service* (Ottawa: DND Canada, Last modified 18 Sep 2018)

<sup>6</sup> Government of Canada, “Pay Overview for the Military,” last modified 26 Mar 2019, <https://www.canada.ca/en/department-national-defence/services/benefits-military/pay-pension-benefits/pay/overview.html>.

discussion on ethos and universality of service, as illustrated in Figure 1.



**Figure 1 - Paycheque Infographic**

Source: *The Maple Leaf - Defence Stories*

Specifically the military factor includes things such as “personal freedoms given up by members under the Code of Service Discipline”<sup>7</sup> and “time away from families for operations, deployments and training”<sup>8</sup>, but also for geographic relocations. CAF members do not receive additional compensation for working overtime, “although they often work extra hours for duty,

<sup>7</sup> The Maple Leaf, “What’s in your paycheque?” last modified 30 Apr 2019, <https://ml-fd.caf-fac.ca/en/2019/04/27925>.

<sup>8</sup> *Ibid*

operations, deployments, and exercises, or for acting for their supervisors for short periods of time, such as when their supervisors are sick or on leave.”<sup>9</sup> All of these elements combine to add approximately 15% to the base pay for Regular Force members only. Remarkably, the only element that does not usually apply to Primary Reserve members is the geographic relocation piece and yet Primary Reserve members are compensated the equivalent of the full 15% less than their Regular Force teammates. Yet *Posting turbulence* accounts for approximately only 2-3% of the entire 15% military factor.

### **Primary Reserve Service**

The Reserve Force is a component of the CAF consisting of members who are enrolled for other than continuing, full-time military service.<sup>10</sup> The Reserve Force is composed of four different sub-components to include the Supplementary Reserve, the Cadet Organizations Administration and Training Service, and the Canadian Rangers, but the Primary Reserve will be the focus of this analysis. The classes of Primary Reserve service include Class A, which is strictly part-time up to 12 days consecutively, and the full-time classes of service, Class B and C. A member is on Class B service when the member is on full-time service and “is on duties of a temporary nature when it is not practical to employ members of the Regular Force on those duties.”<sup>11</sup> Outside of an operational deployment, a member is on Class C service when the member is on “full-time service and is serving in a Regular Force establishment position or is supernumerary to a Regular Force establishment.”<sup>12</sup> The policies currently in place regardless of

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<sup>9</sup> *Ibid*

<sup>10</sup> Department of National Defence, Defence Administrative Orders and Directives 2020-0, *Reserve Force* (Ottawa: DND Canada, Last modified 19 Apr 2017)

<sup>11</sup> Department of National Defence, Queen’s Regulations and Orders, *Chapter 9 Reserve Service* (Ottawa: DND Canada)



class of service envision a Primary Reserve Force that is only employed on a continuous full-time basis temporarily and for relatively short periods of employment as an exception. The true nature of employment for many reserve members is quite the contrary, especially in various operational headquarters (e.g. CJOC and CANSOFCOM) and specifically at National Defence Headquarters (NDHQ). It is actually more common to have Primary Reservists employed alongside Regular Force teammates performing identical duties and with identical responsibilities throughout these HQ with little in the way to distinguish them from each other except that the Primary Reservists may remain in their positions long enough to create a lasting effect for the organization. Reservists fill positions that would not otherwise be filled and complete tasks that would not otherwise be completed as Regular Force members will only be posted into permanent establishment positions.

While the nature of reserve employment is designed to be temporary and for short duration, the actual nature of much reserve employment is continuous and full-time, to the point that when notices for many Class B positions that need to be filled are advertised they are advertised as permanent Class B positions. This demonstrates an actual intent to have the position continuously filled by a reservist and that the capability provided by the position is necessary but supernumerary to what the organization's establishment is purported to require to achieve a capability. Further to this, the common period of service offered for most permanent Class B positions is 3 years, which is extendable to an additional 3 years without a selection process being conducted. The continuous full-time nature of the service for many Class B reservists is comparable to the Terms of Service (TOS) for a Regular Force member who begins

with a Variable Initial Engagement (VIE) of 3-9 years and then is offered additional periods of Continuing Engagement (CE) normally at 3 year increments.

The nature of reserve service in general has changed a great deal since most of the current policies were drafted and put into effect. Reserve service was conceived as a part-time pursuit that would provide a pool of personnel that could be activated in time of crisis, but whose members had alternate civilian employment as their primary source of income. The levels of training provided to reservists were not on par with the Regular Force and a great deal of additional training would have been required to allow the reservists to be fully integrated. Currently, it is much more common to have reservists trained to an identical level with fully integrated courses being provided and identical development periods being completed to the same standard. An example is the Joint Command and Staff Programme (JCSP) Distance Learning (DL) option that is run as a fully integrated programme over 2 years with candidates of both components graduating with the same qualification standard. In the HQ setting mentioned earlier, the scope of knowledge and exposure to operational and strategic concepts and responsibilities is seamless between reserve and regular personnel. This current state illustrates the inequity with respect to salary between Regular Force members and Primary Reservists. In addition to the factors previously mentioned as justification for the differential in pay between members working side by side on the same team, the fact that reservists were not required to pay into a pension fund was traditionally used to justify the pay gap. "Since 1 March 2007, Primary Reservists have been paying into the Canadian Forces Pension Plan, and those reservists serving on Class B and C service for over 60 months join Part 1 of the CF Pension Plan, the same plan as

Regular Force members.”<sup>13</sup> Even the single item of justification for the pay differential that could potentially be used effectively, the posting turbulence issue, begins to fall apart upon closer analysis. It should be noted “that the posting allowance, a taxable allowance equivalent to one month's salary for Canadian Forces families, is a direct payment to the members at the time of a cost move, one that partially offsets this posting turbulence.”<sup>14</sup> In addition, Regular Force members are more often “requesting to be posted to units within the same geographical area,”<sup>15</sup> or refusing postings outright under threat of releasing, “citing compassionate reasons (family stability, children in school, spouse’s career, single parent issues, and proximity to relatives) for preferring not to move as frequently as was the practice in the past,”<sup>16</sup> further discrediting the belief that Primary Reserve members should be paid even the reduced 2-3% compared to the Regular Force. With further consideration of the continuous full-time Class B situation at the HQ, it must be acknowledged that these Primary Reserve Force members are liable to work 24 hours a day, 7 days a week, and must often work irregular and longer than normal hours in order to remain responsive to higher level priorities at the operational and strategic level. This service often requires frequent travel and separation from families, but interestingly the service also requires members to perform in an acting capacity for member at a higher rank and most often for a higher ranked Regular Force member, again seamlessly and without requirement for additional training to do so. As a further example of the inconsistencies even within Class B service there is a seemingly arbitrary differentiation related to duration of service that comes into

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p.62 <sup>13</sup> Robert Unger, “How Much are Reservists Worth,” *Canadian Military Journal* 11, no. 4 (Autumn 2011):

<sup>14</sup> House of Commons. Standing Committee on National Defence and Veteran’s Affairs. *Minutes of Proceedings*, 22 Mar 1998, 15:40

<sup>15</sup> Unger, “How Much are Reservists Worth,” ..., p.62

<sup>16</sup> *Ibid*, p.62

play when determining the entitlement to CAF healthcare. “Reservists on Class B service of ‘longer than 180 days’ and Class C service are entitled to the same level of care afforded to members of the Regular Force.”<sup>17</sup> Although Class B reservists can potentially work continuously for decades due to their standard Indefinite Period of Service (IPS) terms of service and their continuous liability, the current administrative policies in place require separate terms of employment and a new Statement of Understanding (SOU) every three years that they remain on Class B service.

### **ALLIED RESERVE FORCES**

In order to gain some useful perspective on how other nations handle the issue of Reserve pay in relation to Regular pay, a brief overview of similarly conceived militaries from two like-minded and close allies – The United Kingdom and Australia - will be provided for comparison.

#### **The United Kingdom (UK)**

The UK has a very similarly structured military to Canada in general terms and the two militaries share a very similar heritage with Canada as a former colonial territory and current fellow member of the Commonwealth. The concept of UK reserve service is also similar to Canada in that the Reserve is designed for part-time service with the ability to be activated for full-time service in times of crisis. The nature of UK reserve service has also evolved away from the intent of a massively mobilized formation as seen in the World Wars and in preparation during the Cold War, to one of more precise roles and selective augmentation to the Regular Force. The UK also has provision for Full Time Reserve Service (FTRS) with “Full

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<sup>17</sup> Ombudsman National Defence and Canadian Forces, Report to the Minister of National Defence, *Part-Time Soldiers with Full-Time Injuries: A Systemic Review of Canada's Primary Reserve Force*, May 2016, p.9

Commitment (FC) appointments that fill Regular Army jobs that cannot be filled using Regular personnel for various reasons and with pay and conditions broadly similar to that of Regulars.”<sup>18</sup>

The key piece that differs between Canada and the UK is how reservists are paid as the reserve pay scale is based on what a Regular member would receive in the same job and rank, but simply paid per day instead of as a monthly or yearly salary.

### **Australia**

The Australian Defence Force (ADF) has developed a significantly ambitious yet very innovative model of military service to address a growing skills shortage in Australia. The new Total Workforce Model (TWM) incorporates service models for both reserve and permanent forces and allows a great deal of flexibility in an effort to attract and retain its service members in all branches of the military. It includes different Service Categories (SERCATs) and Service Options (SERVOPs) “in which people serve, while enabling the ADF to deliver capability and the TWM also offers members a range of ways to serve, giving them options for achieving a work-life balance.”<sup>19</sup> In this system the SERCAT most closely comparable to continuous full-time service in the CAF Primary Reserve is SERCAT 5 and with the SERVOP C option in place it most closely resembles a hybrid of Class B and C service. SERCAT 5 applies to members of the Reserves “who provide a contribution to capability that extends across financial years and who have security of tenure for the duration of their approved commitment to serve”<sup>20</sup> and this includes readiness requirements similar to CAF Universality of service. SERVOP C is for continuous full-time reservists and includes “conditions of service similar to those available

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<sup>18</sup> The British Army, “The Army Reserve,” last accessed 23 May 2019, <https://www.army.mod.uk/who-we-are/the-army-reserve/>.

<sup>19</sup> Australian Government, Department of Defence, “Total Workforce Model”, last accessed 23 May 2019, <http://www.defence.gov.au/ADF-TotalWorkforceModel/ServiceSpectrum.asp>,

<sup>20</sup> *Ibid*

to members in SERCAT 7”<sup>21</sup>, which is the SERCAT used for Permanent Force members. An important aspect with respect to ADF salaries is the fact that the daily rate for reserve service is essentially the Permanent Force annual rate divided by 365 to give an equivalent rate without discriminatory limiting factors applied.

## **POTENTIAL FORWARD PATHS AND PROCESS PITFALLS**

The Australian model is quite revolutionary but it is difficult to say if that level of upheaval is required to synchronize the current inconsistencies found in CAF policy. Canada’s latest Defence Policy has hinted at some potential ways forward in addressing the concerns that have been identified over the past several years and many of these concerns are similar to those experienced by our allies. The Defence Policy (Strong, Secure, Engaged) states the following:

The Canadian Armed Forces will explore how to best enhance the flexibility of military careers and that this includes making it easier to transition between full and part-time military service in order to retain valuable military skills and accommodate changing career paths.<sup>22</sup>

Further to this though, the policy also states:

The Canadian Armed Forces will also introduce new measures that allow some military members who no longer meet universality of service – that is, the requirement that all Canadian Armed Forces personnel be fit for deployment – due to illness or injury incurred while serving in the military to continue to serve on a case-by-case basis.<sup>23</sup>

This leads to a troubling scenario with respect to reserve pay for continuous full-time service in that Regular Force members who will potentially no longer meet the very basic requirements for

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<sup>21</sup> *Ibid*

<sup>22</sup> Department of National Defence, *Strong, Secure, Engaged, Canada’s Defence Policy* (Ottawa: National Defence, 2017), p.22

<sup>23</sup> *Ibid*, p.22

service in general could still receive 15% more pay without being fully employable, deployable and fit for service. The Defence Policy goes on to declare:

In recognition of these new roles and responsibilities, Primary Reserve Force remuneration and benefits will be better aligned with those of the Regular Force where the demands of service are similar. This will ensure Reserve Force members receive fair compensation for their service to Canada.<sup>24</sup>

This provides some indication that the current situation may be addressed at some point but further highlights that it will only be in response to a perceived change based on new roles and responsibilities. This does not acknowledge the fact that Primary Reservists have already been in a situation where demands of the service are similar and does not address the specific issue of Class B reservists working alongside Regular Force teammates with the same or greater responsibilities. It also does not address the fact that reservists who have chosen to work continuously on full-time service have done so as a career choice in itself which is not unlike choosing the Regular Force path, only with a great deal more effort and no security that their careers will be managed or that their employment will be secure. Chief Warrant Officer Robert Unger provides the following summary in his *Canadian Military Journal* article:

Reservists have proven that they can fight, bleed, and die like their Regular Force counterparts. Those Reservists who chose instead to support efforts on the home front have also proven their worth by helping the CF ‘grow’ the force, conduct and sustain operations, and move key CF initiatives forward.<sup>25</sup>

The scope of this paper will not allow a full development of policy options to remedy the current inequity, but many potential solutions are possible given a full appreciation of how military pay is determined and how reservists are actually employed. The current three classes of service

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<sup>24</sup> *Ibid*, p.69

<sup>25</sup> Unger, “How Much are Reservists Worth,”..., p.62

could certainly be applied in a revised manner but even as a simpler interim solution, the Class C service option could be applied given the extant approval authority in place for non-operational purposes. The Chief of the Defence Staff, or his designate, can approve Class C service when a position is supernumerary to a Regular Force establishment.<sup>26</sup> Unless the position is part of a reserve establishment, it is supernumerary to a Regular Force establishment. This is achievable. There is less issue with part-time service being compensated differently, but as our allies have demonstrated, the actual rate of pay can still be the same with half days and full days being managed proportionally. Lieutenant-General Leslie, in response to his Report on Transformation 2011 recommendation that the number of full-time reservists be reduced to an arbitrary 4500, “stressed that substantial numbers of full-time reservists would remain, and anticipated that many would return to part-time status or seek to join the Regular Force.”<sup>27</sup> If the process to transfer components were streamlined and were to be synchronized with actual requirements and not traditional methods of intake requirement estimates, it is likely that many continuous full-time reservists would be amenable to that option as well.

## CONCLUSION

Reservists are employed continuously and full-time within Regular Force organizations and units across Canada and in all ranks, from private to major-general. Given the current definitions of the classes of Primary Reserve service and considering the current practices of employing reservists on continuous full-time service for consecutive multi-year periods of

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<sup>26</sup> Department of National Defence, CF Military Personnel Instruction 20/04, *Administrative Policy of Class A, Class B, and Class C Reserve Service* (Ottawa: National Defence, 2009)

<sup>27</sup> Martin Shadwick, “The Report on Transformation 2011,” *Canadian Military Journal* 12, no. 1 (Winter 2011): p.70



employment, it is necessary that a more reconciled compensation scheme be adopted to match the overwhelmingly similar nature of service and expectation compared to Regular Force service. Dr. Richard Weitz stated at the Standing Committee on National Security and Defence in 2011 :

If you are going to use them as an operational force, you have to morally treat them as if they were close to active duty and you have to give them all the benefits - health care, higher pay, education; whatever you are giving to the active corps, you need to give to the Reserve component as well.<sup>28</sup>

It was also the view of the Committee “that members of the Primary Reserve on Class B service who are working full-time for the Regular Force should be paid by the Regular Force.”<sup>29</sup> All of this said, if a realistic appreciation of how reserve service has evolved and is being used across the CAF can be achieved, it is likely that the required reconciliation can be achieved as well.

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<sup>28</sup> Standing Senate Committee on National Security and Defence, *Answering the Call: The Future Role of Canada's Primary Reserve*, December 2011. p.24

<sup>29</sup> *Ibid*, p.54

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