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# DAOD 5019-0, Conduct and Performance Deficiencies

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## 1. Introduction

**Date of Issue:** 2004-12-22

**Date of Last Modification:** 2020-07-10

**Application:** This DAOD is an order that applies to officers and non-commissioned members of the Canadian Armed Forces (CAF members).

**Approval Authority:** Chief of Military Personnel (CMP)

## Enquiries: Director Military Careers Policy and Grievances (DMCPG)

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## 2. Definition

### **hateful conduct** (*conduite haineuse*)

An act or conduct, including the display or communication of words, symbols or images, by a CAF member, that they knew or ought reasonably to have known would constitute, encourage, justify or promote violence or hatred against a person or persons of an identifiable group, based on their national or ethnic origin, race, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics or disability. (Defence Terminology Bank record number 695993)

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## 3. Policy Direction

### Context

**3.1** Collectively, CAF members have a core responsibility to the government and people of Canada to defend Canada and its interests. Individually, CAF members are responsible for their conduct and performance.

**3.2** CAF members are expected to:

- a. meet established standards of behavior in applicable regulations, codes of conduct, policies, orders, instructions and directives, including

the *DND and CF Code of Values and Ethics* and *Duty with Honour: The Profession of Arms in Canada*;

- b. meet established standards of performance in the execution of their duties, tasks and responsibilities, based on their current rank, military occupation, experience and position; and
- c. respect the dignity and value of all persons by treating them with respect and fairness at all times and in all places in accordance with the *Canadian Human Rights Act*.

**3.3** A conduct deficiency occurs if a CAF member fails to meet an established standard of behaviour in a regulation, code of conduct, policy, order, instruction or directive applicable to the CAF member. A conduct deficiency, including hateful conduct, is incompatible with the effective military service of a CAF member and military ethos.

**3.4** A performance deficiency occurs if a CAF member fails to meet an established standard of performance.

## Policy Statement

**3.5** CAF members must be held accountable for conduct and performance deficiencies resulting from factors within their control. Hateful conduct by CAF members is prohibited.

## Requirements

**3.6** The chain of command must ensure that all CAF members are made aware of this DAOD. If the chain of command suspects that a conduct or performance deficiency by a CAF member resulting from factors within their control has occurred, the chain of command must take appropriate action. Depending on the circumstances, the appropriate action may involve administrative or disciplinary action, or both.

**3.7** If a CAF member has been charged with an offence under the *National Defence Act*, the *Criminal Code* or other federal statute, the chain of command may, regardless of the outcome of the offence, take administrative action to address any conduct or performance deficiency arising in the circumstances.

**3.8** The CAF must provide education, counselling and treatment, as appropriate, to assist CAF members to prevent, correct or subsequently overcome conduct and performance deficiencies.

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## 4. Compliance and Consequences

### Compliance

**4.1** CAF members must comply with this DAOD. Should clarification of the policies or instructions set out in this DAOD be required, CAF members may seek direction through their chain of command. Military supervisors have the primary responsibility for and means of ensuring the compliance of their CAF members with this DAOD.

### Consequences of Non-Compliance

**4.2** CAF members are accountable to their military supervisors for any failure to comply with the direction set out in this DAOD. Non-compliance with this DAOD may have consequences for the CAF as an institution and for CAF members as individuals. Suspected non-compliance may be investigated. Military supervisors must take or direct appropriate corrective measures if non-compliance with this DAOD has consequences for the CAF. The decision of a level one advisor or other senior official to take action or to intervene in a case of non-compliance, other than in respect of a

decision under the Code of Service Discipline regarding a CAF member, will depend on the degree of risk based on the impact and likelihood of an adverse outcome resulting from the non-compliance and other circumstances of the case.

**4.3** The nature and severity of the consequences resulting from non-compliance should be commensurate with the circumstances of the non-compliance and other relevant circumstances. Consequences of non-compliance may include one or more of the following:

- a. the ordering of the completion of appropriate learning, training or professional development;
- b. the entering of observations in individual performance evaluations;
- c. increased reporting and performance monitoring;
- d. the withdrawal of any authority provided under this DAOD to a CAF member;
- e. the reporting of suspected offences to responsible law enforcement agencies;
- f. the application of specific consequences as set out in applicable laws, codes of conduct, and CAF policies and instructions;
- g. other administrative or disciplinary action, or both, for a CAF member; and
- h. the imposition of liability on the part of Her Majesty in right of Canada and CAF members.

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## 5. Authority

### Authority

**5.1** CMP has the authority to develop and approve policies and instructions concerning conduct and performance deficiencies by CAF members.

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## 6. References

### Acts, Regulations, Central Agency Policies and Policy DAOD

- *Canadian Charter of Rights and Freedoms*
- *Canadian Human Rights Act*
- *QR&O Chapter 19, Conduct and Discipline*
- *QR&O Chapter 106, Investigation of Service Offences*
- *DAOD 1000-7, Policy Framework for Military Personnel Management*

### Other References

- *DAOD 2008-3, Issue and Crisis Management*
- *DAOD 5012-0, Harassment Prevention and Resolution*
- *DAOD 5019-1, Personal Relationships and Fraternization*
- *DAOD 5019-2, Administrative Review*
- *DAOD 5019-3, Canadian Forces Drug Control Program*
- *DAOD 5019-4, Remedial Measures*
- *DAOD 5019-5, Sexual Misconduct and Sexual Disorders*
- *DAOD 5019-6, Academic Misconduct*
- *DAOD 5019-7, Alcohol Misconduct*
- *DAOD 5019-8, Private Debts*
- *DAOD 5044-4, Family Violence*
- *DAOD 5516-0, Human Rights*
- *CF Mil Pers Instruction 01/20, Hateful Conduct*

- CANFORGEN 134/12, Decentralization of Authorities Related to Remedial Measures and Administrative Actions
- CANFORGEN 112/14, Amendment - Decentralization of Authorities Related to Remedial Measures and Administrative Actions
- CANFORGEN 016/18, CDS Direction on Professional Military Conduct
- Department of National Defence and Canadian Forces Code of Values and Ethics
- Duty with Honour: The Profession of Arms in Canada
- Statement of Defence Ethics

**Date modified:**

2018-11-16