



Government
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FOR **VETERANS** AND GOOD GOVERNANCE

Office of the Veterans Ombudsman **ANNUAL REPORT 2009-2010**

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WE ARE PROUD TO INTRODUCE THE OFFICE OF THE VETERANS OMBUDSMAN'S NEW SYMBOL.

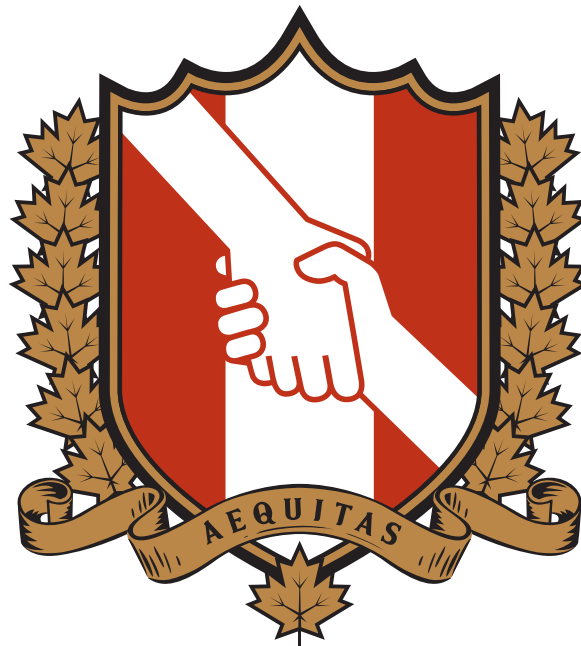
Each element has been carefully chosen to reflect what we do and who we do it for – Canada's Veterans and their families.

The shield is significant because of its association with defending the bearer. This can be interpreted in two ways; Veterans have defended the interests and values of all Canadians, and the OVO now defends Veterans by ensuring that they are treated fairly.

The thirteen maple leaves that surround the shield are representative of each province and territory of Canada, signifying that the OVO works for Veterans throughout Canada. The background colour of the shield is also aligned with the colour scheme of the Canadian flag and the crown-shaped top represents the Crown – the Government of Canada.

The Latin word written across the scroll is "Aequinas", which means fairness. This also demonstrates the Ombudsman's role in ensuring Veterans and their families are treated fairly.

The handshake in the shield extends from higher to lower, representing the Government of Canada and the individuals who have accepted the term of unlimited liability in the service of our country. It also symbolizes the mutual understanding of the obligation that the Government of Canada has to look after Veterans and their families.





Government
of Canada Gouvernement
du Canada
Veterans Ombudsman
Ombudsman des vétérans

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The Honourable Jean-Pierre Blackburn, P.C., M.P.
Minister of Veterans Affairs
House of Commons
Ottawa, ON K1A 6C3

September 15th, 2010

Dear Minister Blackburn,

It is my pleasure to present to you the second Annual Report of the Office
of the Veterans Ombudsman for tabling in Parliament, at your convenience.

Yours sincerely,

P.B. Stogran
Colonel (Retired)
Veterans Ombudsman

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MESSAGE FROM THE OMBUDSMAN

Today, Canada has arrived at a significant crossroad in our history, where decisions we make will have an impact for decades to come.

A NEW URGENCY TO ACTION

Canada continues to send its sons and daughters -our most valuable national treasures – into conflict zones around the globe. This, in the context of an increasingly dangerous world where international terrorists and transnational criminals have the capacity to threaten sovereign states. NATO's involvement in Afghanistan illustrates this threat. The outcome of NATO's involvement in Afghanistan might be as important an event to the future security environment as was the formation of NATO in 1949.

At the same time, Canada has undertaken to modernize the legislation that underpins the treatment of Veterans of these missions and their families: The New Veterans Charter (NVC). This legislation will affect generations of Veterans.

VETERAN MUST DIE FOR VIP BENEFIT TO BE PAID

A Veteran had to be admitted to a Long Term Care (LTC) facility. He did not request Veterans Independence Program (VIP) services for Housekeeping or Grounds Maintenance prior to his admittance to the facility. His spouse, now living alone, needs both services to remain independent in their home. Unfortunately, she does not qualify for these services because they were not in place at the time the Veteran was admitted to the LTC facility. Also, she cannot qualify under the extension program for these services as she is not considered a "survivor" since her husband is still alive. If her spouse passed away, she may then become eligible for these services through the extension program. This situation is very stressful and frustrating for the couple. The situation also makes the Veteran feel helpless as he cannot help his struggling spouse with the chores that need to be done at home.

In addition, federal central agencies are experiencing a generational power shift. The new generation at the controls seems not to have the same understanding or empathy for Veterans and their issues as former public servants.

This is causing confusion and consternation within the Veterans community. While Members of Parliament and Senators continue to strongly support Veterans and their families, there appears to be a considerable lack of understanding within central agencies of exactly what it means to implement the Government of Canada's mandate in relation to Veterans. These mixed messages are preventing Veterans Affairs Canada (VAC, the Department) from serving the Veterans community the way they should.

In this regard, the OVO has encountered compelling and corroborated information that makes it reasonable to infer that central agencies and senior bureaucrats have become desensitized to the sacrifices of Veterans and their families and have, in many instances, failed to fulfill the recognized obligation of the people and the Government of Canada.

Central agencies are consumed with controlling the machinery of government, cutting budgets, and reducing financial expenditures. Their laser-like focus, however, appears to have caused some senior bureaucrats to lose

touch with the sacrifices of our Veterans. Their enforcement of a culture of obedience, constraint, and denial within the public service is not only frustrating front-line staff at VAC, it is depriving many Veterans of services and benefits they rightfully deserve.

Senior bureaucrats wield tremendous power and influence in government, yet remain anonymous from Veterans, their families, and the people of Canada who depend on their moral governance. Not only do many of their current processes, policies, and regulatory imperatives actually violate legislation directing them to be “liberal” in interpretation, it seems that a distinct and deliberate effort has been made to step away from the people’s and the government’s acknowledged obligation towards Veterans, as clearly indicated in the NVC.

The impact of these three converging events on Canadian society is profound, especially when compounded by the demands of current global financial uncertainties on Government of Canada budgetary decisions and their consequent implementation by federal central agencies and VAC.

The actions and decisions arising from these events will affect Canada and Canadians for decades to come. I feel a duty to ensure that the people and the Government of Canada truly understand Veterans’ concerns and that any divergence from the way we have traditionally treated our Veterans is done knowingly and transparently.

THE NEW VETERANS CHARTER

The Government of Canada, on behalf of all Canadians, demonstrated a sincere sense of urgency in fulfilling its obligation to modern Veterans in May 2005 by unanimously passing Bill C-45, the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* (the New Veterans Charter). The Charter introduced a needs-based philosophy that would change the culture of Veterans’ entitlements and focus on Veterans’ well-being and independence by broadening benefits to include rehabilitation, vocational training, job placement, and financial benefits programs. The Charter also changed how CF members and Veterans are compensated. Under the Charter a lump sum is paid while under the Disability Pension scheme there is monthly benefit. Since the Charter came into effect in April 2006, many concerns have been raised within the Veterans community.

A key issue of concern to many Veterans and Veterans organizations is that the Charter signifies a fundamental shift in ethos from the way the Government of Canada has traditionally treated its Veterans. This shift is characterized by the omission of the following direction, which is included in some form in most previous Veterans-related legislation (e.g., the Pension Act, the *Veterans Review and Appeal Board Act*, and the *War Veterans Allowance Act*):

The provisions of this Act shall be liberally construed and interpreted to the end that the recognized obligation of the people and Government of Canada to those who have served their country so well and to their dependents may be fulfilled.

While it can be argued that the *Interpretations Act* might require public servants and elected officials to interpret legislation liberally, in no way does it acknowledge the obligation of the people and Government of Canada to those who have served their country so well and to their dependants. That obligation must not be diminished.

Although the New Veterans Charter was created as a “living document,” to date not one amendment has been made to the legislation or its regulations despite an independent review by the New Veterans Charter

Advisory Group (June 2009) and mounting complaints and concerns by Veterans advocacy groups, as well as individual Veterans and their families. The Charter is currently under review by both the House of Commons Standing Committee on Veterans Affairs and the Senate Sub-Committee on Veterans Affairs.

The OVO is carefully monitoring these deliberations. At this stage, however, the OVO and I must avoid any potential conflict of interest caused by our direct involvement in the deliberations, as stakeholders may call on us to represent their concerns with the fixes that are adopted in the end. However, it would be remiss not to offer what we can to facilitate timely and effective changes to the New Veterans Charter to ensure that our Veterans and their families receive the treatment they deserve.

Therefore, along with offering you insight into issues causing frustration to Veterans today – issues in which we are actively engaged in seeking solutions – I want to shed light on the current review of the New Veterans Charter in this report so that we may learn from the past in order to brighten the future of our wounded heroes.



© Department of National Defence



A VETERAN IS A VETERAN IS A VETERAN

One of the highlights of the last year was the opportunity to meet Canada's last surviving Veteran of World War I, Mr. John Babcock, and his gracious wife, Dorothy. I had the good fortune to spend an afternoon with them at their home in Spokane, Washington, where I had the privilege to hear his story.

During the First World War, he volunteered to serve, at the tender age of 16, with the Royal Canadian Regiment. When officials found out that he was underage they placed him in a reserve Young Soldiers Battalion and he was stationed at Bexhill-on-Sea in England.

Mr. Babcock told me that because the war ended before he could serve in the front lines he never thought of himself as a "real" Veteran. But I told him that despite his personal and unfounded feelings of being unworthy of his celebrated stature, I and every other Canadian thought of him as true Veteran. As a country, we celebrated him as our last surviving Veteran of World War I and together we mourned his passing on February 18, 2010.

Mr. Babcock's humble admission was an important lesson for me as Canada's first Veterans Ombudsman. I was struck by his feelings that he might not be a Veteran in the truest sense.

This was the first time that the class system that exists in the Veterans community entered my consciousness. Mr. Babcock distinguished between Veterans of service in the front lines and all others. I would later discover a further distinction between Veterans of service in Europe and those who served only in Canada.

Among Veterans of the Second World War, those who served only in Canada perceived they were treated as second class citizens to those who served overseas, even if those who served overseas never left the sanctuary of England or never witnessed a shot fired in anger.



OVO IDENTIFIES RESTRICTIVE PRACTICE — VAC CHANGES BUSINESS PROCESS

A Veteran pensioned for post-traumatic stress disorder (PTSD) applied for and was denied the Permanent Impairment Allowance (PIA). After review by the Office of the Veterans Ombudsman (OVO), it was determined that the Veterans Affairs Canada (VAC) business process utilized in the field to pre-screen a Veteran for PIA was more restrictive than the policy and regulations required. As a result, the business process has been reworked to better reflect the policy and regulation. Ultimately, the Veteran was awarded the PIA.

I have heard from many Veterans that this class system continues. In fact, a popular misconception exists to this day that with the passing of our so-called “Traditional Veterans” – Veterans of service in World War I, World War II, and the Korean War – Canada has not produced any more Veterans until the current conflict in Afghanistan.

While few people would be prepared to admit to class distinctions among Veterans, legislation and policies clearly indicate that with the passing of our “Traditional Veterans,” people who have served in the Cold War and the hot wars, where we sent our so-called peacekeepers, are not worthy of the same kind of recognition; they didn’t fight as part of a declared war, as our Veterans did in Europe and Korea, rather they fought in self-defence only. However, they fought nonetheless, and some died.

Nobody should make the mistake of assuming that the commitment of a Canadian soldier in somebody else’s war is any less than the commitment of those who went before them in one of Canada’s wars. The commitment of service personnel in the conflicts that Canada sends them to has not changed since the World Wars. When a person joins the CF, they go where they are told and do what they have to do when they get there, even if that means possibly being injured, wounded, or killed. The only thing that has changed is the level of Canada’s commitment to those conflicts, and to its Veterans.

The lesson that Mr. Babcock imparted on me is that “a Veteran is a Veteran is a Veteran.” It’s time to break down the barriers of this class system and treat all Veterans as equals.

THE CHALLENGE OF REINTEGRATION

An issue of concern to Veterans is the challenge of reintegrating into civilian life. The New Veterans Charter attempts to address this, but it falls short of the mark.

The expectation of people who join the Canadian Forces has changed since the time of those who served in the World Wars. World War I and World War II were wars that consumed the entire globe. Allied Nations, fighting for freedom, compelled their citizens to join their military forces. They did not join with the expectation that they would make a career of the military, rather their expectation was to return home and carve out lives as private citizens. For most of these Veterans, reintegration into civilian careers was not a possibility, it was a certainty.

Today, expectations are very different. People who join the CF expect to have a long and fulfilling career, one that will satisfy their lifelong needs and the needs of their families.



So, for injured members of the CF it becomes not only a question of how their ability to transition to a civilian career has been complicated, it is also a question of how they have been denied their career of choice.

At a time of great trauma, many injured CF members are forced to seek out alternate livelihoods which may not be what they want. Master Corporal Jody Mitic, who stepped on a mine in Afghanistan in January 2007 said he doesn't know where he will work once he leaves the military:

"I had a career, and I was planning to do 30 years in the military. And now I can't," said Mitic, a young father who joined the forces at age 17. "And it's not because of anything I did, except that I did my job and I lost my legs."¹

Everybody who joins the CF dedicates their life to Canada. A service person could easily have their life terminated prematurely or altered drastically and permanently in the service of the Government of Canada. It follows, therefore, that the commitment of the people and the Government of Canada to its Veterans should be for life.

The responsibility to care for Veterans has been a part of Canada's social fabric for almost a century, and this responsibility for upholding a standard

of care, especially for Veterans who are injured or wounded in the line of duty, should not end.

Unlike civilian employers, who are required by law to make the workplace as safe and healthy as possible, the Government of Canada cannot guarantee such conditions for Canadian Forces operations. To the contrary, military personnel are employed with the expectation that they will place themselves in harm's way without hesitation, whether in the form of a violent confrontation or a natural disaster.

Being wounded in a violent attack is not the same as being injured in an industrial accident, as discussed by John Ralston Saul at a recent panel discussion on "Caring for Canada's Veterans: Traditional Issues and 21st Century Challenges", March 2010:

"You can see where the society is going vis-à-vis soldiers who have been blown up or wounded by the fact that our senior officers and our bureaucrats and our politicians still announce, I think, when somebody is wounded or blown up. They still announce it as an accident, or an incident. I'm sorry, it wasn't an accident. They were wounded. It was different. It is not simply an industrial accident, even if some of the outcomes are the same.

¹Laura Stone, Canwest News Service, May 12, 2010

“If you don’t use the right words, you’re on the track down to treating them like social cases who were not wounded while doing something for their country. Call it what it is.”²

The treatment of Veterans and their families who have been wounded, injured, or killed in the line of duty is not an issue for insurance companies and workmen’s compensation. Moreover, when a service person is wounded the people and the Government of Canada share a moral and legal obligation or a duty to accommodate.

As Wolfgang Zimmerman, founder and executive director of The National Institute of Disability Management and Research, stated before the House Committee on Veterans Affairs:

“The Government is the employer. In my view it is an unequivocal responsibility, much like the employers in the private sector have an obligation. We have the duty to accommodate, as do so many other organizations that recognize they have a responsibility, and that it is in their best interest. It is in our society’s best interest to maintain the productive and human capital of every individual and not focus on what may be, in some cases, a minor disability and ignore the fact that we all have abilities regardless of who we are and what we do.”

Service in the CF is not just another job, and leaving the military is not just a change of employment that any civilian would experience. The CF expends a great deal of effort training recruits to dress the same way, walk the same way, talk the same way, act and react the same way.

Service in the CF is a way of life, a culture unto itself. As my wife used to say, “Soldiering is not what he does, it’s who he is.”

Leaving the military is a huge culture shock that makes reintegration into the civilian workforce ***much*** more difficult than simply “finding another job.” It certainly was for me, and I daresay many other Veterans.

Indeed, if my wife’s statement is not compelling enough, Dr. Anne Irwin, Assistant Professor with the Department of Anthropology at the University of Calgary and Canadian Defence and Foreign Affairs Institute (CDFAI) Chair in Civil-Military Relations, says:

“I have always thought that it is astonishing that the military spends so much institutional energy socializing recruits into a new culture (what some could call a ‘total institution’), spends inordinate amounts of time and institutional energy reinforcing the different values and ways of behaving throughout a career, and then expects people to

be able to leave the military and integrate into civilian society unproblematically with nothing more than a few briefings on changing careers.”

Career counselling, vocational training, and education are all essential to helping a service person transition back to civilian life. However, it is wrong to expect that the reintegration process would be as simple as that, after all the social conditioning a service person has undergone.

I would also submit that physical and/or psychological wounds or injuries compound the culture shock of leaving the CF, and make departing the military family and integrating into civilian society even more problematic. Therefore, it is wrong to think that best practices in rehabilitating injured civilians back into the civilian workforce can be applied directly to injured or wounded service personnel leaving the CF.

THE TRUTH AS I SEE IT

Speaking the *truth as I see it* shapes my approach to ombudsmanship.

I believe that the trust and confidence of our Veterans stakeholders is inviolable, and I know that if I dilute, sugar-coat, or spin information, they will detect it in an instant and their confidence in me will be lost.

A torn piece of newspaper with a headline about married veterans. The headline is "MARRIED VETERANS FORCED TO SEPARATE IN FINAL DAYS". The text below the headline discusses a couple of World War II Veterans who needed placement in a long term care (LTC) facility. The couple wished to stay together and, as their health needs were similar, they hoped VAC would facilitate access for both of them to a departmental facility close to their home. However, since one of the Veterans had overseas service and the other had only in-Canada service, they were forced to go to separate facilities because in-Canada Veterans do not meet the eligibility criteria. This separation, after a life-long relationship, has created an emotional strain which could possibly have a negative impact on the health of these Veterans.

MARRIED VETERANS FORCED TO SEPARATE IN FINAL DAYS

A couple, both World War II Veterans, needed placement in a long term care (LTC) facility. The couple wished to stay together and, as their health needs were similar, they hoped VAC would facilitate access for both of them to a departmental facility close to their home. However, since one of the Veterans had overseas service and the other had only in-Canada service, they were forced to go to separate facilities because in-Canada Veterans do not meet the eligibility criteria. This separation, after a life-long relationship, has created an emotional strain which could possibly have a negative impact on the health of these Veterans.

I spend a huge amount of my time meeting directly with Veterans and their families, meeting with Veterans advocacy groups and organizations, and visiting facilities that provide services to Veterans. I do this because I want to ensure that I am engaged actively with the Veterans community and listening directly to their concerns, so that my team at the OVO and I are ready to take action when required.

Because of my approach to ombudsmanship, I never hesitate to report frankly and fairly on what I witness and observe in the Veterans community and in other interest areas that directly impact Veterans, and I never shy away from passionately, but factually, making a case for Veterans.

In the past year I have participated in New Veterans Charter Town Hall meetings with Veterans and their families across Canada – from Newfoundland and Labrador to British Columbia. I have participated in numerous outreach events, forums, and seminars; visited long term care facilities, hospitals, and homeless shelters; met individually with hundreds of Veterans and their families, Veterans advocacy groups and organizations, and other interested stakeholders; and appeared before the House of Commons Standing Committee on Veterans Affairs and the Senate Sub-Committee on Veterans Affairs to report my findings.

What I have heard over and over again is that Veterans need to be treated with the respect they deserve because of the commitment they made to Canada and Canadians when they joined the CF or the RCMP. The short-changing of Veterans has to stop.

Soldiers' commitment to unlimited liability is highly respected by Canadians, who do not look well upon any perceived or actual unfair treatment of Veterans who promised to serve and protect them and their country, regardless of possible loss of life.

This is the keystone to understanding Veterans issues. It only applies to members of the CF and the RCMP. No other federal public servants fall under this category.

Because Veterans were ready to make the ultimate sacrifice for Canada and Canadians, in return the people and the Government of Canada have a moral and legal obligation to Veterans to ensure fair treatment for them and their families for life.

LEAVE NOBODY BEHIND

Order in Council (OIC) P.C. 2007-530 mandating the Veterans Ombudsman directs the OVO to identify and review emerging issues. The Office's interpretation of emerging issues includes gaps in the programs or services provided by VAC or problems that may arise in the future that VAC needs to prepare for in the present.

To address this, the OVO launched the "Leave Nobody Behind" campaign. Its intent is to reach out to Veterans and their families who might be suffering in silence, due either to gaps in the current system or the inadequacy of the Department's outreach to would-be clients.

An example of OVO initiatives in this campaign includes homeless Veterans and Veterans in the criminal justice system where VAC's outreach was almost non-existent. Another example is the future of long term care services for CF Veterans caused by the move towards transferring this responsibility for Veterans to the provinces.

We don't leave our wounded on the battlefield; we should not leave them behind now.

AN EMPHASIS ON DIALOGUE

As the role of the Veterans Ombudsman has begun to take shape in the past two years, we have tailored our operating procedures to suit our unique environment.

One thing that has become abundantly clear is that communications is the hub of everything we do. Communications is not just about "outreach" or media relations, it is about dialogue with our stakeholders and decision-makers. It is important not only as a means to inform and educate, but also to effect change.

As a reflection of our emphasis on communications, we are pioneering an approach to ombudsmanship by which we intend to carry out systemic reviews that are more like public inquiries than administrative investigations. We will use the Internet to ensure complete transparency by publishing all the documentary and testimonial evidence we obtain on issues, as long as we do not compromise applicable legislation, information security, confidentiality, privacy, or our own code of confidentiality. In this way we hope to expedite our understanding of issues by recruiting the knowledge that many of our stakeholders have acquired over the years. In addition, we will continue to exploit all other forms of media in order to ensure that we have optimal two-way communications with our stakeholders.

SHARING OF INFORMATION

The complement to the “truth-as-I-see-it” canon is that departmental information is vital to balance our understanding of any situation.

Senior departmental officials have stated that the Ombudsman “...is restricted from access...to ensure the independence of your office by avoiding circumstances which would limit your ability for public commentary.” This stated intention amounts to an attempt to control our messaging and what I call an infringement on our independence. Moreover, it goes without saying that all departmental information is important to the OVO, and we can use it without compromising applicable legislation, security, confidentiality, and privacy of information.

I respect the fact that there may be some occasions when senior departmental officials may choose to withhold certain types of information from us; however, I cannot accept that the OVO might find itself in a position where we would have no more, or even less information than the general public. I submit that sharing of information is key to achieving balance in our reviews and that being privy to such information is a prerequisite of informed comment.

In this regard, it became clear over the last year that information on VAC initiatives related to homeless Veterans was not as forthcoming as we

needed it to be, so we submitted an Access to Information and Privacy (ATIP) request. This request took more than nine months to satisfy due to all of the legislative imperatives regarding ATIP.

Clearly it is ridiculous for an Ombudsman to have to function like this, and ridiculous to assume that OVO staff, as VAC employees, should be denied information that would be available to other departmental staff.

Consequently, the OVO and the Department have put forward a draft of a memorandum of understanding on the sharing of information for the Department’s consideration that should provide a better informed and balanced assessment of issues. We also hope the Veterans Review and Appeal Board (VRAB) will be proactive in disclosing internal information.

ROYAL CANADIAN MOUNTED POLICE (RCMP)

RCMP Veterans face issues that are in many ways considerably different from those of CF and War Veterans, although many if not most of the philosophical, cultural, ethical, and transitional dimensions described earlier for CF Veterans apply equally to them. However, Section 5 of Order in Council (OIC) P.C. 2007-530 mandating the Veterans Ombudsman specifies that “the Ombudsman shall not review (e) matters within the exclusive jurisdiction of the Royal Canadian Mounted Police, apart from those matters that have been expressly assigned to be administered by the Department.”

VETERAN JUMPS THROUGH HOOPS TO PAY FOR HIS OWN TREATMENT

A Veteran required urgent medical treatment for a dental condition. To get financial assistance for the treatment, the Veteran had to submit a disability claim, which was approved. The Veteran then requested reimbursement for treatment for the dental condition for which he was now entitled to benefits. However, because of the wording of the New Veterans Charter regulation, treatment benefits can only be reimbursed from the date of decision onward. The Veteran's request for reimbursement was declined, leaving him to cover the entire cost of the treatment even though the condition was linked to his service.



Sgt. Steve Fassbender of the RCMP in discussion with Paul Woods, Investigator about the role of the OVO and VAC programs.

While it would be easy for me to hide behind the letter of the OIC and ignore RCMP Veterans issues that might be the responsibility of RCMP Headquarters, I feel this would be letting our RCMP Veterans down and I, as the Veterans Ombudsman, feel that the people and the Government of Canada have a moral and legal obligation to take care of them.

Most of the services and benefits for retired RCMP personnel are administered by the RCMP Human Resources section, not the Department. To that end, I have met with Senior Deputy Commissioner Sweeney and the late Deputy Commissioner Martin, Chief of Human Resources, to agree on a way that the OVO can provide a service to the RCMP without interfering in issues that are exclusively within their jurisdiction. I envision that we will be able to provide similar services to RCMP Headquarters and to their



Veterans, if they so desire, to those we provide for VAC and their clients. In order to enhance our dialogue with RCMP veterans we intend to arrange town halls and private meetings specifically for the RCMP and their Veterans.

The OVO has observed that RCMP Veterans are not nearly as well organized or informed to advocate on their own behalf as are their military counterparts. The OVO has therefore undertaken to assist the RCMP Veterans Association as long as we do not compromise our objectivity on issues or place ourselves in a potential conflict of interest. Exactly how we will do this is yet to be determined. I actively promote the RCMP Veterans Association to RCMP Veterans I encounter and encourage them to actively support their association.

CONCLUSION

We will continue our efforts to mediate with VAC on behalf of Veterans and bring to the attention of the Department any practices, processes, and policies that we determine do not treat Veterans and their families fairly.

The OVO is a catalyst for change. The grassroots dialogue that it maintains with its stakeholders offers senior levels of management within the Department and the RCMP a unique and unfiltered insight into the issues

that are frustrating Veterans and their families. This should enable the Department to be more responsive to the needs of their clients and the Veterans' community.

True leadership requires a clear understanding of the situation, a vision of what must be done that is not readily apparent or necessarily palatable to others, the courage to lay down a marker and the determination to see the vision through to the end. The OVO is contributing to the leadership of the Department by offering grassroots views, first-hand observations, and informed assessments of the situation Veterans are confronted with to complement the information the Minister receives from other sources.

Substantive change within the Department will be a test of the sincerity with which senior bureaucrats and elected officials in the Government of Canada extol their admiration and respect towards our Veterans.

In the end, it's about Canada's commitment to Veterans!

P.B. Stogran
Colonel (Retired)
Veterans Ombudsman



OBSERVATIONS ON VETERANS ISSUES

VAC settles straightforward claims expeditiously to the satisfaction of the applicants; however, for any claim that doesn't fit neatly into this category, the system for treating Veterans of service to Canada is truly broken.

Many Veterans have approached the Office because they have been frustrated by insurmountable bureaucracy, token settlements, ridiculous turn-around times, a secretive and patently unfair system of determining eligibility. Many more have approached the Office because they have been victimized by regulations and policies that reflect the narrowest conceivable interpretation of legislation.

The Order In Council directs the OVO to "attempt to resolve issues at the level at which they can most efficiently and effectively be resolved, and shall in doing so, communicate with any officials that may be identified by the Department." To achieve this, the Office has developed a practice of offering "Observations."

Formal "Observations" are written renderings of problems that stakeholders bring to the attention of the OVO that describe our admittedly one-sided understanding of issues at a point in time. They are offered to the Department without the benefit of a thorough, unbiased investigation by the



OVO in order to engage decision-makers as soon as possible to redress issues, if possible, in a timely fashion. Formal Observations allow the Department to identify the appropriate responsible officials and share the information the OVO may require to conduct a detailed, objective analysis of an issue.

If the Department is unable or unwilling to resolve an issue informally in this way, the OVO may conduct a systemic review to gain a more balanced understanding of the issue. Following the systemic review, the OVO will dispel any myths that might exist in the Veterans community. If it determines that Veterans are indeed being treated unfairly, the OVO will develop formal recommendations for the people and the Government of Canada to consider in order to fulfill their recognized obligation to those who have served their country.

To date the Observations we have offered have met with limited success. The following are the recommendations and Observations that the OVO has presented to the Department over the past year and the subjects and issues into which the OVO has gained sufficient insight to present Observations in the coming year.

FUNERAL AND BURIAL PROGRAM REPORT

In September 2009, the OVO released a report entitled *Serve with Honour, Depart with Dignity*. This report outlined unfair practices identified by the Veterans Ombudsman and the Veterans community regarding the Funeral and Burial Program for our Veterans.

Of the seven recommendations contained within the report, VAC accepted only the recommendation dealing with lack of communications. VAC committed to improving awareness of the program, but advised that the remaining recommendations were not within the authority of the Department. Therefore, the report was forwarded to the Minister and made public.

We are not aware of any further action taken with regard to the other six recommendations. It is our intention to pursue this matter further with the Minister.

SERVICE INCOME SECURITY INSURANCE PLAN (SISIP) AND ITS INFLUENCE ON THE CALCULATION OF THE VETERANS AFFAIRS CANADA EARNINGS LOSS (EL) BENEFIT

Offered to Department: February 2009

VAC Response: November 2009



OVO INTERVENES TO RESOLVE EXCESSIVE WAIT TIME

A former Royal Canadian Mounted Police (RCMP) member complained that he was still awaiting a decision on a disability claim and a reassessment that had been submitted the previous year. After follow-up by the Office of the Veterans Ombudsman (OVO), the reassessment was finalized by Veterans Affairs Canada (VAC) the following day, and the disability claim was accepted shortly thereafter. In addition, the OVO noticed that the Veteran could become eligible for an Exceptional Incapacity Allowance (EIA) if either decision were positive, which they were. The OVO contacted the VAC District Office and EIA was granted.

OVO Observation

Veterans Affairs Canada Earning Loss (EL) benefits offset Disability Pension benefits in the same manner as Service Income Security Insurance Plan (SISIP) Long Term Disability benefits. The Canadian Forces Ombudsman's position is that the SISIP offset practice is unfair. The OVO supports this position and holds the view that offsetting the EL benefit using the same flawed model as SISIP creates unfairness for VAC clients.

VAC Response

"The practice of offsetting other disability benefits when determining the amount payable by a particular organization is consistent with other federal and provincial long term disability insurance and workers' compensation plans across Canada."

"VAC is looking at perceived gaps with respect to the EL benefit to ensure that the benefits meet the financial needs of eligible CF members and Veterans."

OVO Follow-up

This issue is under consideration as part of the New Veterans Charter review and the Office will continue to insist that an alternative model must be considered.

HOMELESS VETERANS

Offered to Department: February 2009

VAC Response: November 2009

The OVO's "Leave Nobody Behind" campaign raised awareness of Canada's homeless Veterans and the gaps in service to this group.

OVO Observation

VAC's policies do not provide timely and effective support to homeless Veterans. In February 2009 the OVO asked the Department what it was doing to adapt or expand their policies and practices to provide more timely and effective support to homeless Veterans. Three issues were identified: outreach, access to programs and services, and research on homeless Veterans in Canada.

VAC Response

"VAC staff has been visiting homeless shelters and other community facilities that support homeless people (e.g., soup kitchens and food banks) to raise awareness and to provide information both to staff and to Veterans."



“VAC has many programs, benefits, and services that, while not designed specifically for homeless and at-risk Veterans and their families, can benefit them.”

“However, the application processes for VAC programs do take time.”

“VAC agrees with the Ombudsman about the importance of further research on the scope and nature of homelessness among Veterans and Veterans’ families. Such research would help VAC and other organizations better understand the issue and help ensure that VAC has appropriate responses in place.”

OVO Follow-up

VAC has made a start in terms of outreach through a number of local initiatives, but much more needs to be done. We have seen no movement on the issue of quick access to VAC programs. Departmental staff still must access outside funding if they are going to provide immediate aid to homeless Veterans. Although VAC acknowledged the need for research on this issue, the Department appears to have done nothing to initiate any research in this field. We will pursue this further in the upcoming year.

PERMANENT IMPAIRMENT ALLOWANCE (PIA), EXCEPTIONAL INCAPACITY ALLOWANCE (EIA)

Offered to Department: February 2009

VAC Response: November 2009

OVO Observation

Veterans receiving benefits under both the *Pension Act* and the New Veterans Charter may not be eligible for either the Exceptional Incapacity Allowance or Permanent Impairment Allowance, yet if benefits are administered under only one of the two Acts, Veterans are eligible for the allowance associated with that Act.

VAC Response

“The unintended effect of this is that for a limited number of clients it is possible that a client who would have qualified for either EIA or PIA if all of their disability entitlements were under the same act, may not qualify for either.”

“A very small number of clients fall into the groups which are noted to be ineligible for these benefits. In each case, the Department has examined the client file and the effective dates of assessments to provide benefits

where possible. For example, in those cases where a client's total pensioned disability is close to 100% and there are outstanding applications for both a disability pension and a disability award, the Department processes the pension application first, to provide the client the opportunity to become a Class 1 pensioner. Alternately, the Department would also review assessment levels under the *Pension Act* for high level pensioners before adjudicating on a new disability award application. "

"To date, the Department is not aware of any situations where clients who should qualify for either EIA or PIA have not done so."

OVO Follow-up

The OVO is aware of clients who fall into this gap. Despite the fact that VAC indicated they would re-assess medical conditions to get around the gap, the basic problem still exists and will exist for some time. The fact that VAC is not addressing the root cause of the problem and chooses to rely on an ad hoc workaround will continue to create delays, confusion, and angst for the most seriously disabled Veterans. The OVO is not satisfied and will continue to press for change.

OPERATIONAL STRESS INJURIES (OSI)

Offered to Department: February 2009

Response: November 2009

OVO Observation

In 2008, the Canadian Forces Ombudsman published a report on Operational Stress Injuries. The OVO questions whether VAC was coordinating its efforts with DND initiatives.

VAC Response

"Through its enhanced case management initiative VAC is developing a family engagement strategy to better meet the needs of families on transition to civilian life and post release."

"VAC is working closely with DND to better integrate and cohesively manage the three (3) key elements of rehabilitation (vocational, psycho-social and medical) so that CF members/Veterans and their families achieve the highest level of independence and re-establishment into civilian life as possible."

"As part of VAC's normal operations, staff training needs are continuously reviewed to ensure staff has the necessary knowledge to carry out their roles."

OVO Follow-up

The Veterans Ombudsman is committed to reducing the incidence and debilitating effects of OSIs. The OVO is aware that some progress has been made by VAC in the area of mental health, but we will continue to promote an eclectic, holistic, and proactive approach to address the problem.

INFORMAL OBSERVATIONS

During the course of the year, the OVO offered two informal observations to the Department.

COMPLAINT HANDLING MECHANISMS

It became evident that many of the complaints received by our front line staff were issues which could easily be addressed by the Department.

The OVO reviewed the existing departmental complaint handling process and procedures. Shortly after initiating discussions with the Department, the Office was advised that VAC was in the process of developing their own internal complaint handling process. In July 2009, VAC introduced Inquiries Resolution Officers (IRO). The role of an IRO is to investigate, respond to, and make recommendations on inquiries escalated from the National Contact Centre Network (NCCN) Analysts and/or the OVO.

OVO Follow-up

The OVO is most supportive of the creation of the IRO unit and is currently accessing this service and the impact that this service may have on the Office's Early Intervention operations.

VETERANS AFFAIRS CANADA'S COMMUNICATION WITH CLIENTS

The Ombudsman offered to the Department that their decision communication letters were more complicated than the average person could understand. These letters included legal and medical terminology which meant little to the recipient and very often led to confusion. Based on informal discussions with VAC Officials, changes were made to address this concern. New plain language letters provide stakeholders with a simplified summary. Initial feedback suggests that this has resulted in decreased confusion and frustration of stakeholders.

OVO Follow-up

The OVO is very supportive of this plain language initiative, and will continue to provide feedback directly from our stakeholders.

RED TAPE INVESTIGATION

A systemic review of the impact of “red tape” within VAC’s processes was launched as a result of complaints received and concerns expressed to the Ombudsman by Veterans and their families.

Through interviews with Veterans, caregivers, service providers, and employees of the Department as well as information obtained through public consultation, we identified three significant issues impacting the everyday lives of Veterans: complex administrative processes, timeliness of decisions, and workload allocation.

Since launching our review, the Department has initiated a pilot project with the intent of improving the effectiveness of their administrative processes. The Department has advised that the pilot project was a success and changes would be made nationally effective April 1, 2010.

OVO Follow-up

The eradication of the complex and redundant administrative practices of the Department continue to be a priority focus of the effort in the OVO. We will continue assessing the progress of VAC’s initiatives in this area and will offer Observations to stimulate the improvement of VAC’s communications with the Veterans community.

VETERANS INDEPENDENCE PROGRAM

The OVO is currently conducting a systemic review of the Veterans Independence Program (VIP).

Three hundred and fifty (350) VIP complaints were reviewed from Veterans, survivors, and caregivers, and the issues identified were validated through departmental consultation. These complaints were prioritized to identify areas requiring greater attention. The investigation is focused on three primary areas of concern: eligibility/qualifying criteria, administrative burdens and program services, and caregiver/family member support issues.

We are currently analyzing the data and will provide VAC with information on our findings through formal observations, which will be made public on our website.

The first VIP observation concerning eligibility restrictions was offered to the Department in March 2010. It concerns current regulations and/or policy limiting access to some widows with respect to housekeeping or grounds maintenance that was in place prior to the Veteran’s death.

VETERAN IMPOVERISHED BY REHABILITATION PROGRAM

Thirty years after leaving the Canadian Forces (CF), a Veteran made an application for the Rehabilitation program. As part of the program, the Veteran was able to apply for financial support while participating in the program. With no financial means other than the Disability Pension, the Veteran needed added security to provide for his basic needs. However, due to the way that the benefit is calculated, the initial amount for his earning loss was very low. In addition, the Disability Pension that he was receiving was also used as an offset to the calculation, leaving the Veteran with a monthly income below the poverty line. This situation has left the Veteran very frustrated, with financial difficulties leading him to the brink of losing his home and bringing into question the worth of participating in the Rehabilitation program.

VAC Response

"The concept presented in the OVO Observation has been considered. However it is not supported by the Veterans Healthcare Regulations (VHCR) as currently written."

"The current policy reflects the proper interpretation, intent, and application of paragraph 16.1(1)(d). Consequently, the Department cannot change the policy as it would then not conform with the regulatory authority."

OVO Follow-up

OVO is not satisfied with the response and will pursue this issue much more vigorously.

NEW VETERANS CHARTER

As a result of increasing public and political focus on potential gaps in the New Veterans Charter (NVC), slow progress to amend the Charter, and a number of complaints received by the OVO, the Office has urged the people and the Government of Canada to conduct a comprehensive, transparent, and timely review of the NVC.



The Veterans Ombudsman conducted a concentrated period of public consultation on the NVC to better understand the needs and expectations of Veterans and their families. A report will be published describing the principles against which changes to the NVC should be measured.

OVO Follow-up

The Office will continue to ensure that the concerns of our stakeholders are well considered in the review of the NVC.

BROADER OBSERVATIONS

RCMP

In our discussions with both serving and former members of the RCMP, we have become aware of gaps in programs that could disadvantage serving and former members. One issue in particular that RCMP Veterans have brought up at our town hall meetings is the absence of a program like the Veterans Independence Program. We will work closely with RCMP headquarters to ensure fair treatment of their retired members and determine how the OVO can best support these Veterans.

MENTAL HEALTH

According to research, 5% of traditional Veterans, 13% of CF clients, and 21% of RCMP clients are presently receiving a mental health disability benefit. It is widely recognized that Operational Stress Injuries are being reported more often. This could have an impact on VAC's workload.

Over the coming year, we will seek to enhance our understanding of mental health issues and monitor VAC's ability to meet demand.

ADJUDICATION AND VAC REVIEW AND APPEAL MECHANISMS (INCLUDING VRAB) FOR DISABILITY BENEFITS

We have observed that all parties involved in decision-making, whether at the departmental or review and appeal levels, do not adhere to the legal requirement to liberally construe and interpret the *Pension Act*, *Veterans Review and Appeal Board Act*, and New Veterans Charter.

In a presentation to the Standing Committee on Veterans Affairs, VRAB officials indicated that of the departmental decisions that go to the VRAB Review level, approximately 60% were changed. This begs the question, why do so many applications fail in departmental adjudication?

ABORIGINAL VETERANS

In 2002 the people and Government of Canada announced an ex-gratia payment of up to \$20,000 for qualifying Aboriginal Veterans and surviving spouses. Many Aboriginals feel this amount is unfair in light of what these Veterans and their families experienced after the war. The eligibility criteria were so restrictive that few could qualify. Non-Status First Nations and Métis Veterans were not eligible.

The treatment of Aboriginal Veterans is a complex and sensitive issue that spans many departments and involves numerous treaties. In the coming months, the OVO will determine how it can make a meaningful contribution to resolving some of these issues.

LONG TERM CARE

For the past six decades, the people and Government of Canada have been committed to providing institutional care in a departmental facility or contract beds for most traditional Veterans. This benefit is not available to CF Veterans or to all traditional Veterans. CF Veterans have expressed concerns in this regard. This is also a concern for the OVO. This Office questions why the Government's commitment to CF Veterans is less than

to those who served in World War II, while a soldier's commitment to sacrifice their life for Canada remains unchanged.

Veterans have also expressed a concern about the proposed transfer of Ste. Anne's Hospital to the Province of Quebec. Concerns have been raised with respect to some transfer agreements not being honoured, the level of care to be provided, priority access for Veterans, and the protection of language rights.

HEALTH CARE BENEFITS

Complaints regarding health benefits are the second most common complaint received by the OVO.

VAC offers 14 kinds of health benefits, including medical, surgical, and dental care; prescription drug coverage; and hearing and vision aids. The Department also offers supplementary health benefits, treatment allowances, and other miscellaneous benefits. For example, the cost of travel for medical services, including the cost of travel for an escort, where necessary, may also be covered.

The ability to access health benefits depends on Veteran eligibility, health needs, and whether these services may be available through the provincial system.

AGENT ORANGE EX-GRATIA PAYMENT

On September 12, 2007, the Ministers of Veterans Affairs and National Defence announced a one-time, tax free ex-gratia payment of \$20,000. This compensation was linked to the testing, in 1966 and 1967, of unregistered United States military herbicides, including Agent Orange, at Canadian Forces Base Gagetown. Over \$96 million was budgeted for eligible Veterans and civilians. The program will end on October 1, 2010.

Many complaints were received concerning the mandatory dates chosen, as well as the restrictive diagnostic and eligibility criteria. VAC recognized the 2004 Institute of Medicine (IOM) list of illnesses as being indicative of exposure to Agent Orange; however, subsequent additions to this list have been ignored.

FAMILIES

The CF recognizes that the families of members are an integral part of the CF. As such, it seeks to ensure the wellness of the entire CF family. This type of support for the family unit is still required when the military member transitions to civilian life. Unfortunately, there are huge gaps between CF and VAC programs and benefits available to families.

VETERANS IN THE CRIMINAL JUSTICE SYSTEM

As a follow-up to the “Leave Nobody Behind” Campaign, issues around Veterans in the criminal justice system have been identified. International research indicates possible links between homelessness and time spent in the criminal justice system. Correctional Services Canada Research advised the Office that they normally do not record whether inmates have served in the military. As a result of the OVO’s inquiry, they conducted a limited survey in 2009 of new inmates and found that 3% of offenders indicated they had served in the military. The Office wishes to gain a better understanding of the implications of Veterans in the criminal justice system and how VAC interacts with this group of Veterans.



APPENDIX A: ABOUT THE OFFICE

The OVO works to ensure that the sacrifices of Canada's Veterans and their families are recognized through the provision of services, benefits, and support in a fair, accessible, and timely manner.

OUR MANDATE

Our mandate is to review and address complaints involving the *Veterans Bill of Rights* and systemic issues related to departmental programs and services, as well as those associated with the VRAB. The Veterans Ombudsman also plays an important role in broadening awareness of the needs and concerns of Canada's Veterans.

In most cases, the Office intervenes only once all redress mechanisms have been pursued and exhausted. However, should we determine that immediate action is required, the Office is authorized to act based on one or more of the following circumstances:

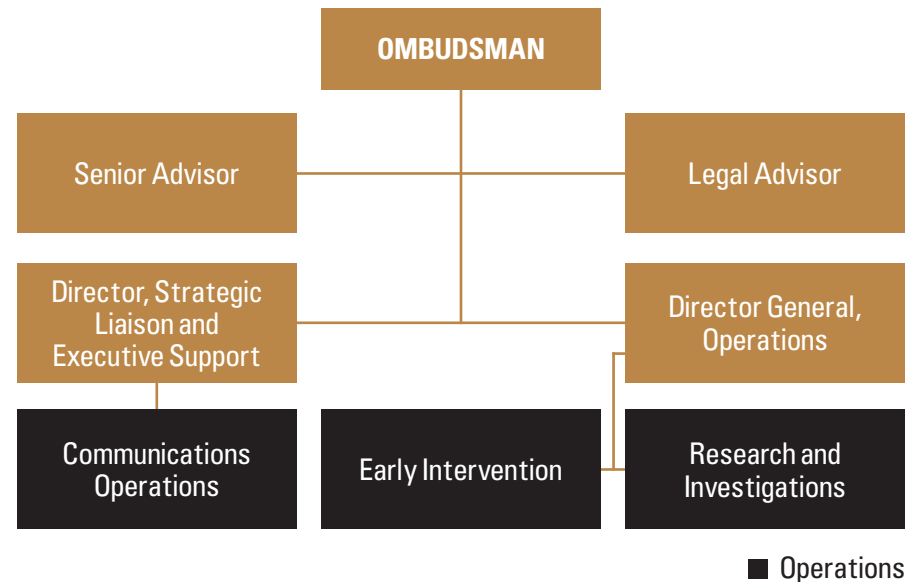
- a complaint gives rise to a systemic issue;
- a redress mechanism will take too long; or
- qualified stakeholders are suffering undue hardship.

Over the past year, the Office has acted on behalf of stakeholders in processing approximately 1,700 issues while also conducting systemic investigations into matters such as the Veterans Independence Program (VIP), red tape, and the New Veterans Charter.

OUR ORGANIZATION

The activities of the OVO are carried out by four units that work cohesively to provide coordinated, client-centred service: Early Intervention, Research and Investigations, Communications Operations, and Strategic Liaison and Executive Support. The Office's full-time equivalent (FTE) staff of 36 provides services at both the Charlottetown and Ottawa locations. The workforce is comprised of employees representing the following public service categories: OIC Appointee, EX Category, LA Group, and PA Group. The Office has created an Integrated Human Resources and Business Plan which can be found on the Veterans Ombudsman's website.

Organizational Chart



OUR SERVICES

The OVO provides the Veterans community with three main services: information, facilitation, and intervention.

Information is provided to the Veterans' community regarding programs and services available through VAC and other service providers.

Facilitation is provided over and above the Office's mandated requirement to provide referrals. The Office ensures Veterans are not bounced between different organizations and are connected with the appropriate party.

Intervention refers to interaction between our Office, the Department, and other service providers in order to resolve issues brought forward by our stakeholders. These interactions might include:

- **Mediation** between the stakeholder and the service provider to resolve a dispute related to perception, interpretation, and/or a decision.
- **Observation**, i.e., a comment and/or suggested corrective action that OVO staff feel might be appropriate given a rudimentary understanding of the situation. Observations are offered without the benefit of a thorough, unbiased review in order to enable the recipient to take timely, corrective action as needed and offer information that will help the Office develop a thorough, unbiased understanding of the situation.
- **Investigation and Reporting** occurs when we fail to resolve a stakeholder complaint of a systemic nature in the most efficient and effective manner possible. In these cases, we will carry out a full investigation and report on our recommendations to the Minister. Once a formal report is generated, it is releasable after 60 days.

The OVO has four levels of intervention in matters facing the Veterans community:

Level 1 Intervention

- Relatively straightforward complaints. The OVO confirms the facts and explores the broader considerations with a view to mediating a resolution between the stakeholder and the service provider.

Level 2 Intervention

- More complex complaints that possibly affect more stakeholders and may require additional research and analysis. In addition to addressing the immediate problem, the OVO may suggest modifications or improvements to informal processes and/or widespread practices.

Level 3 Intervention

- Increasingly complex, sensitive, and pervasive systemic issues requiring extensive research and consultation. Observations, findings, and recommendations will likely focus on changes to formal processes, interpretations, and policies within the Department.

Level 4 Intervention

- Complex systemic issues with a broader regulatory or legislative foundation that require extensive research and consultation and likely will result in formal findings and recommendations in the form of an OVO Report.



APPENDIX B: SUMMARY OF OPERATIONS

Communications is central to the work of the OVO. Applying a range of traditional and web-based tools, the communications team promotes awareness among stakeholders and the public regarding the mandate and activities of the Veterans Ombudsman. Information provided to decision-makers is designed to encourage the fair treatment and well-being of our stakeholders.

COMMUNICATIONS OPERATIONS DIRECTORATE

Through the web, print media, and personal contact the OVO seeks to engage and inform stakeholders and to be accessible to receive complaints and recommendations on ways to improve services in a timely, relevant, and effective manner.

INTERNAL COMMUNICATIONS

The physical separation of OVO staff, located in both Ottawa and Charlottetown, presents a unique challenge in terms of ensuring effective operations and the timely flow of information. To address this challenge, the OVO draws on a number of technologies. The OVO implemented its own internal enterprise Wiki, an internet-based technology, to facilitate the sharing and retrieval of information on virtually all aspects of OVO operations. In addition, the OVO makes extensive use of video conferencing (VTC) including desktop video conferencing systems.

EXTERNAL COMMUNICATIONS

The OVO is committed to listening carefully to stakeholders, as well as seeking to inform. Effective two-way communication is essential for the OVO to remain relevant to Veterans and their families. The OVO website plays a key role in promoting stakeholder awareness of OVO events, informing the public of what we are hearing at town halls, and providing a venue for stakeholders to express their views on Veterans issues. The OVO has also applied webcast technology to enable stakeholders to view and participate online in OVO-hosted events, such as the March 9, 2010 panel discussion on the New Veterans Charter at the University of Toronto.

While building on the benefits of new technologies, the OVO has continued to emphasize face-to-face interaction with stakeholders. This enables stakeholders not only to make personal contact with the Veterans Ombudsman and members of the OVO staff, but also to put forward issues and concerns directly.



Ben Coneen, Early Intervention Analyst and Bill Rogers, a stakeholder of the Office.

OVO ONLINE

In 2009, the OVO launched a completely redesigned website offering user-friendly navigation. New features include a home page slide show highlighting what's new; the ability to comment on the Ombudsman's blog; and social tagging functionality to allow sharing through Delicious, Digg, and Facebook. As a result, the new website gives stakeholders and the public easier access to information on the Office.

A special, interactive section of the website also provides current information on the OVO public consultation process and offers stakeholders the opportunity to stay up-to-date on and contribute to OVO systemic reviews. Public feedback is moderated and published, once reviewed and approved. All emails to the site are monitored and responded to, and site users can still take advantage of a secure complaint form to submit complaints online instead of by phone.

In seeking to take full advantage of social media, the OVO has created a new Fan Page on Face book allowing members to follow the OVO and leave comments and discussion topics on its wall. In addition, website users can subscribe to the RSS feed to automatically receive the latest blog posts by the Ombudsman via email or news reader.

TOWN HALLS

Continuing a practice initiated in the Veterans Ombudsman's first year in office, the Ombudsman held town halls across Canada. With a strong focus on the New Veterans Charter, these events were designed to ensure that anyone who wished to voice their opinions and concerns about the Charter or other Veterans issues were able to do so.

Town Halls Held

DATE	LOCATION	VENUE	DESCRIPTION
June 20, 2009	Greenwood, Nova Scotia	Greenwood Civic Centre	Town hall meeting
August 12, 2009	Winnipeg, Manitoba	Royal Canadian Legion, St. James Branch #4	Town hall meeting
August 13, 2009	Shilo, Manitoba	General Strange Hall, CFB Shilo	Town hall meeting
November 5, 2009	Woodstock, New Brunswick	Carleton Civic Centre	Annual meeting, Unit #95, Army, Navy, and Air Force Veterans in Canada
January 5, 2010	Orleans (Ottawa), Ontario	Royal Canadian Legion	Town hall meeting
January 12, 2010	Vanier (Ottawa), Ontario	Eastview Royal Canadian Legion	Town hall meeting
January 14, 2010	Pembroke, Ontario	Pembroke Royal Canadian Legion	Town hall meeting
January 15, 2010	Petawawa, Ontario	Pembroke-Petawawa Lions Club	Town hall meeting
January 26, 2010	Halifax, Nova Scotia	Royal Canadian Legion Vimy 27	"Meet and greet"
January 27, 2010	Lower Sackville, Nova Scotia	Royal Canadian Legion Calais 162	"Meet and greet," town hall meeting

DATE	LOCATION	VENUE	DESCRIPTION
January 29, 2010	Fredericton, New Brunswick	Royal Canadian Legion Branch #4	"Meet and greet," town hall meeting
February 1, 2010	St. John's, Newfoundland	Royal Canadian Legion Branch #56	"Meet and greet"
February 2, 2010	St. John's, Newfoundland	Royal Canadian Legion Branch #1	"Meet and greet," town hall meeting
February 9, 2010	Valcartier, Quebec	Castor Outdoors Centre, Canadian Forces Base	"Meet and greet," town hall meeting
February 11, 2010	Montreal, Quebec	Officer, Warrant and Sergeant Mess, Montreal Garrison	"Meet and greet," town hall meeting
February 25, 2010	Winnipeg, Manitoba	Royal Canadian Legion, St. James Branch #4	"Meet and greet," town hall meeting
March 9, 2010	Toronto, Ontario	Moss Park Armoury	"Meet and greet," town hall meeting
March 23, 2010	Victoria, British Columbia	Royal Canadian Legion, Esquimalt Dockyard #172	Town hall meeting
March 25, 2010	Vancouver, British Columbia	Kerrisdale Royal Canadian Legion #30	Town hall meeting

Outreach Events Attended

DATE	LOCATION	VENUE	DESCRIPTION
April 9, 2009	Ottawa, Ontario	National War Memorial	Laid a wreath at the National War Memorial for the 92 nd Anniversary of Vimy Ridge Day
May 6, 2009	Ottawa, Ontario	East Block, Parliament Hill	Appeared before the Senate Subcommittee on Veterans Affairs
May 27, 2009	Ottawa, Ontario	Centre Block, Parliament Hill	Appeared before the House Standing Committee on Veterans Affairs
June 2, 2009	Ottawa, Ontario	Senate Chamber, Centre Block, Parliament Hill	Attended ceremony commemorating the 65th anniversary of the D-Day Landing and the Battle of Normandy
June 21, 2009	Ottawa, Ontario	National Aboriginal Veterans Monument	Attended Annual Ceremony of Remembrance of the National Aboriginal Veterans Association
June 26, 2009	Toronto, Ontario	The Salvation Army, Maxwell Meighen Centre	Attended chapel ceremony and medal presentation for Mr. Hutchinson
September 9, 2009	Truro, Nova Scotia	Royal Canadian Legion	Gave a presentation to Veterans widows and widowers
October 7, 2009	Ottawa, Ontario	East Block, Parliament Hill	Appeared before the Senate Subcommittee on Veterans Affairs
October 22, 2009	Halifax, Nova Scotia	Fleet Club Atlantic	Attended “meet and greet” with Kootenay members of Fleet Club

DATE	LOCATION	VENUE	DESCRIPTION
October 23, 2009	Halifax, Nova Scotia	Stadacona Chapel, CFB Halifax	Attended memorial service and Kootenay members reunion
November 6, 2009	Ottawa, Ontario	Senate Chamber, Centre Block, Parliament Hill	Attended Twelfth Annual Ceremony of Remembrance
November 9, 2009	Ottawa, Ontario	Beechwood National Memorial Centre	Attended introduction of the 2009 Silver Cross Mother
November 11, 2009	Toronto, Ontario	Scott Mission	Attended Homeless Veterans Remembrance Day ceremony at Scott Mission for homeless Veterans
November 24, 2009	Montreal, Quebec	Café L'Itinéraire	Attended launch of Homeless Veterans Initiative
January 8, 2010	Ottawa, Ontario	Dunton Tower, Carleton University	Spoke at Carleton University about the affects of war on Veterans
January 28, 2010	Halifax, Nova Scotia	Weldon Building, Dalhousie University	Participated in speakers platform
February 2, 2010	St. John's, Newfoundland	Science Building, Memorial University	Participated in speakers platform
March 8, 2010	Toronto, Ontario	Sunnybrook Hospital	Participated in facility tour
March 9, 2010	Toronto, Ontario	Great Hall, Hart House, University of Toronto	Participated in panel discussion entitled "Caring for Canada's Veterans: Traditional Issues and 21 st Century Challenges"

Visits to Homeless Shelters

DATE	LOCATION	VENUE	DESCRIPTION
April 29, 2009	Toronto, Ontario	Maxwell Meighen Salvation Army	Visit to shelter
April 29, 2009	Toronto, Ontario	Scott Mission	Site visit
May 9, 2009	Ottawa, Ontario	Ottawa Mission, Salvation Army, Shepherds of Good Hope, Centre 454	Site visit
May 14, 2009	Calgary, Alberta		Private meeting with homeless Veteran and police
August 12, 2009	Winnipeg, Manitoba	Main Street Project – Homeless Shelter	Visit to the Main Street Project – Homeless Shelter
August 12, 2009	Winnipeg, Manitoba	Siloam Mission – Homeless Shelter	Visit to the Siloam Mission – Homeless Shelter
January 12, 2010	Ottawa, Ontario	Ottawa Mission	Visit to the Ottawa Mission
March 26, 2010	Vancouver, British Columbia	Veterans Memorial Manor	Visit to Homeless Veterans Initiative



Visits to Long Term Facilities and Hospitals

DATE	LOCATION	VENUE	DESCRIPTION
August 12, 2009	Winnipeg, Manitoba	Deer Lodge Centre	Visit to Deer Lodge Centre long term care facility
August 13, 2009	Shilo, Manitoba	Shilo Integrated Personnel Support Centre	Base tour
January 14, 2010	Pembroke, Ontario	Phoenix Centre for Children and Families	Facility tour
March 8, 2010	Toronto, Ontario	Tony Stacey Centre for Veterans Care	Facility Tour
March 22, 2010	Victoria, British Columbia	The Lodge at Broadmead	Facility tour

◀ ADVISORY COMMITTEE

Back row: John Walker, Al DeQuetteville, Pat Stogran,
Gordon Strathy, Thomas J. Hoppe, Lorne Edward Hall, Brian Forbes, Claude Petit

Front row: Larry Murray (Chair), Barbara Grimster, John Gardam, Louise Richard, W. Bruce Ferguson

Missing: Thomas G. White, Charles H. Belzile, Gibson Glavin, Fred Mombourquette, Claudia Schibler

The Veterans Ombudsman Advisory Committee represents a valuable communications resource for the OVO. As a knowledgeable and informed sounding board, the Committee helps the OVO ensure that our messaging resonates within the Veterans community. The Committee met twice during 2009-2010. The first meeting was held in Ottawa in June 2009 and the second was held in Charlottetown in October 2009.

The Advisory Committee continues to devote considerable time to establishing a foundation for future Advisory Committees. The last meeting of the Advisory Committee was seen as a watershed moment, with the Committee being instrumental in preparing the Veterans Ombudsman for the launch of the public consultation initiative in November 2009 and in the conceptualization of town halls on the New Veterans Charter held throughout Canada in early 2010.

Significant time was spent updating members on Office operations and progress. The Office developed a bi-monthly newsletter to keep members updated on the ongoing operations and progress of the Office, thus improving communications and allowing for more face-to-face time in meetings for discussing issues facing stakeholders and advising the Veterans Ombudsman.

The Office will continue to identify and incorporate ways to better communicate with our Advisory Committee. It is expected that the Advisory Committee will continue to advise the Veterans Ombudsman on the Office's public consultation initiative and launch a Veterans Ombudsman Commendation. Many thanks to our Advisory Committee members for their contributions!

EARLY INTERVENTION DIRECTORATE

The Early Intervention Directorate (EID) is located in Charlottetown and is staffed by Ombudsman Service Representatives and Early Intervention Analysts. It is their responsibility to:

- take time to really understand Veterans' issues;
- reframe issues to eliminate emotions;
- learn the perspective of the service provider;
- determine if the stakeholder was treated fairly;
- address issues by mediating on behalf of the stakeholder or informing the stakeholder that he or she was treated fairly.

The Directorate eliminated a backlog of 565 issues that had accumulated since the stand-up of the Office. Our challenge was to address them while concurrently ensuring that new issues did not accumulate.

We acquired a new case tracking system from the British Columbia Ombudsman's Office that was further adapted to our line of business. In addition, in compliance with the *Official Languages Act*, we further converted the system to a fully operational bilingual system. This has allowed us to more efficiently track our workload, identify issues/trends that enhance our reporting capability, and focus our efforts on the issues that are important to our stakeholders.

With some 1,340 stakeholders contacting our Office, we have seen a slight increase in demand, with more than 1,700 issues logged compared to 1,560 in the previous fiscal year. More than 1,330 were addressed by the Early Intervention Directorate (EID), providing much needed support to Veterans as they seek access to VAC programs, benefits, and services.

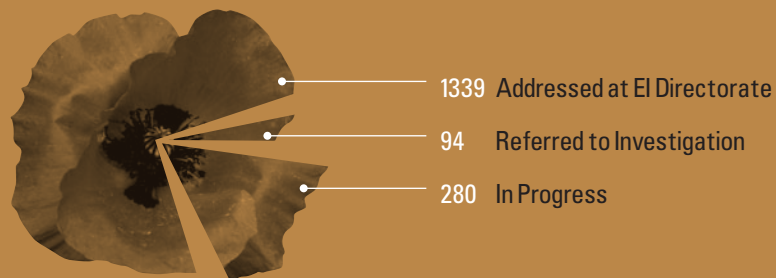
Chart 1 – Demographics of Stakeholders Contacting our Office

STAKEHOLDERS BY SERVICE REPRESENTATION



Chart 2 – Breakdown of Work Completed and in Progress

STAKEHOLDERS ISSUES



In response to the issues addressed by the EID, mediation was the most common type of service that we provided our stakeholders.

Chart 3 – Type of Service Provided by Early Intervention Directorate

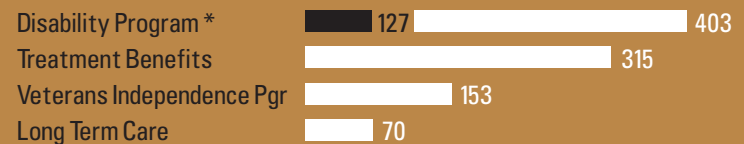
TYPE OF SERVICE PROVIDED BY EID



Over 62% of the issues identified by our stakeholders concerned four of VAC's programs and the VRAB.

Chart 4 – Top Four Complaints

TOP FOUR COMPLAINTS



* Includes VRAB (127)

Disability Program Issues

- excessive turnaround times for disability entitlement/assessment applications and the review and appeals process
- retroactivity
- benefit of the doubt
- monthly Disability Pension versus lump-sum Disability Award

Treatment Benefits Issues

- cumbersome approval process
- lengthy reimbursement turnaround times
- limited access to a specific treatment (frequency of treatment)

Veterans Independence Program Issues

- rigid eligibility criteria
- excessive reimbursement turnaround times
- outdated financial support amounts

Long Term Care Issues

- limited access to departmental contract beds for traditional Veterans (some Canada service only or Allied Veterans)
- no access to departmental contract beds for modern Veterans (post 1947, except Korean War Veterans)

RESEARCH AND INVESTIGATIONS DIRECTORATE

In accordance with the mandate of the Veterans Ombudsman, the Research and Investigations Directorate is responsible for addressing complex and sensitive cases, as well as identifying, reviewing, and providing recommendations to the Ombudsman on systemic issues affecting the Veterans' community. 2009-2010 proved to be another challenging year with respect to Human Resource staffing and development of an operational framework of procedures to deal with systemic reviews. The following operational activities took place during the past year:

COMPLEX AND SENSITIVE CASES

The Directorate deals with complex and sensitive cases that are beyond the capacity of the EID due to time constraints and complexity. These cases require extensive research and intervention at many levels. The investigators handled 12 such cases during the year. Interventions were completed on six cases, with the remaining six awaiting further action.

SYSTEMIC ISSUES

Once the EID has considered complaints and determined that they are tied to systemic issues, these issues are referred for a systemic assessment. In the last year, 94 issues were referred from the EID. After a thorough review, potential systemic issues were categorized. Of the 94 issues, 30 referred to disability programs, 24 to treatment benefits, 30 to VIP, and 10 to LTC.

SYSTEMIC REVIEWS

The RI Directorate researches, reviews, and analyzes facts and feedback related to systemic issues with a view to identifying areas of concern. In the past this activity was strictly related to investigative processes, with a formal public report being the intended outcome. Although this practice will continue in certain cases, we have introduced a more focused approach to allow us to bring issues to the attention of the Department in a more expedient manner. The findings and analysis arising from these reviews will be offered to the Department in the form of informal and formal Observations that can be acted upon immediately. Only cases where we are not satisfied with a departmental response will be escalated to investigation and formal report. A review of red tape and the Veterans Independence Program were carried out this year. In both cases the evidence gathered will be used to support a number of Observations aimed at urging the Department to address specific issues in a timely manner.

OBSERVATIONS

The OVO made a formal Observation on the Veterans Independence Program regarding eligibility of widows of traditional Veterans. This Observation was offered to the Department.

PUBLIC CONSULTATION

The OVO modified its operational approach by introducing public consultation as an innovative way for the Veterans community, the Department, and other stakeholders to participate in review activities. In launching the new public consultation website, the Ombudsman had five main objectives:

- to increase awareness of relevant topics affecting Veterans;
- to ensure that various viewpoints on an issue are represented;
- to provide an opportunity for stakeholders to contribute and shape the work of the Office in order to enhance the thoroughness of our reviews;
- to become a rallying point and information resource on various current and emerging issues; and
- to ensure transparency of the Office's activities and access to its research.

Public consultation offers stakeholders an opportunity to learn about issues facing the Veterans' community and to provide input into the work of the Office. During the coming year, public consultation will become the foundation for our research and reviews. Facts and Observations on issues will be posted on the OVO's website with a view to recruiting stakeholders who have amassed an in-depth understanding of their respective issues, the intention being to expedite our learning curve and ability to intervene. Public consultation will also offer service providers an opportunity to balance their understanding of the OVO and its stakeholders. Some of the issues found on our website include the New Veterans Charter, Long Term Care, the Veterans Independence Program, and Treatment Benefits. For further information, please check our website.

APPENDIX C: FINANCIAL STATEMENTS

The Veterans Ombudsman was granted a budget of \$6.6 million for fiscal year 2009-2010, which was approved by the Treasury Board through the Minister of Veterans Affairs, and of which \$4.2 million was allocated to program and operational costs.

2009-2010 Treasury Board Funding

ORGANIZATION	SALARY (\$000)	OPERATING (\$000)	TOTAL FUNDING (\$000)
Veterans Ombudsman	2,444.3	1,770.0	4,214.3
Public Works and Government Services Canada (accommodations)	449.5	--	449.5
TB Employee Benefits	691.6	--	691.6
Veterans Affairs Canada for supporting and responding to the Office	1,276.1	50.0	1,326.1
*see next page for detailed accounting of funds			
TOTALS	4,861.5	1,820.0	6,681.5

2009-2010 Veterans Ombudsman Program and Operational Expenditures

PROGRAM AND

OPERATIONAL REQUIREMENT

EXPENDITURE

Communications, Advertising, and Outreach	\$194,108
Travel and Transportation	\$217,578
Professional and Special Services	\$565,995
Salaries and Wages	\$2,444,217
Training and Professional Development	\$51,497
Telecommunications	\$63,851
Equipment, Supplies, Repairs, and Maintenance	\$183,504
Information: Printing and Publishing	\$27,972
Rentals	\$7,609
Miscellaneous	\$674
TOTAL	\$3,757,005

2009-2010 Veterans Affairs Canada Program and Operational expenditures for supporting and responding to the Ombudsman Office

PROGRAM AND

OPERATIONAL REQUIREMENT

EXPENDITURE

Communications, Advertising, and Outreach	\$0
Travel and Transportation	\$0
Professional and Special Services	\$0
Salaries and Wages	\$1,225,900
Training and Professional Development	\$0
Telecommunications	\$32,448
Equipment, Supplies, Repairs, and Maintenance	\$67,680
Information: Printing and Publishing	\$0
Rentals	\$0
Miscellaneous	\$0
TOTAL	\$1,326,068

APPENDIX D: MANAGEMENT INFORMATION

GOVERNANCE

The Office's Executive Management Committee (EXCOMM) directs strategic and operational activities to ensure organizational effectiveness and service results that Canadians expect. The Office continues to benefit from the Advisory Committee's advice, guidance, and recommendations in addressing stakeholder issues from the entire Veterans' community. Senior officials represent the Office through departmental management and engage appropriate decision-makers in the conduct of all Office activities.

MANAGEMENT INFORMATION REPORTING

The Office provides input into departmental planning and reporting to ensure operational activities and resource utilization are accurately represented. After nearly two full years in operation, it became evident that the performance measurement indicators established at start-up do not provide meaningful measurements of the Office's achievements. Therefore, the Office will be making adjustments to performance measurement indicators depicted in the departmental Report on Plans and Priorities to more accurately reflect the strategic outcome and expected results.

CORPORATE SERVICES

The Office commissioned a comparison study of the various roles and responsibilities of individuals engaged in the provision of corporate administrative support services, both within the Office and the department, in order to gain a better understanding the level of support required to sustain Office operations. This study revealed that the Office needs to assign a greater portion of its total workforce and full-time equivalent (FTE) staff to providing corporate services. The results of this study are consistent with the findings of other federal agencies that have implemented provisional arrangements for these types of services through memoranda of understanding with service providers.

HUMAN RESOURCES

The Office made excellent progress on the goals and objectives identified in its first Integrated Human Resources and Business Plan, which is published on the OVO website. Human Resources (HR) priorities include such activities as career development and training investments for employees, new senior

executive positions for policy advisory and strategic liaison, and recruitment to fill all vacant classified operational positions. During the year, a number of OVO employees joined established departmental networks such as Official Languages, Employment Equity, New Professionals, and Occupational Health and Safety to facilitate the exchange of information between the Department and the Office in each of these areas. One area of concern for the Office continues to be the timely provision of HR support services by the Department, particularly for job classification and recruitment. The web of rules and the delays involved in creating positions and filling them has had a negative impact on client and stakeholder service levels. Clearly, the Department's strategic HR priorities are not in line with those of the OVO, and we will continue to press for improvements in the time frames on all HR processes.