

Charter of the Office of the Veterans Ombudsman

It may be policy, it may be legal, but is it fair?

Interpretation

1.1 The following definitions apply in this Charter:

1.1.1 **Veterans Advocates and Advocacy Groups.** The definition of the term Veterans advocates and advocacy groups, is self-explanatory; these individuals and groups play an important role in the Veteran Community. The Office of the Veterans Ombudsman is not considered to be a part of this group.

1.1.2 **Stakeholders.** The stakeholders of the Office are those who have a stake in what we do and whether or not we exist. They are the men and women who have accepted unlimited liability to serve our country, including former and present members of the Canadian Forces and the Royal Canadian Mounted Police as well as their immediate families.

1.1.3 **Veteran Community.** The Veteran Community includes Veterans, Veterans' families, Veterans advocates and advocacy groups, individuals who act on behalf of or represent a Veteran—whether or not they are considered “eligible” as defined by Veterans Affairs Canada and the *Veterans Bill of Rights*—and associations that represent the various demographics or service affiliations of Veterans.

1.1.4 **Service Providers.** Service providers are organizations or individuals that provide a service or benefit to stakeholders. Service providers include but are not limited to Veterans Affairs Canada, the Veterans Review and Appeal Board, the Bureau of Pensions Advocates, long-term care facilities and health care providers, and individuals such as those employed under the Veterans Independence Program.

Background

2.1 The Office of the Veterans Ombudsman (henceforth referred to as the Office or the Ombudsman) was established on April 3, 2007, under the authority of Order in Council P.C. 2007-530. For a detailed mandate of the Office described in that Order in Council, see Annex A to this Charter.

Authority of the Office

3.1 Canadians take pride in their country's reputation as a caring and peace-loving nation. They recognize the role our Veterans played in establishing that reputation and continue to play in reinforcing that reputation to this day. Collectively, the citizens of Canada acknowledge the debt of gratitude our stakeholders, the Veterans and their families, are owed and maintain a strong feeling of obligation to repay that debt. The Office derives its legitimacy from that national sense of commitment and a lingering perception that our Veteran Community is not always treated with the fairness it deserves.

3.2 The authority for the Office to conduct operations emanates from the Order in Council P.C. 2007-530. That document does not convey formal power to compel cooperation with the Office with regards to its enquiries or compliance with its recommendations. However, it does convey strong moral authority founded in the legitimacy of the Office and its role in the eyes of Canadians. The Office is obliged to investigate allegations of unfair treatment of our stakeholders thoroughly and objectively with a view to ensuring fairness and, when necessary, recommending corrective action to the responsible authorities. The Ombudsman will report publicly when it considers that issues have not been satisfactorily resolved within a reasonable time frame.

Mission

4.1 Our mission is to ensure the fair treatment of the Veteran Community and to uphold the rights articulated in the *Veterans Bill of Rights* by reviewing and addressing complaints, systemic problems and emerging issues regarding the programs, services and benefits provided by Veterans Affairs Canada.

Vision

5.1 The Office will be the rallying point for all Veteran issues, an action-oriented organization that anyone can come to on any matter that impacts the Veteran Community, confident that the Office will work tirelessly in that person's best interests.

Values

6.1 **Commitment to the Cause.** The Office must maintain an empathetic attitude towards its stakeholders, putting their needs ahead of its own. The Office

must treat the employees of Veterans Affairs Canada, the Veterans Review and Appeal Board and the Bureau of Pensions Advocates at arm's length.

6.2 **Personal Contact.** Every effort should be made to personalize our services in such a way that our stakeholders can associate a name and a face with the Office and the resolution of their individual grievances.

6.3 **Exceed Expectations.** The Office must provide services to its stakeholders in a timely and thorough fashion, and constantly demonstrate a willingness to take on issues, challenge the bureaucracy and depart from convention to ensure the fair treatment of its stakeholders. Personal follow-up on stakeholders' concerns will leave a marked impression.

6.4 **Teamwork.** The Office values collaboration and encourages employees to voice concerns on any matter, and make recommendations to improve the efficiency or effectiveness of the Office. While the chain of command should be respected as much as possible, everybody within the Office should feel free to approach the Ombudsman directly on any matter.

6.5 **Balance.** The Office must provide a great workplace with work–life balance where employees can offer a valuable service to the Veteran Community and look after themselves and their families. As much as we will put our mission above our own needs, it remains everyone's responsibility to help each other. Supervisors have a special responsibility to ensure their employees are self-actualized in the workplace, have every opportunity to maintain their personal health and look after family needs.

Services

7.1 **To Stakeholders.** In fulfilling its mandate, the Office offers the Veteran Community three services: information, facilitation and interventions.

7.1.1 **Information.** The Office will respond to requests for information regarding the services and benefits that are made available to Veterans and their families by the government and other organizations.

7.1.2 **Facilitation.** When a Veteran or representative seeking the assistance of the Office is referred to another organization to obtain services or benefits, the Office will do as much as it can for that person to facilitate the resolution of the situation.

7.1.3 **Interventions.** To fulfill its mandate, the Office will intervene on behalf of stakeholders and their eligible representatives on four levels:

7.1.3.1 **Level One.** The Office will confirm the facts relating to a complaint and the broader considerations with respect to an issue in order to mediate between the stakeholder and the service provider regarding perceptions, interpretations and decisions.

7.1.3.2 **Level Two.** The Office will conduct the research and analysis involving multiple sources or resources with a view to recommending to service providers changes to processes and/or practices to better serve stakeholders.

7.1.3.3 **Level Three.** The Office will embark on extensive research and analysis that may require specially convened multidisciplinary teams to focus on broader systemic issues that result in findings and recommendations regarding departmental policies.

7.1.3.4 **Level Four.** Level four interventions involve complex systemic issues of broader regulatory and/or legislative impact and could involve the recommendation to revise programs and services or introduce new ones.

7.2 **Observations.** The Office is prepared to offer timely observations to service providers, without the benefit of an objective and balanced assessment of the situation, if a complaint or enquiry has the potential of embarrassing the respective organization or involves immediate harm or hardship to a stakeholder.

Office Hallmarks

8.1 **Independence.** The Office is independent of Veterans Affairs Canada, other Government of Canada departments that provide services to the Veteran Community and of Veterans advocates and advocacy groups. The corporate services that Veterans Affairs Canada is obliged to provide to the Office must not constrain the ability of the Office to achieve its mandate or influence the conduct or outcome of its enquiries. No client of Veterans Affairs Canada, the Bureau of Pensions Advocates or the Veterans Review and Appeal Board will be deterred in any way from bringing a complaint to the attention of the Office.

8.2 **Confidentiality.** The Office will hold all communications in strict confidence and will not disclose confidential communications without permission to do so. All communications will be handled in accordance with Privacy and Access to Information legislation, regulations and policies. Confidentiality cannot be guaranteed if the possibility of injury, harm or criminal activity exists.

8.3 **Objectivity.** While the Office is partial to the needs and concerns of the Veteran Community, it will review allegations of unfair treatment in an objective manner and will provide advice and recommendations upon completion of thorough and unbiased research and analysis of the issue.

8.4 **Transparency.** The Office will maintain open and matter-of-fact communications with the Veteran Community and service providers within the bounds of confidentiality.

Operational Principles

9.1 **Leadership.** Organizations can become very successful being “managed” by supervisors with poor leadership skills, but not nearly as successful as organizations that are well led. We are a leader-driven organization. Leadership is a complex and subjective art. As such, it will be included in the training of Office personnel at every level. In essence, the Office considers the art of leadership to be reflected by:

9.1.1 **Action** not position. Being appointed to a supervisory position does not qualify a person as a leader. Leadership is a behavioural trait and is thus defined by the actions of a person.

9.1.2 **Vision**, using intuition and creativity to move an organization ahead into uncharted territory, not blindly accepting the status quo or conventional wisdom. **It is extremely important that the Office accepts neither the status quo nor conventional wisdom at face value if they detract from the fair treatment of the Veteran Community!**

9.1.3 **Courage** of one’s conviction to stray from the status quo or conventional wisdom in the pursuit of a better way.

9.1.4 **People and personalities:** recognizing that people are more than a resource to be managed. They have needs to be met, and everyone’s needs are different. Mistakes are to be expected and accepted, especially when moving into uncharted territory. A leader seeks to turn failures into small victories by learning from mistakes.

9.1.5 **Values and culture**, not tasks, policies and resources.

9.2 **Ethics and Ethical Leadership.** While all employees are expected to maintain the highest ethical standards, nobody is perfect. Moreover, ethical dilemmas are so complex there is seldom a single correct action or answer. Office employees are expected to challenge anyone perceived to be acting unethically,

regardless of the rank or stature of that person. Where an employee is not able to change or receive an adequate explanation for said behaviour, that employee is charged with taking formal action of an approved form.

9.3 Facts and Data, Not Information and Opinions. To be completely objective, the Office draws its findings and recommendations from data and facts drawn directly from the source; we do not work through intermediaries or third parties.

9.4 Communication. We will communicate using plain language, in a matter-of-fact manner and in the medium that best suits the intended audience. In cases where we cannot address a stakeholder's personal issue directly, we will communicate why and ensure our stakeholders understand what we will do within our ability.

9.5 Early Intervention. To intervene and resolve issues on behalf of our stakeholders as quickly as possible, service representatives, early intervention analysts and case officers make decisions and speak with the authority of the Ombudsman. Training is therefore a keystone activity in the Office, to build the competence of front-line operators in decision making and to instil confidence to act without direction.

9.6 Veteran before Jurisdiction or Mandate. Many issues affecting the Veteran Community will cross jurisdictional boundaries of numerous organizations other than Veterans Affairs Canada. While the Office will not interfere in the affairs of other organizations, we will not abandon our Veterans until we are satisfied that their needs have been attended to.

9.7 Substance before Process. The Office must avoid becoming a slave to bureaucracy—our own or anybody else's. We must not hesitate to cross hierarchical boundaries, internally or externally, to ensure that we effect interventions in the most efficient and effective fashion.

9.8 Continuity of Service. The Office will work with names and faces rather than file numbers, and we will ensure that our stakeholders know who in our Office is looking into their issue. We will follow up with all parties when we have resolved issues or successfully completed interventions, and check back at a later date to ensure that our interventions have had the desired long-term effect.

Service Commitment

Our Commitment to the Veteran Community

10.1 The Office will:

10.1.1 Acknowledge the significant effect that the contribution of our Veterans and their treatment by the Government of Canada have had on the image of Canada around the world and the social fabric here at home. Office employees, as proud Canadians, will embrace the obligation to give back to the people who contributed to that legacy.

10.1.2 Live by its values. It is the responsibility of all supervisors, as leaders within the Office, to ensure that our values guide our day-to-day activities and decisions. It is the responsibility of all employees to alert their supervisors when we fail to do so.

10.1.3 Act, in the first instance, as if every complaint from any Veteran or Veteran representative is justified. That position can be changed only after a thorough and objective analysis of the situation has been completed and leads us to conclude that we cannot support the claim.

10.1.4 Maintain our independence from service providers and Veterans advocates and advocacy groups, ensuring that they do not have undue influence on the objectivity of our findings and recommendations.

10.1.5 Encourage Veterans advocates and advocacy groups to pursue their agendas to improve the lifestyles and well-being of our stakeholders, without compromising the Ombudsman's status as an independent office that stands for the fair treatment of that community.

10.1.6 Remain in close communication with the Veteran Community by maintaining close liaison with all Veterans advocates and advocacy groups and reaching out to stakeholders. This is important to remain relevant and current with issues affecting the Community and with developments and issues pertaining to Veterans Affairs Canada and service providers.

10.1.7 Communicate clearly to the Veteran Community the reasons—based on the Office's thorough and unbiased research and analysis of an issue or complaint—for not supporting allegations.

10.1.8 Convey decisions of the Office in a fashion that does not detract from the credibility or legitimacy of members of the Veteran Community, including Veterans advocates and advocacy groups, or discourage them from pursuing their agendas.

11.2 Anyone who feels the Office does not live up to this commitment is encouraged to lodge a complaint with the appropriate Office Director or the Ombudsman.

Our Expectations of the Veteran Community

12.1 Office employees will be treated with the respect and dignity that they deserve.

12.2 Parties seeking redress from the Office will read and understand the mandate of the Office and the services it provides the Veteran Community.

12.3 Members of the Veteran Community should be aware that attacks against the integrity and objectivity of the Office will not further their own cause. Such attacks will serve only to undermine the ability of the Office to have a positive impact on issues affecting the Veteran Community.

12.4 Stakeholders who are dissatisfied with the services received by the Office will address their complaint to the Veterans Ombudsman.

Strategic Council

13.1 Prominent persons from various professional streams of Canadian society will be invited to sit as members of the Strategic Council. The Ombudsman and the Chair of the Office's Advisory Committee will meet with the Strategic Council to discuss the broader issues that pertain to the Veteran Community. Members will be asked to advise on measures that the Office should take to enhance the status and treatment of the Veteran Community within Canadian society and introduce the Veterans Ombudsman to people who can assist in this endeavour. The Strategic Council will meet twice a year, at the call of the Veterans Ombudsman and the convenience of Council members. Members will be encouraged to suggest items for discussion.

Advisory Committee

14.1 As detailed in the Order in Council, the Ombudsman will establish an Advisory Committee to provide advice and serve as a sounding board for initiatives or recommendations being considered by the Office. The Committee will also develop and administer the annual Ombudsman's Commendation and recommend potential recipients to the Ombudsman. The Veterans Ombudsman, an ex officio

member of the Committee, shall appoint a Chair. In consultation with the Chair, the Veterans Ombudsman will invite Veterans or members of the immediate families of Veterans who represent the broad demographics of the entire Veteran Community to serve on the Committee. A serving member of the Canadian Forces, the RCMP, Veterans Affairs Canada and the professions of law and medicine may also be invited. The Committee will meet as required, not less than three times a year. The Chair may decide to convene meetings by conference call. The Ombudsman will endeavour to ensure that appointments of members are scheduled to allow for continuity and systematic rotation of membership. A member may withdraw from service on the Committee at any time upon written notification to the Office. The Ombudsman may terminate membership at any time and provide written notification to the member. All members shall respect and adhere to the confidentiality and independence conditions of the Office. Committee members will not be entitled to remuneration; however, they will be compensated in accordance with Treasury Board travel policies and guidelines for travel expenses incurred to attend scheduled meetings.

Executive Committee

15.1 The membership of Executive Committee consists of: the Deputy Ombudsman; the Directors of Strategic Liaison and Executive Support, Research and Investigations, Early Intervention, Communication Operations; the Special Advisor to the Ombudsman, and the Administration Manager. The Committee meets once a week under the direction of the Ombudsman and is the primary means of directing and coordinating the support to Office operations.

Attachments

Annex A – Order in Council P.C. 2007-530, dated April 3, 2007

Annex B – Terms of Reference for Office Staff

OFFICE OF THE VETERANS OMBUDSMAN TERMS OF REFERENCE

The following terms of reference describe the roles and responsibilities of the members of the Executive Committee of the Office of the Veterans Ombudsman (henceforth referred to as the Office) and how they interact in order to achieve the mandate of the Office. These terms of reference are intended to complement and expand upon—not contradict or replace—Public Service work descriptions and statements of merit.

In creating these terms of reference, some military terminology was used to describe the interactions, synergies and foci of efforts of corporate-level staff. These terms are defined below.

Definitions

Centre of Gravity (Clausewitz) – *“the hub of all power ... on which everything depends.”*

Main Effort – The focus of all efforts within an organization or entity within the organization intended to achieve the desired objective, effect, impact or end-state of that organization or entity (e.g. organization = the Office, Entity = subordinate elements within the Office such as the directorates of Research and Investigations, Early Intervention, Communication Operations and the Administrative Services Unit.)

Supporting Effort – The contribution an entity makes to other entities within the organization and ultimately to the organizational main effort. Using the Office as an example, operations could be considered our main effort and communications and administration our supporting efforts.

Wasted Effort – Resources dedicated to entities, activities and outcomes that do not contribute to an organization’s main effort or support the centre of gravity.

There will be no wasted effort in the Office.

Purpose – An extrinsic quality that describes the effect or impact:

- that an organization endeavours to make on elements or events outside that organization; or

- that an entity within an organization hopes to achieve that contributes to other entities within the organization or to the organization's overall purpose.

Duty – An activity that an entity is expected to carry out, the effect or outcome of which is that entity's purpose within the larger organization.

Intervention – A specific effect or impact that the Office seeks to have on service providers in order to achieve its purpose.

Systemic Issues – Failures of individual decision making, organizational practices and processes, departmental programs and policies or Government of Canada regulations or legislation to meet the expectations and/or the needs of the Veteran Community.

Compelling Circumstances – Situations where: a Veteran may suffer undue physical, emotional or financial hardship; a Veteran may cause harm to himself/herself or to others; going through all levels of the review and appeal process would take too long; public controversy could result.

The Ombudsman

Duties –The Ombudsman is responsible and accountable to the Minister of Veterans Affairs Canada to:

- review/address complaints regarding programs and services as long as they are not subject to Veterans Affairs Canada's review and appeal process (Veterans Review and Appeal Board);
- identify/review (and address) emerging and systemic issues; and
- assign tasks and apportion assets and resources within the Office as required to satisfy the Order in Council mandate.

Other tasks and limitations are included in the Order in Council mandate.

Unifying Purpose – The Office exists to uphold the rights of clients of Veterans Affairs Canada as articulated in the *Veterans Bill of Rights* and ensure the fair treatment of stakeholders in the Veteran Community by Veterans Affairs Canada, the Veterans Review and Appeal Board and the Bureau of Pensions Advocates.

Supporting Efforts –The Veterans Ombudsman is supported by all directorates of the Office.

The Office's **Centre of Gravity** is the Directorate of Early Intervention. Early Intervention is our link to the Veteran Community and the source of our immediate

legitimacy. If we lose that legitimacy within the Veteran Community, the Office will fail.

The Office's operational **Main Effort** is the Directorate of Communication Operations, because it is through our external communications that we will exercise our so-called "moral suasion" to have a lasting impact on the well-being of our Veteran Community.

Deputy Ombudsman

Duties – On behalf of the Ombudsman, the Deputy Ombudsman will:

- manage the day-to-day operations of the Office, synchronizing the efforts of all staff in support of the conduct of operations; and
- manage the Office in accordance with Government of Canada regulations and guidelines.

Unifying Purpose – To ensure that sufficient guidance, resources, authority and support to staff is provided to enable the Directorate of Communication Operations (the Office's Main Effort), the Directorate of Early Intervention (the Office's Centre of Gravity), and the Directorate of Research and Investigations to achieve their purposes.

Supporting Efforts – The Deputy Ombudsman will be supported by the Ombudsman and the Director of Strategic Liaison and Executive Support to link the day-to-day operations to the strategic vision and direction of the Office and to the current realities of the Veteran Community.

Legal Advisor

Duties – The Legal Advisor will provide:

- legal advice on all aspects of the Office's operations and administration; and
- interpretations of legislation, laws, regulations, policies and/or precedents that pertain to or may impact on matters under investigation by the Office.

Unifying Purpose – To ensure that the Office conducts all operations and administration on a sound legal basis.

Supporting Efforts – The Legal Advisor will be supported by all members of the executive staff and outside agencies as required.

Director, Strategic Liaison and Executive Support

Duties – On behalf of the Ombudsman, the Director of Strategic Liaison and Executive Support will:

- manage the Office through the organization, direction and supervision of support staff for correspondence, scheduling, administration, travel and appearances;
- plan, organize and supervise the preparation and conduct of Advisory Committee and Strategic Council meetings;
- be the Office's official point of contact for and maintain situational awareness regarding all organizations external to the Office that are active in the Veteran Community, including service providers and any advisory groups or committees that may be formed;
- plan, organize and supervise the delivery of all corporate services through Veterans Affairs Canada;
- provide strategic advice to the Deputy Ombudsman and Executive Committee members; and
- manage the Ombudsman's relationship with stakeholders.

Unifying Purpose – To ensure that the Office is seen by stakeholders as relevant to, and as a *force majeure* within the Veteran Community.

Supporting Efforts – The Director of Strategic Liaison and Executive Support will be supported by the Deputy Ombudsman and members of the Executive Committee.

Director, Communication Operations (Office's Main Effort)

Duties:

- develop, update and execute the Office's communications strategy;
- undertake external communications activities to shape and influence the actions of decision-makers in the Veteran Community;

- provide internal communications advice and services to ensure Office employees are well informed about policies, practices, initiatives, activities and successes; and
- plan and execute outreach activities aimed at the Veteran Community, government departments and the general public.

Unifying Purpose – To preserve and promote the legitimacy of the Office by raising awareness of its potential and the actual impact it is having on the Veteran Community.

Supporting Efforts – The Ombudsman will play an active role in outreach and internal communications activities. The Research and Investigations Directorate and the Early Intervention Directorate will provide progress reports, success stories and assistance upon request.

Director, Early Intervention (Office's Centre of Gravity)

Duties:

- provide information and referral services to the Veteran Community;
- facilitate communications between stakeholders and service providers as required;
- resolve complaints from the Veteran Community and address issues that can and/or should be resolved in a timely manner;
- conduct interventions within capabilities;
- identify systemic and emerging issues for Executive Committee and for subsequent analysis by the Directorate of Research and Investigations;
- identify complaints involving compelling circumstances and that should be referred to Executive Committee without delay;
- provide support to the Research and Investigations Directorate as required; and
- provide progress reports, success stories and, upon request, assistance to the Communication Operations Directorate.

Unifying Purpose – To identify gaps in programs and problems with services and benefits provided to the Veteran Community. To provide as much data and information as possible in support of the Communication Operations Directorate as well as the Research and Investigations Directorate.

Supporting Efforts – The Research and Investigations Directorate provides subject matter knowledge, expertise, best practices and lessons learned to Service Representatives and Early Intervention Analysts. The Communication Operations Directorate undertakes communications activities to demonstrate the immediate impact that the Directorate of Early Intervention, and by extension the Office, is having on the Veteran Community.

Director, Research and Investigations

Duties:

- research and analyze complex and systemic issues as identified by the Minister, the Ombudsman and the Director of Early Intervention and prepare recommendations for service providers.
- prepare interventions on behalf of the Office to communicate to service providers in the most efficient and effective fashion;
- conduct formal investigations and interventions as directed;
- assume responsibility for interventions that are too complex or time consuming for the Early Intervention Directorate to resolve;
- provide progress reports, success stories and, upon request, assistance to the Directorate of Communication Operations;
- be prepared to form Special Case Action Teams to address sensitive, urgent or particularly complex issues; and
- manage portfolios on identified and potential (emerging) systemic issues and lessons learned.

Unifying Purpose – Provide information and advice to the Director of Communication Operations in support of the Office’s communications strategy.

Supporting Efforts – The Director of Early Intervention identifies gaps in programs and systemic problems with services and benefits provided to the Veteran Community. The Director of Communication Operations provides communications support.

Administrative Services Manager

Duties – Under the guidance and supervision of the Director Strategic Liaison and Executive Support, coordinate the provision to the Office of corporate services by Veterans Affairs Canada.

Unifying Purpose – To ensure that Office Directors can pursue their respective lines of activity as efficiently and effectively as possible under the umbrella of Veterans Affairs Canada's corporate services and in accordance with the policies of the Public Service of Canada.