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## **Standing Committee on Veterans Affairs**

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**Chair**

**Mr. David Sweet**

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Monday, June 1, 2009

• (1530)

[English]

**The Chair (Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC)):** Good afternoon, ladies and gentlemen. *Bienvenue à tous.*

This is the 19th meeting of the Standing Committee on Veterans Affairs. We have the great pleasure today of having Mr. Keith Hillier with us. Of course he's been before this committee many times and this is the second time in the 40th Parliament.

Before we get to Mr. Hillier's opening remarks he's going to be responding to the interview we had with the ombudsman. Mr. Hillier is going to give you an idea of his schedule. He'll be back with us on Wednesday. He's going to be returning to New Brunswick and then coming back. He may actually share a bit about that before his opening remarks. I think he has some interesting things the committee would like to hear about on what his schedule will be like when he goes back and returns again.

Prior to that, with your indulgence, Mr. Kerr has asked for a moment before we begin, and I think it's appropriate.

Mr. Kerr.

**Mr. Greg Kerr (West Nova, CPC):** Thank you very much, Mr. Chair.

We should probably acknowledge as well that we're playing havoc with Mr. Hillier's gardening attempts right now, because he's never home to look after it.

On the bill that was just introduced, I did have a chance to talk to Judy about it and then to Peter. We're very pleased we're at this stage and it obviously has good support. The House leaders have agreed, and I think Judy was helpful there, to proceed as expeditiously as we can. At the same time, though, I think we should be afforded the opportunity. There are things you want to get on the record in the House. When it comes back, just be aware that I don't know whether it's going to go quickly through at second reading or right into third reading, or what they're going to do. That's going to be their decision.

I think it's really important that we do get this through quickly with good support. There's been a waiting period on it. I want to say that I appreciate the cooperation that's been shown by the other parties and I think it's probably going to work out well. I just want to put that on the record. The minister appreciated the effort as well.

**The Chair:** Madam Sgro.

**Hon. Judy Sgro (York West, Lib.):** I think it's an appropriate time this week to deal with it. Given this special time we're in, I think we all would think that it would be a real tribute if we could get it through. From our end, it's the technical amendment that we need to see, but I'm sure the content is something we all will be supportive of. We will be working on our end to get that through as fast as possible, but it would be good to have an opportunity to get a few comments on the record. Some of us may not be here when that happens, though.

**The Chair:** Okay, thank you, Madam Sgro.

Mr. Stoffer, do you want an interjection on this?

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Yes. I thank the government for finally putting it together, and I appreciate it.

I have a question for the minister to take back to the appropriate department. It says on the backgrounder that the implementation is expected in January 2010. Why the delay on that? Why can't it be done sooner? You don't have to answer it now.

**Mr. Greg Kerr:** I'm not going to answer it now, but we'll urge that the question is reported.

**Mr. Peter Stoffer:** Thank you.

**The Chair:** Thank you very much, Mr. Kerr.

Thank you for the interventions, Mr. Stoffer and Madam Sgro.

Now we'll go to Mr. Hillier. I think you know the way we work. We try to keep the comments within 10 to 15 minutes, but we've always given a little latitude to the witnesses. And then we'll continue on with our usual traditional rotation between parties.

Mr. Hillier, please go ahead.

• (1535)

**Mr. Keith Hillier (Assistant Deputy Minister, Service Delivery and Commemoration, Department of Veterans Affairs):** Thank you for the invitation to come and meet with you.

[Translation]

Last week, the minister had the honour of hosting several of you in Charlottetown.

[English]

We found your visit to be enormously valuable. It allowed us to meet face to face to talk about our mutual concerns and explore opportunities as we move forward.

On a personal level, I came away with a renewed sense that we all share one thing in common, that being our deep interest in making sure that Canada's veterans and their families have access to the best possible care and support.

For those of you who could not join us in Charlottetown, I should properly introduce myself and provide you with a bit of context as to my role in the establishment of and ongoing liaison with the Office of the Veterans Ombudsman.

A little over a year ago I assumed the responsibility for the newly established Service Delivery and Commemoration Branch. This is the branch that delivers services and benefits to our 220,000 clients. We also have responsibility for delivering remembrance programming so that all Canadians can learn about the sacrifices and achievements of our traditional and modern-day veterans.

Nationally, we deliver benefits through some 60 points of service. These include our district and satellite offices, as well as our growing presence on Canadian Forces bases and wings. The branch employs about 2,100 people, or about 50% of the department's employees. Many are the front-line workers who, as the minister would say, are VAC's boots on the ground.

Prior to heading up this branch, however, I was the assistant deputy minister of the Corporate Services Branch. As such, I was honoured to be the executive officer who had the responsibility of laying the foundation for both the Veterans Bill of Rights and the Office of the Veterans Ombudsman. Their creation represents a significant milestone in the history of Canada's veterans. Veterans organizations have lobbied for both of them for some time, and all remain fully supportive of a meaningful bill of rights and a strong ombudsman's office.

What I'd like to do over the next few minutes is address the issues and concerns that have been raised by the ombudsman over the past few weeks.

[*Translation*]

Today, we will discuss the working relationship between Veterans Affairs Canada and the Office of the Ombudsman, as well as the procedures we have put in place to ensure that his office has the resources it needs to carry out its mandate.

[*English*]

It is fair to say that both sides have experienced some growing pains, but I can assure you that the department is 100% supportive of providing veterans and their families with both a bill of rights and an ombudsman who can champion the rights of individual veterans as well as identify any systemic issues that challenge us.

Let's address some of the issues that were raised last week when the ombudsman appeared before this committee.

First, the ombudsman expressed concern that his office does not have full access to VAC documents and information. It is correct that we are not in the position to share information related to cabinet confidence or client-solicitor privilege. However, we do share all other information in our possession to allow the ombudsman to do his job.

The ombudsman and his staff have full access to the department's electronic client tracking database. This same database contains all of the pieces of information on any given client, and is used by VAC staff to assist our 220,000 clients. This database is also used to post entitlement rulings by the Veterans Review and Appeal Board. I would note that even the minister himself does not have access to this database.

The ombudsman and his office can contact any VAC staff member, anywhere, anytime. They have full access to the department's e-mail system and electronic staff directory.

We've also provided the ombudsman's staff with a full list of subject-matter experts within the department. This means that anyone within the department is only an e-mail or a phone call away.

Information sharing is also facilitated through regularly scheduled meetings with the office of the ombudsman. To date, VAC's senior management has met 16 times with the ombudsman and representatives from the ombudsman's office. We schedule meetings on a quarterly basis, but senior management has extended an open invitation to the ombudsman and his staff that we will meet with them anytime they wish.

Staff in human resources meet with the ombudsman's office on a monthly basis. To date, 20 meetings have taken place.

Staff within the program, policy, and partnership branches also meet and talk regularly. I'll come back to this, but on the issue of homeless veterans alone, the policy folks have shared information with the ombudsman's office on at least 20 separate occasions.

So far, we have also arranged for the ombudsman's staff to visit about 25 of our offices across the country to meet face to face with our staff, including at our atrium for the Charlottetown-based staff.

In terms of VAC's attitude towards the office of the ombudsman, the ombudsman has said that the department is ambivalent towards his office, treating it as nothing more than a complaints department. Well, I can assure you that the department believes in the value of an ombudsman and how they can help veterans in a way that the department cannot. We appreciate the observations and recommendations that the ombudsman has been able to offer for consideration.

To date, the office of the ombudsman has provided us with four discussion and observation papers and one report on the funeral and burial program. We have welcomed the recommendations put forward, and we have responded to all those items that are within our current authorities.

We also appreciate the client referrals that have been received from the office of the ombudsman. To date, our head office has received about 375 requests. We've been able to resolve each and every one of them.

I'll now turn to the ombudsman's authorities.

• (1540)

[*Translation*]

The ombudsman said that the department did not give him the tools he needed to do his work.

[English]

To put this in perspective, the office of the ombudsman was created under an order in council, and thus reflects the wishes of parliamentarians. Treasury Board allocated a budget of \$6.3 million for the ombudsman's office, of which \$1.3 million is managed by VAC.

To help support and respond to the office of the ombudsman, Treasury Board approved ten positions within VAC. These resources are deployed in various areas of the department. Some of the positions are statistical and tracking, while others are program area experts who are tasked with responding to inquiries from the office of the ombudsman within reasonable timeframes.

The workload is sufficient to justify these ten FTEs. They are 100% necessary if we are to work together to build and maintain the office of the ombudsman.

Our department has signed four memoranda of understanding with the office of the ombudsman. These memoranda help to define the services we provide to the office and our working relationship with respect to key functions such as operations, information technology, information management, and finance. An MOU governing human resources is ready to be signed.

With regard to the hiring and management of staff, the ombudsman has expressed concerns about his ability to staff his office.

[Translation]

I assure you that the department is working hard on many levels to help the ombudsman create a sustainable infrastructure in terms of human resources.

[English]

Establishing a new organization is not easy. Roles and responsibilities have to be defined. Accountability mechanisms need to be put in place. Staffing qualifications have to be determined. It's important that fair and equitable access to jobs is ensured. The hiring process must be fair, open, and transparent.

To facilitate this, the ombudsman has been granted sub-delegation staffing authority equivalent to that of an assistant deputy minister. Our executives are managed as a corporate resource. The deputy minister is accountable for all staffing at the EX level and has retained this authority. As of last month, the department had facilitated 67 separate staffing actions on behalf of the ombudsman's office.

The individuals who work in his office are valued members of the public service. They have access to the same job postings and career opportunities as any other federal public servant. In fact, some members of his staff have already returned to the department.

On homeless veterans, the ombudsman states that the department has all but ignored his advice about homeless veterans. He feels that he has been personally maligned by the department because of his efforts to raise the awareness of homeless veterans.

On the contrary, we share the ombudsman's commitment to help veterans who are homeless or at risk of becoming homeless. I think both our organizations would agree that the primary goal is to

prevent veterans from becoming homeless. To this end, VAC has many programs in place, including access to income support, disability benefits, rehabilitation programs, and health care.

Sometimes, despite our best efforts, veterans do become homeless. Anyone, including the ombudsman, who knows of a veteran who is either homeless or at risk of becoming of homeless is urged to call us.

When we learn of a homeless veteran, we assess their needs and set in motion the programs and services that are needed to provide them with safe housing, meals, access to health professionals, and emergency funds if needed. They can be either VAC programs or programs in partnership with community-based organizations.

The ombudsman is concerned that VAC is not visible enough in shelters, but as the minister has confirmed, we have made contact with more than 75 homeless shelters and agencies across the country that support the homeless. We encourage intake officers at shelters and other agencies to ask one simple question: do you have military service?

With regard to the VAC national strategy on homelessness, there's been much discussion about the ombudsman's access to a departmental strategy on homelessness. I want to stress that the ombudsman's office was fully engaged in the discussions leading up to and during the development of this document.

But I also want to stress the point that the department has been active in many parts of the country and our interventions have been customized to reflect the particular geographic area and the particular needs of that area. Every month for the past 18 months, VAC and the ombudsman's office have met or corresponded on issues directly or indirectly related to homelessness. Our two organizations continue to work together on this file. In May, VAC briefed the ombudsman's office on our progress.

In conclusion, the ombudsman's pledge to leave nobody behind is commendable. It has raised media awareness of the issue of homelessness and it has helped to encourage and support the ongoing work of the department. We know that the office has now launched its first systemic investigation concerning red tape. We look forward to recommendations that may come from that study.

We promise to resolve, to the best of our ability, any individual client inquiries that are brought to our attention.

From a corporate standpoint, we will continue to honour all memoranda of understanding and we will work diligently to make sure his office has the resources and infrastructure it needs to carry out its mandate.

When and if members of the ombudsman's staff wish to seek other federal career opportunities, their efforts will be supported to the same extent as any other public servant's.

Finally, we remain one hundred percent committed to a meaningful bill of rights and a strong Office of the Veterans Ombudsman. Veterans and their families need both organizations to work on their behalf. Is VAC prepared to do that? Yes.

•(1545)

[*Translation*]

Are we willing to do more? Yes.

[*English*]

Will we succeed? Yes, we will. As the chairman mentioned, I will be back here again on Wednesday afternoon before this committee. In the meantime, I will be going to Canadian Forces Base Gagetown to spend some time at the base tomorrow. As you know, we're setting up integrated personnel support centres on the Canadian Forces base. So I'm actually going out to meet with the base commander tomorrow, just to get a sense of how things are going on the ground, and what types of issues the base commander is hearing from the men and women who are serving at Base Gagetown.

Thank you.

**The Chair:** Thank you, Mr. Hillier.

Thank you for repeating that last part. We had talked about that previously, and I think it's good for the committee to know that officials at your level are actually meeting where the rubber meets the road, with base commanders making sure that your services are well integrated into the Canadian Forces.

Now we'll go to our rotation of questions. The first member will be Madam Sgro, for seven minutes.

**Hon. Judy Sgro:** Thank you very much, Mr. Chair.

It's great to see you again, Mr. Hillier. I didn't expect to see you quite so soon after Charlottetown. Too bad we didn't have a bunch of questions ready. We could have covered off a few other issues while we were down there without you having to travel so much of the time. Glad to see that you're here.

After the announcement of the establishment of the ombudsman office, what was the feeling in the department?

•(1550)

**Mr. Keith Hillier:** I think the department was very positive, from my standpoint, and of course I was very close to the file. Hopefully, Mr. Chair, your members would have seen this in Charlottetown. The employees of the department are very committed to veterans. I've been a public servant for a long time, working in many cities and a number of departments. Certainly I see that they're very committed. I think anybody who can do something to help veterans would be very positively received. I don't necessarily see it as adversarial. I see it as somebody who is there to help. I would put the veterans staff sort of in the same category as my own staff. As I go out and have town halls with my staff on and off Canadian Forces bases, I say that if you didn't come to work today to do something for a veteran then you're probably not working for the right organization.

**Hon. Judy Sgro:** I can certainly tell you that it was very impressive meeting the staff. You could tell that they cared very much about their jobs and the veterans they were there to serve. I don't think there was any question about that in my mind. I found it unfortunate that there seems to be this bit of tension between the ombudsman's office and Veterans Canada. The ombudsman is a very knowledgeable and capable man. I just find it disheartening that

there is that kind of conflict now. That's probably very normal in most departments.

Is anything being done? You counteracted many of the things that he mentioned in his report. I'd like to know if there is some ongoing work being done to try to make sure that the lines of communication between the ombudsman and the department are cleared away with some of these issues so that you have a better understanding of each other's role and you're working for the same objective, which is to try to increase the support for veterans.

**Mr. Keith Hillier:** I would classify that as a work in progress. The meetings at the staff level continue, notwithstanding some discussions that have been out in the media. Our regularly scheduled meetings on a quarterly basis will continue.

I would like to characterize that while there have obviously been some differences of opinion on this particular issue, there are many more issues that we need to focus on. I would probably classify this as sort of being one pebble on a beach. We need to maybe learn some lessons from this one, but I think we have to stay focused and continue on and work for veterans. We can't let that important work be sidetracked by what one might characterize as a difference of opinion on a particular part of veterans services and programs.

**Hon. Judy Sgro:** You mentioned several times that individuals who had been working for the ombudsman's office had returned to the department. Did they return to the department because they were dissatisfied with the work they were doing in the ombudsman's office, or were there other issues there?

**Mr. Keith Hillier:** I couldn't speak for those particular individuals because I didn't ask them. I certainly support and promote an open moving back and forth between staff at the department and the ombudsman. It's nice to walk in the other person's shoes, as it were. In fact many of the people that would be moving back and forth would be in my branch. So I certainly encourage that. I know of a couple of individuals who have returned. That's fine. I think that movement back and forth will maybe help break down some of the maybe misconceptions that may be there.

**Hon. Judy Sgro:** It's been two years, has it not, since the announcement of the ombudsman? We're finally to a point where the veterans ombudsman's staff indicated when we were there last week that he had just now received a full complement and that it had been very difficult over these two years trying to deal with so many demands and that they weren't fully staffed.

I would think there must be some problem there of people staying and working in that area if they're going back when they're still trying to get a full complement of staff. Or am I misunderstanding?

**Mr. Keith Hillier:** No. Let me come at it in two ways.

First, a lot of people haven't been coming back—maybe a handful or fewer. There are only about 27 to 30 people there. I think one of the challenges the office is facing is that as you move forward in an organization from ground zero, you have things such as job descriptions, classifications, etc. It is a split operation. Some of the positions are in Ottawa, while some of the positions are in Charlottetown.

I can tell you that we have been involved with 67 separate staffing actions for the office of the ombudsman. In terms of how he's organized, he's better equipped to answer those questions than I may be. I just want to assure you that the human resources services he gets are not second-class or inferior to anybody else's in the department.

• (1555)

**Hon. Judy Sgro:** In the annual report the ombudsman was in the process of preparing, you referred to discussion papers. Are we talking about the same thing?

**Mr. Keith Hillier:** No, we're not.

Essentially the ombudsman will be filing an annual report. The report will be with the minister, and the minister will table it. On an ongoing basis, when the office of the ombudsman sees some issues they send us a report. On funerals and burials, for example, they had some issues there. They do these on a systemic basis. As they get involved in various issues, they send the report or position paper. The department will respond to that. Whether or not they find their way into the ombudsman's final report that will be tabled in Parliament will be a decision of the ombudsman.

In terms of what I will call openness and transparency, he posts many of these documents on his website, I understand, so those who are interested can go to the ombudsman's website and see the types of things they're working on and the types of issues they're raising.

**The Chair:** Thank you, Mr. Hillier. Thank you, Madam Sgro.

Now we're on to the Bloc Québécois. Monsieur André, you have seven minutes.

[Translation]

**Mr. Guy André (Berthier—Maskinongé, BQ):** Good afternoon, Mr. Hillier. I am happy to see you again. We saw each other in Charlottetown. During that very pleasant trip, we had an opportunity to take a good look at all of the programs for veterans.

What do you think should be the biggest difference between the role of the ombudsman and that of the public service, meaning the deputy minister or the public servants in his department?

**Mr. Keith Hillier:** One of the differences lies with the responsibilities. As public servants, we are responsible for the government's programs and procedures. I believe that we also have a responsibility to make suggestions to the minister.

[English]

On the other hand, the ombudsman can be critical of systemic issues. If you look at some of the items the ombudsman has been involved with, which are clearly in his mandate, it's to say yes, the department is doing everything in its regulations and the department is following the law, but he as the ombudsman feels that in some cases it isn't having the right outcome for veterans, or more could be done.

It's our responsibility in the department to ensure we do everything we can for veterans within the law and within the regulations, whereas the ombudsman is a step removed from that. Based on the files the ombudsman sees, he might say, as he did if you look at the paper he wrote on funerals and burials, that we are following the legislation. He has the view that the legislation should

be expanded, and I think that's part of his role, to make those suggestions.

[Translation]

**Mr. Guy André:** Do you think it is ideal to have the ombudsman report to the Department of Veterans Affairs? I would like to hear your thoughts on that. When you look at what you said and what has been said in the past, it is clear that there are two fairly different positions. Is it the ideal situation? If so, what are the real challenges? How can you find a way to improve the situation if you believe that the ombudsman should report directly to the Department of Veterans Affairs?

• (1600)

[English]

**Mr. Keith Hillier:** First of all, the ombudsman does report directly to the minister. That is quite clear in the order in council.

[Translation]

Issues related to human resources and executives are actually the responsibility of the deputy minister.

[English]

So it's clear that the ombudsman can make any recommendations he wishes.

I think we're going through a little bit of a learning experience for both of us, on the side of the ombudsman and on the side of the department. This is the first time we've had an ombudsman. We don't have the many years of experience that our colleagues at DND have. I think, at the end of the day, things will be fine, because we do keep talking to one another, our staff keep working together, and issues are going into the ombudsman's office. As we sit here this afternoon, there's ongoing work between the office of the ombudsman and the staff of the department, and as we move forward, we'll iron out these concerns. But I think it's fair to say that it's part of the role of the ombudsman, in my view, to push the envelope, and I think it's good that there be a healthy, workable tension between the department and the office of the ombudsman so that at the end of the day Canada's veterans will get the best possible service we can give them.

[Translation]

**Mr. Guy André:** Do you have anything to suggest to the committee as far as improving the relationship between the ombudsman and the public service goes? What are your recommendations?

**Mr. Keith Hillier:** The way I see it, it is a matter of communication. We have open discussions, but unfortunately—

[English]

I think there has been some open discussion about some differences, but really, the communication goes on, and there are many things we do agree on. Of course, as is the nature of things, it's when people disagree that tends to attract everybody's attention, not all the things we agree on and all the things that work well.

I can say to you that there are lots of things that are working well with the ombudsman.

[Translation]

**Mr. Guy André:** It is completely normal for you to have different points of view. First of all, you are somewhat involved in the oversight of Veterans Affairs, are you not? The ombudsman's role is to make new recommendations to improve services, meaning his role is to be critical. It is normal for both sides to have different positions sometimes. However, is that accepted and well received by the department? That is the important question, in my view.

Let us look at an example. In a company, there may be unions, bosses, workers' rights groups and all kinds of other parties. Sometimes, when the ombudsman does not necessarily follow the recommendations of the public service, that can be an irritant, and vice versa.

[English]

**Mr. Keith Hillier:** I don't think the employees of the department would classify the ombudsman as an irritant. I think they would see it as another person trying to help veterans.

You know, there is a reality, and I'll speak of my own branch. I have 2,100 employees and over 60 service locations in Canada and around the world. Some days, somebody will make a mistake, and that's unfortunate. If the ombudsman can bring that mistake to our attention, then in fact we can correct it right away.

So I think it's a very useful role, and as the ombudsman's office goes on over a period of time, bearing in mind that he has only been there a very short period of time—I think he has testified before this committee in terms of the numbers of files he has had and the number of files that he hasn't been able to get to because of any number of issues—I think the real value of the ombudsman will hold true as they get more experience and as they can identify what one might call some systemic issues. In my view, they really haven't seen enough files, based on the testimony here, to really talk about systemic issues. There will always be the one-offs and you say you wish somebody hadn't done that, but I'm talking in terms of systemic issues. I think there is an acceptance in the department.

[Translation]

**The Chair:** Thank you very much, Mr. André.

[English]

Now we'll go to Mr. Stoffer for five minutes.

**Mr. Peter Stoffer:** Thank you, Mr. Chairman.

Mr. Hillier, thank you very much for coming.

Just to go back a bit, when the veterans ombudsman was first being discussed, I recall very clearly that DVA was not a fan of the position. They had to come to the table rather reluctantly, but then they bought into it.

One of the problems we have with the veterans ombudsman position, of course, is the recommendation in the report we did in February 2007, in which the honourable chairperson and I participated. We wrote some specific information based on the testimony of the Royal Canadian Legion, Cliff Chadderton, and other groups. Recommendation 10 was that “The Governor in Council appoint the veterans ombudsman after a review by the

Standing Committee”. That review took place after that appointment was made. That's problem number one.

Problem number two is that we asked that the veterans ombudsman report to Parliament—not to the minister, but to Parliament. That was changed through order in council.

To go to recommendation 16, that the veterans ombudsman present a full report to this committee after one year of operation, it's now a year and a half, and we haven't received that report.

And of course recommendation 17 is that “The veterans ombudsman retain sole authority to select, direct, and discharge staff, subject to review”.

Some of those things haven't happened yet. And of course when this committee does a unanimous report, and those recommendations are thought out and battled out—

● (1605)

**The Chair:** Mr. Stoffer, I just want to say that with all the questions you've asked Mr. Hillier, I understand if you want to get those statements on the record, but I hope you're not going to ask Mr. Hillier to answer them.

**Mr. Peter Stoffer:** No, I just wanted to give him a heads-up as to what I perceive to be a concern.

**The Chair:** Okay, good. Carry on.

**Mr. Peter Stoffer:** One of the concerns, of course, is the staffing situation within the ombudsman's department. My concern is that when we started this discussion of the veterans ombudsman regarding staffing, the assumption was that the veterans ombudsman and his appropriate people would be hiring whoever they wished.

Correct me if I'm wrong, sir, but is DVA actively supporting and looking at people to work in the department? Is that correct? Is DVA assisting the ombudsman in the hiring process?

**Mr. Keith Hillier:** Yes. We provide the advice, we provide the technical, and we provide the infrastructure.

If I could, I'd just like to explain the reason for that. If you look at various ombudsmen's offices, wherever they may be, they generally tend to be a small number of people. They're not huge organizations. And in today's world of somewhat complex staffing rules and high-tech computer-based infrastructure, these small organizations really cannot afford to have their own infrastructure. That's why the department provides it, in terms of efficiency. It is so the resources the ombudsman has—whether it is the Veterans Affairs ombudsman or any other ombudsman—can really be invested in doing the types of things they're intended to do.

If I may, while I will not respond to some of the questions you put on the table, I will take exception to one of the statements you made, which is that the department was not in favour of this.

**Mr. Peter Stoffer:** It wasn't initially.

**Mr. Keith Hillier:** From my standpoint, when the government was elected and Mr. Thompson became the minister, I was asked to be the executive responsible for actually putting this forward. There have been people in the past who have said in the media that I was not in support of an ombudsman and VAC had put an executive in charge to find a way not to do this.



I would just like to go on the record to say that I've been fully supportive of the ombudsman, and my colleagues have been. I can't speculate on what may have happened years ago or on past history, but I can tell you that certainly in recent times, and with the mandate I have and my responsibilities before coming to this job, we moved forward to develop the ombudsman's office. I know that I testified twice before this committee as the project manager for that. I just wanted to put that on the record, if I could.

**Mr. Peter Stoffer:** Thank you, sir.

Is it fair to say that the department of the veterans ombudsman is fairly swamped with casework? Is that fair to say?

**Mr. Keith Hillier:** From what I have seen in the testimony, he does have a lot of cases. I don't know the complexity of the cases. Not all cases are equal. Some cases can be resolved in 30 seconds with a phone call. Others may take longer. But he does have a significant number of cases. I believe that when he was here last week, he testified to having cases in the thousands.

**Mr. Peter Stoffer:** I say this as an observation, not necessarily as a question. I know my committee went to Charlottetown, and you're right: the people on the front lines in Kirkland Lake and B.C. and right across the country do an outstanding job within the framework of the legislation they are able to work with.

It's quite obvious that in a year and a half, the veterans ombudsman department has been smothered by thousands of concerns. We all get those calls as well, and I'm sure all of us have recommended various cases to the ombudsman. There has to be a problem then within the DVA for the veterans ombudsman to have been created, and for literally thousands of people to have gone to him or to that department with either a 30-second complaint or a much more involved one, on either Agent Orange or something of that nature. Has the department looked at that and asked whether, if this person's getting this many concerns from the department, there is something the department can be doing to streamline that process to alleviate the pressure?

• (1610)

**Mr. Keith Hillier:** I'll respond in two ways.

First of all, you have to bear in mind that we do about 56,000 transactions a day. If the ombudsman has gotten 5,000 complaints—actually one complaint is too many, and we would like to be perfect—the reality is that when you're doing 56,000 transactions a day, there are going to be some cases where the people may disagree with the position we've taken, because unfortunately sometimes we can't give a veteran everything they may feel they should have. We have to understand that.

The other part is I can tell you that I personally look at the types of referrals we get from the ombudsman. I can tell you that I think veterans are being well served. Obviously I come out from a particular bent. But the types of complaints he's getting in some cases have to do with timeliness. Sometimes they're about people needing a little bit more information, if for instance you had said to somebody that they really needed to send in a receipt for health-related travel. I'm sure some of the complaints he's getting have to do with pension applications. I'm sure some of the files he has to deal with have to do with pension issues, but he can't intervene in a pension application until it's gone through all the stages of the

pension process, including the Veterans Review and Appeal Board, unless there's some tremendous urgency, such as if, sadly, the veteran is close to death, and it would be wise to make an intervention as opposed to following the process through the system.

The reality is that everything is relative. Five thousand is too many, but if you're doing 56,000 transactions a day, and over a period of a year and a half you've accumulated 5,000 complaints.... And that's not to say that every complaint is valid. In fact, some of the complaints, I would suggest, are probably made by people who just want more information. That's why we've set up a process within the ombudsman's office, so that when the ombudsman gets a call on something routine, like not getting their cheque last month or not being sure if their change of address was received, we have a facility for what we call hot transfer. Instead of the ombudsman's office opening up a complaint or setting up a file, we have a hot transfer capability to someone in the department who can actually look into the situation and hopefully resolve it for the client.

**Mr. Peter Stoffer:** Thank you.

**The Chair:** Thank you, Mr. Hillier. Thank you, Mr. Stoffer.

I think what you said, Mr. Hillier, is probably a good thing to keep in mind. The nature of inquiries into the ombudsman's office is probably quite broad, in the sense that one may be an inquiry, one may be a complaint on a specific case, one may be a complaint from a past judgment, and one may be a concern about a broader policy range. There's probably quite a cavalcade in the nature of them, and they'd all be responded to differently, some with an intervention directly from the department, others with some kind of long-term report from the ombudsman himself.

We're now going over to the Conservative Party. Mr. Kerr, you have seven minutes.

**Mr. Greg Kerr:** Thank you, Mr. Chair.

Welcome, Mr. Hillier. It's good to see you again.

I would just like to comment on a point that my colleague Peter Stoffer is making. I think the chair was referring to it. Having talked to the ombudsman, I don't think he would have characterized all those interventions at all as complaints. As a matter of fact, he said that a number of them were inquiries or simple requests for more information. That was quite separate from complaints that would be looked at as disagreeing with or being against a decision or anything like that.

I think a great number of the interventions are along the lines of finding out more information. I just wanted to get that on the record here. I know we always tie the bill of rights in with the ombudsman. If there were no bill of rights, there wouldn't have been an ombudsman, I guess. Can you give us a little background as to the relationship, if you wouldn't mind? By that I mean that when you look at the mandate of the ombudsman, it obviously must tie in with the mandate of the bill of rights. I don't think we've actually addressed that relationship.

•(1615)

**Mr. Keith Hillier:** The two initiatives were developed somewhat in parallel, as you will recall from my previous testimony before this committee. One of the roles of the ombudsman is to ensure that the department is upholding the Veterans Bill of Rights. That's really to make sure veterans are treated in a fair and equitable manner, they get the services they need on a timely basis, and the department is providing them with benefits and services in accordance with the law and its various provisions around access to information, and so on.

Part of the role of the ombudsman is to ensure that we're actually doing what the bill of rights has committed us to do and what we say we're going to do. The vehicle for him to do that is manifold. One way is to look at the various calls and complaints he gets and his interaction with veterans organizations on the broadest basis—some of the larger ones that play a significant role in Canada for veterans at large. That's part of his outreach. There's also looking for what I would call systemic problems.

In his annual report—which is certainly his to write—if he finds evidence that the department is not living up to the bill of rights, I expect that would be in his annual report that is tabled for parliamentarians. With due interest, this committee would probably ask some of us to come to discuss why the department was not upholding the bill of rights, which would be a fair question.

In reality, as we went through this, the ombudsman and the bill of rights were developed in tandem. They were both welcomed in the veteran community. These are items that the veterans organizations had requested for some time. So we went forward to have a bill of rights and an ombudsman.

I know we're talking about some challenges and issues, but at the end of the day that's probably not bad. We could still be at committee talking about whether or not there should be a veterans ombudsman, or why there wasn't one. The good news is that we do have a veterans ombudsman, we do have a bill of rights. We've had a few teething pains that we'll get over, but at the end of the day the veterans have an ombudsman and a bill of rights.

**Mr. Greg Kerr:** Thank you for that. I don't think any of us are surprised that occasionally there will be some differences of opinion between an ombudsman—since he is serving the client, the veteran—and a department that is providing the service. That seems to be a normal thing.

I get the sense from the ombudsman that part of the frustration may be due to starting up and perhaps not having the staff, and so on. It can be overwhelming. The day the ombudsman starts, considering how long the department and the program have been around, I'm sure there are a terrific number of files he could look at, going back many years. There's a terrific amount of ground to look into in the starting stages. Do you expect that will level out?

**Mr. Keith Hillier:** I hope so, particularly since I'm the assistant deputy minister responsible for service to veterans. In a perfect world we may not need an ombudsman for individual complaints at some time, but at the end of the day we probably will.

If you look at the Australian experience—and they have had an ombudsman for quite some time—they saw an initial surge. We expected that once the ombudsman was appointed there might be

some pent-up demand. Some of the issues that are being brought forward to the ombudsman's attention are not necessarily what I would call issues that people have today. They may be issues from five or six years ago. So I think there is some of that.

I expect it will level off in time. Starting up an organization from scratch is not easy. That is why we loaned some people to the office of the ombudsman to help him get started. For somebody who is new to the process, hasn't been around the public service, and isn't familiar with staffing in the public service, the process can be a little daunting.

•(1620)

**Mr. Greg Kerr:** How much time do I have left?

**The Chair:** One more minute.

**Mr. Greg Kerr:** The topic, obviously, that was dominant most of the time surrounds the homeless shelters. I expect there will be other follow-up questions on this item. There was an area on which I still am not sure I understood the issue, and certainly no one wants to find people who are left behind, as the ombudsman said. But I was a little bit confused as to the process your department carries out with the shelters. I sensed that if there was an area of disagreement, it seemed to be around the direction that maybe staff were getting as they work with shelters. What would be the general direction from your senior staff to those on the ground as they deal with the shelters in this particular regard?

**Mr. Keith Hillier:** The general direction is to make contact with the shelters and/or the individuals who are responsible for the shelters. The issue of homelessness is not an easy issue, and the way of dealing with it may not be the same in every particular city or every particular province. If you look at things such as shelters, soup kitchens, etc., many of them are organized differently. Some of them are run by umbrella organizations, some are independent.

I've been around the public service long enough to know that you can't sit in headquarters and say "Thou shall" and all of a sudden the issues are going to be resolved. You have to leave it, in my view, in a broad policy framework, and the goal is first of all to avoid people becoming homeless. But sad to say, some do, so the direction I've given to my staff is to work with the local veterans organizations, work with the shelters, work with agencies—whether it be the Salvation Army, the Red Cross, provincial social services—and create the connections. The connections have to be made on the ground so that when somebody identifies himself as a veteran....

We will get what I might call a tip or some information that we have a veteran in the shelter. You need to understand that just because someone is a veteran, and just because they're in the shelter, that may be their choice, and notwithstanding the intervention that we have, they may not be ready for our services and programs. Sometimes it takes a period of time to create a relationship, and that's where I'd like to make the connection with the OSISS peer support coordinators. Sometimes when someone is homeless, let's face it, they're down and out, they're probably angry at society, they're probably angry at the government. So sometimes it takes a connection by someone such as a peer who has had some of these very same difficulties and says, "You know, I used to be like that, but there is help, and these are some people..." You have to build the trust factor. So yes, getting information from police departments, getting information from social service agencies, those are all good things, but at the end of the day we have to build that trusting relationship.

I guess if I look at it, we have to also understand the diversity of the country. If we look at Parliament in itself, Parliament has representative members from every part of the country. Every part of the country has its own particular views, its own particular issues, and that's why we just don't have one parliamentarian but over 300 to reflect the views.

In that same thinking, we have to allow local managers to be innovative. There are some innovative projects that we're ready to launch in some of our big cities, but the reality is that they have to have some flexibility to be able to do that. We have a veterans helpline that's open 24 hours a day, staffed by counsellors. It's not an answering service; there's actually a counsellor who can help you. There's lots out there. The trick is to make the connection, and the trick is for the local managers, who know their environment—the people in social services, the people in the various agencies—to talk to them and say, "How can we make the connection?"

Last but not least, there are veterans who are homeless and who want to be homeless. I can tell you of a situation of a veteran I know of in a particular city who's homeless. He lives in his car, because that's his choice. He doesn't want to live at a fixed address for a number of reasons. But that's the reality. That doesn't mean the person isn't getting services from us. It doesn't mean he isn't getting help. But he's made a certain choice because of other factors in his life that he doesn't want to live at a fixed address.

• (1625)

**Mr. Greg Kerr:** Thank you very much.

**The Chair:** Thank you, Mr. Kerr.

Thank you, Mr. Hillier. You said many things that were very authentic. One, certainly, is that there are 308 members of Parliament, and all have a different view. We're going to hear from one right now; that's Mr. Andrews.

Go ahead, Mr. Andrews, for five minutes.

**Mr. Scott Andrews (Avalon, Lib.):** Thank you, Mr. Chair.

Mr. Hillier, thanks for coming in. It's good to see you again.

I want to go back to recap or fill in some blanks on access to information, concerning what information the ombudsman does have. I'm going by some of the notes our analyst gave us.

Is it correct that the veterans ombudsman is classified GCQ-4, compared with our armed forces ombudsman, who is at a GCQ-6 level? Is that correct? Why is there a difference? Who established this clearance level, and what would it take to change it?

**Mr. Keith Hillier:** There are a couple of things.

First of all, I don't know the exact levels, but I can tell you that there is a difference in the classification levels between the DND ombudsman and the Veterans Affairs ombudsman. As to whether one is classified at level 2 or level 6, I couldn't give you that fine a sense.

What we all need to understand is that in government the amount paid to people, whether they be order-in-council appointees or whether they be public servants such as I am, is based on a classification system, and there is a methodology for deciding.

For example, just by way of comparison, if you look at various legal tribunals and various boards, whether or not they're GICs, not everybody who serves on a government board gets the same paycheque. There's a system that determines the complexity, the consequence of error, decision-making, the number of staff you have, etc.

I can only presume that in the case of the ombudsmen, whether DND's or others', they have somewhat different roles and a different responsibility, and that those who make those decisions have in fact judged that GIC-2—I think that was the number you referred to—is an appropriate level, based on the roles and responsibilities of that person, as compared with—

**Mr. Scott Andrews:** Is it a decision of the minister as to what level of classification...?

**Mr. Keith Hillier:** No, it's not a decision of the minister; it's a government-wide decision. The minister doesn't get involved in the classification. That's the administration of government, and the minister is not involved with setting the levels of compensation.

**Mr. Scott Andrews:** Aside from compensation, in terms of the level of access they would have, would you not say the two ombudsmen should have the same level of access within the department?

**Mr. Keith Hillier:** Not necessarily; the access the ombudsman or any GIC—or anybody in the department, for that matter—has is determined by a memorandum of understanding or by what their contract is. In the case of the veterans ombudsman, there is an order in council that very specifically gives him certain authorities, and it very specifically outlines things for which he does not have authority. Whether he's a level 2, a 6, or a 5 is really irrelevant to that part of the discussion. The key part is the mandate he was given by the Government of Canada. That's what's really germane to this debate.

**Mr. Scott Andrews:** Allusion was made when the ombudsman was here to his having to go through the Access to Information Act to get certain information. Is that correct? And wouldn't the information he could get through this freedom of information process be afforded to him anyway?

**Mr. Keith Hillier:** I can't speak for the ombudsman. All I can tell you is that I'm not aware of any information that he or his staff has ever been refused, with the exception of items that are cabinet confidences or matters of solicitor-client privilege. From my standpoint, if he is being refused information or access, it would be news to me.

If he wants to go through access to information, that would be his choice; I can't comment on that. But I can tell you that as a GIC, he and his employees, who are employees of the Government of Canada and have the same security clearance as all our employees, have access to client files, paper and electronic. They have access to our policies: our policy manual, our policy suite, and our online databases. It's all there.

•(1630)

**Mr. Scott Andrews:** Okay.

In the reporting procedure by which he reports to the minister, do the reports go through any management before they get to the minister? Are they changed or altered in that process, or is the report that goes to the minister the same report that we will see published?

**Mr. Keith Hillier:** The relationship between the ombudsman and the minister is very clear. He gives a report to the minister. I or other officials do not see it. It goes to the minister. Then it will be published. The officials of the department are not involved with vetting, nor are we involved with saying "that shouldn't be in the report" or those sorts of things.

I have to tell you, though, and going back to another honourable member's question, that I want to make sure we're not mixing up apples and oranges, because there are what one might call reports, or papers, that he puts out and that don't go to the minister. He may eventually send them to the minister, but he will send to the department observations that he feels are concerns in certain areas and we will respond to those. Whether he then decides to take it to the minister is his prerogative. We have no intervention between him and the minister. The discussions he has are between him and the minister. He is outside. He is independent of the management of the department.

**Mr. Scott Andrews:** So what—

**The Chair:** I'm sorry, but you're well over your time.

**Mr. Scott Andrews:** Time goes so quickly when you're having fun.

**The Chair:** Thank you, Mr. Hillier.

Mr. Lobb, for five minutes.

**Mr. Ben Lobb (Huron—Bruce, CPC):** Thank you.

Mr. Hillier, I would like to thank you again for the hospitality you extended to us in Charlottetown last week. It was very educational, so I do thank you and your staff for that.

I just want to clarify a couple of points that Mr. Stoffer made. I'm sure that Mr. Harris has briefed Mr. Stoffer on the last meeting's turn of events and the subsequent notes from that.

On the ombudsman's report, the ombudsman made it clear during his testimony that his report has yet to be completed. I just wonder if you agree with that.

**Mr. Keith Hillier:** I know what I read in the transcripts here, and if he has not completed his report, then I take it he hasn't completed his report.

**Mr. Ben Lobb:** Yes, I would agree with that, thus making it difficult for the minister to react to any of the findings in the report.

On staffing, I also remember the ombudsman mentioning that on staffing he has a full complement now. I think that's what he referred to in his testimony. So as far as his staffing is concerned, it looks to me like that's moving along quite well.

The other one, too, was about the backlog. Just to clarify a few things on what he did say, just for the record, it was that of the 6,000, "many...who come to our office are just seeking information or referrals", so a lot of these are not deep and time-consuming investigations. Although the number may indicate a potentially huge amount of work, what he would respond to is very minimal. He also mentioned streamlining his processes, finding his staff's working abilities, and getting them trained, so hopefully the member was not criticizing the ombudsman, because obviously he's trying to get his office ramped up and is doing the best job he can.

Further to that, again, he also mentioned that with the exception of a couple of issues, instances such as the homelessness issue, there's actually a pretty decent working relationship between the department and the ombudsman's department. It really appeared to me from his testimony that there is actually a pretty decent working relationship taking place there. Would you agree or disagree?

**Mr. Keith Hillier:** I would agree.

**Mr. Ben Lobb:** Good. That's great to hear.

Just further on the issue of homelessness, which is an issue I obviously am passionate about, I believe what you said here, which is that it's one pebble on the beach really, on this issue. One thing I was very impressed with on our visit was the multitude of services you offer them, especially around mental health, addiction, and financial counselling. Could you expand a little on that just to give the committee a better idea of it for those who weren't in Charlottetown?

•(1635)

**Mr. Keith Hillier:** I think the first thing is that it's really important to make a connection with the veterans and try to establish a relationship based on trust, so when we say we have these programs and services, we are there to help veterans. Sadly, some of the people we're dealing with are in very desperate situations, where maybe they don't trust anybody in the world. So you have to take time to nurture that particular relationship and then talk about peer support.

We can get them into a peer support program. We can work to get them into our operational stress injury clinics we have across the country with our colleagues at DND. It's an integrated network of clinics, and of course we have things such as vocational rehab, psychosocial rehab—it's all a continuum. We have a job placement program. Just to make a point, to go into a homeless shelter this afternoon and say I'm from Veterans Affairs and I can help you write a résumé is probably somewhere down the road. The afternoon issue may be just trying to create a relationship so the person will feel comfortable.

Through the programs of the new Veterans Charter, we do have things such as disability amounts and what have you. So there are things we can do for people. I think one thing we need to understand is that as we go through these issues of veterans on the street, I would argue we do not have as many in Canada as there are elsewhere, on a percentage basis, because we have a much better social safety net, in my view, than some other countries. In the U.S. they have 27 million veterans. If you look at this on a percentage basis, I think it's fair to say, and I say it in a non-political sense, that across the U.S. the social safety nets tend to vary from state to state. So there is probably a greater risk of some of their veterans falling through the cracks, because quite simply they don't have some of the programs we have in Canada for our veterans.

The key is making contact, establishing a trust relationship, and then starting to branch out into the programs that, in the view of our professional caseworkers, our workers in the occupational stress injury clinics, are appropriate to the veteran's state of mind and ability to cope with some new program or some new services.

**The Chair:** Thank you, Mr. Lobb and Mr. Hillier.

[Translation]

Mr. Gaudet, you have five minutes.

**Mr. Roger Gaudet (Montcalm, BQ):** Thank you, Mr. Chair.

Mr. Hillier, I am not trying to play politics, and I am not in the habit of doing so, but when the Conservative government came into power, we had a department and an appeal board. Then, the government created the veterans charter and the ombudsman position. Earlier, you said that we could get rid of the ombudsman position. You also told Mr. Lobb that the relationship between the department and veterans was peachy keen.

There is one thing I do not understand. Why did the ombudsman appear before us on Wednesday and say that things were not going so well? I would like to hear your opinion on that. We had the veterans charter, an ombudsman, and things are fine, but the ombudsman told us that things are not so fine with respect to the issue of the Westminster style of government, about which I have still not received an answer. I asked the question on Wednesday, and I have still not received an answer. I would really like to know what exactly is going on.

I want the truth, because I and Mr. Perron, whom you knew well, were opposed to having the ombudsman report to the department, to the minister, since that is the way it works. If you recall, Mr. Marin, the ombudsman for National Defence, resigned precisely because—that was not in your day, it was during the Liberal era—he had to report to the minister, and it was not working. When the position is under the responsibility of the minister in charge, nothing works. If the person does not do what the minister wants, he or she is relegated to the sidelines, and the files are shelved.

• (1640)

[English]

**Mr. Keith Hillier:** I would like to go back to the start. I think there's a clarification that's required. If I understood well, I don't recall something about there being an ability to remove the ombudsman. I don't think that was the nature of the discussion.

Let me come at it this way. The ombudsman has been in place now for about a year and a half. It will be two years in November. I think part of the issue, as I see it—and I looked at the testimony that was here last week—is about what I call access to information. If I could, I'll just park that for a second. The fact that there is a difference of opinion on some of the issues around homelessness I think is just one of many issues. There are many issues we are working on together. I think, though, the issue seems to be around access to cabinet information. I think it's well understood in this town that in fact there are various privileges of the Queen's Privy Council and that cabinet information is not open.

The issue of the doctrine of solicitor-client privilege I think is well accepted both in the private and public sector. I would argue that the legal opinion I or one of my colleagues in legal may have gotten, for example, is maybe not overly germane. I would view it that the role of the ombudsman is to identify if there's a problem as it relates to a particular client or in fact if there's a systemic issue with a policy or program. I think that's where the focus is. Understanding what the legal opinion was or who got a legal opinion is not necessarily where I think we need to be. By the same token, we need to go back to the order in council, and the order in council states that.

In terms of the issues that are there, I won't enter into that discussion. I'll leave it, if I could, to the lawyers who may want to debate the word "review" and so on and forth. From that standpoint, I think things are working relatively well with the ombudsman. There's an issue, and these issues will come up from time to time, but as I stated earlier, the good news is that we actually have an ombudsman and we actually have a bill of rights.

[Translation]

**Mr. Roger Gaudet:** We agreed with the creation of a veterans charter and an ombudsman position. But earlier you said that people were calling to say that they had not received their pension cheque. Why is it that they call the ombudsman instead of the department? Are they sitting on their hands at the department?

How is it that last year, there were 8,000 requests, 2,000 of which remained.... If it is not the department or the ombudsman, someone is not doing their job, unless I know nothing about the public service. I was a mayor for 12 years, and I can tell you that when there were problems, we made sure that the situation did not drag on too long. When someone did not receive their pay cheque, there was a problem.

[English]

**Mr. Keith Hillier:** First of all, clients will call numbers that they may choose to call. If somebody is calling and saying they didn't get their cheque, for example, it could be simply the fact that their last change of address wasn't processed before the cut-off time for the computer system. It's a very simple thing to fix. Do they need to call the ombudsman for that? No; they can call our 1-800 number. We receive approximately one million calls a year at our national call centres.

I can also point out, Mr. Gaudet, that we've actually created a call centre in Montreal that we just opened in April, specifically to improve the quality and level of service to our francophone clients. It's located in Montreal, so that our francophone clients can now deal with someone who is equipped to deal with them in their language of choice.

Sometimes you have to look at human nature. Of the 5,000 or 4,000, or however many in number the ombudsman has, he himself said that they're not all complaints. Some are looking for information. Some could be inquiring about how to change their address. Also, part of human nature is that some people may feel that the ombudsman has a higher level of authority, so if they don't get the answer they like when they call our national call centre or go to one of our district offices, they think maybe the ombudsman has authority to overrule those decisions.

Clearly the ombudsman doesn't have the authority to overrule departmental decisions. He can point out that he feels that there has been an error made and we will correct that as quickly as possible. That's one of the reasons we have what we call the "hot hand-off", so that in fact they can actually move the call to a departmental official very quickly.

I think he would say that part of his learning experience with his staff is to know when this is a file that we need to take and investigate or this one is simply somebody wanting to do a very simple transaction and they have the number of the ombudsman that they picked up off a website or they got it in any number of places.

That said, one has to bear in mind that just the very nature of creating an ombudsman is going to create some demand for service. That's good, because at the end of the day, if the clients get the service or the information they need, even though they went through the ombudsman as opposed to coming in to the department official, that's really what's important.

• (1645)

**The Chair:** Thank you.

Now we'll go to Madam Tilly O'Neill-Gordon.

**Mrs. Tilly O'Neill-Gordon (Miramichi, CPC):** Thank you, Mr. Chair.

Welcome, Mr. Hillier. It's nice to have you here with us today.

Our other colleague has said, and I'd like to reiterate, how enjoyable our day was in P.E.I. There was one thing through it all, the support and the sincere effort of your staff to do what's best for all veterans, and I was happy to see that.

I also like to hear you say with your positive attitude that the differences will be ironed out. That's the one thing we can do, iron out these differences, because I'm sure we're all on the same track. We're all aiming at what's best for the veterans.

As we all know, the ombudsman has done some visiting, following his cross-Canada tour of homeless shelters. Did the ombudsman provide your department with a report indicating his findings as a result of his tour?

**Mr. Keith Hillier:** Not that I'm aware of. I haven't seen such a report. He did make reference to a document when he appeared

before the senators some weeks ago, but I have not seen any such report, which probably, given the arm's-length nature, shouldn't be a surprise.

Certainly from my standpoint, he has indicated that he has visited a number of homeless shelters across the country, and I think that's a good thing. If in fact he finds people who may be veterans, who maybe could use our support or our services, we'd be more than happy to be made aware of it. Even if we don't have a particular name but there's somebody who we know is a veteran or could be a veteran, then in fact we will go through our sources.

One of the challenges we have in some Canadian cities is that some of the veterans who are actually there are not the responsibility of the Government of Canada. There are American veterans living in some of the shelters and visiting some of the shelters in Canada. Of course that is not an issue for the Government of Canada. We have a responsibility for those who serve this country, and that is our focus. If somebody has moved across the border and had served in the U.S. military, that is not the responsibility of the Government of Canada except in certain situations where there may be reciprocal agreements around pensions or something. Those are choices that these individuals have made.

**Mrs. Tilly O'Neill-Gordon:** That's good to know.

Your department officials have also performed outreach and have visited different shelters across Canada. Was the department able to assist homeless veterans as a result of the outreach?

**Mr. Keith Hillier:** In some cases, yes. In some cases, the veterans were not ready.

I think again it's very important for us to understand that the people living on the street live in a very different world and a very different life from us, who generally have jobs and go to work every day. In some cases, we have made contact with veterans through our outreach. In some cases, we've been able to get them into a program. And in some cases, they've skipped, given their very transient nature.

I had a homeless veteran last week who presented at the Vancouver district office. He actually came to the office and we were able to work with him. Now, he told us that he was in Calgary the week before, and the week before that he was somewhere else. So that's the transient nature. Sometimes when you make that connection, they move. Now we're working with that veteran in Vancouver. We've also been working with the Royal Canadian Legion poppy fund. We've been looking at issues of housing for the individual. So this person may stay in Vancouver, or he may vanish and show up in maybe Halifax in a month's time. That is the transient nature of the population. But certainly we have been able to make some contact.

I would suggest to you that one of the most effective ways is really through the peer support program. You know the military family is a very tight-knit family. If you talk to some of them, you talk to somebody who may have been with the Van Doos or with the Princess Patricias, they have organizations beyond that of the military. It stays with them, I would say, for the rest of their lives. They want to take care of each other.

So we talk to these organizations. For example, if it's somebody from Halifax who's a former naval officer who is having difficulty, they can persuade that person to come forward to the department, or not necessarily go to the department.... That's why you need to understand the peer support. It's not about coming to a Veterans Affairs office. It may be about going to a Tim Hortons and having a cup of coffee. It may be about going for a walk along the street, just to try to get the connection to say, "I understand your suffering. I understand your suffering because I went through it myself. But the reality is that there are people who can help you." But like many addictions, the person has to want to be helped, and that's part of building that trust and that connection.

• (1650)

**The Chair:** Thank you, Madam O'Neill-Gordon. Sorry about that; your time has run out.

Thank you, Mr. Hillier.

Now on to Mr. McColeman for five minutes.

**Mr. Phil McColeman (Brant, CPC):** Thank you very much.

Thank you for coming again. It was delightful to be in Charlottetown and to see the level of commitment there to the veterans among you and your staff.

Rightfully so, when the ombudsman came, there were some issues he brought to the table. It brings up a lot of questions. Probably I have a lot of learning to do, so my questions may be more to being educated about what you were ideally looking for in an ombudsman when this position was created. What were you looking for in terms of the overall engagement of that individual?

**Mr. Keith Hillier:** If you look at the order in council, which really gives the ombudsman the authority, I can speak to it somewhat, having been the executive responsible for making recommendations to government on this particular file.

The reality is that the ombudsman really operates on two levels. First is the situation of an individual case. Somebody goes to the ombudsman and feels that he or she has not been treated by the department in accordance with the Veterans Bill of Rights. In other words, the person hasn't been treated fairly in the review, or in fact has been denied a service or benefit. Or it could be that the person may feel that the case manager hasn't behaved appropriately. There's a whole range of things. On an individual basis, somebody wants to bring to somebody's attention that he or she is not happy with a decision or an activity of the department.

Then there's the wider, what I would call systemic, level. On review of the various cases the ombudsman would see.... For example, if 50% of your inquiries were related to a particular type of health benefit, you might say that you would like to talk to the department, because half the work is coming from that. Maybe it's a misunderstanding of a health benefit, or maybe there's a computer glitch. He can actually step back and sort of say that there is the individual case, but he's seeing a lot of cases like that, so he needs to understand. It also may be in terms of talking to veterans through the various kinds of outreach he does and through veterans organizations. Also, the veterans ombudsman has been equipped with an advisory board. Members of the advisory board would give him advice as to what they're seeing and hearing.

Tomorrow I'm going to be at CFB Gagetown, and I've been at various bases across the country: Valcartier, Edmonton, Cold Lake, Halifax, and Esquimalt. You can actually go and talk to the base commanders and ask them how it's going and ask them what they're hearing from the men and women who are serving their country. You can ask them to give it to you straight. It's nice to hear from them what you are doing well. But I like to hear the areas of concern as well—not that I am the ombudsman, but I am in the service business. So we have a common playing field where we all are at the end of the day.

If the ombudsman were here this afternoon sitting next to me, I think we would both say to you that we're all here for the veterans.

• (1655)

**Mr. Phil McColeman:** That was so evident in Charlottetown. What was really surprising, in my observation, was that the system is there entirely for the veterans, unequivocally. There are layers of appeal in casework, the layers they go through.... I forget the name of the gentleman who was the head legal counsel there, but he said that, essentially, when he hires new lawyers to come in, they ask how anyone can ever be denied. They're surprised that there's even one person denied a claim.

I'm interpreting the ombudsman to be, then, a further layer of adjudication, if you want to call it that, or an advocate for the veterans.

**Mr. Keith Hillier:** Yes.

**Mr. Phil McColeman:** Would it be fair to characterize it that way?

**Mr. Keith Hillier:** I wouldn't characterize it as adjudication. I would characterize it as a further review or a further advocate.

The ombudsman does not have the authority to overturn the decisions of the department, but he does in fact have the authority to bring items to our attention. It's another level of review. We have many. We have the Bureau of Pensions Advocates. We're the only country in the world that actually provides lawyers, at the expense of the crown, to represent veterans in their applications before the Veterans Review and Appeal Board.

**The Chair:** Thank you, Mr. McColeman. You're out of time. Time does fly.

Now we're on to Mr. Stoffer for five minutes.

**Mr. Peter Stoffer:** Thank you, Mr. Chair.

Mr. Hillier, if you're going to Gagetown tomorrow, and you want to meet with some folks, I can give you the names and the numbers of a bunch. They're called Military Widows on a War Path. They would love to meet with you to discuss Agent Orange, but I'm sure you'll be too busy for that.

There's a question from Michel, and I want to thank the researcher very much for this. I'll just read it to you: "The mandate indicates that the staff of the Office of the Veterans Ombudsman shall be employed pursuant to the Public Service Employment Act and shall be within the Department. Are the members and staff of the Veterans Review and Appeal Board within the Department?"

**Mr. Keith Hillier:** No. The actual members of the board are GICs, the same as the ombudsman. The staff of the Veterans Review and Appeal Board are staff of the board. Without getting into all the mechanics of it, the quick answer to the question is that employees, other than GICs of the Veterans Review and Appeal Board.... When you step back from it, they're all part of the portfolio called veterans affairs. I'll be here to discuss this with the committee on Wednesday. The portfolio called veterans affairs is made up of distinct organizations called the Department of Veterans Affairs and the Veterans Review and Appeal Board. That's why the reports on plans and priorities are signed by the chair and the deputy.

**Mr. Peter Stoffer:** You said that DVA assists in the hiring process for the veterans ombudsman's positions that he requires. How many positions does he have now under the veterans ombudsman umbrella? How many people actually work there?

**Mr. Keith Hillier:** I couldn't answer that. I think it's between 30 and 40, but I don't have the exact number.

• (1700)

**Mr. Peter Stoffer:** If it's possible, we'd like to get a more accurate figure.

**Mr. Keith Hillier:** Certainly.

**Mr. Peter Stoffer:** I know Colonel Stogran has military service, but how many people working for the veterans ombudsman have a medical, military, or legal background? You probably don't know that.

**Mr. Keith Hillier:** No. With due respect, I would ask you to direct that question to the ombudsman.

**Mr. Peter Stoffer:** Well, if DVA helps the ombudsman with the employees, then DVA would know that answer, wouldn't it?

**Mr. Keith Hillier:** In the human resource files, in some cases people may or may not have indicated whether they had military service, but it would be inappropriate for me to access the files and provide information about employees.

**Mr. Peter Stoffer:** That's understandable.

I'm going to be the devil's advocate now. I always thought that an ombudsman was like a watchdog in a department. We used to have Bruce Hood, who was the airline commissioner for complaints to the airlines. We had the DND ombudsman, and we've had all kinds of ombudsmen—banking ombudsmen and all kinds of people. When you ask the general public, you find the perception that they're a watchdog in a department.

I'm just throwing this out here. It is a pretty sweet deal when DVA has an ombudsman, who is supposed to keep an eye on the department to see if there are any problems or anomalies, to see what recommendations he can offer so that the department can improve its services. But when there are people from DVA employed within the veterans ombudsman office, some people could say that there's an awfully close link there, that there's not much independence between

the two. There is a risk that you could handcuff the ombudsman and his people. For example, they might be reluctant to issue a hard-hitting report or something of that nature. Is that perception real or false?

**Mr. Keith Hillier:** I don't know, because I haven't seen that. But let me respond in this way. First, staffing in the Government of Canada is based on the merit principle, and the watchdog for that is the Public Service Commission. Any time a job is open, all employees of the public service, within certain constraints such as location or experience, have an opportunity to apply. To say to employees of the department that they couldn't apply for a job in the Office of the Veterans Ombudsman would actually be a violation of their rights under the Public Service Employment Act.

**Mr. Peter Stoffer:** Thank you.

**The Chair:** Thank you, Mr. Stoffer.

Mr. Andrews.

**Mr. Scott Andrews:** Thank you, Mr. Chair.

The hot transfer that you referred to a couple of times, do you keep statistics on how many come from the ombudsman's office? If so, do you have them available?

**Mr. Keith Hillier:** I don't know the number offhand. Some of these happen routinely. They're on a call and they switch the call over to an agent in a call centre. So I don't have a precise number. I know the 375 that were more formally transferred. In order to improve the service, we're moving to a system of having designated people. Rather than just hand it off to one of several people in a call centre and office, we're designating people to do that. So we'll have a better handle on what some of the calls are. With regard to the others, the 375 I referred to, which came over as complaints, hot transfers are taking place. They're very informal. They just refer the call to a call centre.

**Mr. Scott Andrews:** I'm quite sure the ombudsman uses them as part of his statistics, so it would be interesting to compare the two.

**Mr. Keith Hillier:** I'll see what's available. I might be able to give the committee some idea of what they are, but it would be in an order of magnitude as opposed to a precise number.

**Mr. Scott Andrews:** Okay. It would be interesting to hear.

The Veterans Review and Appeal Board is not part of the ombudsman's mandate, but according to his statistics last week he has a number of claims that relate to that board. To put those statistics in perspective, what exactly are they asking? Are they specific claims or items on how cases were handled, which is not in his mandate? Should they be in his mandate? Should he have the power to go to the Veterans Review and Appeal Board? If he doesn't have that power, why is he logging so many inquiries on that? Is it the nature of the review and appeal board, which I think is in his mandate?



• (1705)

**Mr. Keith Hillier:** I won't respond to the first part of the question. My comments are really restricted to what's in the order in council. Whether the ombudsman should be going beyond that is not a matter for me to comment on.

On the Veterans Review and Appeal Board itself, the order in council is very clear that he can't interfere in the process or overturn it. He could conceivably receive some complaints from clients that the lawyer who represented them from BPA didn't act in the manner they expected, or any number of other issues. They might complain that the hearing wasn't scheduled at a time that was convenient for them—I'm sort of making this up as I'm going along—which really wouldn't affect the integrity of the decision. As noted in the order in council, there's very little discretion there.

As the ombudsman moves forward with his communication strategy and people get a better understanding, I'm sure some clients will feel that the ombudsman has the authority to overturn a decision, which isn't the case, of course. You will get clients who will complain, and it's their right to complain. We live in a democracy, and the reason we're in the democracy is because we have traditional veterans and modern-day veterans who fought and continue to fight for the principle of democracy. Having somebody exercising their rights is a good thing.

As the minister said many times in this forum and other places, you can never do too much for a veteran. At the end of the day, even if you've been very injured and your country is paying you the maximum amount allowed by the law and the regulations, how can you put a price tag on someone whose life, sad to say, has been greatly changed? So you can never do too much for a veteran.

Sometimes veterans will go to the ombudsman because they would like to have more benefits than what can be provided, whether through the Veterans Review and Appeal Board or other areas. But at the end of the day, you can't do too much for a veteran.

**Mr. Scott Andrews:** Thank you.

**The Chair:** Thank you, Mr. Andrews and Mr. Hillier.

I'd like to officially welcome Mrs. Davidson to the committee today. She would like to have five minutes for questions.

Go ahead, Mrs. Davidson.

**Mrs. Patricia Davidson (Sarnia—Lambton, CPC):** Thank you, Mr. Chair.

Thank you, Mr. Hillier, for the information you've been giving us here today.

This is not my committee, but I'm very pleased to be here. I have several veterans in my family, including my father, so veterans issues are extremely important to me. Over the years members of my family and I have had several opportunities to interact with Veterans Affairs, and most of them have been very positive. On the whole, a good job is being done.

I think it's a sign of caring and thoughtfulness that the Veterans Bill of Rights has been implemented, as well as the ombudsman for veterans. I'm very glad to see both of those things in place. As we've said before here today, the ombudsman is a fairly new position. It's

something we are working through, and I think everybody has the best interests of the veterans at heart. So I'm quite sure we will get there.

The information I have indicates that the ombudsman can undertake a review of an issue on his own initiative, at the request of the minister, or at the request of a veteran, a client. Are there any limitations on what the ombudsman can deal with, or is he free to deal with anything a client or anyone else asks him to?

• (1710)

**Mr. Keith Hillier:** Mr. Chair, if I may, in responding to the honourable member I might note that my father also was a veteran. He served in the Second World War. I, being a Newfoundlander, note that my father served with the Royal Navy for a number of years and did a number of tours in some very interesting places around the world. So in responding to this and the ombudsman, I'm truly pleased to have a job where I can actually help veterans, both modern-day veterans and traditional veterans, because it's almost like helping my father.

Having said that, I will say with regard to the ombudsman that the ombudsman can pursue any item that is within the mandate the ombudsman was given through the order in council. What he can do is very clear. Whether it comes from the minister, a client, his own initiative, or his staff, the reality is that he has to operate in that zone that's been defined.

For example, with regard to the Veterans Review and Appeal Board and pension decisions, irrespective of where the request may come from, he cannot go in and overturn a decision or go into areas where basically he is not permitted to go. Other than that, within those confines, the ombudsman can talk to anyone that he may want to talk to in the department and he can see any documentation, again, with the exceptions that are noted in the order in council.

**Mrs. Patricia Davidson:** Further to the issue of homelessness, I think that's perhaps what the most focus has been on recently. The notes indicate, as some of my colleagues have said, that you, departmental officials, have performed outreach with these organizations. Have you identified homeless veterans? If you have, how is that done? Is it done on a proactive basis or a reporting basis? If so, who reports? How is that handled?

**Mr. Keith Hillier:** We don't have an identifier in our computer base that says a person is homeless. We do have clients who we feel are at a higher risk because they may be shown as "of no fixed address", so they could be at risk of being homeless or maybe not.

Those clients would be managed through a case manager who would do the necessary follow-up. So there are people we know who may be at risk. For example, everybody leaving the Canadian Forces today gets a transition interview, and on the basis of the transition interview we may identify some people who may be at risk of any number of things, including homelessness, depending on some of the information we get. So it is proactive. It's about making sure people are aware of what we can do, coming back to the OSISS peer support coordinators. I can tell you about a couple of cases in point. I made reference to an individual who walked into the Vancouver district office and said he needed help. That's an easy one to find.

Also, when you look at certain parts of the country, the numbers of reservists are not... DND, because of the tempo of operation, is using more and more reservists on its missions overseas, and when the reservists come back, they go back into their communities. We do a transition interview and what have you, but others who are regular forces members stay at the base or stay with their group.

The point I'm making here is that to try to reach out to these people, we're trying a number of pilots, and one of the things we're doing is we're writing... British Columbia has a really high percentage of reservists, particularly in the lower mainland, so we're doing some things there a little bit differently. When I was in B.C., I talked to the gentleman who is in charge of the reservists, and we're working at trying to connect to them in two ways. First, we send out follow-up letters to them: we know you are a reservist and that you served in Afghanistan—and by the way, we want to remind you that if you have any needs, we are here, this is our phone number, call us if you need anything.

Also we're working through our network. There are some things we're doing in Ontario. We made contact with all the reserve units to ask whether they know of people who may be at risk, because if a soldier comes back from a mission and is no longer going to the parades every weekend, it could be an indication he just doesn't want to do that any more or it could indicate he is withdrawing. And maybe when you look into it you find that not only is he not going to parades, you find he quit his job, and there are complaints at social services vis-à-vis some interactions with the family.

So no one solution fits all, and that's why I say you have to come at it in a multi-faceted way. You've got to come at it on the ground and you've got to have your people on the ground making the connections you need, because a directive from me in headquarters is probably not going to be the most effective way to get the results we need.

• (1715)

**The Chair:** Thank you, Mr. Hillier, Madam Davidson.

We've had one complete rotation now of every member in the committee, and of course Mr. Stoffer twice. We have a small piece of business, so we'll need to move to that unless somebody has an overwhelming question they want to get in. I've got a couple just to confirm some information.

One question?

[*Translation*]

**Mr. Guy André:** I have a brief question. Earlier, you mentioned the homeless. That struck me. Do you have any studies on the

homeless, veterans living on the streets, information about their age groups, their salary, their physical and mental health and so on? Is there any documentation on that? Is there a higher rate of homelessness among veterans than other groups of people?

**Mr. Keith Hillier:** We do not have any studies of that kind.

**Mr. Guy André:** You have nothing like that. Fine. Thank you.

[*English*]

**The Chair:** Thank you.

I have three questions. Hopefully, they'll be quick.

Do you have the number and can you give the committee the number of veterans you have who have no fixed address? Could we know that?

**Mr. Keith Hillier:** I don't, off the top of my head.

**The Chair:** Could you submit it to us?

**Mr. Keith Hillier:** Yes.

**The Chair:** That would be an interesting number to know.

A second question... I've been able to observe the testimony from this meeting and the last meeting, and there are some things that are not very clear to me. So could I ask you very specifically, Mr. Hillier, what was the exact nature of the communication that you had from the ombudsman regarding his concerns about homeless veterans? What was the nature of that?

**Mr. Keith Hillier:** Well, the issue of homelessness was brought up by the ombudsman, I would say, probably—don't quote me—late summer, last fall, maybe September. He does make reference to that timeframe, when you look at it. He did say he felt there were some homeless folks out there, based on some of his early travels. Really, I haven't seen a report from him on homelessness.

When I referred to the various discussion papers earlier in my testimony here today, there wasn't one put forward on homelessness, if that's your question. Certainly he has brought attention to the issue; I will certainly give him credit for that. In fact, we have not received a report, a query, other than what I said, that I think there were some homeless people out there. The reality is, let's not be naïve. There are some there, and we're trying to find them. In some cases, they don't want to be found. I think there is a balance, too. While we're very concerned for homeless veterans—and I think we would all agree that one homeless veteran is too many—we also have 220,000 clients we know of who need our services.

One could argue that we should have someone visit a homeless shelter every day in case a veteran could come in, but of course that's just not practical. That's why it's important for us to do some outreach, but also to outreach to those who are connected to that community and work together to get those others back.

•(1720)

**The Chair:** I want to be clear in my question, because I don't want you to have the perception that I want to indicate any diminishment of importance on what homelessness is. Because it is so important, I am concerned about the nature of the communications. You're saying that the ombudsman communication was not by a discussion paper, not by a report, but it was by a casual means of communication, i.e., a phone call, an e-mail, or through the press.

**Mr. Keith Hillier:** That's right. The discussion paper that was referred to previously was a discussion paper that was put together by the department. As I indicated in my testimony, there were numerous discussions with the ombudsman. I shouldn't say the ombudsman himself; I think it's very clear to be on the record that many of the discussions that take place between the ombudsman's office and the staff in the department are at an officials level. They are not all at the level of the ombudsman, or the directors general, or the assistant deputy ministers.

There has not been a document for us to react to.

**The Chair:** Finally, I think this would be interesting for this committee. If we embarked on a study of homelessness here at this committee, can you see the department benefiting from the information that we could glean from calling witnesses and possibly travelling for investigation as well?

**Mr. Keith Hillier:** Well, anything we can do to help a veteran is a good idea.

**The Chair:** Thank you, Mr. Hillier. We appreciate your testimony.

If you would like to thank Mr. Hillier, please do that. We're going to go in camera in two minutes just for some brief committee business.

*[Proceedings continue in camera]*

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