



MÉTIS VETERANS LEGACY COMMISSION

–

TERMS OF REFERENCE

WHEREAS for the past 20 years, Vice-President David Chartrand of the Métis National Council worked tirelessly with Veterans Affairs Canada to develop the Métis Veterans Legacy Program (“MVLP”);

AND WHEREAS on June 13, 2019, the MNC and the Government of Canada signed the Métis Veterans Recognition Payment Contribution Agreement (“the Agreement”), providing funds to recognize Second World War (“WWII”) Métis Veterans whose sacrifices had previously been forgotten;

AND WHEREAS the Agreement was signed on the premise of reconciliation between WWII Métis Veterans and Canada, taking into account that Métis Veterans did not receive the same support, resources, or benefits as other WWII Veterans;

AND WHEREAS the MVLP has two main objectives: (1) to acknowledge, through an individual Recognition Payment, the pre- and post-war experiences of Métis Veterans; and (2) to deliver continued support through the Commemorative Program to Métis Veterans, for their sacrifices and contributions, by promoting awareness and appreciation across the Métis Nation and Canada;

AND WHEREAS the creation of the Métis Veterans Legacy Commission (“the Commission”) is an integral part of the MVLP;

NOW THEREFORE these terms of reference have been developed to guide the establishment and operations of the Commission.



SECTION 1: DEFINITIONS

“Child” means the biological, or legally adopted or traditionally adopted child of the Métis Veteran;

“Common-law Partner” means a person who, not being married to a Métis Veteran, cohabited with a Métis Veteran for a period of at least one year;

“Distribution Principles” means the document which sets out the principles contemplating how any Recognition Payments are to be made under the Métis Veterans Recognition Payment Contribution Agreement;

“Elder Commissioner” means the Elder(s) appointed by the Minister to sit on the Commission in an advisory role only – they do not have a vote on the Commission;

“Eligible Survivor” means the spouse, common-law partner or child of a Métis Veteran;

“Métis Veteran” means a person who:

- i. Served in the Canadian Armed Forces (or any Allied Force of Canada) during World War II being the period between September 1, 1939 and April 1, 1947, both dates inclusive as defined in the *Pension Act*, R.S.C. 1985, c.p-6; and
- ii. Self-identified as Métis; and
- iii. Is of historic Métis Nation ancestry, as determined by evidence provided by or on behalf of the Veteran, or through genealogical research completed by an independent organization, or both.

“Minister” means the Minister of Veterans Affairs of the Métis National Council;

“MMF” means the Manitoba Metis Federation Inc.;

“MNC” means the Métis National Council;

“MVLP” means the Métis Veterans Legacy Program;



“**MVLPCP**” means the Métis Veterans Legacy Program Commemoration Project;

“**Recognition Payment**” means the payment to be made in accordance with the Métis Veterans Recognition Payment Contribution Agreement and the Distribution Principles;

“**Review Committee**” means the Committee referred to in the Distribution Principles, which will be composed of members of the Commission; and

“**Traditionally Adopted Child**” means a child who satisfies the criteria set out in the Policy on Traditional Adoptions.

SECTION 2: MÉTIS VETERANS LEGACY COMMISSION

1. Composition

1.1 The Commission shall consist of a minimum of three (3) and a maximum of five (5) Commissioners at any given time. In addition to these Commissioners, there shall be at least one (1) Elder Commissioner who shall have an advisory role.

1.2 All Commissioners, including the Elder Commissioner, shall be appointed by the Minister of Veterans Affairs of the Métis National Council.

2. Qualifications

2.1 Qualifications of the Commissioners must include the following criteria:

- be 18 years of age or older;
- obtain a criminal record check;
- be able to exercise the functions of a Commissioner in a non-political manner;
- be a Citizen of the Métis Nation; and
- possess such skills and experience as the Minister determines is appropriate and



required.

2.2 Other possible qualifications that may be considered but are not required include:

- be a Métis Veteran or have a Métis Veteran as a family member.

3. Terms

3.1 The Minister can appoint each Commissioner for a one (1) or two (2) year term.

3.2 Commissioners may serve no more than three (3) consecutive terms.

3.3 The Elder Commissioner shall serve at the discretion of the Minister.

3.4 A Commissioner may resign before the end of their term by sending a letter announcing their resignation to the Minister. A copy will be forwarded to the MVLP and the Commission. The Minister may appoint a new Commissioner to serve the balance of the term of the resigning Commissioner.

4. Expenses

4.1 Certain expenses incurred by Commissioners relating to their attendance at any required meetings or events will be covered. Commissioners shall be reimbursed for reasonable travel, accommodations and meal expenses in accordance with rates established by the MVLP.

4.2 All expenses must be supported by receipts and must be submitted along with a Claim Form to MVLP Staff.

5. Honoraria

5.1 Each Commissioner shall receive an honorarium of \$350.00 per day for their attendance (in person or virtually) at any meetings of the Commission.

5.2 A Commissioner shall receive a \$350.00 honorarium for their participation in any official activity, including but not limited to, their being asked to represent the Minister or the Commission at any official function.



6. Commissioner Appointment

6.1 Commissioners will be appointed by the Minister for a term of either one (1) or two (2) years.

7. Removal of Commissioner

7.1 A Commissioner may only be removed by the Minister if the Commissioner breaches any rule set out in the Code of Conduct (attached as **Appendix “A”**).

7.2 The process for the removal of a Commissioner shall be as follows:

- (1) The Minister shall provide a detailed letter to the Commissioner which shall identify the alleged breach by the Commissioner;
- (2) The Commissioner shall have 14 days from receipt of the letter to respond to the Minister, in writing;
- (3) Upon receipt of any response, the Minister may seek further information if required in order to make a final, binding decision with regard to the removal of a Commissioner; and
- (4) The Minister shall issue their final decision, with reasons, in writing to all Commissioners.

8. Commission Mandate

8.1 The Commission and its members shall be responsible for:

- (1) MVLP Recognition Payment Appeals;
- (2) The Métis Veterans Legacy Program Commemoration Project (“MVLPCP”) Approvals;
- (3) Representing the Minister and/or the Commission at official functions, as requested by the Minister; and



- (4) Establishing and providing oversight related to a National Métis Veterans advocacy body.

9. Commissioner Duties

9.1 Commissioners will review MVLPCP proposals and determine which projects the Commission will support and the MVLP will fund. The Commissioners will also determine all appeals received relating to Recognition Payments in accordance with the Distribution Principles (attached as **Appendix "B"**).

9.2 The Commissioners will also be responsible for establishing and determining the terms of reference of a National body that will advocate for all Métis who have or currently are serving in the Canadian Armed Forces.

10. Chairperson

10.1 The Chairperson shall be appointed by the Minister and shall be responsible for calling and chairing any meetings of the Commission.

11. Meetings

11.1 Meetings of the Commission shall be held either in person at a location determined by the Commissioners or virtually by telephone or video conference, or a combination of both if required.

11.2 There shall be a minimum of one (1) meeting on a quarterly basis. Additional meetings shall be called as determined by the Chairperson to be necessary or if requested by the Minister. Commissioners are to make an effort to attend and be prepared for all meetings of the Commission.

12. Quorum

12.1 Quorum for any meetings will be three (3) Commissioners or a majority of the appointed Commissioners excluding the Elder Commissioner.



13. Voting

13.1 The Commission will strive to make decisions based on a consensus. However, if a consensus cannot be reached, a vote will be taken, and a majority will decide the matter. The Chairperson will have a vote. The Elder Commissioner shall not have a vote and is there in an advisory role only.

14. Policies and Procedures

14.1 The Commission must abide by all policies and procedures of the MVLP.

14.2 In accordance with the agreement between the MMF and the MNC whereby the MMF is responsible for the administration of the MVLP, the Commission will comply with all relevant MMF policies with respect to its activities.

15. Transparency

15.1 In the interest of transparency and accountability to the Métis Nation, these Terms of Reference as well as the Commissioners names will be made public on the MVLP website (www.metisveterans.ca).

16. Amendment

16.1 These Terms of Reference may be amended by the Minister at any time. The Commission will be notified of any changes in writing.

17. Indemnification

17.1 Except for a Commissioner's willful misconduct, fraud, or a criminal act, the MVLP shall indemnify, protect, defend, and hold harmless the Commissioners from and against any and all claims, losses, damages, judgements, penalties, and liabilities arising out of,



involving, or in connection with, the Commissioner's duties and responsibilities in the course of their term as a Commissioner.

SECTION 3: MÉTIS VETERANS LEGACY COMMEMORATION PROGRAM

18. The Program

18.1 The Métis Veterans Legacy Commemoration Program ("MVLCP") will honour, respect, and preserve the legacy of WWII Métis Veterans by supporting and fostering awareness of their contributions across the Métis Nation and with the general public. The MVLCP will be a permanent initiative and its purpose is to fund projects to honour Métis Veterans, create public monuments, host ceremonies, and undertake education initiatives.

19. Commissioners Role

19.1 The Commissioners will be responsible to review proposals and determine which ones should be approved and how much funding should be allocated to a particular project.

20. Principles/Criteria for Evaluating Proposals

20.1 In order to be considered proposals must fall under a list of Eligible Projects which can be found in the Commemoration Program Overview (attached as **Appendix "C"**).

SECTION 4: MÉTIS VETERANS LEGACY PROGRAM RECOGNITION PAYMENT APPEALS

21. The Commissioners Role for Recognition Payment Appeals

21.1 The role of the Commissioners is to settle disputes in the form of appeals that may arise with respect to the entitlement of any individual to all or portion of a Recognition



Payment.

21.2 The appeal procedure for the Commission as set out below, is designed to assist in reaching a fair and just resolution of disputes. The Commission is not a Court of Law and will not operate as one. Witnesses can give “evidence”, but it is unsworn evidence and, proceedings will be informal rather than formal.

21.3 The process is designed to assist in the fair and just distribution of the Métis Veterans Recognition Payments and, in a case of a surviving Spouse or Partner and/or children to make sure each of them receive their proper inheritance recognizing that their husband/wife/partner/father/mother served in WWII and, having died was an eligible Métis Veteran.

22. Métis Veterans Recognition Payment Appeal Procedure

22.1 The Appeal procedure is as follows:

- a. An appeal to the Commission will have to be in writing.
- b. There will be an appeal fee of \$50.00. If the appeal is successful, the fee will be returned to the party filing the appeal. If it is not successful, the \$50.00 fee will not be returned.
- c. The appeal will be heard by a panel of three (3) members of the Commission (“the Commission Panel”).
- d. The Commission Panel shall be paid \$350.00/day plus expenses for each day or part thereof when they are involved in hearing an appeal(s).
- e. The Commission Panel will conduct all hearings by telephone or video conferencing.
- f. The party/parties launching the appeal will proceed first and will outline their position and evidence.
- g. Evidence may consist of documents, written and signed statements, or verbal



evidence of a witness. No witness will be required to take an oath and all evidence will be unsworn.

- h. The Commission Panel and its legal counsel may question any party and any witness.
- i. Any party involved in an appeal to the Commission may have legal counsel attend with them.
- j. The decision of the Commission Panel will be given in writing. The Commission Panel will attempt to decide any appeal by a unanimous consensus failing which, the majority decision of two members will be the decision. The Commission Panel will issue its decision within 14 days after the day the appeal is heard.
- k. There will be no appeal from the decision of the Commission Panel.

SECTION 5: NATIONAL ADVOCATE BODY FOR MÉTIS VETERANS

23. The Commission's Responsibility

23.1 The Commission will be responsible for developing a National body whose primary purpose will be to advocate for Métis Nation Veterans.

23.2 The Commission is tasked with developing the structure, terms of reference, and other important details for the creation of this National body.