



Harmonization:

New Veterans Charter and the Pension Act

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Standing Committee on Veterans Affairs by
the Directors of Canadian Veterans Advocacy
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Harmonization

New Veterans Charter - Pension Act

The Canadian Veterans Advocacy has undertaken extensive consultation with veterans of all eras since conception. We express our thanks to the thousands of veterans, family members, memorial Cross Mothers, Fathers and Widows who have reached out to us to have your voices heard. We are an organisation with principles founded on consultation. Your voices have been heard: loud and clear. As we adapt to the evolving political situation, we have established a position which we are submitting to the House of Commons Standing Committee on Veterans Affairs. Several primary issues have been addressed. As always, CVA priorities are established on pain and suffering.

The Canadian Veterans Advocacy builds on the harmonization approach the Government recently implemented through the SISIP lawsuit, recognition of the \$40,000 poverty level threshold, and the voluntary inclusion of Earnings Loss Benefits (ELB) and War Pensioners Allowance (WPA) in respect to the cessation of the claw back on the Veterans Affairs Canada disability award.

True harmonization has yet to be attained and the decision on retroactivity remains elusive. The CVA believes in full ELB, War Pensioners Act harmonization with the SISIP decision, inclusive of full retroactivity mandates.

Harmonization: An effective way forward

The government's harmonization approach to the SISIP ruling and application the Earnings Loss Benefit and War Pensioners Allowance provides an opportunity to present a veterans-centric platform to the government in anticipation of the legislated review of the NVC and to a lesser extent, the Conservative Party's policy conference.

We must be cognizant of all veterans' voices, that the needs of one generation do not necessarily meet the needs of another, that all must be respected and treated fairly. We must also acknowledge many of the measures implemented through the New Veterans Charter and Bill C-55 have had a positive effect on the quality of life of many. It is not our intent to have the NVC abolished, but to have acknowledged shortcomings addressed and rectified in a meaningful manner through legislative reform.

The concept of harmonization provides the opportunity to address the divergent opinions amongst veteran's stakeholders while concurrently providing focus on the primary issues the post New Veterans Charter wounded and disabled, their families and our Memorial Cross Widows and the Memorial Cross Mothers and Fathers are confronting.

Harmonization: Lump Sum Award (LSA)

The LSA issue is complex and contentious. As a proactive veterans' advocacy group with a veterans support base composed of Canadians who served in from WW2 to Afghanistan, we have undertaken extensive consultation with veterans on the issues that they are facing. We appreciate their advice, concerns, individual needs and believe that we have created a harmonisation approach capable of addressing their wishes. Veterans who are entering the twilight years of life prefer a lump sum award so that they might enjoy a better quality of life and/or prepare for end of life responsibilities. Conversely, a vast majority of those who have been seriously wounded in Afghanistan since 2006, who are much younger and raising much younger families, prefer the life time security the Pension Act provisions.

Harmonization also provides a viable method of addressing and satisfying most, if not all vested stakeholders concerns by providing a choice. Veterans preferring a Lump Sum Award would be provided for under a revised formula that acknowledges the Royal Canadian Legion's current position and the One Million Dollar threshold the Canadian Veterans Advocacy promotes.

Veterans who prefer the Pension Act's lifetime obligation may choose to receive it. They will be given full privileges of the *Pension Act*, including spousal and family support. Applicable supplementary provisions –Veterans Independence Program–improvements enacted through the NVC will be available to all.

This satisfies the immediate requirements for all veterans and restores the Sacred Obligation through harmonization with existing programs.

Harmonization: Memorial Cross Mothers, Fathers, Widows

We have represented several Memorial Cross Widows, fathers and mothers with respect to their husbands or son's death. We have conducted extensive consultation with the families of many of the fallen. The NVC provisions have provided improvements, yet those who sacrificed husbands prior to 2006 in Afghanistan have not been accorded access to these programs.

We believe that harmonization of the *Pension Act* – NVC benefits should be applied and compensation received by choice. Widows preferring a LSA award over the *Pension Act* provisions must be given this option. The LSA must be increased to address the reality of their loss. The economic loss provisions in the NVC must be universally applied, particularly the application of the harmonized SISIP/ELB identified poverty threshold. The consequences have been profound and the most tragic, Memorial Cross Widows have been abandoned to an existence beneath the government's defined poverty threshold.

We propose VIP services be provided to all Memorial Cross Widows. The compassion required for those who sacrificed so greatly in Afghanistan must be founded in the acknowledgement that many of these Memorial Cross Widows were very young at the time of their loved one's death. Many are raising children under the age of ten. Many have, due to repeated deployments, been unable to work or fulfill career ambitions due to the added responsibilities of family when husbands or wives were absent for prolonged, high stress periods or an inability to participate in educational opportunities. VIP services would significantly ease the burden and reaffirm this nation's life- time obligation to them.

Legislative Amendments

Regarding education benefits for widows raising families, the two-year restriction on educational benefits cannot be realistically applied. Nor can the recognition of the fatality's impact on the family unit be marginalized by a two-year time restriction as the grief factor, particularly in relationship to the family unit, often surpasses the legislative time parameters. Taxation on the fatality's survivor's benefits should also cease and any VAC Pain and Suffering award should be excluded from poverty threshold determinations.

Harmonization of the Poverty threshold: Application to Reservists – VAC programs

The CVA spoke to this issue on May 21st 2013 at the Parliamentary Committee on Veterans Affairs in reference to the War Pensioners Allowance and Last Post Burial fund and was disappointed that the recommendations put forward, while discussed at length, meant there would be no opportunity provided to comprehensively address either issue or to apply the poverty threshold as identified in the ELB and SISIP mandate with the War Pensioners Allowance or the Last Post Burial Fund criteria. The Last Post Burial Fund \$ 12,000 threshold is \$ 28,000 beneath the identified poverty level. The refusal rate is high when one considers a vast majority of applicants have been deemed impoverished by the government's definition.

The harmonization of the poverty threshold to wounded/disabled reservists is of growing concern due to the number of reservist deployments to high intensity combat roles in support of regular forces.

The consequences have been indiscriminate: the physical and mental wounds horrifically equal. The \$40,000 threshold identified the basic minimum-essential income required for a disabled veteran for shelter, clothing and food, yet this threshold HAS NOT been applied to Canada's wounded reservists who were wounded at the same time as a regular force member and who will suffer from life changing consequences.

As an example, we refer to Reservist Corporal William Kerr, Canada's only surviving triple amputee. Cpl Kerr. One can only imagine how his family prevails under a system that gives him eight thousand dollars less per year than the identified poverty threshold?

Harmonization of WW2/Korean War – all VAC Clients – Long Term Care - War Pensioners Allowance

This issue is becoming more problematic as the post Korean War era veterans grow older yet are denied the same standard of financial respect as their forefathers even though they are clients of VAC. Many are living beneath the Government defined poverty threshold of 40 thousand dollars, a situation that will be exacerbated with the cessation of their CPP disability and SISIP or ELB LTD benefits at age 65.

The harmonization solution can be incorporated within the War Pensioners Allowance to address these issues by removing the exclusionary clause restricting the Allowance to WW2 and Korean War veterans, applying the SISIP/ELB poverty threshold income to the financial criteria and providing access to disabled veterans who are clients of Veterans Affairs once they meet the allowance's age criteria.

Eligibility to benefits included in the War Pensioners Allowance will satisfy many issues, such as Veterans Independence Program. Veterans require greater levels of assistance to maintain their independence. The option of extending the ELB and making the program eligible for SISIP clients at age 65 is a viable and cost-effective one.

Harmonization: Environmental exposure

The issue of unfair compensation from Agent Orange has recently been highlighted by the legal action launched by Veteran Basil Macallister. He served in Gagetown during the unreasonably short time period where VAC has agreed to provide compensation. He does not understand how others in his section, who did the same work, at the same place, at the same time, have been provided VAC support for consequential cancers and he is not. This is fundamentally unjust. The CVA has supported Basil, and will continue to do so through Tom Beaver and the CVA New Brunswick Chapter.

Basil is not alone, nor is the issue of defoliant exposure the only form of toxic contamination Canada's sons and daughters are confronting as a consequence to their service. Severe, often times life threatening neurological and physical consequences have been identified and directly attributed to service. No one disputes that the life of a soldier, sailor, airman is fraught with environmental risk, that even in training, exposure to carcinogenic/toxic agents from operational equipment, battlefield smoke dispensers, C/S gases, burn pits, excessive diesel fumes: particularly aboard submarines: the myriad toxic substances that makes the war machine drive, sail or fly: have consequences.

We must acknowledge that Canadian Forces members have been subjected to vast array of toxic environments, during the past fifty years. We engaged in the 1st Gulf War. The Gulf War Syndrome is not imaginary. Almost twenty years have gone by since the war shattered toxicity of former Yugoslavia, Haiti, Somalia, and Rwanda. Furthermore, awareness and treatment is crucial, many toxic elements bear insidious consequences beyond the original victim and as with Agent Orange there are multi-generational repercussions.

Harmonization: Age 65 provisions

This issue is of growing concern as more veterans of the Cold War Era reach this age and are targeted with mandatory cessation of CPP and ELB/SISIP disability awards. This issue has been identified by the OVO. After participating in consultation meetings with his office we have attempted to provide proposals that will address this issue and ensure the poverty threshold obligation is perpetuated after the cessation of income losses replacement policies at age 65.

Two cost effective solutions are available: First, extend the ELB for life, the automatic transition of those covered by SISIP to ELB at age 65 with an obligation to ensure the \$ 40,000 poverty threshold is honoured and the same level of dignified care/compensation provided until end of life. Second, remove the discriminatory criteria of exclusion in the War Pensioners Allowance and apply the \$ 40,000 anti-poverty threshold to the criteria.

CONCLUSION

In conclusion, it is only through legislative reform of the New Veterans Charter that the Sacred Obligation will be restored.

The CVA has presented a comprehensive, workable "harmonization" plan capable of attaining veterans-identified objectives that will be examined during the Parliamentary study of the NVC.

We are soliciting the support of all Parliamentarians. We also need the support of Canadians, veterans' organizations, the veterans' community and serving members with whom we stand on guard, while they continue to serve Canada.

Be steady on the right, be steady on the left, stand to in the center, and together, we will achieve our goals. Together, we will restore the Sacred Obligation and revive the spirit of this nation.

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