

Introduction

Upon an evaluation of the past year, the National Council of Veteran Associations in Canada (NCVA) and our 68 member-associations continue to have significant concerns with respect to veterans legislation, regulation and policy, which will necessitate further action by the Government and Veterans Affairs Canada (VAC) to rectify the ongoing inequity and injustice impacting disabled veterans and their families.

With the appointment of the Honourable Ginette Petitpas Taylor as the new Minister of Veterans Affairs/Associate Minister of National Defence, we are hopeful that she will provide a “breath of fresh air” and invigorated momentum for the required legislative reform.

Certainly, it must be stated, based on our formal exchanges over the last year with the former minister, Lawrence MacAulay, and senior officials of the department, that VAC unfortunately has tended to default to a defensive position of upholding the status quo as to the state of veterans legislation.

Although it is recognized that the former minister and the department have been inclined to deliver statements of good intention, it is readily apparent that the machinery of government under his watch moved at a snail’s pace in actually implementing needed overall legislative change.

In a further development this year, it is noteworthy in this context of VAC expenditures that the federal budget of 2023 contained an ominous message that



Brian Forbes, Chairman, National Council of Veteran Associations in Canada

all government departments must reduce financial spending by three per cent over the next five years.

In addition, Minister Anita Anand, in her new role as head of the Treasury Board, accelerated this objective by announcing in August of this year that all departments must provide firm undertakings by October 2, 2023, as to the financial steps to be implemented to create a total of a \$15-billion reduction in overall government spending!

The government, as per usual, has stated that no benefits, programs or staff cuts will ensue. In our judgment, this pronouncement should not give the veterans’ community any amount of real comfort.

Indeed, this form of fiscal management has been seen before in the Canadian political world, as a review of deficit-focused initiatives followed by previous governments confirms the following:

- In the 1990s, the Liberal government under Prime Minister Jean Chrétien, in concert with Finance Minister Paul Martin, invoked this form of debt diminishment strategy and delivered a parallel commitment, and yet veterans' programs were eliminated at that time to generate budgetary savings – for example, intermediate institutional care funding was completely removed from veterans legislation.
- During the Conservative government of Prime Minister Stephen Harper, veterans will well remember the substantial cuts that were made for the purposes of decreasing the federal deficit by closing departmental district offices and dramatically cutting VAC staff, to the detriment of veterans and their families.



The current policy directive, in our judgment, actually results in a contradictory message, as the same 2023 federal budget provided further funding to increase VAC staffing to ostensibly address the long-standing backlog/wait-time crisis – and yet, at the same time, the department is being required to reduce its overall spending by three per cent over the next five years.

NCVA will remain vigilant and apply “relentless scrutiny” to budgetary developments in the near future so as to ensure that no steps are enacted, directly or indirectly, to diminish veterans' benefits, programs or services by means of this cost-cutting political measure.

Notwithstanding these unsettling budgetary developments, we intend to work closely with the new minister and underline that, in actuality, much more is required from VAC to fully respond to our ongoing legislative agenda for the betterment of veterans and their families. This plan of action will include the following fundamental NCVA recommendations with respect to major topics of concern:

1. Our essential proposition that veterans legislation should equate to a “one veteran – one standard” approach. We have strongly recommended that the best parts of the Pension Act and the New Veterans Charter should be utilized to produce a comprehensive compensation/pension and wellness model for all disabled veterans, regardless of where or when they were injured.

NCVA takes the position that VAC, working together with relevant ministerial advisory groups and other veteran stakeholders, should think “outside the box” by jointly striving as an ultimate objective to create an overall program model that would essentially treat all veterans with parallel disabilities in the same manner as to the application of benefits and wellness policies – thereby resulting in the elimination of artificial cut-off dates that arbitrarily distinguish veterans based on whether they were injured before or after 2006.

2. The establishment of a new Career Impact Allowance (CIA) for life based on the future loss of income strategy employed for many years by the Canadian courts in lieu of the current VAC Income Replacement Benefit or the Canadian Armed Forces (CAF) SISIP income policy. The fundamental principle that should be followed by the department lies in the monetary evaluation as to what the disabled veteran would have earned in their military career if they had not been injured.

In conjunction with the implementation of a future loss of income philosophy, VAC should fully revamp the Diminished Earnings Capacity post-65 policy so as to establish a formula that does not reduce the amount of the income replacement from 90 per cent to 70 per cent (of 90 per cent) at age 65,

with accompanying setoffs. It is quite clear that the financial requirements of a seriously disabled veteran in receipt of Diminished Earnings Capacity do not decrease at the age of 65 and the parallel to private pension plans, as often posited by VAC, is not an acceptable justification for this reduction.

3.
 - a) The adoption of the Ombud’s recommendation as endorsed by the Standing Committee on Veterans Affairs (ACVA) that family members and caregivers should have an independent right to benefits and well-being provisions rather than the restricted derivative rights that have existed in veterans legislation for many years.
 - b) The replacement of the present Caregiver Recognition Benefit by revitalizing the traditional concept of Attendance Allowance as to eligibility criteria from the Pension Act, together with the Department of National Defense (DND) Attendant Care Benefit as to the amount payable to informal caregivers to better recognize and more generously compensate them for their significant effort and economic loss in supporting injured veterans.
 - c) The creation of a new family benefit for all veterans in receipt of Pain and Suffering compensation to parallel the Pension Act provisions in relation to spousal and child allowances, so as to

recognize the impact of the veteran's disability on their family.

4. A recognition that systemic change is essential to tackle the backlog/wait-time crisis, including the adoption of fast-tracking protocols and a form of automatic entitlement for common disabilities. Notwithstanding slight improvements over recent months, the latest Auditor General's report and the Parliamentary Budget Officer's report of 2020 make clear that increased temporary staffing and augmented digitization alone are not sufficient to resolve this ongoing problem. It is to be noted that our 2023-24 Legislative Program, in addressing the totally unacceptable backlog and wait times for veterans' disability claims, contains the essential elements of our proposals to alleviate this intolerable situation sooner rather than later.
5. We have been encouraged by the enactment in April 2022 of an immediate treatment benefit policy for veterans suffering mental health challenges, which has been a major



breakthrough in accord with the long-standing position of NCVA in this context. We will continue to pursue an extension of this treatment benefit policy so as to ensure that it applies to all disabled veterans in urgent need of treatment or health care.

6. In response to NCVA's concerns, there has been significant progress over the last year by the DND/CAF to achieve enduring cultural change and to prevent and eradicate harassment and sexual misconduct in the CAF. We will continue to press the government to fully implement, without further delay, all of the salient recommendations contained in the report of Madame Justice Arbour (IECR).

We are encouraged that the essential proposal concerning the appointment of an independent external auditor was implemented for the purpose of overseeing the progress required in regard to this ongoing crisis.

We are further recommending that the Minister of National Defence:
1) extend the appointment of the external monitor for at least three years;
2) take the necessary action to launch immediately the external review of the two military colleges;
3) for the purpose of more meaningful oversight, establish a fully independent Office of the Inspector General of the DND and the CAF reporting to Parliament;
and 4) ensure remedial steps are taken to address any challenges being encountered by individual claimants

in the transition of their cases to the civilian/criminal courts.

7. The marriage after 60 dispute and our demand that the so-called “gold digger’s clause” be eliminated from the Canadian Forces Superannuation Act (CFSA) after many years of advocacy. It is noteworthy that the Standing Committee on Veterans Affairs (ACVA) recently carried out an extensive study of this long-standing grievance. On balance, the report contains a strong set of recommendations, particularly Recommendation 9, which calls for the Government of Canada to repeal the marriage after 60 clause in the CFSA and the RCMP Superannuation Act.

With respect to the authority and jurisdiction of VAC, we would propose that the Veterans Survivors Fund, initially announced in the 2019 budget in the amount of \$150 million, should be established to address the inequities and injustices created by the current CFSA legislation. The principles to be applied are detailed in this chapter of our NCVA Legislative Program.

8. In relation to long-term care, VAC must ensure that the adult residential care needs of the veteran are addressed through the expansion of the current VIP program and long-term care policy of the department so as to provide a continuum of care and financial assistance in this area of intermediary institutionalized care.

In addition, a flexible policy should be implemented immediately to provide veterans with the freedom of choice between a community bed and a priority access bed for purposes of admission to long-term care facilities without distinction between traditional and modern-day veterans.

9. A reform of the Last Post Fund legislation necessitating a recognition of the fact that families of seriously disabled veterans should receive this funeral and burial grant as a matter of right.

We will continue to work with the recently restructured hierarchy of VAC on behalf of Canadian veterans and their families. It is hoped that, with the appointment of the new minister, Ginette Petitpas Taylor, she will provide a significant impetus to the enactment of meaningful legislative change in the coming year.

In our considered opinion, the new minister and VAC must recognize that time is of the essence for Canadian veterans and their families who continue to wait for this fundamental legislative and policy reform so as to allow them to better cope with their service-related disabilities and injuries.

Our NCVA Legislative Program 2023-24 sets out the essential components of our agenda as we address Parliament, Veterans Affairs Canada and the Department of National Defence.