

Benefits to Support Families/ Veteran Caregivers

Recommendation

VAC should:

- a) Incorporate into the NVC/VWA the eligibility standards of the Attendance Allowance provisions under the Pension Act, together with the amount of allowance described in the Attendant Care Benefit (DND) for caregivers of disabled veterans, as supported by the Standing Committee on Veterans Affairs (ACVA) in its June 2021 report.
- b) Establish distinctive grade levels for this newly created Attendance Allowance:
Grade 1 – \$36,000
Grade 2 – \$30,000
Grade 3 – \$24,000
Grade 4 – \$18,000

This will address the unique need for financial support of individual family caregivers of disabled veterans and, at the same time, help to rectify the financial disparity between the two statutory regimes.

- c) Fine-tune the concept of Attendance Allowance payable to informal caregivers to recognize and compensate the significant effort and economic loss to support injured veterans and ensure access reflects consideration for the effects of mental health injuries.
- d) Create 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 to recognize the impact of the veteran's disability on their family.
- e) Adopt the Ombud's recommendation as endorsed by the Standing Committee (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.
- f) Automatically reimburse professional mental health expenses for the spouse and dependent children of veterans eligible for a rehabilitation plan for mental health concerns.

Benefits to Support Families/Veteran Caregivers

Since the enactment of the New Veterans Charter in 2006, the National Council of Veteran Associations (NCVA) has taken the strong position that the Government has not sufficiently addressed the plight of families of veterans, particularly in circumstances where a member of the family, often a spouse, is required to act in the role of caregiver to a disabled veteran.

As a matter of legislative background, the Family Caregiver Relief Benefit (FCRB) was introduced by the Government in 2015. This program proved to be clearly inadequate, as it failed to provide appropriate financial support for the families of seriously disabled veterans where significant needs of attendance must be provided by a caregiver who often has had to leave their employment to do so.

The current Caregiver Recognition Benefit replaced the Family Caregiver Relief Benefit as of April 1, 2019, and provides only a slightly more generous non-taxable \$1,000 a month benefit (\$1,300 as of 2023) payable directly to caregivers to ostensibly recognize and honour their vital role.

It is revealing that the former Minister of Veterans Affairs, Lawrence MacAulay, in a recent formal response to the NCVA Legislative Program 2022-23, referred to this Caregiver Recognition Benefit as an indication of the Government's attempt to address the needs of families of disabled veterans. What continues to mystify the veterans' community is why the Government has chosen to "reinvent the wheel" in this area when addressing this need for attendance/caregiving under the New Veterans Charter/Veterans Well-being Act. For many decades,



the Attendance Allowance under the Pension Act (with its five grade levels) has been an effective vehicle in this regard, providing a substantially higher level of compensation and more generous eligibility criteria to satisfy this requirement.

In this context, it must be underlined that the spouses or families of seriously disabled veterans often have to give up meaningful employment opportunities to fulfil the caregiving needs of the disabled veteran – \$1,000 (\$1,300 as of 2023) a month is simply not sufficient recognition of this income loss. Veterans Affairs Canada (VAC) should return to the Attendance Allowance provision, which potentially generates in excess of \$25,000 per year of non-taxable benefits as of 2023 to those veterans in serious need of attendance, and pay such newly established benefit to the caregiver directly.

It is not without significance that the Department of National Defence (DND), through its "Attendant Care Benefit" program, has provided reimbursement to seriously disabled veterans of the Afghanistan conflict for payments made to an attendant to look after the Canadian Armed Forces (CAF)

member on a full-time basis. This benefit has been paid to the CAF member at a daily rate of \$100 (\$3,000 a month – \$36,000 a year) for a maximum of 365 days. This policy also implicitly represents a recognition that the financial costs of attendants far exceed the need to address respite. A serious concern remains in the context of such a veteran's transition from DND to VAC as to the fact that the financial assistance to such families dramatically drops from the DND program to the current VAC Caregiver Recognition Benefit.

Attendance Allowance has historically and currently represented an integral portion of the compensation available to seriously disabled veterans governed by the Pension Act and more adequately supports family members and caregivers with respect to their role in maintaining family well-being.

It is of further interest, in our judgment, that the grade levels for these allowances tend to increase over the life of the veterans as the “ravages of age” are confronted – indeed, non-pensioned conditions such as the onset of a heart, cancer or diabetic condition, for example, are part and parcel of the AA adjudication uniquely carried out by VAC under the Pension Act policies in this context.

In addition, the MPAG has particularly emphasized with ministerial and departmental officials the above-cited concern that there should be more flexibility attached to the current Caregiver Recognition Benefit as, clearly, “one size does not fit all.” It is extremely relevant in this area that the grading levels available under the AA provisions of the Pension Act give the department a certain

degree of discretion and flexibility as to the attendance needs of individual veterans. In our experience, there are numerous examples where substantial distinctions exist as to the need for attendance encountered by seriously disabled veterans.

In over 40 years of working with The War Amps of Canada, we have literally handled thousands of special allowance claims and were specifically involved in the formulation of the Attendance Allowance guidelines and grade profiles from the outset. We would indicate that the Attendance Allowance represents an integral portion of the compensation available to war amputees and other seriously disabled veterans governed by the Pension Act.

It is also highly material that NCVA and the Ministerial Policy Advisory Group are proposing a new family benefit for all veterans in receipt of a Disability Award (Pain and Suffering Compensation). In accordance with the level of disability assessment, this recommendation would provide further support to families and address, to a certain extent, the cost of the veteran's disability to their spouse and/or dependent children. The amount of this benefit would parallel the payments that have been made under the Pension Act for many years as part of the pension received by a disabled veteran who has a spouse and/or dependent children.

Once again, the resultant impact of balancing benefits in this manner under both statutory regimes would be particularly responsive to the current shortcoming in the NVC/VWA insofar as financial assistance to families of disabled veterans is concerned.

A. Report of the Standing Committee on Veterans Affairs (ACVA)

It is notable in this context that the Standing Committee on Veterans Affairs (ACVA) recently carried out a study in 2021 of federal supports and services to Canadian veterans, caregivers and families.

NCVA made a formal submission to the committee on March 26, 2021, as part and parcel of its deliberations, proposing the above-cited recommendations that need to be implemented by Veterans Affairs Canada to improve the financial supports to veteran caregivers so as to better meet their unique needs. The submission can be found at <https://www.ncva-cnaac.ca/wp-content/uploads/2021/06/Submission-to-Standing-Committee-Feb2021-caregivers-EN.pdf>.

The Standing Committee on Veterans Affairs released its report on veteran caregivers entitled “Caregivers: Taking Care of Those

who Care for Veterans” on June 15, 2021, and forwarded the report to the House of Commons for Parliament’s consideration.

It is noteworthy that the Standing Committee report provides a comprehensive review of all family and caregiver benefits presently found in Canadian veterans legislation and delineates at considerable length the serious deficiencies and shortcomings that currently exist in VAC programs and benefits in this context.

In NCVA’s judgment, the committee recommendations represent a potential major step forward to remedying the insufficient and inequitable treatment of veteran caregivers by VAC since the passing of the New Veterans Charter.

We are also pleased to advise that our NCVA recommendations have been fully adopted by the committee in relation to replacing the highly inadequate Caregiver Recognition Benefit through the incorporation of the Attendance Allowance eligibility rules



(Pension Act) and the more generous DND Attendant Care Benefit financial provisions, together with the expansion of caregiver benefits to better recognize mental health concerns.

The following are the recommendations from the ACVA report:

Framework Recommendation

That the Government of Canada work to ensure that spouses and dependent children of veterans who would be eligible for VAC's rehabilitation program can access other VAC programs, including financial support and mental health services, in their own right, and with an individual client number.

Recommendation 1

That Veterans Affairs Canada publicly promote its Mental Health Assistance Service so that veterans, their family members and other caregivers have a better awareness and understanding of the services available.

Recommendation 2

That the Caregiver Recognition Benefit be changed as follows:

- That the maximum amount of the benefit be the same as the Department of National Defence's Attendant Care Benefit;
- That the eligibility criteria be the same as those for the Attendance Allowance under the Pension Act;

- That access be expanded to better reflect the specific challenges faced by family members and other caregivers of veterans who suffer from mental health conditions and brain injuries; and
- That eligibility be expanded to include caregivers under the age of 18.

Recommendation 3

That the services offered as part of the Veterans Independence Program be transferred to the veteran's spouse and maintained as a grandfathered right after the veteran's death.

Recommendation 4

That Veterans Affairs Canada automatically reimburse professional mental health expenses for the spouse and dependent children of veterans eligible for a rehabilitation plan for mental health concerns, up to \$3,000 per person, and that the department's approval be required only when a claim is submitted that exceeds this amount.

Recommendation 5

That Veterans Affairs Canada ensure that every departmental client, whether or not they are case-managed, have a dedicated employee responsible for their file, be given direct access by phone or email to that employee, and that a group be given responsibility for answering questions from family members and other caregivers who would not be VAC clients.

Recommendation 6

That the Veterans Well-being Act be amended to include an obligation to dependent children of living veterans, and that applications to programs created to that effect may be submitted by any parent of the child.

The full report can be found at <https://www.ourcommons.ca/DocumentViewer/en/43-2/ACVA/report-7/>.

Insofar as next steps, we will continue our crusade to ensure that VAC enacts the requisite statutory, regulatory and policy amendments to capture the essence of the Standing Committee recommendations.

In our considered opinion, these measures proposed by the Standing Committee, once implemented by the Government, will have a potentially significant impact on alleviating the “plight of veterans’ caregivers/family members” that the department has failed to appropriately recognize since the enactment of the New Veterans Charter in 2006 and the subsequent extension to the Veterans Well-being Act.

B. Report of the Veterans Ombud (OVO)

It is to be noted in this context that the Office of the Veterans Ombud conducted a study on veteran caregivers entitled “Spouses



Supporting Transition” (dated September 21, 2020 – <https://ombudsman-veterans.gc.ca/en/publications/systemic-reviews/spouses-supporting-transition-medically-released>).

This comprehensive OVO report examines a number of highly respected government and academic studies assessing the experiences of caregivers in relation to their support of their veteran spouses to transition from military to civilian life.

The peer review literature contained in the OVO evaluation makes a series of material findings with respect to this veteran caregiver role:

- Spouses of veterans inherit a significant amount of unpaid labour and suffer negative impacts to both physical and mental health immediately prior to, during and following the veteran’s medical release.
- Several studies reported negative career impacts, social isolation and a sense of loss from the spouses’ perspectives as a consequence of military-to-civilian transition.
- Another study referred to the spouse and family as the “strength behind the uniform” and stressed the importance of the support system for the veteran during and after service.

More recently, the Veterans Ombud, Nishika Jardine, made a further major recommendation that has been highlighted in the 2021 Standing Committee report vis-à-vis the important principle that family members/caregivers should have an independent right

to benefits and well-being provisions rather than the limited derivative rights that have existed in veterans legislation for many years. This shortcoming in veterans legislation has prejudiced the rights of veterans’ families/caregivers and is quite appropriately underlined by the Standing Committee as a high-priority recommendation. NCVA clearly stands behind the OVO proposal as part and parcel of our position on improving the overall access to VAC programs and benefits for Canadian family members/caregivers.

In conclusion, NCVA takes the position that the plight of veterans’ families/caregivers in Canada requires immediate government attention. In our respectful submission, VAC should follow a “one veteran – one standard” approach by adopting a comprehensive program model for all family members/caregivers of veterans, thereby resulting in the elimination of artificial cut-off dates that arbitrarily distinguish veterans and their caregivers based on whether the veteran was injured before or after 2006.

It is time that VAC provides the necessary support to veterans’ families/caregivers, who truly represent “the strength behind the uniform.” They deserve nothing less!