

# Introduction

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Upon 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, regulations and policies. Our Legislative Program for 2024-25 underlines the essential steps required of the Government and Veterans Affairs Canada (VAC) to rectify the ongoing inequity and injustice impacting disabled veterans and their families.

We remain hopeful that the appointment of the Honourable Ginette Petitpas Taylor as the new minister of veterans affairs/associate minister of national defence will indeed invigorate momentum for the required veterans legislative reform as enunciated in our NCVA Legislative Program.

We have commended the minister for convening the National Stakeholder Summit in Montreal in March 2024 – the first summit in more than five years – and have expressed our appreciation for her level of personal engagement throughout the summit and in the year since her appointment.

In general, we felt the summit was valuable in identifying several outstanding concerns and issues that are still impacting veterans and their families and that will necessitate, in our view, the reevaluation of VAC legislation, regulations and policies.

Certainly, the briefings through various panels and presentations from community support groups, non-profit organizations and individual partners who work within the



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

veteran population provided valuable insight from a unique perspective on major topics of concern to the veterans' community.

It must be noted, however, that notwithstanding statements of good intention, in our judgment, the one element of the national summit that could have been improved upon was the need for a more substantive and fulsome response from VAC in relation to the measures to be adopted to meet these identified gaps and shortfalls in veterans' benefits and wellness programs.

Consequently, we have made clear to the minister that we are looking forward to continuing our dialogue with her and her senior officials on the actual implementation of a number of the initiatives discussed at

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the summit, as well as the recommendations contained in our substantive NCVA Legislative Program.

Clearly, the test of the new minister will be whether she is able to achieve legislative reform for veterans and their families. In effect, the “proof will be in the pudding” as to whether she is successful in convincing her colleagues in the federal cabinet as to the requisite need for legislative change to improve the lives of veterans and their families.

With the pending election certainly in the next year, it is incumbent on NCVA and the veterans’ community to monitor the position of all federal leaders to ascertain which party is prepared to stand up for veterans.

In this context, NCVA continues to take the position that there is much to do to improve veterans legislation so as to address the financial and wellness requirements of Canada’s veterans’ community. This is particularly so with respect to the Pension for Life (PFL) provisions originally announced in December 2017 and formally implemented on April 1, 2019.

In our considered opinion, this PFL policy fails to satisfy the Prime Minister’s initial commitment in 2015, in response to the Equitas lawsuit, to address the inadequacies and deficiencies in the New Veterans Charter/ Veterans Well-being Act (NVC/VWA) and continues to ignore the “elephant in the room” that has overshadowed this entire discussion.

As stated in our many submissions to VAC and Parliament, the Government has not

met veterans’ expectations with regard to the fundamental mandated commitment to “re-establish lifelong pensions” under the Charter to ensure that a comparable level of financial security is provided to all disabled veterans and their families over their life course, regardless of where or when they were injured. This financial disparity between the Pension Act and NVC/VWA compensation was fully validated by the Parliamentary Budget Office’s report issued on February 21, 2019, which clearly underlined this long-standing discrimination.

Notwithstanding the prime minister’s initial and ongoing protestations as to the ability of his government to finance appropriate veterans’ benefits and programs, one must ask the fundamental question: What has happened to the millions of dollars saved by VAC with the passing of tens of thousands of traditional veterans and early peacekeepers over recent years?



In this context of comparing the positions of the individual federal parties, it is important to well remember that, during the Conservative government of Prime Minister

Stephen Harper, substantial cuts were made in veterans' programs for the purposes of decreasing the federal deficit by closing departmental district offices and dramatically cutting back staff, to the detriment of veterans and their families. It will be of significant interest whether the new Conservative Party leader, Pierre Poilievre, will prioritize veterans issues in the coming year prior to the anticipated election in the fall of 2025.

NCVA and veterans at large will be closely scrutinizing the election platforms of all federal leaders to determine which party is prepared to make a substantial commitment to addressing the shortfalls and inequities that continue to exist in veterans legislation. In this regard, it must be remembered that there are hundreds of thousands of veterans in Canada today and, when family, friends and supporters are considered, this number of potential voters is not without significance.

If the “one veteran – one standard” philosophy advocated by VAC has any meaning, it is essential that the Liberal government and the opposition parties seize the moment and satisfy the financial needs of Canadian veterans and their dependants. In so doing, Parliament would finally be recognizing that the long-standing social covenant between the Canadian people and the veterans' community demands nothing less.

Our 2024-25 NCVA Legislative Program sets forth our “plan of action” for VAC, including 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 NVC/VWA 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 a 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. NCVA continues to have a fundamental concern as to whether the Department of National Defence (DND) Service Income Security Insurance Plan (SISIP) policy for service-related disabilities should be continued at all, or whether it should be completely replaced by parallel VAC programs due to the multiple restrictive standards that exist not only with the SISIP Long Term Disability (LTD) program

but also with the SISIP Vocational Rehabilitation (VOC-REHAB) program. These negative distinctions are fully delineated in this chapter of our NCVA legislative report.

One of the priority recommendations of NCVA, the Ministerial Policy Advisory Group (MPAG), the Standing Committee on Veterans Affairs (ACVA) and the Office of the Veterans Ombud (OVO) for many years has been to suggest that the insurance culture needs to be removed from the compensation made available to veterans and their families. The compensation of veterans and their dependants should not be a function of the insurance industry whose mandate, in many situations, is to minimize exposure of the insurer's policy when applied to injured or disabled individuals.

It is to be noted that, at the national summit this year, many attendees aggressively voiced serious concerns as to their own personal experience with SISIP and strongly called on the minister to eliminate the policy.

As a matter of background, a fundamental commitment made by the Government at the time of the enactment of the New Veterans Charter in 2006 was the recognition that the SISIP LTD program should be eliminated and fully replaced by a liberalized income replacement loss

benefit administered by VAC for all disabled veterans.

It is to be noted that the “wellness program” strongly advocated by VAC is clearly impacted by the fact that the greater majority of medically released Canadian Armed Forces (CAF) members are compelled to utilize the SISIP VOC-REHAB program as a first responder. In effect, VAC does not have the capacity to control and operate this portion of the VOC-REHAB program and is left with little accountability as to the impact the SISIP program will have on veterans in regard to this essential element of the Veterans Well-being Act (VWA).

3. (i) The need to replace the current inadequate Caregiver Recognition Benefit by introducing a new caregiver allowance based on the eligibility criteria from Attendance Allowance in the Pension Act, together with the DND Attendant Care Benefit as to the amount payable to informal caregivers. This fine-tuned caregiver allowance would better recognize and more generously compensate veteran caregivers for their significant effort and economic loss in supporting injured veterans. This is particularly so in circumstances where the seriously disabled veteran requires their spouse to be a primary caregiver who in turn must relinquish their employment

with the consequential negative impact on the overall family revenue.

(ii) The adoption of the Ombud's recommendation as endorsed by the 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.

The further implementation of an independent right for family members and caregivers to gain access to the Education and Training Benefit and the Veterans Independence Program (VIP) benefits, as supported by the findings of the 2024 joint ministerial policy and family advisory groups.

(iii) The creation of a new family benefit for all veterans in receipt of Pain and Suffering Compensation to parallel the Pension Act provisions relating to spousal and child allowances, so as to recognize the impact of the veteran's disability on their family.

4. 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 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.

A number of members of NCVA have strongly indicated a serious concern that the current income replacement program leaves lower-ranked CAF members at a minimal level of income replacement for life. This is a particularly significant concern where a seriously disabled veteran is deemed to be permanently incapacitated and where such a veteran qualifies for the VAC Diminished Earning Capacity (DEC) program or the SISIP LTD benefit. In these circumstances, we would underline that the overall income of such a family is often doubly impacted in the event the spouse of such a veteran is a primary caregiver and is compelled to give up their employment income to take care of the veteran.

In conjunction with the implementation of a future loss of

income philosophy, VAC should fully revamp the DEC 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 DEC 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.

5. 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 2024-25 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.

The fact that more than 80 per cent of veterans with physical injury claims and more than 94 per cent of post-traumatic stress disorder (PTSD)



claims are ultimately approved at first level and that more than 90 per cent of appeals are granted by VAC or the Veterans Review and Appeal Board supports our call for systemic change.

6. For many years, Canadian veterans with cancer conditions have faced significant challenges when applying for VAC disability and health-care benefits with regard to demonstrating that their cancer is related to their military service, which involved exposure to toxic chemicals, burn pits, carbon tetrachloride (CTCs) and similar noxious agents.

Unfortunately, it has been NCVA's experience going back decades that the greater majority of veterans with cancer have been unsuccessful with their disability or health-care claims or, alternatively, the cases have taken months, if not years, to obtain proper entitlement due to the stringent evidentiary requirements imposed by VAC.

NCVA takes the position that these readily apparent obstacles and

delays need to be addressed by VAC to ensure that the claims of these veterans with cancer who have been exposed to toxic environments while serving Canada are recognized as service-related.

It is our recommendation that the presumptive provisions of Section 50, sub (g) of the Regulations to the Veterans Well-being Act be immediately expanded to create a form of automatic entitlement for veterans with cancer (and other enumerated conditions) who have served in conflict zones or operational duty areas where environmental hazards are known to exist, including toxic elements, burn pits and other noxious agents.

The Canadian government, through VAC, should ultimately enact legislation to parallel the American Promise to Address Comprehensive Toxics (PACT) Act, which provides dual presumptions as to medical conditions covered and defined geographical areas of toxic exposures that will automatically qualify veterans for pension and health-care entitlement.

7. 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.

8. 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 Independent External Comprehensive Review (IECR) report of Madame Justice Arbour.

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 to address this ongoing crisis.

We are further recommending that the minister of national defence:

- i. Extend the appointment of the external monitor for at least three years;
- ii. Expedite the external review of the two military colleges;
- iii. For the purpose of more meaningful oversight, establish a fully independent Office of the Inspector General for DND and the CAF reporting to Parliament; and

- iv. Ensure that the Military Justice System Modernization Act enacted in March 2024 is fully enforced, wherein the military will no longer retain legal jurisdiction over individual claims and the civilian/criminal courts will have exclusive authority. In conjunction with this positive legal development, adopt remedial steps to address any challenges encountered by individual claimants in the transition of their cases to the civilian/criminal courts.

While this is a positive step forward in modernizing and enhancing the military justice system, there is more work to be done especially in the area of resolving how the investigation and prosecution of sexual offences committed outside of Canada will be conducted, as well as ensuring that the needs of victims of military sexual trauma come first.

9. In June 2024, the ACVA tabled their study on the experience of women veterans, titled “Invisible No More. The Experiences of Canadian Women Veterans,” in the House of Commons.

This landmark report, the largest study ever carried out by the committee, records for the first time the lived experiences of over 60 women veterans with service

from today to over the past 40 years. Their testimony documents the horrific sexual abuse women CAF and RCMP members and veterans endured, the abuse of authority and the discrimination they suffered. Their testimony overwhelmingly highlighted how women veterans have encountered barriers and challenges to have their service-related injuries recognized by VAC for access to care, support and benefits. The lack of acknowledgment of the physical and mental injuries resulting from their service left many women feeling invisible and that they are not a veteran.

The 42 recommendations in the report provide a starting point for the CAF, RCMP and VAC to finally be held accountable for the experiences and life-long injuries that women veterans have endured. Now the Government must implement these recommendations and begin the process to ensure that all women who have served, are serving and who will serve Canada receive the care and support to meet their unique health needs as a result of injuries from their service.

This report is long overdue and must not, like the many other reports of this committee, sit on a shelf collecting dust. It is too important. Women who serve need to know that they matter, that abuse will not be tolerated, that they will receive



care and support if injured, and that the process to receive that care and support shows compassion and respect.

10. 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 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 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.

11. In relation to the ongoing issue of 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.

We will continue to work with the hierarchy of VAC on behalf of Canadian veterans and their families.

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 2024-25 sets out the essential components of our agenda as we address Parliament, VAC and DND.