

The Royal Canadian Legion

POSITION PAPER:

"VETERANS MATTER"

Our Mission is to serve Veterans, which includes serving military and RCMP members and their families, to promote remembrance and to serve our communities and our country.

February 2015





**Dominion Command
Direction Nationale**

86 place Aird Place, Ottawa, ON
Canada K2L 0A1

1-888-556-6222

Tel.: (613) 591-3335

Fax: (613) 591-9335

legion.ca

17 February 2015

File No.: 29-1

An open letter to Canadians from Tom Eagles, President, The Royal Canadian Legion

Does Canada have a solemn obligation owed to those who have been disabled or killed through military service? Prime Minister Robert Borden told the troops in 1917: "The government and the country will consider it their first duty to see that a proper appreciation of your effort and of your courage is brought to the notice of people at home that no man, whether he goes back or whether he remains in Flanders, will have just cause to reproach the government for having broken faith with the men who won and the men who died."

The more than 300,000 members of the Royal Canadian Legion firmly believe this country has a solemn obligation owed to our military members. Many changes have been made in the treatment of our serving military personnel, Veterans and their families since the establishment of the Royal Canadian Legion in 1926.

We strongly believe that the Veterans Bill of Rights must be included in the New Veterans Charter and in the Pension Act, and that a modified version of section 2 of the Pension Act be incorporated into the New Veterans Charter, and read as follows: The provisions of this Act shall be liberally construed and interpreted to the end that the recognized solemn obligation of the people and Government of Canada to provide compensation to those members of the forces who have been disabled or have died as a result of military service, and to their dependants, may be fulfilled."

The New Veterans Charter was established in 2006 as a living document, replacing the Pension Act and it brought a holistic approach to Veterans' care and benefits. However, it took five long years before any changes were made to the document even though many Committees, Veterans organizations and studies had provided their recommendations for appropriate changes. While being touted as a living charter, this was not in fact what was happening.

We see the upcoming federal election as an opportunity for the Royal Canadian Legion as the largest Veteran and community support organization in the country to state our position on issues affecting Veterans, their families and their overall well-being. The following position paper reflects the Legion's grass-roots consultative process which includes our members, our volunteers, our elected officials and our staff. Also note that by the Legion definition of a Veteran, we encompass members of the Royal Canadian Mounted Police and those peace officers who have served in special duty areas or operations and their families. Essentially, this paper is a short

list of measures we are advocating that if adopted by Canada's Government will have a positive impact on our Veterans and their families. It is hoped that all federal political parties will heed the Legion's position paper and include it in their respective election platforms as tangible commitment towards this country's social contract with its Veterans – both retired and still serving, and their families.

It is extremely important that the Government follows through on the recommendations in the attached position paper now; all relevant studies have been conducted and it is clearly time to rectify the deficiencies in the New Veterans Charter and meet the needs of our injured or ill Veterans and their families.

While we acknowledge what successive governments have done in the past for our Veterans, more still needs to be done. The Royal Canadian Legion exhorts our politicians and the next Government to turn election rhetoric into tangible measures that will improve the health, finances and overall well-being of our Veterans. Their standard of living and that of their families is at stake. This position paper provides a shortlist of tangible actions that will make a difference if adopted by the Government of Canada.

The New Veterans Charter is an important document in our Veterans' lives. As the issues affecting our Veterans evolve, so too must the Charter. Only through this process will the Charter become a "Living Charter" that it was meant to be. As Canadians we have an obligation to be informed of the issues and to voice our concerns. The time is now as Veterans and their Families Matter.

Lest We Forget,

A handwritten signature in black ink, appearing to read 'Tom Eagles', written in a cursive style.

Tom Eagles
Dominion President
The Royal Canadian Legion

Enclosure: 1

Policies for Veterans and their families

Young and some not so young Canadian men and women voluntarily join the Canadian Armed Forces (CAF) to serve at the calling of their Nation. Those individuals accept the unlimited liability to serve and also expect that if they are killed or injured in the line of duty, whether it is at home or abroad, that they and their families will be looked after. In that expectation the Royal Canadian Legion believes that the next Government should:

1. Provide care and support of our Veterans by:

The Legion, in concert with other Veterans organizations under the auspices of the Veterans Consultation Assembly continue to assess the top three issues requiring immediate resolution by the government. They are:

- The Earning Loss Benefit (ELB) must be improved to provide 100% of pre-release income, continue for life and include increases for projected career earnings for a Canadian Armed Forces member.
- The maximum disability award must be increased consistent with what is provided to injured civilian workers who received general damages in law court.
- The current inequity with regards to ELB for Class A and Class B (less than 180 days) Reservists for service attributed injuries must cease.

In addition, the Legion is also advocating the care and support for our Veterans by:

- Ensuring that military members seriously disabled as a result of service not be medically released until they are in stable condition; their medical records are transferred to Veterans Affairs Canada (VAC) and they have been assigned a VAC Case Manager.
- Establishing a more rigorous case manager training program, and review the standard under which one case manager is assigned to 40 veterans, to determine if the ratio is appropriate, and to provide necessary resources for its adjustment if required.
- Ensuring that the most seriously disabled veterans receive financial benefits for life, of which an appropriate portion should be transferable to their spouse in the event of death, that VAC consider the use of a probable earnings approach in determining the amount of the benefits, and include better access to the three grades of the permanent impairment allowance (PIA), for which eligibility criteria must be clarified.

- Reviewing the accessibility and eligibility criteria for PIA to determine its effectiveness in providing fair economic support for the lack of career progression. Similarly, it should conduct a review of the Veteran cohort deemed Totally and Permanently Incapacitated (TPI) and not receiving the PIA and PIA Supplement and ensure that eligible Veterans receive the very benefit that is designed to compensate them for the lack of career opportunities.
- Ensuring that all veterans with service-related disabilities, and their families, be entitled to the same benefits and support as part of their rehabilitation program, whether they are former members of the Reserve Force or of the Regular Force.
- Improving how VAC communicates and delivers the programs, services, and benefits of the New Veterans Charter (NVC).
- Ensuring that the Department of National Defence (DND) and VAC conduct an analysis of the costs, benefits and outcomes of operating two similar vocational rehabilitation programs to determine the future direction of the program with the goal of providing harmonized services while reducing confusion, duplicity and the complexity of understanding two similar programs.
- Recognizing that those who sustain illness and injury while serving their country should have access to the same benefits, regardless of the nature of their service and where and when they serve. The Legacy of Care Program benefits should be available to all those who serve their country regardless of where they were injured.
- Ensuring that all Veterans be deemed eligible for Veterans Independence Program (VIP) benefits based on need, irrespective of their having established disability entitlement or low income status, as was recommended by the Gerontological Advisory Committee in their 2006 Report “Keeping the Promise”; and that all Allied World War II and Korean War Veterans be deemed eligible for VIP benefits based on need irrespective of their income as was recommended by the Gerontological Advisory Committee in their 2006 Report “Keeping the Promise”.
- Ending the complex eligibility criteria for VIP benefits and extend the benefit to all survivors of all Veterans including survivors of Allied Veterans. This benefit should be granted to these survivors based on need as was

recommended by the Gerontological Advisory Committee in their 2006 Report "Keeping the Promise".

- Ensuring that all CAF Veterans with a service related disability and requiring level 2 treatment be entitled to a long term care bed at a Veterans hospital or similar facility.
- Ensuring that all CAF members, regardless if they are single, married or living common-law, whose death is attributable to military service be granted a death benefit provided for under the NVC; and that such benefits be retroactive to 2006.
- Immediately reviewing VAC's decision to close district offices and re-open offices in areas where there is an increased and established need for case managers.
- Ensuring that the Government enact legislation to better protect military pensions.

2. Support for Families:

Families are the grounding which allows our service men and women to deploy on operations safe in the knowledge that their spouses will be holding the home front and that when needed the spouse and children will receive the support required. Families also play an important role in the repatriation and reintegration of a service member following a deployment. When issues arise, it is usually a family member who senses it first and calls out for assistance. Families deserve our full attention as they are an integral component of the overall military family.

- VAC and DND need to coordinate the provision of a Veteran's Identification card for all CAF Veterans and a Veteran's Family Identification card to honour the inherent resilience of Veterans' families and pay tribute to the commitment and dedication made in support of Canada.
- Amend government legislation and regulations to afford Veterans and their dependants' priority access to health care in Canada after release.
- Ensure that the Military Family Resource Centres can be made available to all Veterans and their families in order to support them in their transition to civilian life.

- That independent access to VAC's psychosocial and vocational rehabilitation services be given to spouses or common-law partners of veterans with a service-related disability, that access to psychological counselling be also given to parents and children of veterans with a service-related permanent disability, and that financial support be provided to family members of seriously-disabled veterans acting as "primary caregivers" as defined under section 16. (3) of the Veterans Health Care Regulations.
- Rationalization of Eligibility Criteria for Health Care Benefits: That VAC undertakes a comprehensive rationalization of the eligibility criteria for Health Care Benefits. The entitlement criteria should be more manageable for decision makers and Veterans and their families such that it is streamlined from the current 18 categories to a maximum of four categories as recommended in "Keeping the Promise", the 2006 Report of the Gerontological Advisory Council.
- VIP Benefits – Surviving Spouse: that when the surviving spouse applies for the VIP benefit that was not in place prior to the Veteran's death, that due consideration be given by VAC and the benefit of doubt be applied in each individual case to assist the surviving spouse to remain at home and in the community. It must be remembered that the surviving spouse is not at fault and is now being penalized because of a course of action or lack of requirements that were taken by the deceased spouse when applying for VIP benefits at the particular time.
- In addition to VIP for veterans, the Legion believes that the implementation of a national Seniors Independence Program in Canada would assist seniors to live independently in their own homes and communities for as long as they are able. This will alleviate the current stresses on an already overburdened system with an increasing senior demographic.

3. Veterans Health Research:

Research into health conditions related to serving military personnel and veterans has been lacking in Canada for some time and is needed to keep pace with a changing demographic of service personnel and the situations that they are called into. The Canadian Institute of Military and Veteran Health Research (CIMVHR) is one such organization which is standing up to fill the gap. It relies on a network of research centres of excellence located in Canada's leading universities and is directing health research in this area.

- That the Government provide sufficient funding to CIMVHR to establish itself and ensure its long term success as a truly Canadian independent centre of expertise for military and Veteran health research.

- That VAC and the DND build on their existing collaborative efforts by providing adequate resources for research and understanding of known and emerging manifestations of operational stress injuries.
- That the Canadian Institute of Health Research (CIHR) establishes Veterans as a priority subpopulation group for research to ensure that funding is allocated to meet the needs of military and Veteran health research in Canada.

DEFENCE AND SECURITY

The Royal Canadian Legion's mandate in defence and security falls directly from our Purposes and Objects which state: "to strive for peace, goodwill and friendship among all nations, at the same time advocating for the maintenance by Canada of adequate and sufficient forces on land, sea and in the air for the defence of our country and for the discharge of such obligations which rest upon us... The defence and security of Canada is paramount to promote the style of life that we have become accustomed to and for the democracy within which we live. For that reason the Legion is concerned with activities that rightly fall to DND, the CAF and The Royal Canadian Mounted Police as Canada's federal police force.

- Priority for Injured Service Personnel for Government Jobs. Bill C-27, which is currently before the Senate after passing in the House of Commons in June 2014, gives VAC the power to determine whether a military member's medical release is a result of service in the CAF. The CAF Ombudsman in agreement with the VAC Ombudsman has stated: "that's a determination that should be made by the DND which has firsthand access to medical records and service history information, is in a better position to justify an ex-soldier's medical condition and the reason for the release."

The Legion is in support of this position and urges the government to modify the bill to allow for the DND to assume this responsibility.

- Citizenship Review. There are Veterans, and children of Veterans who, through bureaucratic oversight, are being denied their legitimate birthright to Canadian citizenship.

The Legion was encouraged by Citizenship and Immigration Minister Chris Alexander's statement in January 2014 that changes to the Citizenship Act are forthcoming. In particular, complicated circumstances that have barred War Brides and children of War Brides from obtaining Canadian citizenship would be fixed under the new legislation.

As of this date, there has been little if any movement on the issue and many War Brides and children of service men continue to be denied their legitimate right to Canadian citizenship. The Legion urges the government to correct this situation immediately.

- Military Procurement. Continue with Procurement reform to address the legacy of procurement delays experienced by DND. The current government has gone to a lot of effort to fix this and they are on the right track, we need to ensure we do not go back to the previous system.
- Reservist Compensation & Support: To address the Reserve issues of compensation and post deployment support.
- Ex-Gratia Settlements: To implement a capability for the CDS to make ex gratia payments to address members who, through no fault of their own, have been disadvantaged by Treasury Board directives or interpretations. This would apply to the individuals such as those in Halifax who literally found themselves on the wrong side of the road and consequently must repay thousands of dollars of housing allowance.
- The Royal Canadian Mounted Police. The Royal Canadian Legion supports the 64 recommendations listed in Assistant Commissioner (ret'd) Alphonse MacNeil's report called: "Independent Review – Moncton Shooting – June 4th 2014".

It is important that the men and women in the RCMP have the proper Command, Control and Communications, Technology and Equipment and Aftercare services in order to carry-out their duties and responsibilities as peace officers. The recommendations contained in this report are a definite step in the right direction and we would anticipate the Government and the RCMP to work diligently on addressing most of these recommendations no later than winter 2016.

CONCLUSION

Canadians serving their country are known around the world and at home for their professionalism, dedication and ability to get the job done. Canadians serve our country without question and with pride. There remains an obligation to look after these brave men and women as Sir Robert Borden stated.

The Royal Canadian Legion continues to stand for Veterans and advocates on their behalf for benefits to ensure that their standard of life will not be adversely affected by or through their service to the Nation. We have that obligation!

One cannot anticipate future engagements any better than we have predicted the past. That is why the New Veterans Charter has to remain a living document to ensure that evolving situations and conditions, previously not experienced, can be dealt with ensuring that all Veterans are treated equally and fairly under the law. The previously mentioned recommendations, if implemented, are a step in the right direction to providing a fair and healthy standard of living for all those who have served at home and abroad.