



Opinion

O'Regan's entitled to his own opinion but not his own facts



Veterans Affairs Minister Seamus O'Regan, pictured with Liberal MP Sherry Romanado. It is totally unacceptable that we continue to have veterans' legislation in Canada which provides a significantly higher level of compensation to a veteran who was injured prior to 2006 (date of enactment of the New Veterans Charter) when compared to a veteran who was injured post-2006, writes Brian N. Forbes. *The Hill Times* photograph by Andrew Meade

New Veterans Charter (2019)

- Pain and suffering compensation (per month or lump sum): \$1,150
- Additional pain and suffering compensation: \$1,500 (limited to veterans suffering permanent and severe impairment)
- Caregiver Allowance (per month): \$1,000
- **Total (maximum per month): \$3,650**

Pension Act

- Veteran plus two children
- Disability pension (maximum per month): \$4,118
- Note: Pension compensation for family/dependants is not available under the New Veterans Charter
- Exceptional incapacity allowance (maximum per month): \$1,478
- Attendance allowance (maximum per month): \$1,848
- **Total (maximum per month): \$7,444**

Veteran plus spouse

- Disability Pension (maximum per month): \$3,491
- Note: Pension Compensation for family/dependants is not available under the New Veterans Charter
- Exceptional incapacity allowance (maximum per month): \$1,478
- Attendance allowance (maximum per month): \$1,848
- **Total (maximum per month): \$6,817**

Single veteran

- Disability Pension (maximum per month): \$2,792
- Exceptional Incapacity Allowance (maximum per month): \$1,478
- Attendance Allowance (maximum per month): \$1,848
- **Total (maximum per month): \$6,118**

The government's plan for lifelong pensions under the New Veterans Charter fails to live up to Prime Minister Justin Trudeau's commitment to Canada's veterans.



Brian N. Forbes

Veterans

OTTAWA—Veterans Affairs Minister Seamus O'Regan is entitled to his own opinion, but he is not entitled to his own facts. The minister has suggested in his recent letter to *The Hill Times* and in public statements that no real financial disparity will exist between compensation paid to seriously disabled veterans under the Pension Act and the New Veterans Charter once his proposals, announced on Dec. 20, 2017, take effect in April 2019. He has concluded in his analysis that only a \$50 a month discrepancy will arise when comparing benefits under each statutory program.

With all due respect, the minister is badly misinformed in this regard. A realistic comparison on

an "apples to apples" basis reveals that a "significant disparity" will indeed continue to exist. It is essential in this context to recognize that the actual maximum amounts of compensation under each statutory regime will be as follows:

Further in the minister's letter to the editor, he emphasizes that additional benefits and services are uniquely available under the New Veterans Charter with respect to income replacement, rehabilitation, and wellness programs.

We commend Veterans Affairs Canada for its efforts to improve the department's wellness and educational policies. However, it should be noted, that a number of programs dealing with essentially parallel income replacement and rehabilitation policies already exist under the Pension Act regime by means of services and benefits administered by the Department of National Defence through its SISIP Long Term Disability insurance policy and Vocational Rehabilitation (VOC-Rehab) Programs.

Although, at the time of the enactment of the New Veterans Charter in 2006, Veterans Affairs Canada committed to eliminating SISIP Ltd and VOC-Rehab programs and creating a new gold standard in regard to these wellness programs, the reality is that the SISIP Ltd and VOC-Rehab insurance policy has been and continues today to be "the first responder" for the greater majority of disabled veterans who have been medically released from the Canadian Armed Forces in relation to both the Pension Act and the New Veterans Charter.

As a fundamental tenet of our position, we would like to think that the minister could be con-

vinced that, rather than choosing one statutory regime over the other, the best parts of the Pension Act and the best parts of the New Veterans Charter would provide a better compensation/wellness model for all disabled veterans in Canada.

It is totally unacceptable that we continue to have veterans' legislation in Canada which provides a significantly higher level of compensation to a veteran who was injured prior to 2006 (date of enactment of the New Veterans Charter) when compared to a veteran who was injured post-2006. If applied to the Afghan conflict, we have veterans in the same war with totally different pension benefit results.

In this context, it is also interesting that the prime minister himself stated recently, at a public forum in Edmonton, in a highly heated exchange with a Canadian war amputee, that the government did not have sufficient funds at this time to meet the demands of Canadian veterans. In addition, he indicated that, in order to create new wellness and rehabilitation policies, the government had to reduce the funds that had been previously available for compensation benefits for disabled veterans.

Why has the government created this unnecessary and unfortunate choice of priorities? Would it not be a better solution for seriously disabled veterans who have sacrificed so much for their country to have the best of both worlds—appropriate compensation and effective wellness and rehabilitation programs?

We would urge the minister to take advantage of the time between now and April 2019 to improve the compensation benefits surrounding the re-establishment of a lifelong pension so as to

bolster the proposals emanating from his Dec. 20 announcement including the following:

- Liberalize the eligibility criteria for the new Additional Pain and Suffering Compensation benefit so that more disabled veterans actually qualify for this benefit—currently, only veterans suffering from a severe and permanent impairment will be eligible. It is not without significance that the greater majority of disabled veterans simply will not qualify for this new component of the proposed lifelong pension.

- Create a new family benefit to parallel the Pension Act provision to recognize the impact of the veteran's disability on his or her family.

- Incorporate the special allowances under the Pension Act, i.e. exceptional incapacity allowance and attendance allowance, into the New Veterans Charter to help address the financial disparity between the two statutory regimes.

- Establish a newly-structured career impact allowance which would reflect the following standard of compensation: "What would the veteran have earned in his or her military career had the veteran not been injured?" This form of progressive income model, which has been recommended by the Ministerial Policy Advisory Group and the Veterans Ombudsman's Office, would be unique to the New Veterans Charter, and would bolster the potential lifetime compensation of a disabled veteran as to his or her projected lost career earnings as opposed to the nominal one percent increase proposed by the minister.

This overall set of proposals would effectively bridge the best parts of the Pension Act and the New Veterans Charter and represent a good first step to addressing the self-evident disparity between the New Veterans Charter and the Pension Act insofar as compensation is concerned and provide a form of "lifelong pension" for those veterans who qualify for the benefit proposed in the model.

In the bigger picture, it must be remembered that, during the election campaign of 2015, the prime minister promised in the context of the *Equitas* lawsuit that veterans would not have to pursue their legal claims through the courts against the Canadian government. He further committed that his Liberal government would re-establish lifelong pensions to address the clear disparity and discrimination that exists between the Pension Act and the New Veterans Charter compensation, which remains at the core of this class action lawsuit. The government has clearly failed to deliver on this commitment and the minister's announcement of Dec. 20 falls well short of the justifiable expectations of the veterans' community.

If the "one veteran—one standard" philosophy advocated by Veterans Affairs Canada has any meaning, this glaring disparity between the Pension Act and Charter benefits for the greater majority of disabled veterans requires that the minister seize the moment and satisfy the financial needs of Canadian veterans and their dependants. The minister should not miss this opportunity to recognize that the longstanding social covenant between the Canadian people and the veterans' community demands nothing less.

Brian N. Forbes is chair of the National Council of Veteran Associations and executive chair of *The War Amps*.

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