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DR. KEITH MARTIN, M.D., P.C., M.P.
ESQUIMALT - JUAN DE FUCA

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MAY 26 2006

Ottawa, Ontario
May 11, 2006

The Honourable Greg Thompson, P.C., M.P.
Minister of Veterans Affairs
66 Slater Street, 16th Floor
Ottawa, ON K1A 0P4

Dear Minister Thompson,

Please find attached an assessment of the New Veterans Charter. I respectfully request that you review this assessment and address the concerns enclosed.

Thank you for your assistance.

Sincerely,

Dr. Keith Martin, M.D., P.C., M.P.
Esquimalt - Juan de Fuca

KM/jf

Executive Services Unit

MAY 29 2006

Direction des services
exécutifs

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**MINISTERIAL CORRESPONDENCE - ACTION REQUEST
CORRESPONDANCE MINISTERIELLE - FICHE DE SERVICE**

First Contact/Premier contact Martin, Keith (MP)	Docket No./N° de dossier Min06-001342
Second Contact/Deuxième contact Maruge, Dennis (vet)	Input Date/Date d'entrée 23/06/06
Third Contact/Troisième contact	Sector Deadline Date/Date limite du secteur 06/07/2006
CSDN No./N° de RPSC 0041024	Docket Due Date/Date d'échéance du dossier 17/07/2006
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> OPI/BPR <input type="checkbox"/> DM/SM <input type="checkbox"/> ASDM/SMA <input type="checkbox"/> PPL/PPL <div style="margin-left: 20px;"> <input type="checkbox"/> ESU/USE <input type="checkbox"/> HA/DÉC <input type="checkbox"/> FCO/SPI <input type="checkbox"/> COMM </div> <input checked="" type="checkbox"/> VS/SAC <div style="margin-left: 20px;"> <input type="checkbox"/> RO/BR <input type="checkbox"/> PSPD/PI <input type="checkbox"/> NOD/ON </div> <input type="checkbox"/> CS/SM <input type="checkbox"/> VRAB/TAC <input type="checkbox"/> BPA/BSJP <input type="checkbox"/> CWGC/CSGC <input type="checkbox"/> JUSTICE <input type="checkbox"/> MIN <input type="checkbox"/> PPC/SPPC </div> <div style="width: 50%;"> Reply/Réponse <input checked="" type="checkbox"/> English/Anglais <input type="checkbox"/> French/Français <input type="checkbox"/> No Response Necessary cune réponse requise <input type="checkbox"/> Addressed to Minister correspondance non adressée au ministre Reply to be signed by Response pour la signature du Departmental Recommendation Recommandation du Ministère <input checked="" type="checkbox"/> MIN <input type="checkbox"/> MO/CM <input type="checkbox"/> DM/SM <input type="checkbox"/> SM/CS MO Agreement/Concordance du CM <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Note: Forward hardcopy of signed reply to ESU for scanning & PA / Acheminer copie papier de la réponse à l'USE aux fins de balayage et pour verser au dossier </div> <input type="checkbox"/> URGENT </div> </div>	
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Acknowledgment No./N° de l'accusé de réception 0	Cross Reference/Renvoi MIN06-000850
Subject Synopsis/Synopsis du sujet [Veterans Charter] Complaint - New Veterans Charter	

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Annex A: Analysis of C-45

Failings of C-45

The following is a list of discrepancies and failings of C-45 as it is currently written. These failings are in the legislation itself and no amount of amendments to regulations or policies can change these flaws. The legislation itself must be amended:

1. no longer provides for a time-tested lifetime monthly disability award for disabled veterans or their widows/orphans, in favour of a one-time lump sum payment. C-45 income support programs essentially end at age 65, the time when most disabled persons and their surviving family members need the greatest assistance.
2. places veterans, the Department, the Bureau of Pension Advocates and the Veterans Review and Appeal Board in a disadvantaged and unrealistic learning curve while continuing to process applications, reviews and appeal through the Pension Act. Not only is C-45 flawed it is completely untested. VAC employees at all levels are overworked with current programs. C-45 programs, as already explained, have been hastily constructed and are being hastily implemented. Adding C-45 programs, which in this form and timeline to the VAC repertoire of present difficulties is a recipe for not only a public relations disaster but veterans and families will likely be harmed in such an environment. The planned implementation of a New Table of Disabilities at the same time only compounds an already unworkable agenda. Of note, it has taken the Department from 1995 to date merely to adjust to changes brought about by Pension Reform in 1995.
3. does not respect existing legislation including the Department of Veterans Affairs Act, National Defence Act and potentially the Constitution and Human Rights Act. By treating CF members after implementation of C-45 different from current or past veterans, this will ring very loud bells both legally and ethically in Canada. When it is realised that many C-45 programs are "less than" current programs and have the added injustice of "workfare" stipulations, the injustice, both real and apparent will only grow,
4. punishes the disabled veteran and family for the inefficiencies of the bureaucracy. The effective date of financial support begins not on the day the applicant applies but when the Department finishes processing the application. Past experience with VAC has resulted in delay times for processing applications of up to 18 months and even longer. Even "administrative" requests have resulted in delays of six months to one year and even more than two years in a number of cases. The disabled veterans and their families could be relying on the C-45 benefits as their only source of

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income. How will they subsist until their application is processed? What happens if they accumulate debt for living expenses in the meantime? C-45 does not offer retroactive payment to the date of application like the Pension Act and SISIP. The disabled veteran and the family should not be punished for the inefficiencies of the bureaucracy and yet this is exactly what C-45 does.

5. fails to take into account psychological injuries. Post Traumatic Stress Disorder or PTSD alone is the single largest pensioned condition (approximately 8,000 of 160,000 disability clients). C-45 programs, through greater scrutiny and intrusion by the Department will alienate many of the clients who need help the most: those with psychological injuries. It is very unlikely those suffering severe injuries will be willing to jump through all the steps of C-45, especially a hastily implemented "workfare" program,

6. does not allow for university education as part of the educational job training. "War Veterans" were allowed access to university training and they did not have to be disabled to qualify. Disabled CF veterans, under exceptional circumstances were allowed to access to university through the VAC Pensioner's Training Regulations and SISIP. C-45 does not allow for university under any circumstances.

7. C-45 education training disqualifies Veterans for opportunities to approximately 50% of Federal Public Service positions. Priority placement in the Federal Public Service is a cornerstone in C-45. Since approximately 50% of Federal Public Service positions require university education and C-45 does not provide university education, recipients of the C-45 education program will not have access to approximately 50% of the Federal Public Service positions. As a result, disabled veterans who are forced to leave a skilled, high wage position in the military due to their a disability will be forced to take a lower (non-university education) paying position. Furthermore, one must question VAC's commitment to the priority placement of disabled veterans in the Federal Public Service since the VAC appears to hire very few if any disabled veterans. Rumours of a "discomfort" felt by key bureaucrats within VAC regarding veterans working in the Department have been emerging over the past five years,

8. holds post 1 April 2006 CF Veterans and their families to a higher standard than Federal Public Servants. Public service employees who leave their employment qualify for access to the Public Service Health Care Plan after two years of employment. CF members must serve 20 years if not disabled or a minimum of 10 years if disabled in order to qualify for the same Plan. Under C-45, veterans must enter the "workfare" program to qualify for a similar health care plan for his/her family,

9. holds post 1 April 2006 CF Veterans and their families to a higher standard all other veterans. The "War Veteran" programs are undoubtedly more generous and comprehensive than existing programs. The current CF programs are also more generous and equally comprehensive than

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most areas of C-45 programs. This creates three clear distinct classes of veterans with no legal or moral rationale: 1. "war veterans", 2. current CF veterans and 3. post C-45 CF veterans.

10. Removes the right of appeal through the Veterans Review and Appeal Board (VRAB) with the support of Bureau of Pension Advocates (BPA). There are two separate parts of C-45, Part II, which is the "workfare" gateway, and Part III, which is the lump sum benefit. When appealing a decision for a lump sum, veterans can request the assistance of 'free' lawyers in BPA for a review and appeal through VRAB. For Part II, however, there are no 'free' lawyers and VRAB does not have jurisdiction to hear cases related to the majority of benefits contained in C-45. This sharply contrasts with current programs as VRAB can hear reviews and appeals for all areas of the Pension Act including disability awards, exceptional incapacity and attendance allowance as well as other care and treatment issues. Removing this fundamental and longstanding right to access a free lawyer through BPA (since 1938) must be seriously contemplated. Veterans who are unhappy with their decisions under Part II ("workfare") and all the accompanying benefits must appeal to the very department which made the initial decision without the aid of a free lawyer. This will likely force veterans to hire lawyers and enter the very time consuming and expensive federal court process if at all,

11. does not support the Chief of Defence Staff or National Defence's initiative on recruiting. Word will quickly spread amongst the public, the serving CF, veterans and their families concerning C-45 disability programs that allow far too much scrutiny and intrusion by the government bureaucracy in order for disabled veterans and their families to receive benefits. The "workfare" gateway to basic benefits and the lack of disability benefits for life will further alienate disabled veterans, hence tarnishing the image of the government's attempts to assist disabled veterans. This can only further increase the recruiting obstacles thus far encountered by the CF,

12. fails to take into account the input of medical specialists in key areas. C-45 programs are centred on the concepts of medical case management and rehabilitation and yet there is no obvious evidence that these medical specialists let alone psychiatrists and psychologists were ever consulted on the feasibility of C-45 programs. On a number of initiatives to include such individuals, VAC bureaucrats have refused to allow specialists in rehabilitation and case management to provide input or review programs associated with C-45,

13. does not address issues such as disabled Veterans abilities to qualify for mortgage and other insurance benefits essential in life. Previous veterans (WWI, II and Korea) were provided such assistance for entering civilian life merely because they were veterans. They did not have to be disabled. Although modern conflicts do not see nations "declaring war", one can easily see that the Gulf War, Yugoslavia and Afghanistan were and are "wars". If veterans of the Great Wars, who served in Canada for as little as six months and were never deployed overseas, qualified for

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education, mortgage and insurance benefits merely because they wore a uniform, then surely CF members who serve in the hostile environments of the Persian Gulf, Yugoslavia and Afghanistan are equally deserving; and,

14. removes the 'Minister's' obligation to provide counselling and assist applicants and pensioners in the preparation of applications for benefits (section 81 of the Pension Act). Currently, the Minister (i.e. VAC) is obligated under the Pension Act to provide counselling and assist applicants in the preparation and post-decision phases of an application including Departmental Reviews. VAC's negligence and indifference to this issue is at the root of the backlogs and problems with the current broken disability pension application system. The Auditor General Reports on VAC have recorded this problem since 1995.

The Social Contract Between the Military and Canadians

Veterans who are disabled in their service to Canada and Canadians currently apply for disability awards through the Pension Act. Since these awards are for disability, they are non-taxable and are paid on a monthly basis for life. Should the veterans pass away, the spouse and orphans will receive a monthly disability award. Furthermore, medical care and treatment are guaranteed for recipients of disability awards under the Pension Act. These awards along with the care and treatment of veterans have been the foundation of a social contract between the people and the government of Canada and the serving members of our military since 1916 when the Pension Act came into being.

In fact, this social contract is clearly defined in the opening sections of the Pension Act:

"the recognized 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."

It is this section which has provided the legal protection for disabled veterans and their families as well as the legal basis for upholding veterans' rights in the Veterans Review and Appeal Board as well as the Federal Courts for more almost a century.

Noticeably absent from C-45 is any mention of this legal obligation or any other definition of the social contract between disabled members and their families, and the people and government of Canada. One must ask if the serving CF members, the RCMP, disabled veterans and the families of all knew that the bureaucracy had unilaterally erased almost nine decades of legal protection and precedence? Did the bureaucracy have the right to take this social contract away without the public or any of the stakeholders knowing?

Ignoring Consultation

The VAC bureaucracy and the previous Minister championed C-45 claiming that widespread consultations occurred between the architects of C-45 at VAC and the CF and veteran community. There is no doubt that the previous

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Minister and key bureaucrats carried out a number of "briefings". However the two-way communication implied in "consultation" is not the same as "one-way", after-the-fact, information sessions known as "briefings". Even the briefings were not as widespread as they could have been. Veterans at large and especially disabled veterans requested briefings in a number of cities. VAC never followed through with the requests. Even VAC employees reported that they were kept "in the dark".

In fact, the only true consultations which reportedly did occur were conducted by some members of an advisory body called the CF-VAC Advisory Council which held meetings in a number of important bases across Canada. They asked the CF members in attendance whether they would prefer a lump sum payment or a lifelong monthly disability award as provided in the Pension Act. The CF members, as reported by one Council member who testified to the Commons Subcommittee on Veterans Affairs, overwhelmingly rejected the lump sum payment in favour of the Pension Act.

VAC bureaucrats ignored this important and apparently only real consultation and opted for the cost-savings of the lump-sum award. The CF-VAC Advisory Council has since been dissolved and was thereby not permitted to monitor the creation of legislation, regulations or policies for C-45.

One must thoroughly and vehemently question a process which failed to openly consult with RCMP members, CF members, disabled veterans, family members, veterans at large, VAC employees and the practitioners who treat disabled CF members and veterans.

With whom did VAC bureaucrats actually consult?

Apparently the leadership of six out of dozens of veterans organizations was sworn to confidentiality from divulging any details of C-45 to their membership. Nevertheless, VAC claims that there is widespread support for C-45 in the veteran community and the previous Minister apparently claimed that the "veterans are the authors of the legislation". Given the facts, it is highly unlikely that either of these assertions is true.

Summary

When the key issues of unilaterally breaching the "social contract", ignoring consultation and the likely unconstitutional and unethical "workfare" gateway are included in the above list, there is more than enough reason for a new government to sit back and calmly contemplate the implications of C-45 as it is currently written. C-45 is a complex piece of legislation with implications at all levels of the social, legal, military and moral domains of Canadian society. It should not have been fast-tracked and should have included solutions to longstanding problems at VAC experienced by the more than 200,000 clients. These problems should be corrected before bringing into force the regulations. The legislation needs to pass through due process, the basis of the democratic process.

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16 Mar 2006

Ombudsman Report 2005 - V.O.I.C.E.

(Note: V.O.I.C.E. or Veterans' Ombudsman: Independent Client Evaluation is not associated with VVi but is an independent reporting process)

This file requires Adobe Reader. [Click here for the Ombudsman Report 2005 - V.O.I.C.E. .](#)

Comparison of Veteran Benefits

Old Charter vice New Charter

(Extract Courtesy of Ombudsman Report 2005 - V.O.I.C.E.)

Benefit Category
C-45 Benefits
Existing Benefits
Comments

Disability Benefits
Up to \$250,000 lump sum payment tax free tied to % award

-no additional amount for children and spouses
VAC Disability Pension

Tax free pension for life tied to % award

-additional amounts for children and spouses
Lump sum payment if invested would provide a 'taxable income' which when paying the after tax equivalent to the disability pension would last less than 10 years if single and even less if married with children*

Income Loss/Replacement
75% of release salary taxable

-all income deducted from this amount

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plan
-must be disabled and approved for vocational rehabilitation

-continual scrutiny especially if unable to work
SISIP Earnings Loss
75% of release salary taxable

-all income deducted from this amount

-must be disabled

-rehabilitation program optional but not condition of receiving
benefits

-reports on periodic basis confirming disability
C-45 Earnings Loss much more scrutiny than SISIP plan and
disabled veteran must enter vocational rehabilitation plan to receive
benefits

-existing program more accessible

Education

-disabled veteran must agree to enter rehabilitation program

-no university available

-excessive scrutiny

SISIP rehabilitation has approved university in exceptional
circumstance

-must be disabled

-minimal scrutiny

CF Skills Completion Program has also approved university in
exceptional circumstance

-only qualification is being CF member

VAC still has Pensioners Training Regulations on the books which
could be revived with the stroke of the Minister's pen and solve the
discrepancies

-existing programs more extensive and more accessible

Medical Care

Veteran must agree to enter rehabilitation program

-excessive scrutiny

-claims of softer limits
SISIP medical care

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-only qualification is veteran disabled

-does not require entrance into rehab program

-harder limits but not absolute

SISIP Rehab Program

-softer limits

VAC Program

-disabled veteran

Public Service Health Care Plan(PSHCP)

-available to retired CF members >20 yrs or >10 yrs if disabled

-hard limits

PSHCP does not require entrance in work rehab

Present programs more extensive and more accessible

Family Medical

Disabled Veteran must agree to enter VAC controlled rehab program

-hard limits

-excessive scrutiny

SISIP

-covers family

-hard limits

PSHCP

-covers family

VAC

-no family coverage

PSHCP does not require entrance in work rehab

-existing programs more extensive and more accessible

Dental

Disabled Veteran must agree to enter VAC controlled work
rehabilitation program

-hard limits

VAC-veteran must have certain disability level

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(>48% ?) or have dental conditioned pensioned but does not have to enter rehabilitation

Pensioners Dental Service Plan (PDSP)

- available to retired CF members >20 yrs or >10 yrs if disabled

- hard limits

PDSP does not require entrance in work rehab

- in most cases, existing program more accessible

Dental Family

Disabled Veteran must agree to enter VAC controlled work rehabilitation program

- hard limits

Pensioners Dental Service Plan (PDSP)

- available to retired CF members >20 yrs or >10 yrs if disabled

- hard limits

PDSP does not require entrance in work rehab

- existing program more accessible

Job Placement

Federal Public Service Priority placement

- 2 years after release

- one priority placement only

- all vets qualify

1)Federal Public Service Priority placement

- 2 years after release

- one priority placement only

- all vets qualify

2)DND Employment Equity Program

- no time limit

- disabled from SDA/SDO

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3)DND Omnibus

-no time limit

-catch all who don't meet above

4) TAPs-job sharing with employers agreeing to accept former DND employees

-limited assistance to families

Present system has far more options

-existing program more extensive and more accessible

Earnings Minimum

CF Income Support

Disabled Veteran must agree to enter VAC controlled work rehabilitation program and have failed repeatedly

-excessive scrutiny

War Veterans Allowance is very similar in amounts and rules

-is very similar and involves less scrutiny and more accessible than CF Income Support

VAC War Veterans Allowance could be applied to modern veterans

Family Job Training

-veteran must have suffered "catastrophic injury"

none

-definition of catastrophic injury excludes all psychological disabilities including OSI's

09 Nov 2005

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One in five veterans has reported ailment!

The men, many now in their 30s, helped save hundreds of U.S. soldiers when the American ammunition dump at Doha, Kuwait, blew up in July 1991. They were hailed as heroes by a U.S. general, but there were allegations the senior leadership at National Defence headquarters suppressed the story of the unit's bravery because the destruction of a main U.S. base in Kuwait and

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millions of dollars' worth of equipment was too embarrassing to our American allies.

There were also concerns that the ammunition facility contained radioactive depleted uranium warheads and other toxic chemicals and both U.S. and Canadian soldiers may have been exposed to contaminants. Some have suggested the men might have been exposed to pollutants from oil fires ignited by retreating Iraqi troops.

Mr. Kaustinen asked the ombudsman's office to investigate how his men were treated by the military.

A copy of the letter produced by the ombudsman's office praises the military leadership and the Defence Department for ensuring the health and well-being of Canadian soldiers. It also suggests there are no major problems with the health of the men of 1 CER.

"We were able to establish that the members of the unit most concerned about their exposure do not appear to be suffering any greater rate of illness than those not deployed to the area," the letter to be signed by Mr. Cote states. It will be sent to the new defence minister, who is to be named today.

The letter, however, acknowledges that "sufficient time has not elapsed to allow this conclusion to be drawn definitely, so ongoing monitoring of the health of this group will be necessary." It suggests waiting another 14 years until further followup data can be obtained on the soldiers' health.

Ombudsman spokesman Darren Gibb said the document is a draft letter that has not yet been seen by Mr. Cote, or signed by him. He said changes will be made before it is sent, although he declined to get into details as the investigation is ongoing. A report is expected to be finalized in the coming months.

Mr. Gibb said the investigation was not designed to determine specific causes of injuries or resolve what caused illnesses among the soldiers. Rather, it will focus on the broader issues of how the individuals who came forward with their health concerns were treated by the military, in addition to looking at the procedures the Canadian Forces use to identify environmental hazards.

Mr. Kaustinen said he cannot comment on the upcoming ombudsman's report as he has not seen the document. But he noted that while the letter praised the Canadian Forces for ensuring the health and well-being of its personnel, that does not appear to be the experience of his men. Many of those who got sick were booted out of the military without pensions, he added. A few others received small medical pensions.

"I think they deserve way better treatment," said Mr. Kaustinen, who does not suffer from any physical ailments from his tour of duty.

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The conclusions will likely be well received at the Defence Department. Medical officials there have always maintained the soldiers were not exposed to contaminants such as depleted uranium and argued their ailments were likely related to stress.

Those officials have also blamed the news media and others for circulating reports about contaminants on the battlefield. In addition, they note there has not been a rush of soldiers from the engineer regiment to any of the post-deployment clinics offered by the Canadian Forces.

But Mr. Kaustinen said some of the soldiers have given up on the Defence Department and statements by military medical officials that there is no problem undercut any trust they might have had in the system.

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~~AUG~~ 04 2006

The Honourable Dr. Keith Martin, M.D., P.C., M.P.
Room 300 Justice Building
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Dr. Martin:

Thank you for your letter and attached correspondence on behalf of Mr. Dennis R. Manuge, concerning the New Veterans Charter. I regret the delay in responding.

As you are aware, the New Veterans Charter came into force on April 1, 2006. It represents the most profound change to Veterans' benefits in more than half a century and it is one of the most comprehensive packages of care and support in the world.

Prior to its implementation, Veterans Affairs Canada did not have the necessary re-establishment programs to assist Canadian Forces (CF) Veterans and their families in making the transition from military to civilian life. Research identified the need for departmental programs to focus on rehabilitation and re-integration to civilian life, with the aim of helping CF Veterans regain employment and attain their fullest potential. Studies highlighted the need to align the approach with the best practices of modern disability management. The move to modernize programs for a younger Veteran population puts Canada firmly in step with other Allied countries like the United States, Australia and the United Kingdom.

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The programs and services under the New Veterans Charter were designed based on recommendations to the Department by the Veterans Affairs Canada - Canadian Forces Advisory Council (VAC-CFAC), which included representation from eight client stakeholder groups. Six of the stakeholder groups involved with VAC-CFAC have remained active throughout the entire consultation process, both with Veterans Affairs Canada and through engaging their membership. Focus groups, information sessions and town hall meetings with CF members, Veterans and their families were held in advance of the legislation being tabled. Briefings were also given to a number of individuals and stakeholder groups, parliamentarians, unions and others.

The New Veterans Charter was duly processed through Parliament, commencing with its tabling in the House of Commons on April 20, 2005. It successfully passed Second and Third Readings without debate in the House of Commons on May 10, 2005, followed by approval from the Senate after a senate Committee hearing and Royal Assent on May 13, 2005.

Allow me to assure you that the New Veterans Charter is not a money saving initiative. The new Charter reallocates resources from a system that no longer meets the current needs of CF Veterans and their families and reinvests in a broader range of supports; the kind of programs CF members and Veterans have told us they need to reintegrate successfully to civilian life.

The new Charter shifts the focus of departmental programming from disability to wellness and responds to Canada's commitment to injured CF members and Veterans. The new suite of programs will ensure that those members injured while serving their nation, have an opportunity to return to civilian life, prepared to participate and contribute as learners, workers and members of families and communities.

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The redress mechanisms available under the New Veterans Charter are comparable to those in place under the *Pension Act* and other existing Veterans Affairs Canada's regulations. The Department will protect clients' rights by providing them with access to straightforward, transparent and effective mechanisms for review of decisions relating to benefits under the new Charter. Staff have received comprehensive training on the New Veterans Charter and there are processes in place to measure the success of the new suite of programs.

I would also emphasize that the New Veterans Charter is a "living Charter", and therefore, Veterans Affairs Canada is committed to adapting programs and services as necessary to meet the changing needs of CF members, Veterans and their families.

The Charter builds on the services and benefits already in place to help traditional war service Veterans live with dignity and independence. Veterans Affairs Canada continues to be committed to providing quality service and care for our traditional clients.

I hope that the information provided is helpful. Again, thank you for writing.

Yours sincerely,

Original signed by
Original signé par

The Honourable Greg Thompson, P.C., M.P.

DATE RELEASED
JUL 16 2008
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