

Comments to our members on the New Veterans Charter

Introduction

Several of our members and service officers have asked Ontario Command to provide information on the New Veterans Charter (NVC) and our perspective on the charter. The NVC was implemented on April 3, 2006 and introduces a number of new wellness-based programs for eligible modern day veterans and some additional assistance for eligible family members. The NVC was introduced on the basis of cost neutrality which required that the new programs had to be developed from within the framework of the existing funding. This no doubt presented considerable challenges in the development of the new legislation as the funding for new programs would require sacrifices from within the existing benefit system.

Background

The Dominion Command of The Royal Canadian Legion has recently issued a policy statement on the NVC, which the reader can find under SB/New Veterans Charter on www.legion.ca. The new programs that have been introduced with the new charter are also outlined on this same website and on the VAC website at www.vac-acc.gc.ca.

Comments on the Process

While the Dominion Command Legion policy statement refers to extensive and comprehensive collaborations between the RCL and other organizations in the development of this major legislation, the Legion's provincial commands, their service officers and their veterans services committees had no meaningful opportunity to understand or participate in the debate on the new charter and the 'trade-offs' that had to be made to fund the new benefits. In fact, there has been no organizational debate within the various levels of the Legion on the costs of this legislation. The full details of the NVC were released to the provincial commands only after the legislation had been fast-tracked through parliament and the senate. As a gesture of inclusion, the provincial commands and their service officers were later invited to comment on the regulations but by then the dye was substantially cast and there was little appreciation for questions regarding the trade-offs. Ontario Command regrets that the extensive and comprehensive multi-lateral consultations on the NVC did not in any meaningful way include the provincial commands and their experienced service officers, who have worked in the field for many years. According to the latest statistics issued by Dominion Command, our service officers prepared 49% of the Legion pension applications going forward in the last four quarters and participated in 75% of Legion reviews. Given the opportunity to debate the pros and cons of this legislation, we might have asked:

1. How much will the government save by eliminating the automatic pension paid to a spouse when a veteran dies of his non-pensioned condition and what proportion of those savings will now be allocated to those same widows and widowers from the new benefits?

2. Are multi-year projections available which show how the cost neutrality was achieved on a per program basis? Have the savings on the expenditures that have been eliminated been identified separately and have the costs for each new program introduced been similarly identified? Since lump sum payments have replaced lifetime pensions, the multi-year projections would need to cover several decades to be meaningful.
3. If the program is needs-based, why is there no recognition of a spouse and dependants in the disability award or the earnings loss benefits?
4. If the program is needs-based, why is the widow of a private who is killed in Afghanistan entitled to less earnings loss income than the widow of a more senior member or officer when they both have 2 children, given that salary (which generally increases with rank) had no standing under the former legislation?
5. Given the haste with which this legislation was passed, did the members of parliament and the members of the senate engage in any detailed and meaningful analysis of the costs (lost benefits) and benefits of the new charter? Did they understand the impact of dividing the pension benefits into non-economic and economic awards, the impact of the offsets against the earnings loss income and how taxation and lost indexing will affect the net benefits over the lifetime of a recipient? Did they understand the full impacts of the NVC when introduced in tandem with the revised Table of Disabilities?
6. Did these same members of parliament and members of the senate understand that some veterans will surely exhaust their benefits before their life is spent whereas under the former system there was a guaranteed non-taxable income for life?

Recommendations

Ontario Command feels that the process for introducing this major and very complex legislation was flawed and that it has been misleading to portray extensive and widespread scrutiny. Debate and analysis that should have occurred within the House of Commons and the Senate did not occur because the members were largely unaware that there was any downside to this bill and wanted to rush the legislation through for fear the government would fall.

In good conscience, Ontario Command must stand in support of the small group of disabled veterans who have repeatedly asked for a period of public analysis, debate and sober reflection on the NVC. The legislation has been very positively promoted and hopefully will stand the test of greater scrutiny. If it does not, we can make our collective voices known.

Policy Development

Ontario Command recommends that policy development on veterans' issues within the Legion should not occur in isolation of the other levels of the organization and that it should be mandatory that the other levels have input into the policies that are announced.

Ombudsman

While it is true that members have access to representation at no cost and that there are multiple levels of redress within the disability pension and award system, we support an Ombudsman in all affairs related to veterans. The Ombudsman would serve as the point of last resort for members to challenge systemic injustices and bureaucratic intransigence. While, the Legion has traditionally served as an advocate for veterans, it lacks the jurisdictional reach and powers of the Ombudsman. We see no reason why the separate accountability between the Canadian Forces and Veterans Affairs Canada would be compromised if the current DND Ombudsman's mandate was expanded to include veterans served by VAC. The infrastructure and the competencies already exist within the office of the current DND Ombudsman.

Lump sum payment

We believe that all applicants should be offered the choice of a lump sum payment or a monthly pension, equivalent to the pension paid under the former legislation; and where there are indications of psychological instability, we feel the member should be placed on the monthly pension until he is deemed capable of making a choice.

Conclusion

The old saying that the Lord giveth and the Lord taketh away applies to the NVC. Peter has paid for Paul and collectively we need to publicly air the advantages and the drawbacks associated with the new benefit programs. We owe that to the men and women who serve. The old benefit system undoubtedly required improvements as it did not provide an easy transition into civilian life for many disabled veterans, but it had its strengths. There has been considerable 'gutting' of the benefits provided under the former legislation that Ontario Command feels warrants broader and more detailed public examination to determine if the NVC is indeed worthy of the sacrifices that have been made.

Notwithstanding our concerns, we urge all modern day veterans who have medical and vocational needs to contact VAC to learn about these new benefits and to determine if they might qualify for any of the new programs. We also encourage service officers and benefit recipients under the new charter to let us know in writing how well the new programs meet their needs and where improvements can be made.