

The Royal Canadian Legion

Written presentation to

Standing Committee on Veterans Affairs (ACVA)

22 April, 2010

Chair and members of the Standing Committee on Veterans Affairs (ACVA).

On behalf of The Legion's Dominion President, Wilf Edmond, It is a pleasure to appear today at your committee to continue discussions related to the New Veterans Charter.

Your support of Veterans and their families is exemplary. It is obvious that you care. There should be no doubt that The Legion also cares for Veterans and families. You have been briefed by Veterans Affairs Canada (VAC) officials on the New Veterans Charter (NVC) Programs and by other advocates, including members of the NVC Advisory Group (NVCAG) and other individuals.

We are struck by 2 obvious trends in the testimony that you have heard. Firstly, there seems to be reluctance from VAC officials to acknowledge gaps in the NVC programs, notwithstanding the very thorough analysis and the concrete recommendations of the NVCAG. Secondly, it is becoming very clear that the NVC programs have duplicated other programs that were already in place, resulting in more confusion and delays when the objective of the NVC was to facilitate rapid intervention. As an additional comment, it is becoming even clearer that the introduction of the NVC has resulted in more confusing eligibility grids which put into question whether or not all Veterans are treated equally and fairly. The outcome of any legislation should be fairness. This is even more fundamental for those that put their life at risk for the protection of the nation and of national values.

In their report of October 2009, the NVCAG has identified gaps in 3 areas:

- a) Family Support Services;
- b) Financial Security; and
- c) Rehabilitation Services and Outcomes.

VAC has always defended the NVC as a “family of interrelated outcomes” that cannot be viewed as standalone elements. The Legion still supports the NVC broad goal of “wellness” that is meant to facilitate the re-integration into civilian life of disabled Veterans while meeting the needs of their families. However, we are greatly concerned that the “living Charter” focus has been set aside. We are concerned that the issue of fairness and equality are not being addressed. Improvements are required on a critical basis in the following areas:

FAMILY SUPPORT SERVICES:

- a) Mental Health support for families in their own right;
- b) Greater access to vocational assistance for Veterans and spouses, including post-secondary education. Children of deceased Veterans already have this benefit. Of note, if you want to work for the Public Service, even under the Priority Appointment Programs for certain medically released CF members (and spouses) the lack of a University degree is often the cause for screening out applicants;

- c) Improved access to skilled health care providers. There are too many disparities between rural and urban centres, lack of access to specialists, etc. All released members, especially medically released members, often do not have access to medical care;
- d) Improved support to family members caring for critically injured veterans (Veterans Independence Program (VIP), child care, access to MFRC, training programs, respite care in Priority Access Beds, etc); and
- e) Increased support (bereavement, VIP, child care, etc) for survivors and families of fallen.

FINANCIAL SECURITY:

- a) End legacy of insurance-based approach to Economic Benefits. Veterans deserve a better model than the SISIP workers' compensation model. This is an area of clear duplication which even VAC recognizes in their internal documents;
- b) Improve Earnings Loss Benefit (EL). Raise EL to 100%, taxable and establish a higher base salary consistent with normal rank progression and probable earnings model;
- c) Increase access to Permanent Impairment Allowance (PIA) (broader eligibility criteria while still serving, retroactive to date of impairment); and
- d) Increase Disability Award (lump sum disability benefit) to at least match maximum cap awarded by the civilian

courts. Include a “structured settlement” option that recognizes that some disabled Veterans may not be able to handle a large lump sum.

REHABILITATION SERVICES:

- a) Modernize Rehabilitation Program to provide integrated (rather than sequential) physical, social and vocational rehab services. This is linked to elimination of SISIP rehab services;
- b) Improve Case Management not only for Veterans but also for their families while addressing clients’ needs;
- c) Improve access to VAC Rehabilitation Services. This requires a smooth and timely transition from CF to VAC rehab services for Veterans and their families;
- d) Repair damaged relationship with Health Care Providers. Currently, some Health Care Providers refuse to provide services to Veterans because of long delays encountered in dealing with Treatment Authorizations Centres (TACs), lengthy forms that need to be filled out, and lack of respect by VAC Case Managers who challenge recommended treatment options.

You will have noticed that the issue of SISIP is a recurrent theme. In a recent internal audit, VAC has come to some very interesting conclusions on the NVC programs. I have brought copies of this audit (Annex A) and will quote directly from VAC’s cryptic observations that there are some similarities to other programs:

4.3 Disability Award

"SISIP is an insurance plan offered by the CF exclusively to serving and former members of the CF and their spouses at a cost. Through SISIP, veterans can apply for an Accidental Dismemberment Insurance Plan which provides a lump-sum benefit if dismemberment is attributable to military service and incurred by way of accidental, external and violent means. This benefit may appear to duplicate the Disability Award (DA); however, the purpose is very different..... SISIP dismemberment is an insurance payout while DA is for pain and suffering" (page 18).

The Audit Report then addresses Rehabilitation (page 19).

"SISIP Long Term Disability (LTD) Vocational Rehabilitation Program provides training and education to eligible beneficiaries with the goal of enhancing the former member's existing education, skills, training and experience. This program is administered to provide eligible individuals with the skills to obtain gainful employment in the civilian workforce. This program overlaps with VAC's vocational rehabilitation services which has been designed to identify and achieve appropriate vocational goals given the level of disability, education, transferable skills and current labour market realities. It is estimated that approximately 15% of the

3,700 Veterans currently in the SISIP Vocational Rehabilitation Program will go on to access VAC's vocational rehabilitation services. The difference between these programs is that through SISIP the vocational training is centered on the existing education while VAC's vocational rehabilitation services concentrates on providing training for a skill that is appropriate for the client's health interests and in the long term will provide gainful employment." (pg. 19)

Of note, the VAC Audit Report fails to acknowledge however that both SISIP LTD and VAC Rehab result in a monthly payment (taxable) equivalent to 75% of salary at release (VAC's Earnings Loss (EL) Benefit) while we are all aware that SISIP payments are offset by disability pension payments or by EL benefits. Why make a comparison to the NVC Disability Award when addressing the SISIP LTD while not making a similar comparison when dealing with the NVC EL and SISIP.

Other similarities exist in the area of career transition. Again, let's refer to the VAC's Audit Report:

"DND provides CF members a Transition Assistance Program which assists medically releasing CF members in making the transition into the civilian workplace. VAC provides a similar service within the Rehabilitation Program by providing vocational assistance to help medically released CF members find suitable

employment. There is some overlap present in that both programs provide medically releasing CF members with information on résumé writing, job search assistance and job finding assistance. The difference is that DND's Transition Assistance Program actively recruits prospective employers; in both the public and private sector (pg. 19).

DND's Second Career Assistance Network is designed to assist CF members in order to provide transferable skills analysis, as well as counseling and training to individuals who are preparing for civilian life. VAC's Job Placement program is integrated with this network and a VAC-DND program arrangement was developed to establish the roles and protocols for VAC to now deliver these services which were previously delivered by the DND." (pg. 20)

We would suggest that we are not dealing with "similarities"; we are rather dealing with duplication and triplication. One must ask why VAC developed a New Veterans Charter that in a number of areas duplicates services that were offered by DND / SISIP while in other instances, some of the new programs seem to have resulted in significant savings for the Department while creating additional categories of Veterans. Another concern is that, in some programs, VAC has grossly overestimated the uptake. For example, again quoting from the audit Report:

"Additionally, the estimated number of clients was based on a sample of 400 released CF members drawn from the population of disability pension clients between 1998-1999 and 2002-2003. Since the Job Placement Program was not designed for clients with a disability the methodological flaw was increased. In addition, from this sample only 162 clients participated with 52% (84 clients) indicating that they would have "liked help in finding a job after release." This percentage was then used as the basis for estimating that 2,080, or 52% of the approximately 4,000 CF who release annually, would access the Job Placement Program. VAC further estimated that of these 2,080 clients, 90% (or 1,890) would access the career counseling and job finding assistance components. However, since full implementation in October 2007, only 1,490 clients have attended a workshop with only 18% receiving career counseling and 3% accessing job finding assistance.

In attempting to increase participation, VAC management has been working with the contractor to increase awareness and make adjustments to the program. In the spring of 2008, over 8,000 letters and application forms were sent to Veterans who were potentially eligible, informing them of the program and encouraging them to apply. However, the response from the mail-out resulted in only a few hundred additional Veterans applying." (pg. 16)

One wonders how many other design flaws have been built into the NVC? To correct the last flaw in the so-called Job Placement Program, VAC has found the perfect

bureaucratic remedy, it is redesigning (rebranding as they say) this program as the Career Transition Services. Since all the current VAC brochures refer to the Job Placement Program, what will be the cost of this rebranding? What credibility can we assess to the VAC audit statement that the “program is relevant and highly-valued” (pg. 17) when only 3% of participants have accessed job finding assistance?

Gaps in the NVC have been identified by a reputable Advisory Council of academics and representatives of Veterans Organizations, (including the RCL), chosen by VAC. We are still waiting for an official reply from the Minister on the findings and recommendations of the NVCAG. If the NVC is indeed a living Charter, when will it be modified? CHANGES ARE NEEDED NOW.