

Backgrounder
December 28, 2005

STANDING UP FOR OUR VETERANS

After all, they stood up for us

THE ISSUE

Over the past twelve months we have been observing the Year of the Veteran. This past year we also celebrated the 60th anniversaries of victory over the forces of totalitarianism in Europe and the Far East.

Our veterans left their homes and families, and risked their lives, to defend Canada, Canadian values, and our way of life. These brave men and women risked everything for Canada: surely it is not too much to ask that the Canadian government treat them with dignity and respect.

The Need for a Veterans' Bill of Rights and Veterans' Ombudsman

Unfortunately, the Liberals have never considered veterans a priority. The Department of Veterans Affairs does not treat the men and women it was created to serve with adequate dignity and respect. Layers of complicated bureaucracy, frustrating phone calls, and endless paperwork have left many of our veterans disillusioned and dismayed with the federal government. Clearly the department has become very distant from the people it is supposed to assist and to represent.

As another example of Liberal inaction, even though new Veterans Charter legislation was passed this spring with unanimous consent,¹ it still is not in force. The law will not take effect until a date to be decided by the federal Cabinet. Despite its importance to veterans, and the Royal Canadian Legion's support for the new law, the Liberals have failed to proclaim this important legislation.²

The Liberals' dereliction of duty is nothing new. They waited more than ten years to proclaim in force three simple amendments to the *War Veterans Allowance Act* to enhance the rights of blind war veterans.³

The original Veterans Charter dates back to the end of the Second World War. One reason it is so important to proclaim the new legislation is to modernize the Department of Veterans Affairs to reflect the fact the average age at which our soldiers, sailors and airmen and women leave the Canadian Armed Forces is 36.⁴

Veterans include not just those who served in World War I, World War II and Korea. Many brave men and women have actively defended Canadian values around the globe in places such as Bosnia and Afghanistan. Many are bravely defending Canadian values today. They too deserve our respect and support.

Unfortunately, the Liberals have thrown red tape and bureaucratic barriers in front of these veterans, too. Earlier this year, the news media reported on the case of a Joint Task Force 2 commando who was injured while on duty but could not obtain a disability pension because the Department of National Defence, citing the *Official Secrets Act*, would not give the proper paperwork to the Department of Veterans Affairs.⁵

What is required is the appointment of an independent Veterans' Ombudsman. Despite the excellent work of the Royal Canadian Legion as an advocate for veterans, it does not have the statutory power that is needed to hold the Department to Veterans Affairs to account. André Marin, the former military ombudsman and a supporter of appointing a veterans' ombudsman, remarked as follows:⁶

“To be sure, the Canadian Legion is a magnificent organization...but it is not an institutionalized ombudsman. It does not have the powers of proactive investigation, the resources, nor the professional staff, nor does it have the power to report officially to the government and the public.”

Soldiers, sailors and airmen and women have an independent ombudsman with power to go to bat for them. Veterans, many of whom are elderly or disabled, do not.

Mr. Marin was critical of the double-standard:⁷

“Denying to veterans access to the Ombudsman...makes little practical sense. The door should not close on them once the scope of their problem reaches into the realm of Veterans Affairs Canada.”

As one advocate of a veterans' ombudsman has explained:⁸

“A [veterans'] ombudsman would report on systemic problems in the department, which resulted in the veteran being forced into the difficult VRAB [Veterans Review and Appeal Board] process in the first place. An ombudsman would have the authority to investigate complaints where other mechanisms are not available, while cutting through much of the bureaucracy for the sake of not just an individual case but for the benefit of hundreds, if not thousands, of veterans to follow.

“Unfortunately, the 210,000 clients of VAC [Veterans Affairs Canada] do not have an ombudsman to protect them from this confusing bureaucratic steamroller. Much of the process at VAC and [VRAB] is far from transparent or rife with apparent conflicts of interest. For example, a veteran is represented at the VRAB hearings by a lawyer working for and responsible to VAC, consulting files maintained by National Defence and defending the case to a board, whose members are recommended by VAC. It is in this environment that an ombudsman's office would excel.

“... Veterans Affairs regularly responds to the veteran pleading his or her case publicly with claims that they are isolated incidents while quickly moving to put out the fire. Perhaps VAC should stop putting out fires and go after the guy with the matches. This is what an ombudsman does best.”

Finally, the Veterans Review and Appeals Board has been discredited by political patronage. Jean Chrétien's former riding assistant, Denise Tremblay, was appointed to the board “as a temporary member for a one-year term.”⁹ However, after more than 26 months she was still sitting on the board, and had racked up more than \$158,000 in personal expenses — in addition to an annual salary of approximately \$100,000.¹⁰ Ms Tremblay still sits on the board, now in her fifth year “as a temporary member for a one-year term.”

According to the Royal Canadian Legion, only two of 31 members of the Veterans Review and Appeal Board have prior military backgrounds and none is a medical practitioner.¹¹

Health Care Services for Veterans

Veterans' health services are also a concern. James Wallace recently told the story of a 94-year old veteran who was denied water and tied by his wrists and waist, without his family's knowledge or consent.¹² The president of the Ontario Command of the Royal Canadian Legion told Osprey News that the government had failed to act on concerns that aging veterans are not properly cared for in provincial hospitals.¹³ (All federal veterans' hospitals save one, St. Anne's Hospital in Ste-Anne-de-Bellevue, Québec, have now been devolved to provincial health systems. St. Anne's is to be devolved in the near future.)

In 2004 the Ontario Command was forced to issue a news release to draw attention to the fact that it was "receiving an increasing number of complaints from families of veterans in long term care at" various hospitals.¹⁴

Aboriginal Veterans

A continuing problem is the unequal treatment suffered by veterans who are members of First Nations.

Following World War II, non-Aboriginal veterans were offered the choice of educational opportunities, land benefits or funds paid on the basis of a certain amount of money per day of service. These benefits were not extended to First Nations members.

Instead, after the war First Nations soldiers were told to return to reserves where they were to apply for benefits through the agents rather than directly with Veterans Affairs, unlike other soldiers. This extra layer of bureaucracy added confusion, delays and complications for a large number of Aboriginal veterans and as a result they were denied the full extent of benefits to which they were entitled.

Further, there were some veterans' benefits that Aboriginal veterans were denied, either because the program criteria made them ineligible or they were otherwise subject to discrimination.

As the National Council of Veteran Associations in Canada explained:¹⁵

"... Aboriginal veterans were unable to participate in the benefit package which was tailored to other ex-servicemen and women, most of whom had satisfactory pre-enlistment educational and economic status.

"Conversely, the non-white veterans were deprived of the advantages of vocational and educational training, employment, housing and other re-establishment provisions, provided in Government legislation.

"In addition, the Treaty Indians were specifically excluded, by legislation, from the benefits of the Veterans Land Act. Moreover, for any rehabilitation counselling, they were denied the access to officials of the Department of Veterans Affairs and instead, were referred to the so-called 'Indian-Agents' established by the Government of Canada to supervise the activities of the Treaty Indians."

After an exhaustive study of the problem, Dr. R. Scott Sheffield concluded as follows:¹⁶

“Where inequities could and did occur was in the second level of benefits. These unfortunately were the three primary benefits meant to help the veteran re-establish him or herself and give them a head start in civilian life. Overall, First Nations faced systemic disadvantages, not faced by most other veterans, in obtaining information, counselling and applications for all of the options that were open to them. In addition, the Indian Affairs Branch and the Indian Act added an extra layer of bureaucracy and regulations between First Nations veterans and their reestablishment. The resulting delays and complications created hardship for some veterans, and frustration for many more. The IAB’s influence was not all negative, as many First Nations veterans were only able to get the \$2320 VLA grant with the aid of the Branch in paying back their Re-establishment Credit. Some of the hassles created for First Nations veterans by the IAB and its Indian Agents were to be expected given the corporate culture of the Branch at that time, its purpose of assimilating First Nations people, and the oppressive nature of many Indian Act provisions. Nevertheless, the result for many First Nations veterans was an unequal access to the Veterans’ Charter, and a steeper climb to successfully re-establish themselves than that faced by most Canadian veterans of the Second World War and Korea in the crucial first ten years after 1945.

“It is this last point that must be highlighted. Though Canadians did not realise this in 1945, they as individuals and as a country were about to embark on three decades of uninterrupted prosperity, the longest in modern Canadian history. Thanks in no small part to the employment, financial support and educational opportunities of the Veterans’ Charter, most of the million plus veterans in the country were able to benefit from, and contribute significantly to, these good times. But, to use an analogy, this train left the station in the first few years after the end of the war and, sadly, many First Nations veterans were unable to get aboard. Perhaps, in the opinion of the author, the time has finally come for Canadians to recognise the contributions and sacrifices that First Nations veterans shared with other Canadians during the war years, and acknowledge the post-war opportunities that they did not.”

In 2002 the federal government presented a “take it or leave it” offer to living First Nations veterans and their spouses: up to \$20,000 each for benefits denied following World War II and the Korean War. Unfortunately, in order to benefit from the government’s unilateral offer, the veterans were forced to sign away their rights to sue for further compensation. More than 1,700 took the offer but a large number did not.

Further, the federal government’s “take it or leave it” offer failed to address non-status Indians, Inuit and Métis.

In the case of Métis veterans, a complication is that the Department of National Defence and the Department of Veterans Affairs have failed to maintain accurate records. Individual soldiers were not allowed to identify as Métis when they signed up for service. Nonetheless, the Department of Veterans Affairs claims to have identified the records of 174 Métis veterans.

The National Métis Veterans Association states that there are approximately 2,000 Métis veterans who fought in World War II and in Korea, and refutes the department's claim that these veterans have been sufficiently identified and compensated.

Of the 2,000 Métis soldiers who fought, only approximately 3 per cent of these veterans received either the land, education or re-establishment grants offered under the Veterans Charter.

On April 6, 2005, the House of Commons adopted Motion M-193, introduced by Conservative MP Jeremy Harrison:

“In the opinion of the House, the Government should acknowledge the historic inequality of treatment and compensation for First Nations, Métis, and Inuit war veterans and take action immediately to give real compensation to these veterans in a way that truly respects their service and sacrifice.”

The motion passed by a vote of 144-100, but the Liberal Cabinet voted *en masse* against the motion.¹⁷

Speaking against the motion, one Liberal spokesman suggested that “all aboriginal veterans who feel they are not receiving benefits are encouraged to and should contact Veterans Affairs Canada.”¹⁸

Despite passage of the motion, the federal government has not acted to provide real compensation to all of Canada’s Aboriginal war veterans.

Time is running out. There are only 2,000 first nations veterans left, and an even small number of Métis veterans left. The resolution adopted by the House of Commons calls for compensation for these veterans because they are owed it as a simple matter of equality, but more important than the money is an acknowledgement that they were treated unfairly, and a thank you from this country. What these Aboriginal veterans are asking for and deserve are recognition and to be treated with dignity.

Other Issues

Many of our veterans are seniors who live on fixed incomes, while their costs of living are anything but fixed. The increasing costs of electricity, heating, drugs and health care are but a few examples of the rising expenses that seniors face. Government must do everything in its power to help our seniors face these rising costs. It is time for a new government that will respect those who have spent their lives raising families, saving for their retirement, and building this country.

Further, there is no better way to honour the legacy of our veterans than to give today’s soldiers, sailors and airmen and women the recognition and the support they deserve. After twelve long years of neglect under the Liberal government, Canada lacks sufficient capacity to fulfill our national and global defence responsibilities. (Even Liberal candidate Michael Ignatieff has complained that Canada now ranks a dismal 34th among international contributions to U.N. peacekeeping.¹⁹) Budgets have declined, equipment is in disrepair, and troop levels are too low. The brave men and women who serve Canada at home and abroad deserve better.

THE PLAN

A new Conservative Government will treat all of our veterans with the respect and admiration they rightfully deserve. To this end, a Conservative Government will enact a *Veterans’ Bill of Rights*. The *Bill of Rights* will ensure that all disputes involving veterans are handled quickly, fairly, and with the presumption in favour of the rights of the veteran.

To provide for independent enforcement of the *Veterans’ Bill of Rights*, we will cooperate with the Royal Canadian Legion and other veterans’ organizations to appoint a national Veterans’ Ombudsman, with a mandate similar to that of the National Defence Ombudsman. In addition to establishing a speedy, user-friendly process that veterans can use to seek enforcement of the *Veterans’ Bill of Rights*, the independent Ombudsman will play an important role in ensuring that the Department of Veterans Affairs responds to the needs and concerns of veterans from coast to coast to coast.

As one proponent of this proposal has explained, “A VAC ombudsman would not replace [the Legion and 100 other veterans’ organizations], but would coexist along side them, likely enhancing the value of all while simultaneously increasing the efficiency of VAC and VRAB.”²⁰

We will fix the Veterans Review and Appeal Board – which has been tainted by Liberal patronage – by appointing qualified medical, military and veteran members who are capable of adjudicating appeals on an informed basis rather than a political basis.

We will also:

- Recognize the contributions of Aboriginal veterans, and redress 60 years of inequity by implementing the April 6th, 2005, resolution of the House of Commons to acknowledge the historic inequality of treatment and compensation for First Nations, Métis, and Inuit war veterans and take action immediately to give real compensation to these veterans in a way that truly respects their service and sacrifice;
- Conduct a complete review of veterans’ health care services to ensure they meet the needs of our veterans, and.

We will also ensure that our older veterans receive the support they need and have the financial resources to live in comfort during their retired years. Specifically, a new Conservative Government will:

- Cut the GST from 7 per cent to 6 per cent and then to 5 per cent;
- Confirm its commitment to the Canada Pension Plan (CPP) and Old Age Security (OAS) as well as the Guaranteed Income Supplement (GIS) as fundamental guarantees of income security in retirement years;
- Protect seniors from over-taxation by immediately doubling the amount that pensioners can earn, tax-free, from \$1,000 to \$2,000 per year, then raising it to \$2,500 over five years;
- Appoint a Seniors’ Council comprised of seniors and representatives of seniors’ organizations to advise the minister responsible for seniors on issues of national importance; and;
- Stop the Liberal attack on retirement savings and preserve income trusts by not imposing any new taxes on them.

The Conservative Party of Canada has a longstanding tradition of standing up for Canada’s military and the men and women who serve in it. In order to adapt to changing global realities, we will need to make a significant investment in our Canadian Armed Forces.²¹ Our “Canada First” defence strategy will create new defence capabilities as well as expand and transform existing capabilities in every region of Canada. Among other things, we will increase defence spending to \$5.3 billion in total over the next five years above the Liberals’ current plans.

THE CHOICE

The real choice is between the Liberals’ lackadaisical handling of veterans affairs and, under the Conservatives, a renewed relationship between Government of Canada and our veterans. Veterans deserve our respect and should command our attention. Only a new Conservative Government will clean up the Department of Veterans Affairs, enact a *Veterans’ Bill of Rights* enforced by an independent Veterans’ Ombudsman, and put veterans first.

1. The *Canadian Forces Members and Veterans Re-establishment and Compensation Act*, S.C. 2005, c. 21 (Bill C-45), passed second and third readings in the House of Commons with unanimous consent on a single day (May 10, 2005), and received Royal Assent on May 13.

2. Section 117 of the Act provides that “This Act, other than section 116, comes into force on a day to be fixed by order of the Governor in Council.” The Liberals have failed to bring this important legislation into effect. Because of their delay, the law is not yet in force.
3. When the Liberals took office on November 4, 1993, *An Act to amend the statute law in relation to war veterans*, S.C. 1990, c. 43, had already been passed. All that remained was for the law to be proclaimed in force by the Liberal Cabinet. Three of these provisions, namely subsections 32(5) and 37(2) and section 40, would have amended the *War Veterans Allowance Act* to provide for regulations defining “blindness” for the purpose of that Act; under the Act, blind recipients may receive a higher rate of veterans’ income support allowance. Unfortunately, for more than ten years these amendments did not come into effect because of Liberal delay. It was only on December 11, 2003, that the Liberals decided to bring the amendments into effect; the effective date was January 1, 2004.
4. Department of Veterans Affairs, “The Need for a New Veterans Charter”: www.vac-acc.gc.ca/clients/sub.cfm?source=Forces/vetchart
5. David Pugliese, “Elite unit is so secretive soldiers can't get disability benefits: Military refuses to give details on JTF2 troops to Veterans Affairs,” *The Ottawa Citizen* (February 8, 2005); *As It Happens*, CBC Radio, “JTF2 Benefits,” Show Log (February 8, 2005): http://www.cbc.ca/insite/AS_IT_HAPPENS_TORONTO/2005/2/8.html
6. André Marin, quoted by Sean Bruyca, “The Case for a VAC ombudsman,” *Esprit de Corps* (July 2005).
7. *ibid.*
8. Sean Bruyca, note 6, above.
9. Department of Veterans Affairs, “Appointments to the Veterans Review and Appeal Board,” News Release (May 17, 2001).
10. *National Post*, “Veterans’ widows deserve better” (September 30, 2003).
11. Stephen Thorne, “Modern veterans say they are forgotten, need ombudsman,” *The Saint John Telegraph-Journal* (November 10, 2004), p. A10.
12. James Wallace, “Many veterans suffer all year long,” *Belleville Intelligencer* (November 11, 2005), p. A6.
13. *ibid.*
14. Royal Canadian Legion, Ontario Command, “Legion advocates for severance of veterans beds in 3 main Ontario contract facilities,” News Release (November 2004): [www.on.legion.ca/_shell.asp?page=190001&title=Legion advocates for severance of veterans beds in 3 main Ontario contract facilities&file=contract_fac.htm](http://www.on.legion.ca/_shell.asp?page=190001&title=Legion+advocates+for+severance+of+veterans+beds+in+3+main+Ontario+contract+facilities&file=contract_fac.htm)
15. National Council of Veteran Associations in Canada, “Benefits Under the Veterans Charter Not Applicable for Most Métis or Treaty Indians,” News Release (June 22, 2002).
16. R. Scott Sheffield, *A Search for Equity: A Study of the Treatment Accorded to First Nations Veterans and Dependents of the Second World War and the Korean Conflict* (April 2001), p. 59.
17. House of Commons, 38th Parliament, 1st Session, *Journal* (April 6, 2005), No. 77.
18. Navdeep Bains (Mississauga—Brampton South, Lib.), quoted in House of Commons, 38th Parliament, 1st Session, *Edited Hansard* (December 10, 2004).
19. “We think — again with a kind of narcissism that is not caught up with the realities — that we are still the leading peacekeeping nation in the world. Wake up. The chief contributor to peacekeeping in the world is not Canada, it is Bangladesh. Of all the countries contributing to UN peacekeeping, Bangladesh is at the top, India number two. Where do we come in? We come 34th. Do you know who is ahead of us? The United States. We are living off a Pearsonian reputation that we no longer deserve.” (*National Post*, 14 Feb 2003)
20. Sean Bruyca, note 6, above.
21. Under section 14 of the *National Defence Act*, R.S.C. 1985, c. N-5, the names “Canadian Armed Forces” and “Canadian Forces” are interchangeable: “The Canadian Forces are the armed forces of Her Majesty raised by Canada and consist of one Service called the Canadian Armed Forces.”