

ONTARIO
Superior Court of Justice



SUPERIOR COURT OF JUSTICE
OTTAWA SMALL CLAIMS COURT
Small Claims Court
COUR DES PETITES CRÉANCES OTTAWA
161 rue Elgin St., Room / Chambre 2059
OTTAWA, Ontario K2P 2K1
TELEPHONE: 613-239-1079
Address

Plaintiff's Claim
Form 7A Ont. Reg. No.: 258/98

18-SC-149716
Claim No.

MAY 11 2018

Phone number

Plaintiff No. 1

☐ Additional plaintiff(s) listed on attached Form 1A.

☐ Under 18 years of age.

Last name, or name of company Bruyea		
First name Sean	Second name	Also known as
Address (street number, apt., unit) 2 Barchester Way		
City/Town Ottawa	Province Ontario	Phone no. 613-825-8002
Postal code K2G 6R1		Fax no.
Representative		LSUC #
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code		Fax no.

Defendant No. 1

☒ Additional defendant(s) listed on attached Form 1A.

☐ Under 18 years of age.

Last name, or name of company O'Regan		
First name Seamus	Second name	Also known as Minister of Veterans Affairs
Address (street number, apt., unit) 66 Slater Street, 14th Floor		
City/Town Ottawa	Province Ontario	Phone no. 613-996-4649
Postal code K1A 0P4		Fax no. 613-996-1054
Representative		LSUC #
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code		Fax no.

Les formulaires des tribunaux sont affichées en anglais et en français sur le site www.ontariocourtforms.on.ca. Visitez ce site pour des renseignements sur des formats accessibles.

REASONS FOR CLAIM AND DETAILS

Explain what happened, including where and when. Then explain how much money you are claiming or what goods you want returned.

If you are relying on any documents, you **MUST** attach copies to the claim. If evidence is lost or unavailable, you **MUST** explain why it is not attached.

What happened? The defendant defamed the plaintiff in an article published in the Hill Times newspaper in Ottawa, Ontario, on February 26, 2018. The defamatory words conveyed that the plaintiff was a liar and was deliberately untruthful to serve some dishonest personal agenda. These words were libellous and defamatory and harmed the plaintiff's reputation as a columnist and public policy commentator.

Where?

When?

Further details are set out in the attached Schedule A.

Evidence attached as follows:

- 1) The Hill Times Monday February 12, 2018 p.14 "Liberals' plan for veterans: numbers don't add up" by Sean Bruyey
- 2) The Hill Times Monday February 26, 2018 p.18 "Time for a reality check on veterans' benefits: O'Regan" by Seamus O'Regan
- 3) Ottawa Citizen, February 20, 2018. "Liberal government plan saves money at expense of veterans: opinion" by Sean Bruyey
- 4) Ottawa Citizen, February 25, 2018. "Time for a reality check on benefits for Veterans: Seamus O'Regan opinion article" by Seamus O'Regan
- 5) The Hill Times Monday March 12, 2018 p.14 "O'Regan's entitled to his own opinion but not his own facts" by Brian N. Forbes
- 6) The Hill Times Wednesday March 21, 2018 p. 11 "On veterans, let's compare apples to apples" by Seamus O'Regan
- 7) Screen shot of Twitter conversation on February 24, 2018 including Alex Wellstead, Press Secretary to Minister of Veterans Affairs Seamus O'Regan and reply to Alex Wellstead from former Conservative Minister of Veterans Affairs, Erin O'Toole
- 8) Larger screen shot of Twitter comment from Erin O'Toole at item 7) above.
- 9) Notice of Action dated April 4, 2018 from Sean Bruyey served to Seamus O'Regan and Nathalie G. Drouin, Deputy Attorney General (DAG) with confirmation receipt dated April 4, 2018 from Commissionaire Fern Landry, working at 50 O'Connor St. 5th Floor in Ottawa, accepting on behalf of the DAG
- 10) Letter from Sean Bruyey to Nathalie G. Drouin, Deputy Attorney General dated April 4, 2018 requesting the DAG to accept service on behalf of Seamus O'Regan
- 11) Notice of Action dated April 4, 2018 from Sean Bruyey to Seamus O'Regan and Nathalie G. Drouin, Deputy Attorney General with confirmation receipt dated April 4, 2018 signed by Commissionaire J. Simard working at 66 Slater St., Ottawa, office of the Minister of Veterans Affairs.
- 12) Affidavit of Service from Tina Dainard dated April 5, 2018 attesting to having processed served, in Belleville On, to Seamus O'Regan the Notice of Action from Sean Bruyey
- 13) Email from Kate Malloy, editor for The Hill Times, to Sean Bruyey dated February 28, 2018 10:41 pm describing Seamus O'Regan's article as having a "tone [that] was a bit personal, I agree."
- 14) Email dated March 9, 2018, 3:19 pm from Leonie Roux (Veterans Affairs Canada) to seankis@rogers.com (Sean Bruyey's email address) pointing particularly to question #2 and question #4 detailed in the Statement of Claim
- 15) Veterans Affairs Canada "Questions and Answers-Pension for Life Announcement" (no date but given out to media including Sean Bruyey on December 20, 2017)

How much? \$ 25,000
(Principal amount claimed)

☒ **ADDITIONAL PAGES ARE ATTACHED BECAUSE MORE ROOM WAS NEEDED.**

The plaintiff also claims pre-judgment interest from the date claim is issued under:
(Date)

(Check only
one box)

☒ **the Courts of Justice Act**

☐ **an agreement at the rate of _____ % per year**

and post-judgment interest, and court costs.

Prepared on: MAY 11, 20 18

[Signature]
(Signature of plaintiff or representative)

Issued on: MAY 11 2018, 20 _____

"GKRELING"
(Signature of clerk)

**CAUTION TO
DEFENDANT:**

IF YOU DO NOT FILE A DEFENCE (Form 9A) and an Affidavit of Service (Form 8A) with the court within twenty (20) calendar days after you have been served with this Plaintiff's Claim, judgment may be obtained without notice and enforced against you. Forms and self-help materials are available at the Small Claims Court and on the following website:
www.ontariocourtforms.on.ca.

**CAUTION TO
PARTIES:**

Unless the court orders or the rules provide otherwise, **THIS ACTION WILL BE AUTOMATICALLY DISMISSED** if it has not been disposed of by order or otherwise two (2) years after it was commenced and a trial date or assessment under subrule 11.03(2) has not been requested.



For information on accessibility of court services for people with disability-related needs, contact:



Telephone: 416-326-2220 / 1-800-518-7901 TTY: 416-326-4012 / 1-877-425-0575

Instructions for Making a Claim

You can now file your claim online. Please visit: www.ontario.ca/smallclaims.

Step 1: COMPLETE the **Plaintiff's Claim** form. Be sure to get the defendant's name right. Explain what happened in detail. Include dates and places. State how much money you want or what goods you want returned. Attach copies of any documents that help your case. Examples are contracts, repair bills and photographs of damaged goods. If you want interest on money you are claiming, ask for it on the claim form. You and the defendant may have a contract that sets an annual interest rate. If so, use that rate. If not, claim the *Courts of Justice Act* interest rate posted on the Ministry of the Attorney General web-site at www.attorneygeneral.jus.gov.on.ca.

If there is more than one plaintiff or defendant, complete an **Additional Parties** form (Form 1A) and put it right behind page one of your plaintiff's claim form. You can get the additional parties form from the court office or at the following website: www.ontariocourtforms.on.ca.

Step 2: FILE the plaintiff's claim and related documents by taking it or mailing it to the Small Claims Court office. You must also file a copy for every defendant. There is a fee. Cheques or money orders are payable to the Minister of Finance. The fees are listed at the court office and online at: www.attorneygeneral.jus.gov.on.ca. The clerk will return stamped copies of the plaintiff's claim to you.

Step 3: SERVE. You must deliver a copy of the filed claim and your documents to each defendant. This is called "serving" the defendants. There are rules about how this must be done. See the Small Claims Court **"Guide to Serving Documents"** at the court office or online at www.attorneygeneral.jus.gov.on.ca.

Is it worth it? It is important to consider whether the person or company you are claiming from is likely to be able to pay. If they:

- are unemployed;
- are bankrupt;
- have no money of their own;
- have no personal property and have nothing else of value belonging to them (such as a car) which is not subject to a lease agreement;
- have ceased to carry on business; or
- have other debts to pay,

the court may not be able to help you get your money. However, you may be able to get your money if you are prepared to accept small instalments over a period of time. See the Small Claims Court **"After Judgment – Guide to Getting Results"** at the court office or online at www.attorneygeneral.jus.gov.on.ca.

DO NOT FILE THIS PAGE.

Claim No. _____

☐ **Plaintiff No.**

☒ **Defendant No. 2A**

Last name, or name of company Attorney General of Canada		
First name	Second name	Also known as
Address (street number, apt., unit) 284 Wellington Street		
City/Town Ottawa	Province Ontario	Phone no. 613-957-4998
Postal code K1A 0H8		Fax no. 613-954-1920
Representative Nathalie Drouin, Deputy Attorney General of Canada		LSUC #
Address (street number, apt., unit) Same as above		
City/Town	Province	Phone no.
Postal code		Fax no.

☐ **Plaintiff No.**

☐ **Defendant No.**

Last name, or name of company		
First name	Second name	Also known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code		Fax no.
Representative		LSUC #
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code		Fax no.

☐ **Plaintiff No.**

☐ **Defendant No.**

Last name, or name of company		
First name	Second name	Also known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code		Fax no.
Representative		LSUC #
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code		Fax no.

SCHEDULE A

TO THE CLAIM OF SEAN BRUYEA v. SEAMUS O'REGAN

1. The plaintiff is a resident of Ottawa, Ontario. He is a freelance columnist and journalist as well as noted disabled veteran who has advocated for more than 20 years to improve the lives and well-being of other disabled veterans and their families.
2. The plaintiff served 14 years in the military including service in the Persian Gulf War of 1990-91. He was medically released from the Canadian Forces (CF) while an Air Force Intelligence Officer with the rank of Captain.
3. Over the past 12 years the Plaintiff has had over 110 articles published in most major urban daily newspapers including the *Globe and Mail*, *Ottawa Citizen*, *National Post*, *Vancouver Sun*, *The Montreal Gazette*, *Edmonton Journal*, *Winnipeg Free Press*, *Halifax Chronicle Herald*, *Maclean's* and *Esprit de Corps* magazine, as well as with the *Canadian Broadcasting Corporation (CBC)* online content. The plaintiff has presented in peer-reviewed academic forums and is an author of a chapter in a recently published peer-reviewed book. The plaintiff writes regular columns for *The Hill Times*, a Canadian twice-weekly newspaper that covers Parliament, the federal government and federal politics. In 2010, the plaintiff returned to university and obtained a Master's degree in Public Ethics at St. Paul University.
4. The plaintiff is also a well-respected media commentator having appeared in or been quoted hundreds of times in various print, television, and radio venues over the past 20 years. He has also been invited to appear on ten separate instances as a witness before Parliamentary Committees to speak about veterans' issues.
5. The defendant, Seamus O Regan, is a Member of Parliament for St. John's South-Mount Pearl in Newfoundland and Labrador. Since August 28, 2017, the defendant has occupied the position of Minister of Veterans Affairs and Associate Minister of National Defence.

6. Prior to entering politics, the defendant was a well-known journalist and worked for several years as co-host of CTV's Canada AM. In that capacity, the defendant interviewed the Plaintiff on a number of occasions.
7. The plaintiff wrote an article that appeared on page 14, in the "Opinion" section of *The Hill Times* on February 12, 2018, titled "Liberal's plan for veterans: numbers don't add up". The same article was also published on the Ottawa Citizen "Defence Watch" website on February 20, 2018 under the title "Liberal government plan saves money at expense of veterans: opinion". The articles were written to compare a newly announced Liberal program for injured veterans to come into effect on April 1, 2019 with currently existing programs. The articles analyzed and compared non-economic benefits that injured veterans and serving members can or will receive under the three different benefit regimes based upon date of application for benefits.
8. The *Hill Times* is a newspaper published in print and online twice weekly in Ottawa, Ontario. Its print circulation is over 15,000, but its estimated readership per issue is over 65,000. The newspaper has a targeted readership of Parliamentarians, senior public servants, senior political staff, national journalists, and other key federal policy makers.
9. The defendant, Seamus O'Regan in his capacity as "Veterans Affairs Minister" authored an article that appeared on page 18, in the "Opinion" section of *The Hill Times* on February 26, 2018, titled "Time for a reality check on veterans' benefits: O'Regan". A nearly identical article was published on the Ottawa Citizen Defence Watch website on February 25, 2018 titled "Time for a reality check on benefits for Veterans: Seamus O'Regan opinion article". The defendant's articles' stated purpose was to "dig into the recent opinion piece by Mr. Bruyee published in *The Hill Times*".
10. The defendant included the following in the February 26, 2018 article in *The Hill Times* but was omitted in the February 25 article on the *Ottawa Citizen Defence Watch* website :

“But let me be very clear: individuals like Sean Bruyea, who are stating mistruths about Pension for Life and are leaving out parts of our programs, are doing so to suit their own agenda.”

11. The defendant’s article contains no further clarification as to what is meant by the allegation that the plaintiff, Sean Bruyea, has an “agenda”.
12. The defendant’s article also makes numerous allegations regarding the plaintiff and the plaintiff’s February 12, 2018 *Hill Times*’ article in both the February 26, 2018 Hill Times article and the February 25, *Ottawa Citizen Defence Watch* website article such as:
 - a. “He incorrectly states...”
 - b. “The piece also misstates that...”
 - c. “While the piece makes the baseless claim that...”
 - d. “While there are numerous other errors in the opinion piece, I want to focus on just one more: the misconceived notion that...”
13. The plaintiff denies that there are any errors of fact or untruths in his article. Any differences between his article and the defendant’s are those of opinion. The above statements published in the Hill Times by the defendant were communicating that the plaintiff was a liar and was deliberately untruthful to serve some dishonest personal agenda. These words were libellous and defamatory and harmed the plaintiff’s reputation as a columnist and public policy commentator.
14. The plaintiff sent an email to Veterans Affairs Canada media relations staff on February 28, 2018 requesting the following:
 - a. “Please provide me with an exact description by what Minister O Regan means when he writes "individuals like Sean Bruyea, who are stating mistruths about Pension for life...are doing so to suit their own agenda". Could he please tell me what exactly is my "own agenda" and what evidence he has to substantiate this.”

- b. "The Minister writes that there are "numerous other errors in the opinion piece". Could you please provide a very clear, detailed and itemized substantiation of what those "errors" are and why they are errors."
15. The emailed response sent on March 9, 2018 by Leonie Roux of the VAC media relations, addressed to the plaintiff, responded to question 14 a. above with: "The Department is not in a position to respond to this question." The same email in responding to question 14 b. provides an additional series of arguments responding to 15 points raised in the plaintiff's articles. All of the points raised are argumentative, i.e., interpretations of facts that are points of debate and/or opinions. However, not one assertion raised by the plaintiff's articles is substantiated as an error of fact in the Department's response.
16. On March 12, 2018, *The Hill Times* published an article in the Opinion section, page 14, titled "O'Regan's entitled to his own opinion but not his own facts". The author, Brian Forbes, is not a veteran but a lawyer, Chair of the National Council of Veteran Associations and executive Chair of The War Amps. In his article, Mr Forbes writes, "With all due respect, the minister is badly misinformed in this regard." He continues with "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."
17. The defendant authored a response to Brian Forbes article in *The Hill Times* "Opinion" section on March 21, 2018, on page 11 titled "On veterans, let's compare apples to apples". The defendant's article begins with:
- "I am grateful for the opportunity to respond to the recent article by Brian Forbes (re: "O'Regan's entitled to his own opinion but not his own facts," *The Hill Times*, March 12, p. 14). Forbes is to be admired for his longtime advocacy for veterans, and I am fully

supportive of his suggestion that we should compare “apples to apples.” Unfortunately, analysis in his article doesn’t quite meet his own standard”

18. The defendant in his March 21, 2019 *Hill Times*’ article expresses disagreement with Brian Forbes’ assertions with the following respectful “fair comment” qualifiers:
 - a. “Forbes expressed his desire...”
 - b. “In making his comparison, Forbes ignores...”
 - c. “Forbes dismisses....”
 - d. “And I would be remiss if I didn’t respond directly to the critique that...”
 - e. “I will continue to meet with veterans across the country and work hard to make sure that people fully understand the new benefits and how they will help veterans and their families.”
19. As a former longtime and well-recognized journalist with a post-graduate degree from the University of Cambridge, England, the defendant, Seamus O’Regan would be well-aware of the implications of alleging that the plaintiff “incorrectly states”, “stating mistruths” and “misstates” or that the plaintiff’s article makes a “baseless claim” and “numerous other errors”. The defendant did not substantiate that the plaintiff made any errors of fact. Alleging that he did make errors as well as the additional terminology cited above (para 12), in very public forums attacks the plaintiff’s reputation and undermines trust in his writing, media work, and advocacy. Such allegations go beyond the realm of “fair comment” and are intended to directly attack the reputation of the plaintiff.
20. The defendant alleges that “individuals like Sean Bruyea, who are stating mistruths about Pension for Life and are leaving out parts of our programs, are doing so to suit their own agenda”. Alleging the plaintiff has an “agenda” without clarification as to what that agenda may be, has dark and negative connotations meant to attack the character and reputation of the plaintiff.
21. The defendant, Seamus O’Regan is a cabinet minister, and like all individuals in his position, he received pay raises for the past two years. As of April 1, 2017, Seamus O’Regan is earning \$172,700 as a Member of Parliament, \$82,600 as a Cabinet Minister,

additional allowances for accommodation and travel as well as a chauffeur-driven car. Seamus O'Regan will retain his pay and benefits only as long as the Liberal government remains in power, he continues to receive the support of the Prime Minister, and he remains the elected representative of his riding. The lifetime pension for veterans is a highly charged political issue since it was central to the Liberal campaign "Real Change for Veterans", personally launched by Prime Minister Justin Trudeau in August 2015. Convincing veterans and the public that the Liberals have fulfilled this promise is undoubtedly the priority agenda item for Seamus O'Regan in his capacity as Veterans Affairs Minister.

22. For a politician and cabinet minister like Seamus O'Regan to accuse the plaintiff, Sean Bruyea, a disabled veteran, of having an agenda, smacks of political hypocrisy. It is also a direct attack on the plaintiff's well-earned and respected character. Attacking the character, reputation, and credibility of the plaintiff is a clear attempt by Seamus O'Regan and Veterans Affairs Canada to smear and diminish Sean Bruyea's credibility as a non-partisan expert and commentator on veterans' rights.
23. Considering that the defendant took on a far more aggressive, personal, and defamatory tone in his article when speaking about the plaintiff as compared to the tone the defendant employed with Brian Forbes demonstrates that the defendants, Seamus O'Regan and Veterans Affairs Canada, did not write his article in good faith and reflect a degree of malice that is highly unbecoming of a Minister of the Crown as well as the public officials who report to the Minister.
24. As a result of the defamation referred to above, the Plaintiff has suffered general and reputational damages and claims against the Defendants, Seamus O'Regan and Veterans Affairs Canada, \$25,000.

Opinion

Liberals' plan for veterans: numbers don't add up

The more Canadians and veterans learn of the 2019 Liberal programs, the more the confusion and anger grow. How do we survive the dizzying daze induced by trying to understand veterans' benefits?



Sean Bruyca
Veterans

OTTAWA—The new federal Liberal plan for veterans is all about saving money, yet again, at the expense of veterans.

The more Canadians and veterans learn of the 2019 Liberal programs, the more the confusion and anger grow. How do we survive the dizzying daze induced by trying to understand veterans' benefits?

First, let's cut through the thick and misleading rhetoric.

The issue: Injured veterans receiving pre-April 2006 Pension Act benefits collect more in pain and suffering payments than fellow veterans receive under the post-April 2006 New Veterans Charter lump sum program. Veteran outcry prompted the Liberals to announce a completely revised program to come into effect April 2019.

Government talking points: The New Veterans Charter and the April 2019 plan are superior because they offer more than just pain and suffering payments. They both provide medical and vocational rehabilitation, education, income loss, and medical care. The April 2019 plan claims to "re-establish" lifelong pensions.

The reality: All injured Canadian Forces veterans, under all three plans essentially have access to the same income loss, medical rehabilitation and care, as well as vocational rehabilitation and education (if not too disabled). We, therefore, can set those benefits aside and compare pain, suffering, and incapacity payments amongst the three programs.

The bottom line: Substantial differences between the three programs are striking. Pain, suffering, and incapacity are the most prolific veterans' sacrifice on behalf of Canada and Canadians. And compensation for sacrifice is grossly unfair depending not upon date of injury, or release from the military but based upon arbitrary dates of application.

As the table shows, disability compensation has become increasingly miserly under each successive program introduced by the Liberals in 2005 and 2019. Veterans Affairs, in a series of hypothetical scenarios, claims that veterans will receive considerably more under

the post-April 2019 plan versus the New Veterans Charter. Furthermore, the government announcement asserts that the most disabled will benefit the greatest.

I was far too hasty (and confused) in swallowing this aspect of the announcement. Upon reflection, there is much deception here.

Setting aside the pre-2006 plans for now, when comparing the pre- and post-April 2019 plans, both programs offer an incapacity allowance of roughly similar amounts. The pre-April 2019 New Veterans Charter is taxable at \$1,828/month while the post-April 2019 plan is tax free at \$1,500/month. What is missing from the Liberal 2019 plan is the supplement currently available which pays \$1,120/month. The Liberal 2019 plan has no equivalent. This supplement vanishes into fiscally thin air.

Under the April 2019 plan, the controversial lump sum still exists but veterans can choose a payment of up to \$150,000, depending upon level of disability and gender. Why a maximum of \$1,500? Veterans, including me, feared the government would merely offer the lump sum dissected and distributed over time, an option already in existence.

Veterans' fears were justified. A VAC Q&A document indicates that the \$1,500 "was determined by converting the value of the maximum lump sum of \$360,000 into an age-adjusted monthly payment."

Disturbingly, since "sex is a factor of life expectancy ... the calculation used to convert lump sum amounts into monthly amounts must incorporate mortality rates which are sex dependent." According to the 2019 plan, the lifetime payout to male and female veterans may be the same for similar disabilities, but females apparently will receive lower monthly payments. Female veterans should not be penalized for longevity. Their daily pain is no less nor should their suffering be amortized at a lower amount merely because they live longer.

The big picture: In terms of pain, suffering, and incapacity payments most if not all veterans who qualify for such benefits under the April 2019 plan will receive less than under programs currently available. The maximum disabled veterans under the current plan can receive is \$35,392/year taxable plus a tax free lump sum of \$365,400. Under the announced 2019 plan, the same veteran would receive a choice between \$31,800/year tax free or the same lump sum plus \$18,000/year tax free.

Additional existing and future benefits have highly restrictive criteria. Only 152 veterans have received the Critical Injury Benefit out of more than 62,000 recipients of the lump sum. The government estimates only six veterans per year will qualify going forward.

As for caregiver benefits, less than five per cent of the most disabled veterans receive the current program. The soon-to-be introduced new and improved Caregiver Relief Benefit will nearly triple that number but still represent less than 15 per cent of seriously disabled veterans and less than

two per cent of injured veterans in receipt of the lump sum.

Undoubtedly the starkest differences emerge when the New Veterans Charter and the post-April 2019 plan are both compared with the pre-2006 Pension Act programs. Justin Trudeau and the Liberals, during the 2015 election campaign, promised to return to the lifelong pension. In fact the mandate letters for both former disgraced veterans affairs minister Kent Hehr and current Veterans Affairs Minister Seamus O'Regan commit to "re-establish lifelong pensions as an option for injured veterans." However, the 2019 plan offers only 40 per cent of the amount provided by the Pension Act.

Neither the 2006 nor the 2019 plans offer additional amounts

for spouses and children, unlike the pre-2006 Pension Act. Furthermore, the manner that government determines disability levels has been far less generous post-2006 than pre-2006. As a result, the average monthly payment for pain and suffering under the 2019 plan could be less than 20 per cent of the amount awarded under the pre-2006 Pension Act.

Government claims it is investing \$3.6-billion in the post-April 2019 plan. However, it is unclear if this is new money or merely flimflam: simply rolling over money from existing programs into new programs. Sadistically procrastinating to bring about change, government has been able to transfer more than \$1-billion over the past five years once

paid to deceased World War II veterans and their survivors towards the slow trickle of program changes for Canadian Forces veterans.

Veterans and their families have sacrificed much so that Canada and Canadians can prosper in safety and security. It is unclear what Ottawa is sacrificing to recognize the lifelong pain and suffering veterans endure on a daily basis.

Sean Bruyca, vice-president of Canadians for Accountability and author, has a graduate degree in public ethics, is a retired Air Force intelligence officer, and frequent commentator on government, military, and veterans' issues.

The Hill Times

Cutting through the Rhetoric: Comparing Pain, Suffering, and Benefits

ALL 5 AMOUNTS AS OF JAN. 1, 2018.

Pain and Suffering

APPLICATION SUBMITTED PRE- APRIL 1, 2006

- "Disability Pension" Maximum \$2,792.53/month
- Plus up to \$698.13/month for spouse and \$363.03/\$265.29/\$209.44/month for 1st/2nd each additional child
- Average \$698/month if single and \$1082/month with spouse & 2 children
- Tax free
- Veteran Recipients: 63,702

APPLICATION SUBMITTED APRIL 1, 2006- MARCH 31, 2019

- "Disability Award" Maximum \$365,400 in one lump sum
- Or
- Same lump sum spread out over time
- No amounts for children or spouses
- Average \$42,000 one-time payout
- Tax free
- Veteran Recipients: 62,753

APPLICATION SUBMITTED APRIL 1, 2019 OR LATER

- "Pain and Suffering Compensation" provides a choice between a lump sum of maximum \$365,400
- Or
- Maximum \$1,150/month
- No amounts for children or spouses
- Estimated average \$200/month
- Tax free

Incapacity Allowances

- "Exceptional Incapacity Allowance" (Five levels)
- Maximum \$1,478.29/month Tax Free
- Veteran recipients: 1,524 as of March 31, 2017

- "Career Impact Allowance" (Three levels)
- Maximum \$1,828.67/month
- Taxable
- Veteran recipients: 6,280

- "Additional Pain and Suffering Compensation" (Three levels) Max. \$1,500/month
- Tax free

Additional Incapacity Supplements

- None

- "Career Impact Allowance Supplement" (One level)
- \$1,120.71/month Taxable
- Veteran recipients: 3,602

- None

Attendance-Caregiver Benefits

- "Attendance Allowance" Maximum \$1,847.82/month (Five levels) Tax Free
- Veteran recipients: 6,732 as of March 31, 2017

- "Family Caregiver Relief Benefit" \$7,546.25/yr. (One Level) Tax free
- Recipients: 305

- "Caregiver Recognition Benefit" (to be introduced April 1, 2018) \$1,000/month. (One level) Tax free

Critical Injury Benefit

"Critical Injury Benefit" All can apply if injury is military-related and occurs after April 1, 2006: \$72,909.24 Tax free. Veteran recipients: 152

Maximum Annual Payable Under Each Plan Assuming Spouse and Two Children (not including "Critical Injury Benefit"-Family and Attendance Al- lowance added separately)

Including Attendance Allowance-Total: \$89,401.08/year tax free. Veteran Recipients with Maximum: 48 as of Sep 2017

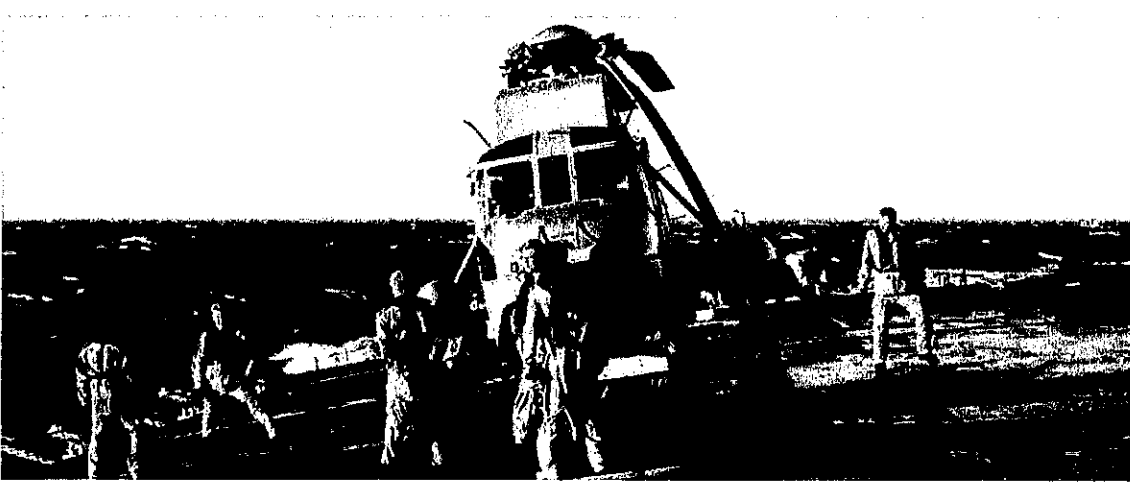
\$35,392/year Taxable Plus lump sum of \$365,400 Tax Free

Including Family Caregiver Relief Benefit-Total: \$42,938.81/year (mostly taxable except for \$7,546.25/yr Tax Free) Plus lump sum of \$365,400 Tax Free. Veteran Recipients with Maximum: 11 as of Sep 2017

Including Caregiver Recognition Benefit-Total: \$43,800/year tax free Or \$30,000 Tax Free Plus one-time lump sum of \$365,400 tax free

—Source: Compiled by Sean Bruyca from Veterans Affairs Canada sources: "Facts and Figures June 2017"; "Rates - Effective January 1, 2018"; "Pension for Life"-various "Factsheets"; and Media Relations queries

Opinion



The air detachment crew members, pictured Oct. 6, 2107, aboard Her Majesty's Canadian Ship Charlottetown prepare the recovery of the CH-124 Sea King helicopter into the hanger during Operation REASSURANCE. Veterans Affairs Minister Seamus O'Regan says veterans' advocate Sean Bruyee is leaving out specific facts about the federal government's Pension for Life program to suit his own agenda. Photograph courtesy of DND

Time for a reality check on veterans' benefits: O'Regan

Our government made a promise to veterans that we would reinstate a pension for life for those injured during service to their country. That is not rhetoric. That is not politics. That is the mandate that I received from Prime Minister Justin Trudeau and it is what we delivered this past fall.



Veterans Affairs Minister Seamus O'Regan

Veterans

Our government made a promise to veterans that we would reinstate a pension for life for those injured during service to their country. That is not rhetoric. That is not politics. That is the mandate that I received from Prime Minister Justin Trudeau and it is what we delivered this past fall.

Monumental and progressive changes like these can be very complex as they come into effect. And that is precisely why I have been travelling across the country to meet with veterans and their families to hear their concerns and clarify our Pension for Life program.

Once we sat down and discussed Pension for Life, the reception has been positive. We know how important it is to do right by our veterans and

we are committed to doing just that.

But let me be very clear: individuals like Sean Bruyee, who are stating mistruths about Pension for Life and are leaving out parts of our programs, are doing so to suit their own agenda.

So let's dig into the recent opinion piece by Mr. Bruyee published in *The Hill Times*. He incorrectly states that those receiving "Pension Act benefits collect more in pain and suffering payments" than those who will be eligible for Pension for Life. The truth is, Pension Act benefits were more than pain and suffering compensation. The Pension Act had a dual purpose as both economic and non-economic compensation. If Mr. Bruyee were to have honestly compared our Pension for Life program, he would have taken into account the Income Replacement Benefit (IRB) that our plan offers which is 90 per cent of a veteran's pre-release salary. And to a veteran who was making \$60,000 annually while in the Armed Forces, that is an important cheque to them and their families each month.

The piece also misstates that all "injured Canadian Forces veterans, under all three plans essentially have access to the same income loss." I am sure Mr. Bruyee is aware that the earning loss benefit (ELB) of 75 per cent is not the same as 90 per cent, which was an increase to the income supports that was made by our government. We are also indexing that injured veteran's salary to inflation and including a one per cent career progression factor if they are unable to work.

The piece also notes that veterans "feared the government would merely offer the lump sum dissected and distributed over time." I am happy to allay those fears as this does not happen under Pension for Life. For example, if you look at the chart included, which is factual, a 25-year-old veteran who is 100 per cent disabled will be far better off under our new

lower monthly payments," I can assure all veterans that if they are injured, they will receive the same support that their sisters and brothers receive for life.

While there are numerous other errors in the opinion piece, I want to focus on just one more: the misconceived notion that veterans who qualify for Pension for Life "will receive less than" what they would have previously. Let me be clear—NO veteran will receive less than what they are receiving today and most will be receiving more.

It is clear that veterans are better off now than they were before. We have invested \$10-billion of new money into services and supports for veterans, we reopened

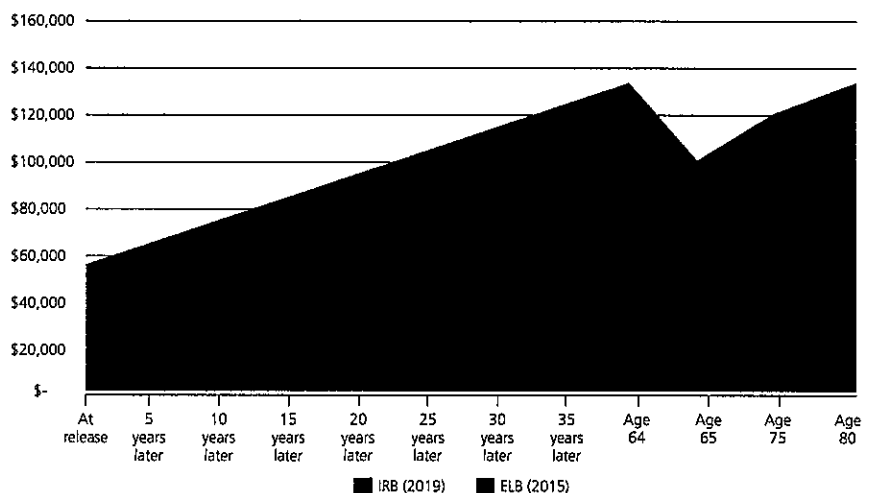
nine Veterans Affairs offices across the country and we have hired more than 460 new staff.

We have also introduced an Education Benefit of up to \$80,000, introduced a Caregiver Recognition Benefit of \$1,000 a month (which is payable directly to the caregiver), enhanced our Career Transition Services and invested into numerous other programs that directly benefit Veterans and their families.

Frankly, the truth is much simpler to understand: our government is committed to supporting Canada's veterans.

Veterans Affairs Minister Seamus O'Regan also represents St. John's South-Mount Pearl, N.L.
The Hill Times

25 year old with three years of service and a salary of \$60K at release



25 year old with three years of service and a salary of \$60,000 at release

	At Release	10 years later	20 years later	30 years later	At Age 64	At Age 65	At Age 80	Net Present Value of lifetime Benefit
IRB (2019)	\$54,000	\$72,571	\$94,717	\$115,459	\$137,985	\$98,847	\$133,035	\$2,943,265
ELB (2015)	\$45,000	\$54,855	\$66,868	\$81,511	\$97,414	\$69,553	\$93,610	\$1,669,436
Difference	\$9,000	\$17,717	\$27,849	\$33,948	\$40,571	\$29,293	\$39,425	\$1,273,829

Under the previous regime, this veteran would have received \$1.67-million over their life. Under the new regime, they will receive an additional \$1.27-million, nearly doubling their benefit. —Source: Veterans Affairs Canada

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Liberal government plan saves money at expense of veterans: opinion



DAVID PUGLIESE, OTTAWA CITIZEN

More from David Pugliese, Ottawa Citizen ([HTTP://OTTAWACITIZEN.COM/AUTHOR/DAVIDPUGLIESE2](http://ottawacitizen.com/author/davidpugliese2))

Published on: February 20, 2018 | Last Updated: February 20, 2018 11:56 AM EST



Shadows from veterans are scene on the ground prior to the start of a ceremony honouring the National Battle of the Atlantic took place at the National War Memorial in Ottawa, May 3, 2015. **CHRIS ROUSSAKIS / OTTAWA CITIZEN**

By Sean Bruyee

Defence Watch Guest Writer

The new Liberal plan for veterans is all about saving money, yet again, at the expense of veterans.

The more Canadians and veterans learn of the 2019 Liberal programs, the more the confusion and anger grow. How do we survive the dizzying daze induced by trying to understand veterans' benefits?

First, let's cut through the thick and misleading rhetoric.

The issue: Injured veterans receiving pre-April 2006 Pension Act benefits collect more in pain and suffering payments than fellow veterans receive under the post-April 2006 New Veterans Charter lump sum program. Veteran outcry prompted the Liberals to announce a completely revised program to come into effect April 2019.

Government talking points: The New Veterans Charter and the April 2019 plan are superior because they offer more than just pain and suffering payments. They both provide medical and vocational rehabilitation, education, income loss, and medical care. The April 2019 plan claims to "re-establish" lifelong pensions.

The reality: All injured Canadian Forces veterans, under all three plans essentially have access to the same income loss, medical rehabilitation and care, as well as vocational rehabilitation and education (if not too disabled). We, therefore, can set those benefits aside and compare pain, suffering, and incapacity payments amongst the three programs.

The bottom line: Substantial differences between the three programs are striking. Pain, suffering, and incapacity are the most prolific veterans' sacrifice on behalf of Canada and Canadians. And compensation for sacrifice is grossly unfair depending *not* upon date of injury, or release from the military but based upon arbitrary dates of application.

As the table shows, disability compensation has become increasingly miserly under each successive program introduced by the Liberals in 2005 and 2019. Veterans Affairs in a series of hypothetical scenarios claims that veterans will receive considerably more under the post April 2019 plan vs the New Veterans Charter. Furthermore, the government announcement asserts that the most disabled will benefit the greatest.

I was far too hasty (and confused) in swallowing this aspect of the announcement. Upon reflection, there is much deception here.

Setting aside the pre-2006 plans for now, when comparing the pre and post-April 2019 plan, both programs offer an incapacity allowance of roughly similar amounts. The pre-April 2019 New Veterans Charter is taxable at \$1828/month while the post-April 2019 plan is tax free at \$1,500/month. What is missing from the Liberal 2019 plan is the supplement currently available which pays \$1,120/month. The Liberal 2019 plan has no equivalent. This supplement vanishes into fiscally thin air.

Under the April 2019 plan, the controversial lump sum still exists but veterans can choose a payment of up to \$1150/month, depending upon level of disability and gender. Why a maximum of \$1150? Veterans, including me, feared the government would merely offer the lump sum dissected and distributed over time, an option already in existence.

Veterans' fears were justified. A VAC Q&A document indicates that the \$1150 "was determined by converting the value of the maximum lump sum of \$360,000 into an age-adjusted monthly payment".

Disturbingly, since "sex is a factor of life expectancy...the calculation used to convert lump sum amounts into monthly amounts must incorporate mortality rates which are sex dependent." According to the 2019 plan, the lifetime payout to male and female veterans may be the same for similar disabilities, but females apparently will receive lower monthly payments. Female veterans should not be penalized for longevity. Their daily pain is no less nor should their suffering be amortized at a lower amount merely because they live longer.

The big picture: in terms of pain, suffering, and incapacity payments most if not all veterans who qualify for such benefits under the April 2019 plan will receive less than under programs currently available. The maximum disabled veterans under the current plan can receive is \$35,392/year

taxable *plus* a tax free lump sum of \$365,400. Under the announced 2019 plan, the same veteran would receive a choice between \$31,800/year tax free or the same lump sum *plus* \$18,000/year tax free.

Additional existing and future benefits have highly restrictive criteria. Only 152 veterans have received the Critical Injury Benefit out of more than 62,000 recipients of the lump sum. Government estimates only six veterans per year will qualify going forward.

As for caregiver benefits, less than five per cent of the most disabled veterans receive the current program. The soon-to-be introduced new and improved Caregiver Relief Benefit will nearly triple that number but still represent less than 15% of seriously disabled veterans and less than two per cent of injured veterans in receipt of the lump sum.

Undoubtedly the starkest differences emerge when the New Veterans Charter and the post-April 2019 plan are both compared with the pre-2006 Pension Act programs. Justin Trudeau and the Liberals, during the 2015 election campaign, promised to return to the lifelong pension. In fact, the mandate letters for both former disgraced Minister Hehr and current Minister Seamus O'Regan commit to "re-establish lifelong pensions as an option for injured veterans". However, the 2019 plan offers only 40% of the amount provided by the Pension Act.

Neither the 2006 nor the 2019 plans offer additional amounts for spouses and children, unlike the pre-2006 Pension Act. Furthermore, the manner that government determines disability levels has been far less generous post-2006 than pre-2006. As a result, the average monthly payment for pain and suffering under the 2019 plan could be less than 20% of the amount awarded under the pre-2006 Pension Act.

Cutting through the Rhetoric: Comparing Pain, Suffering, and Incapacity in Three Veteran Programs			
At a glance: all amounts are as of June 30, 2017 unless otherwise noted	Application deadline: April 1, 2018 "Pain and Suffering"	Application deadline: April 1, 2018 "Disability Award"	Application deadline: April 1, 2018 "Pain and Suffering Compensation"
Pain and Suffering (all amounts depend upon level of disability)	"Disability Pension" Max. \$2792.53/month Plus up to \$698.13/month for spouse and \$363.03/\$265.29/\$209.44/month for 1 st /2 nd /Ea. Additional child Average \$698/month if single and \$1082/month with spouse & 2 children Tax Free Veteran Recipients: 63,702	"Disability Award" Max. \$365,400 in one lump sum Or Same lump sum spread out over time No amounts for children or spouses Average \$42,000 one-time payout Tax Free Veteran Recipients: 62,753	"Pain and Suffering Compensation" provides a choice between a lump sum of Max. \$365,400 Or Max. \$1150/month No amounts for children or spouses Est. average \$200/month Tax Free
Spousal Allowance	"Spousal Allowance" Max. \$1,798.13/month Tax Free Veteran Recipients: 1,704 as of March 31, 2017	"Spousal Allowance" Max. \$1,798.13/month Tax Free Veteran Recipients: 1,704 as of March 31, 2017	"Spousal Allowance" Max. \$1,798.13/month Tax Free Veteran Recipients: 1,704 as of March 31, 2017
Additional Incapacity Supplements	None	"Career Impact Allowance Supplement" (One level) \$1,120.71/month Taxable Veteran Recipients: 3,602	None
Additional Compensation Benefits	"Additional Compensation" Max. \$1,120.71/month Tax Free Veteran Recipients: 1,704 as of March 31, 2017	"Additional Compensation" Max. \$1,120.71/month Tax Free Veteran Recipients: 1,704 as of March 31, 2017	"Additional Compensation" Max. \$1,120.71/month Tax Free Veteran Recipients: 1,704 as of March 31, 2017

Critical Injury Benefit	"Critical Injury Benefit" All can apply if injury is military-related and occurs after April 1, 2006: \$72,909.24 Tax free. Veteran Recipients: 152		
Maximum Annual Family Benefit Each Year Including Spouse and Two Children Not Including "Critical Injury Benefit" Family and Additional Allowance (if applicable)	\$72,909.24/year Tax Free Including Additional Allowance (Max. \$20,000/year Tax Free) Veteran Recipients: 152 as of June 30, 2017	\$72,909.24/year Tax Free This lump sum of \$72,909.24 Tax Free Including Family Contribution Allowance (Max. \$20,000/year Tax Free) Veteran Recipients: 152 as of June 30, 2017	\$72,909.24/year Tax Free This lump sum of \$72,909.24 Tax Free Including Family Contribution Allowance (Max. \$20,000/year Tax Free) Veteran Recipients: 152 as of June 30, 2017

Source: Compiled by Sean Bruyere from Veterans Affairs Canada sources: "Facts and Figures - June 2017"; "Rates" - Effective January 1, 2018; "Pensions for Life" - various "Factsheets"; and, Media Relations queries

Government claims it is investing \$3.6 billion in the post-April 2019 plan. However, it is unclear if this is new money or merely flimflam: simply rolling over money from existing programs into new programs. Sadistically procrastinating to bring about change, government has been able to transfer more than \$1 billion over the past five years once paid to deceased World War II veterans and their survivors towards the slow trickle of program changes for Canadian Forces veterans.

Veterans and their families have sacrificed much so that Canada and Canadians can prosper in safety and security. It is unclear what Ottawa is sacrificing to recognize the lifelong pain and suffering veterans endure on a daily basis.

Sean Bruyee, a Defence Watch contributor, is vice-president of Canadians for Accountability and author, and has a graduate degree in public ethics. He is a retired Air Force intelligence officer, and frequent commentator on government, military, and veterans' issues.

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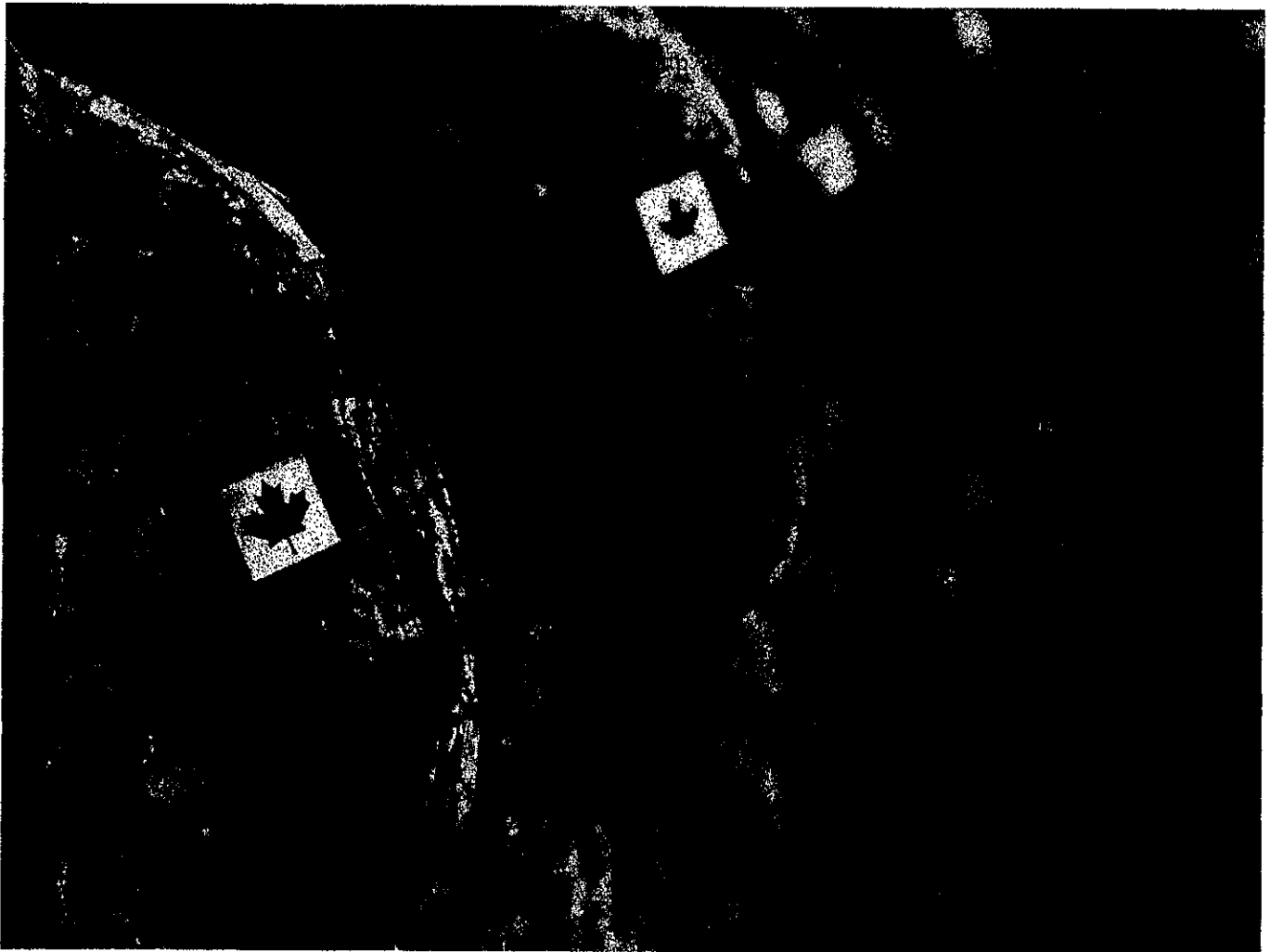
Time for a reality check on benefits for Veterans: Seamus O'Regan opinion article



DAVID PUGLIESE, OTTAWA CITIZEN

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Published on: February 25, 2018 | Last Updated: February 25, 2018 7:13 PM EST



DND photo.

Veterans Affairs Minister Seamus O'Regan has written this response to a recent Defence Watch column by guest writer Sean Bruyee.

By Seamus O'Regan

Defence Watch Guest Writer

Our government made a promise to Veterans that we would re-instate a pension for life for those injured during service to their country. That is not rhetoric. That is not politics. That is the mandate that I received from Prime Minister Trudeau and it is what we delivered this past fall.

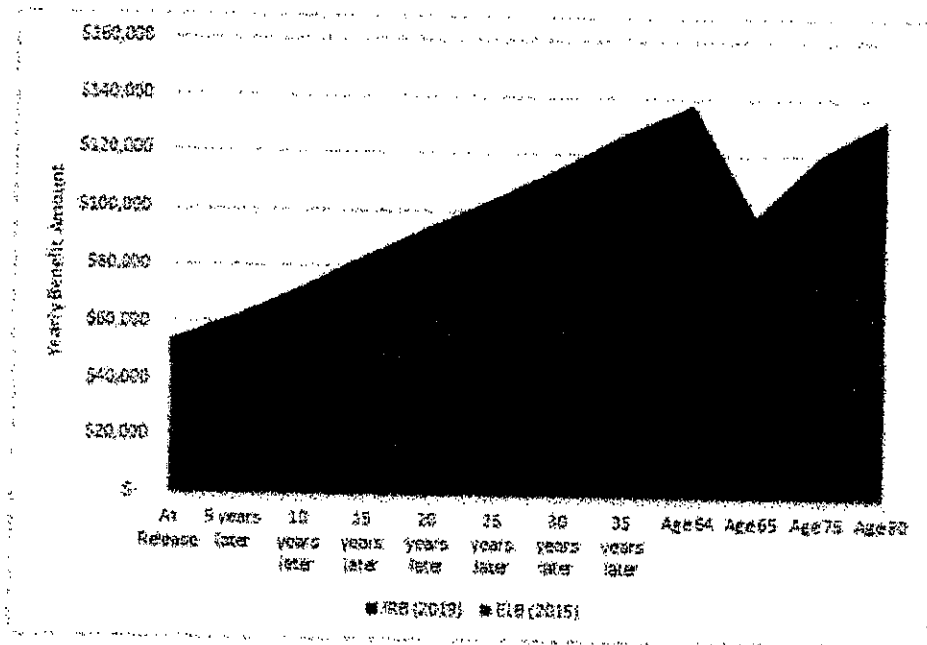
Monumental and progressive changes like these can be very complex as they come into effect. And that is precisely why I have been travelling across the country to meet with Veterans and their families to hear their concerns and clarify our Pension for Life program.

Once we sat down and discussed Pension for Life, the reception has been positive. We know how important it is to do right by our Veterans and we are committed to doing just that.

So let's dig into the recent opinion piece by Sean Bruyee recently published in Defence Watch. He incorrectly states that those receiving "Pension Act benefits collect more in pain and suffering payments" than those who will be eligible for Pension for Life. The truth is, Pension Act benefits were more than pain and suffering compensation. The Pension Act had a dual purpose as both economic and non-economic compensation. If Mr. Bruyee were to have honestly compared our Pension for Life program, he would have taken into account the Income Replacement Benefit (IRB) that our plan offers which is 90% of a Veteran's pre-release salary. And to a Veteran who was making \$60,000 while in the Armed Forces, that is an important cheque to them and their families each month.

The piece also misstates that all "injured Canadian Forces veterans, under all three plans essentially have access to the same income loss." I am sure Mr. Bruyee is aware that the Earning Loss Benefit (ELB) of 75% is not the same as 90%, which was an increase to the income supports that was made by our Government. We are also indexing that injured Veteran's salary to inflation and including a 1% career progression factor if they are unable to work.

25 year old with 3 years of service and a salary of \$60K at release



	At Release	10 years later	20 years later	30 years later	At Age 64	At Age 65	At Age 80	Net Present Value of Lifetime Benefit
URB (2013)	\$54,000	\$72,571	\$94,717	\$115,459	\$137,985	\$98,847	\$133,035	\$2,943,265
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Difference	\$9,000	\$17,717	\$27,849	\$33,948	\$40,571	\$29,293	\$39,425	\$1,273,829
Under the previous regime, this Veteran would have received \$1.67M over their life. Under the new regime, they will receive an additional \$1.27M, nearly doubling their benefit.								

The Bruyea piece also notes that Veterans "feared the government would merely offer the lump sum dissected and distributed over time." I am happy to allay those fears as this does not happen under Pension for Life. For example, if you look at the chart included, which is actually factual, a 25 year old Veteran who is 100% disabled will be far better off under our new plan. Before our Government came to power, that Veteran would have received a lump sum for pain and suffering of \$314,700. Under our new plan, they will be projected to receive \$1.29 million, tax-free and in monthly payments for life. And that is regardless of gender. While the piece makes the baseless claim that female Veterans "will receive lower monthly payments", I can assure all Veterans that if they are injured, they will receive the same support that their sisters and brothers receive for life.

While there are numerous other errors in the opinion piece, I want to focus on just one more: the misconceived notion that Veterans who qualify for

Pension for Life "will receive less than" what they would have previously. Let me be clear – NO Veteran will receive less than what they are receiving today and most will be receiving more.

It is clear that Veterans are better off now than they were before. We have invested \$10 billion of new money into services and supports for Veterans, we re-opened 9 Veterans Affairs offices across the country and we have hired over 460 new staff.

We have also introduced an Education Benefit of up to \$80,000, introduced a Caregiver Recognition Benefit of \$1,000 a month (which is payable directly to the caregiver), enhanced our Career Transition Services and invested into numerous other programs that directly benefit Veterans and their families.

Frankly, the truth is much simpler to understand: our government is committed to supporting Canada's Veterans.

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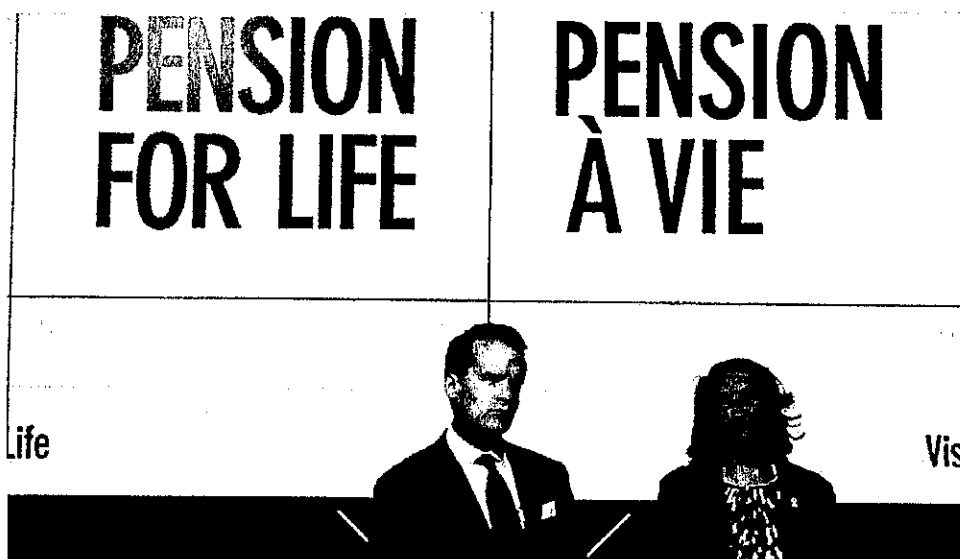
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Opinion

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

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:

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

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 convinced 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.

The Hill Times

Scheer is picking up points by keeping his head down

Conservative leader Andrew Scheer is taking a page from Napoleon Bonaparte, who said: 'never interfere with your enemy when he is making a mistake.'



Tim Powers
Plat Speech

OTTAWA—Maybe being bland isn't such a bad thing in politics

after all. Who needs flashy socks anyway? Apparently not Conservative leader Andrew Scheer, who seems to be having an easier time of it these days than Prime Minister Justin Trudeau or New Democrat leader Jagmeet Singh.

While Trudeau tries to continue to live down the mess that was his trip to India and Singh finds himself fighting back over his relationships with controversial Sikh groups, Scheer for the first time seems to be sitting pretty in various public opinion polls. Remember, in the fall many were chastising him for what was perceived to be lacklustre leadership.

According to a recent Angus Reid poll released on March 19, the man with the minivan is perceived to be the leader best suited to steward the economy. In both Canada and Ontario, government spending and the deficit are emerging as top issues. This is helping Scheer and the Conservative Party.

Both Angus Reid and Abacus Data have found in different samplings that for the first time since he became prime minister, Justin Trudeau's personal nega-

tive impressions outweigh (Reid) or equal (Abacus) his positive impressions. And the fellow who is not trying to be all flash-bang, and even in some cases keeping



his head down, Scheer is seeing his party pick up points in the polls.

The Angus Reid research says that if an election were held tomorrow, four in 10 Canadians would mark their ballot for a Conservative candidate in their riding, 30 per cent would vote Liberal, and 19 per cent for the NDP. Both

Angus Reid and Abacus, though to differing degrees, found the Liberals slipping in Ontario. One man's anchor is another man's elevator: if you are Andrew Scheer, you take those numbers with that apple-cheeked smile of his.

Part of Scheer's strategy at the moment appears to be staying out of trouble—something his opponents haven't been doing. He has been around politics long enough to know if your opponent is taking

heat and it is being self-generated, don't get in the way. Or as Napoleon Bonaparte more eloquently put it, "never interfere with your enemy when he is making a mistake." In the past, Conservatives have

not been as good at that as they should have been. Credit goes to Scheer and his team for exercising the right amount of discipline not to take away opportunity.

Scheer and the Conservatives haven't been entirely sedate. They have tried to use whatever bit of attention Question Period still gets to chip away at the character and

values of the government. They have been steadily pushing the narrative of the prime minister and his team as self-interested elites disconnected from reality. Often it is boring and pedantic to take in, but that is the point. If you want to have a story take hold and cross into other arenas, you keep going with it. Don't give them anything else to talk about, and your arch will flow from there.

Another assist for Andrew Scheer is coming from new Ontario Progressive Conservative leader Doug Ford. Scheer did not get caught in any crossfire during the Ontario race. With none of his own blood on the floor, Scheer can sit back and watch as Ford takes his gloves off to fight for an Ontario Andrew Scheer would be very comfortable with. Ford can lead the charge on both a campaign strategy and some ideas the federal Conservatives might co-opt in the next federal election in 2019.

So boring, young Andrew Scheer might not be getting all the ink or the attention. But right now he doesn't need it anyway. Things are looking up for him and the federal Conservatives. He has been astute enough to let the hand he sees play itself out.

Tim Powers is vice-chairman of Summa Strategies and managing director of Abacus Data. He is a former adviser to Conservative political leaders.

The Hill Times

On veterans, let's compare apples to apples

A recent opinion piece in these pages doesn't quite meet that standard.



Veterans Affairs Minister Seamus O'Regan

Ministerial response

OTTAWA—I am grateful for the opportunity to respond to the recent article by Brian Forbes (re: "O'Regan's entitled to his own opinion but not his own facts," *The Hill Times*, March 12, p. 14). Forbes is to be admired for his longtime advocacy for veterans, and I am fully supportive of his suggestion that we should compare "apples to apples." Unfortunately, analysis in his article doesn't quite meet his own standard.

Forbes expressed his desire to see the best of the Pension Act and the best of the New Veterans Charter brought together to provide a better compensation/wellness model for all disabled veterans in Canada. Through the announcement of Pension for Life, a range of programs supporting veteran and family well-

being, and an investment of close to \$10-billion over the last three budgets, I am proud to say that we are doing just that.

In making his comparison, Forbes ignores the Income Replacement Benefit, which is a main component of the Pension for Life. In addition to the monthly, tax-free, payments for life received through the Pain and Suffering Compensation (PSC) and the Additional Pain and Suffering Compensation (APSC), veterans who are unable to return to work will receive 90 per cent of their pre-release salary, indexed annually, for as long as they need it (for life).

Further, there is a one per cent career progression factor provided for those who were not able to continue their career in the military. It recognizes potential career loss progression. It provides an additional amount of compensation to veterans in receipt of the Income Replacement Benefit long term and who released prior to 20 years of service (or age 60). It does not represent the actual career progression an individual veteran may have had in the military.

Forbes dismisses this as being nominal. Prior to our changes, a 25-year-old with five years of service, making \$60,000, who is seriously injured would have received \$1.6-million of income support over the course of their life. Under our program, that same veteran will receive \$2.9-million over the course of their life. Hardly nominal. It's almost double.

To put that in perspective, after 10 years of being on this program,

that veteran would be receiving an annual salary of \$72,500, compared to \$54,800 under the previous program. Of course, that doesn't include the tax-free monthly payments they will receive.

When we look at what that means in terms of total support, it exceeds what the same person would receive under the Pension Act, if they were single. If that person were married and had two kids, they would receive more, as there are increased benefits for a spouse and each dependant.

While I am proud of being able to bring back the monthly pension option that the veterans community asked for, I am equally pleased to highlight how we are providing a full range of programs to support veterans and their families.

We know how important education is to building a post-service future for veterans, and in just a few weeks we will launch the new education and training benefit for veterans released since April 2006. This is above and beyond the continued vocational rehabilitation programs referenced by Forbes that support our ill and injured veterans.

We have also enhanced our career transition services to ease the transition process, supporting veterans, spouses, and survivors with career counselling,

Lifetime Values

Pension for Life (PFL) 2019	Pre-Budget 2016 New Veterans Charter	Pre-2005 Pension Act
		Single Married + 2 children
Total Gross	\$4.273M	\$3.891M
Total After Tax	\$3.830M	\$3.273M
		\$3.830M \$4.399M \$3.624M \$4.192M

Gross Lifetime Values per Benefit:

Income Replacement Benefit (IRB)*	\$2,912M	Earnings Loss Benefit* (ELB)*	\$1,674M	Canadian Armed Forces - Long Term Disability (CAF LTD)	\$1,674M
Pain and Suffering Compensation (PSC)	\$689,600	Retirement Income Security Benefit (RISB)*	\$346,900	Disability Pension (DP)	\$1,705M
Additional PSC (APSC)	\$599,600	Career Impact Allowance (CIA) - grade 2*	\$748,600	Exceptional Incapacity Allowance (EIA) - grade 4	\$451,400
- grade 2		CIA Supplement* (CIAS)	\$688,200		\$451,400
Critical Injury Benefit* (CIB)	\$71,800	Supplementary Retirement Benefit* (SRB)*	\$46,600		
		Disability Award (DA)	\$314,700		
		CB*	\$71,800		

*Paid Monthly *Paid as a lump sum *Taxable Benefit

job placement, and preparation services. Other new programs and supports coming in April include access to all Military Family Resource Centres, support to veterans in emergency situations, and a Centre of Excellence on PTSD and Mental Health.

And I would be remiss if I didn't respond directly to the critique that we should create a new family benefit. We did. It becomes effective April 1, and provides \$1,000 per month, tax-free, and is paid directly to the caregiver, just as the ministerial advisory group on families asked us to do.

Today's veterans and their families deal with very different challenges—related to various

domains of well-being, not only financial—in everyday life. Veterans Affairs is committed to providing veterans and their families with access to the right combination of financial security, education and training, and well-being and family supports to enable them to achieve their goals in post-service life.

I will continue to meet with veterans across the country and work hard to make sure people fully understand the new benefits and how they will help veterans and their families.

Seamus O'Regan is the Liberal MP for St. John's South-Mount Pearl, N.L., and Canada's minister of veterans affairs.

The Hill Times

the pre2006 pension where via Sisip info and pension the same person would be \$1.3M better off.

1 0 0

Alex Wellstead @AlexWellstead · Feb 24

Replying to @ErinOToolenMP @Seankis1 and 3 others

Erin, I'm not insulting anyone. The piece referenced is heavily flawed.

Opinions - and more pointedly opinion pieces - are not something to just throw out and be sheltered from facts.

If an opinion is stated that is wrong, it is in the public interest to know the truth.

1 0 0

Erin O'Toole @ErinOToolenMP · Feb 24

Replying to @AlexWellstead @HSMythe10 and 2 others

Interesting to see that the Minister allows his staff to insult the opinions of Veterans like @Seankis1 who knows more about the issues than their entire office.

1 0 0

Erin O'Toole, OCT and TheRealGavinCross followed you · Feb 24

1 0 0

Wesley Retweeted a Tweet you are mentioned in · Feb 23

Matt Edwards @LawnBoy77777

#LeftOutInTheCold Cost is real reason for dumb #PFL #cdnpoli @Seankis1

1 0 0

Wesley liked a Tweet you were mentioned in · Feb 23

Matt Edwards @LawnBoy77777

#LeftOutInTheCold Cost is real reason for dumb #PFL #cdnpoli @Seankis1

Matt Edwards @LawnBoy77777 · Feb 23

#LeftOutInTheCold Cost is real reason for dumb #PFL #cdnpoli @Seankis1 @SeamusORegan @SpencerFernando

AWARDS



Erin O'Toole @ErinOTooleMP · Feb 24

Replying to @AlexMellistead @HSmythe10 and 2 others

Interesting to see that the Minister allows his staff to insult the opinions of Veterans like @Seankis1 who knows more about the issues than their entire office.



1



April 4, 2018

NOTICE OF ACTION

BY PERSONAL SERVICE

Seamus O'Regan
Minister of Veterans Affairs
House of Commons
Ottawa, ON K1A 0A6

Nathalie G. Drouin
Deputy Attorney General
Civil Litigation Section
Department of Justice Canada
50 O'Connor Street, 5th Floor
Ottawa, Ontario K1A 0H8

Dear Mr O'Regan and Ms Drouin

Re: Hill Times Article published February 26, 2018

By this letter, I am hereby providing Mr O'Regan and the Attorney General of Canada with notice of libel pursuant to section 5 of the *Libel and Slander Act*, RSO 1990, c L.12.

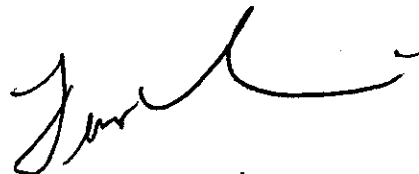
I contend that Mr O'Regan defamed me in his article, "Time for a reality check on veterans' benefits", published on February 26, 2018 by the *Hill Times* newspaper. In that article, Mr O'Regan asserts that I was "stating mistruths" and was "doing so to suit (my) own agenda". By these words, and others throughout the article which say I am making "numerous errors", misstatements and baseless claims, Mr O'Regan was communicating that I was a liar and was deliberately untruthful to serve some dishonest personal agenda. These words were libellous and defamatory and harmed my reputation as a columnist and public policy analyst.

Mr O'Regan states that the article is written in his capacity as the Minister of Veteran's Affairs. Consequently, I contend that the Attorney General of Canada is also vicariously liable for these defamatory words pursuant to section 3 of the *Crown Liability and Proceedings Act*, RSC 1985, c C-50.

Yours truly,



Sean Bruyea
2 Barchester Way
Ottawa Ontario
K2G 6R1



Fern LANDRY

April 4, 2018

1430hrs

April 4, 2018

BY PERSONAL SERVICE

Nathalie G. Drouin
Deputy Attorney General
Civil Litigation Section
Department of Justice Canada
50 O'Connor Street, 5th Floor
Ottawa, Ontario K1A 0H8

Dear Ms Drouin

Re: Hill Times Article published February 26, 2018

In reference to the attached notice of action, I am hereby asking the Attorney General to accept service on behalf of Mr. O'Regan. Please notify me by Thursday 10am to confirm that the Auditor General accepts service for Mr. O'Regan.

Yours Truly



Sean Bruyee
2 Barchester Way
Ottawa Ontario
K2G 6R1
613 825 8002 (Home Office)
613 863 2276 (Cell)

April 4, 2018

NOTICE OF ACTION

BY PERSONAL SERVICE

Seamus O'Regan
Minister of Veterans Affairs
House of Commons
Ottawa, ON K1A 0A6

Nathalie G. Drouin
Deputy Attorney General
Civil Litigation Section
Department of Justice Canada
50 O'Connor Street, 5th Floor
Ottawa, Ontario K1A 0H8

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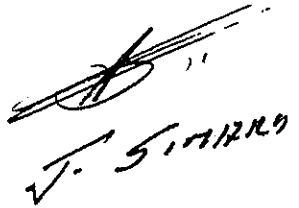
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Yours truly,



Sean Bruyea
2 Barchester Way
Ottawa Ontario
K2G 6R1



J. SIMARD
A-A-18
C

ONTARIO
Superior Court of Justice

Affidavit of Service
Form 8A Ont. Reg. No.: 258/98

OTTAWA.
Small Claims Court

Claim No. _____

161 Elgin Street, OTTAWA.
Address

Phone number _____

BETWEEN

Sean Bruyere.

Plaintiff(s)

and

Seamus O'Regan

Defendant(s)

My name is Tina Darnard.

(Full name)

I live in Shannonville Ont.

(Municipality & province)

and I swear/affirm that the following is true:

1. I served Seamus O'Regan., on April 5, 20 18.

(Full name of person/corporation served)

(Date)

at Travel Lodge Belleville Ont.

(Address (street and number, unit, municipality, province))

- which is
- ☐ the address of the person's home
 - ☐ the address of the corporation's place of business
 - ☐ the address of the person's or corporation's representative on record with the court
 - ☐ the address on the document most recently filed in court by the party
 - ☐ the address of the corporation's attorney for service in Ontario
 - ☐ other address: _____

(Specify.)

with a Notice of Intention To. Action.

(Name(s) of document(s) served)

2. I served the document(s) referred to in paragraph one by the following method:
(Tell how service took place by checking appropriate box(es).)

Personal
service

☒ leaving a copy with the person.

☐ leaving a copy with the _____ of the corporation.

(Office or position)

☐ leaving a copy with: _____

(Specify person's name and office/position.)

at the place of business of the corporation who appeared to be in control or management of the place of business.

Les formules des tribunaux sont affichées en anglais et en français sur le site
www.ontariocourtforms.on.ca. Visitez ce site pour des renseignements sur des
formats accessibles.

Service at place of residence ☐ leaving a copy in a sealed envelope addressed to the person at the person's place of residence with a person who appeared to be an adult member of the same household, and sending another copy of the same document(s) to the person's place of residence on the same day or the following day by:

- ☐ regular lettermail.
☐ registered mail.
☐ courier.

Service by registered mail ☐ registered mail.
 (If a copy of a plaintiff's claim or defendant's claim was served by registered mail, attach a copy of the Canada Post delivery confirmation, showing the signature verifying delivery, to this affidavit.)

Service by courier ☐ courier.
 (If a copy of a plaintiff's claim or defendant's claim was served by courier, attach a copy of the courier's delivery confirmation, showing the signature verifying delivery, to this affidavit.)

Service on lawyer or paralegal ☐ leaving a copy with a lawyer or paralegal or an employee in the lawyer's or paralegal's office, who accepted service on the person's behalf.
 (Attach a copy of the document endorsed with an acceptance of service.)

Service by regular lettermail ☐ regular lettermail.

Service by fax ☐ fax sent at _____ at the following fax number: _____
 (Time) (Fax number)

Service to last known address of corporation or attorney for service, and to the directors ☐ mail/courier to corporation or attorney for service at last known address recorded with the Ministry of Government Services, and
 mail/courier to each director, as recorded with the Ministry of Government Services, as set out below:

Name of director	Director's address as recorded with the Ministry of Government Services (street & number, unit, municipality, province)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Attach separate sheet for additional names if necessary.)

Substituted service ☐ substituted service as ordered by the court on _____, 20____,
 (Date)

as follows: (Give details.)

Sworn/Affirmed before me at Shannonville
 (Municipality)

in Province of Ontario
 (Province, state, or country)

on April 5, 2018.

Commissioner for taking affidavits
 (Type or print name below if signature is illegible.)

Pamela Sero-Thompson
 Licensed by the Law Society of Upper
 Canada

as a Commissioner for taking Oaths

Lisa Dussard
 Signature

(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)

----- Forwarded Message -----

From: Kate Malloy <kmalloy@hilltimes.com>
To: SEAN BRUYEA <seankis@rogers.com>
Sent: Wednesday, February 28, 2018 10:41 PM
Subject: Re: Sean Bruyea: Question Set 20180228

Sean,

Thanks very much sir. The minister's office asked if he could respond to your column and that's what I did. The tone was a bit personal, I agree. If you want to respond to his column, let me know.

I'm sorry about all the stuff you've been going through and I always look forward to your columns.

Kate

Kate Malloy
Editor
The Hill Times
246 Queen St.
Ottawa, Ont.
K1P 5E4
(p) 613-688-8838
(c) 613-897-4406
(f) 613-232-9055
(e) kmalloy@hilltimes.com
(t) @KateMalloy379
www.hilltimes.com

Sent from my BlackBerry 10 smartphone on the Rogers network.

Subject: RESPONSE TO YOUR QUERY- Pension for Life
From: Leonie Roux (Leonie.Roux@vac-acc.gc.ca)
To: seankis@rogers.com;
Cc: Marc.Lescoutre@vac-acc.gc.ca; Martin.Magnan@vac-acc.gc.ca; Paula.Gherasim@vac-acc.gc.ca;
Date: Friday, March 9, 2018 3:19 PM

Hi Sean,

Deepest apologies for the delayed response.

We are still working on your second separate set as well as your last query from this morning.

Have a great weekend!

1) Please provide the details of the calculations used in his chart for each of the data points in the two models used: 2015 and 2019, i.e., at release, 10 years, 20 years, 30 years, at age 64, at age 65, at age 80, and lifetime benefit. Please include for each of these data point calculations a) what the program is, b) what that program is paying per month, and annually) how the total for each data point was arrived at (i.e., all amounts and relevant programs included and properly referenced. no broad strokes please)

Please refer to charts attached.

2) Please provide me with an exact description by what Minister O'Regan means when he writes "individuals like Sean Bruyea, who are stating mistruths about Pension for life...are doing so to suit their own agenda". Could he please tell me what exactly is my "own agenda" and what evidence he has to substantiate this.

The Department is not in a position to respond to this question.

3) Could you please provide me with the complete and full text of Minister O'Regan's presentation during the December presser announcing the Pension For Life. Please ensure his comments about retroactivity are included and clearly indicated.

Please find attached a copy of the speech delivered by Minister O'Regan.

4) The Minister writes that there are "numerous other errors in the opinion piece". Could you please provide a very clear, detailed and itemized substantiation of what those "errors" are and why they are errors.

A number of items have been provided below:

"Injured Veterans receiving pre-April 2006 Pension Act benefits collect more in pain and suffering payments than fellow Veterans receive under the post-April 2006 New Veterans Charter lump sum program"

- It is not possible to make this determination as Pension Act Benefits incorporated more than pain and suffering compensation. The Disability Pension had a dual purpose as both economic and non-economic compensation.

“All injured Canadian Forces Veterans, under all three plans essentially have access to the same income loss, medical rehabilitation and care, as well as vocational rehabilitation and education (if not too disabled).”

- The Disability Pension had a dual purpose as both economic and non-economic compensation; therefore it provides compensation for pain and suffering and loss of income. In addition, Income replacement is available through the CAF LTD at 75% and primarily serves those medically releasing.
- In 2006, VAC offered Earnings Loss Benefit at 75%, which was comparable to the CAF LTD. However, Veterans could access it when releasing or years after release (before age 65) when health problems primarily related to service arose.
- In 2019, income replacement will provide support at 90% of pre-release salary plus an additional factor to account for career progression.
- It is available to Veterans who have health problems primarily resulting from their service and who apply for rehabilitation services through VAC. Again, the Veteran can access this when releasing or years after release (before age 65) when health problems primarily related to service arise.

“As the table shows, disability compensation has become increasingly miserly under each successive program introduced by the Liberals in 2005 and 2019”

- This statement is incorrect. In fact, the Government of Canada increased the Disability Award from \$310K to \$360K, and increased income support from 75% to 90% of pre-release salary. The enhancements that will come as of April 1, 2019 will provide even greater financial benefits.

“Veterans Affairs, in a series of hypothetical scenarios, claims that Veterans will receive considerably more under the post-April 2019 plan versus the New Veterans Charter.”

- These scenarios are reflective of VAC’s client base and demonstrate realistic client profiles based on various disability levels, and these scenarios are publically available. These are not claims.

“The Liberal 2019 plan has no equivalent. This supplement vanishes into fiscally thin air.”

- Under the Pension for Life, the IRB recognizes potential lost future earnings by including a career loss adjustment in calculating the IRB benefit. If a Veteran has a diminished earnings capacity, 1% will be added to the monthly military salary at release every year until the Veteran reaches what would have been 20 years of service, or age 60.

“Under the April 2019 plan, the controversial lump sum still exists but Veterans can choose a payment of up to \$1150/month, depending upon level of disability and gender.”

- Disability percentage is the only factor when determining the amount of the PSC monthly payment. The payment will be the same, regardless of gender.
- Under the Pension for Life plan, Veterans will automatically receive a monthly payment. However, a veteran always has a choice and can decide to take the lump sum if they determine that is preferable. Additionally,

- Veterans will have access to \$500 for 3rd party, independent financial advice to help them make the best decision for them.

“Veterans, including me, feared the government would merely offer the lump sum dissected and distributed over time, an option already in existence”.

- The monthly option being offered is not the lump sum dissected and distributed over time. This is incorrect.
- A lump sum converted into a monthly payment would have an end date and would be capped at a specific amount. Neither of those things are true of this benefit. There is no limit to what someone can receive.

“Disturbingly, since "sex is a factor of life expectancy ... the calculation used to convert lump sum amounts into monthly amounts must incorporate mortality rates which are sex dependent." According to the 2019 plan, the lifetime payout to male and female Veterans may be the same for similar disabilities, but females apparently will receive lower monthly payments. Female Veterans should not be penalized for longevity. Their daily pain is no less nor should their suffering be amortized at a lower amount merely because they live longer.”

- First, there is no calculation to convert lump sum amounts into monthly payments. These are separate and distinct options presented to the veteran and do not correlate with each other.
- Female Veterans will not receive lower payments. Under the PFL, Veterans receive financial recognition of pain and suffering through two benefits; Pain and Suffering Compensation (PSC) and, Additional Pain and Suffering Compensation (APSC). Gender has no bearing on the calculation of either of these benefits.

“In terms of pain, suffering, and incapacity payments most if not all Veterans who qualify for such benefits under the April 2019 plan will receive less than under programs currently available”

- False. Every eligible Veteran will receive more for pain and suffering under the 2019 plan than under the previous plan.
- In the article, there are instances of comparison where a single existing benefit stands against a single potential future benefit. A benefit in isolation does not appropriately depict the entirety of what someone will receive. In order to do a fair comparison, a holistic approach is required, which would take the profile of an individual and compare what they would have received, in total, under the old system with what they will receive under the new system.

“The maximum disabled Veterans under the current plan can receive is \$35,392/year taxable plus a tax free lump sum of \$365,400. Under the announced 2019 plan, the same veteran would receive a choice between \$31,800/year tax free or the same lump sum plus \$18,000/year tax free.”

- This is not accurate as it compares the economic and non-economic benefits from 2015 to only the non-economic benefits in 2019. In order to have a fair comparison, a review of the entirety of what an individual will receive is required.

“However, the 2019 plan offers only 40 per cent of the amount provided by the Pension Act.”

- It is difficult to determine how this conclusion was made. To arrive at 40%, it would seem that only the non-economic payments are taken into account. The Disability Pension had a dual purpose as economic and non-economic compensation.

- Whether someone receives more or less is dependent on an individual's personal circumstance. There will be instances where Veterans receive more under the Pension Act - and instances where Veterans receive more under the NVC 2019. However, the Pension Act did not provide the suite of wellness benefits available under the NVC.

"Furthermore, the manner that government determines disability levels has been far less generous post-2006 than pre-2006."

- The same Table of Disabilities is used for determining disability levels under both the Pension Act and NVC.

"Only 152 Veterans have received the Critical Injury Benefit out of more than 62,000 recipients of the lump sum. Government estimates only six Veterans per year will qualify going forward."

- The CIB and the DA are two separate and distinct benefits. The purpose of the CIB is to fill a gap left by those who recover from their injuries and therefore may not qualify for a DA. Therefore, presenting these numbers as being indicative of a problem is a flawed premise.

"Government claims it is investing \$3.6B in the post-April 2019 plan. However, it is unclear if this is new money or merely flimflam."

- All of the funding announced since Budget 2016 for new and enhanced benefits for Veterans and their families is new money. That means above and beyond the funding already allocated for existing Veteran benefits and programming.
- Since 2015, The Government of Canada has increased the amount of money invested in Veterans by approximately \$10 Billion.

"Sadistically procrastinating to bring about change, government has been able to transfer more than \$1 billion over the past 5 years once paid to deceased World War II Veterans and their survivors towards the slow trickle of program changes for Canadian Forces Veterans."

- All of VAC's programs are paid to anyone who is eligible – that means if you qualify for it, you receive it. The amount of money spent on any given program is directly tied to the number of people who access it. As people pass away or demand falls, so too does the expenditure on that specific program. VAC has programs that are declining in expenditure and programs that are increasing in expenditure. The demand on one has no bearing on the other.

The observations above extend to the chart included in the article.

5) Under the April 2019 Pension for Life plan, given two individuals, one female and one male, same age, same level of disability, same married status, same all other personal circumstances, will any given monthly payment for both received at the same point in time for Pain and Suffering Compensation be identical...please answer yes or no...and then feel free to provide more info.

- Your question about the two identical individuals, one male and one female, is – will they, at any point, receive the same pain and suffering compensation? The answer is yes, they will, at every point, receive the exact same amount.

- The amount that an individual receives for Pain and Suffering Compensation is based on their percentage of disability. Gender has no impact on the amount of their benefit.

6) Please explain why the department write regarding the PSC “sex is a factor of life expectancy...the calculation used to convert lump sum amounts

- Women are projected to live longer than men. This means that when you have two individuals of the same age, one man and one woman, the woman is expected to live longer. For the purposes of costing, the GoC needs to consider how long they believe each person will draw on the benefit.
- Under the Pension for Life plan, Veterans receive financial recognition of pain and suffering through two benefits; Pain and Suffering Compensation (PSC) and, Additional Pain and Suffering Compensation (APSC). Gender has no bearing on the calculation of either of these benefits.
- For current recipients of the Disability Award, the calculation of the Additional Monthly Payment incorporate life expectancy. Life expectancy take gender into consideration because it varies between men and women. This means that yes, the individualized amount for the Additional Monthly Amount can differ between men and women, because of the Life Annuity Factor is an actuarial calculation based on assumptions such as interest rates, inflation rates and life expectancy.

7) Which advisory groups have discussed Bill C-42 (Clauses 270-299 of Bill C-44) in detail and produced reports on the contents of this legislation?

8) Specifically at which meetings (dates please) did each of those advisory groups discuss this legislation?

9) Please provide their record of minutes (evidence) that they discussed this legislation as well as their recommendations and reports on this legislation that emerged.

The legislation was not discussed in any of the advisory groups.

Leonie Roux
Senior Communications Officer
Veterans Affairs Canada, Government of Canada
Leonie.Roux@vac-acc.gc.ca / Tel: 613-947-6718

Agente principale des communications
Anciens Combattants Canada, Gouvernement du Canada
Leonie.Roux@vac-acc.gc.ca / Tél : 613-947-6718

Attachments

- ELB vs IRB Scenario 2018with Explanation- Pre-2016.pdf(191.22KB)
- ELB vs IRB Scenario 2018with Explanation.pdf(224.92KB)
- PFL Speech - Final.pdf(273.98KB)



Questions & Answers

Pension for Life Announcement

Pension for Life

1. What is the proposed Pension for Life?

The proposed Pension for Life is a combination of benefits that provide recognition, income support and better overall stability to Canadian Armed Forces (CAF) members and Veterans who are living with a disability due to a service-related injury and/or illness.

Pension for Life will provide a holistic package that reintroduces lifelong monthly pain and suffering payments; implement a new recognition benefit, and consolidate six of seven existing income-related financial benefits.

The resulting Pension for Life benefits package includes: The Pain and Suffering Compensation, Additional Pain and Suffering Compensation, and the Income Replacement Benefit.

1) Pain and Suffering Compensation (PSC)

Recognizing service-related pain and suffering

- This monthly, lifelong, tax-free payment recognizes pain and suffering experienced by Veterans and CAF members with a disability due to a service-related illness and/or injury. The choice between monthly and lump sum options give Veterans and members the flexibility to decide what works best for them and their families.

2) Additional Pain and Suffering Compensation (APSC)

Delivering further recognition for those with severe and permanent impairment

- This monthly, tax-free payment is for Veterans experiencing barriers to re-establishing themselves after service because of their severe and permanent illness and/or injury.

3) Income Replacement Benefit (IRB)

Delivering income support when Veterans need it

- The monthly, benefit is designed to provide income support to Veterans who are experiencing barriers to re-establishment primarily resulting from service. The benefit is available to Veterans, survivors and orphans, for life, should they need it.

→ \$1150/mo ONE PAYMENT?

Pension for Life addresses concerns raised by military and Veteran communities and families. It will empower CAF members and Veterans living with a disability, caused by a service-related illness or injury, to choose the form of compensation that works best for them and their families.

2. When will members and Veterans be able to apply for the Pension for Life benefits?

All three elements of the Pension for Life, including the Pain and Suffering Compensation, Income Replacement Benefit, and the Additional Pain and Suffering Compensation, are expected on April 1, 2019.

3. I thought Pension for Life would be available in 2018. Why do we have to wait until 2019?

There are two reasons. First, the Pension for Life changes need to be finalized through government legislation and that takes time.

Second, we need to ensure all Veterans Affairs Canada staff, systems and processes are properly in place to efficiently deliver the new Pension for Life benefits to the thousands of Veterans and their families who will feel the benefits of this change. Until the changed benefits come into effect, Veterans will continue to receive the current benefits and services for which they are eligible.

4. What will happen to the current disability benefits in April 2019?

~~The current Disability Award will no longer exist~~ under the New Veterans Charter after April 2019. This does not include the ~~Critical Injury Benefit~~, which will remain in place. If a Veteran already received a Disability Award, you may keep it.

5. I currently receive disability benefits under the New Veterans Charter. Should I apply for Pension for Life?

No. If a Veteran already receive disability benefits from Veterans Affairs Canada, they do not need to apply for the Pension for Life benefits. They will automatically receive an adjusted amount which will be explained by a VAC representative. The eligibility criteria for Pension for Life benefits (PSC, APSC and IRB) are similar to the current eligibility criteria used for disability benefits.

6. How will the monthly amount be calculated if I already received a Disability Award?

The monthly amount a Veteran may get if they already received a disability award takes a number of steps to calculate. If a Veteran is in this situation, how we calculate their monthly amount will be explained to them in the decision letter they will receive. The calculation considers:

- 1) The amount already received from VAC;
- 2) The monthly amount that would have received so far (had a monthly payment option been available); and
- 3) A life annuity calculation, which takes into consideration individual circumstances to calculate any offsets to the monthly payment.

7. I am happy with my current benefits. Will I have the option of keeping my benefits as is?

For Veterans who have already received a Disability Award, a calculation will be done automatically to determine if any additional money should be paid to you on a monthly basis.

Any future disability benefit applications after March 31, 2019, will be for the PSC because it is replacing the current Disability Award.

Income Replacement Benefit: Veterans will receive comparable benefits and amounts that are no less—before offsets—to those that were eligible to receive before March 31, 2019. However, since we are consolidating and replacing most of the financial benefits as they currently exist, maintaining status quo is not possible. The names of the benefits and the structure of the payment may look different.

It is important to note that if a Veteran receives benefits under the Pension Act. These will not change as a result of this announcement.

8. What is the rationale and research behind this change?

These changes combine what Veterans have asked for with the most up-to-date research and understanding on Veteran well-being.

Veterans have asked for:

- **More choice** and lifelong financial recognition for pain and suffering related to a service-related illness or injury;
- One, easy-to-understand monthly benefit that provides short and long-term income support for themselves and their families;
- Financial compensation to account for the impact of having to re-establish in post-military life; and
- Recognition of the exceptional impacts and quality of life issues faced by those living with a service-related illness or injury.

VAC Researchers have conducted studies, and also reviewed extensive research from around the world to come to these conclusions on Veteran well-being.

9. Why are we not returning to disability pensions under the *Pension Act*?

Implemented in 1919, the *Pension Act* was designed to recognize and compensate for overall financial impacts—pain and suffering and income replacement—of a service-related illness or injury. While the pension rates were generous, there were limits depending on disability type.

With the exception of the most seriously disabled, the rates were insufficient to support Veterans who were struggling to re-establish into their post-service life. Additionally, the *Pension Act* did not offer rehabilitation, education or transitional support. Under that system, Veterans faced challenges successfully transitioning to life after service.

10. The *Pension Act* was more generous to Veterans. Why won't the Government return to these benefits?

Every Veteran's circumstance is personal and unique. The *Pension Act* did not provide needed

support, such as well-being and rehabilitation programs, to a majority of Veterans prior to 2006. The *Pension Act* was designed after the First World War (1919) and did not consider individual circumstances or provide for a full range of rehabilitation and well-being programs that support Veterans and their families.

As a result of strong advocacy work by Veterans and Veterans organizations regarding *Pension Act's* limitations, the Government recognized the need for change to meet the evolving needs of the new generation of CAF members and Veterans. Consequently, a consensus emerged for real reform.

The comprehensive package of benefits and services—enhanced in Budgets 2016 and 2017—offer Veterans and their families the help they need to transition successfully from the military to life after service by focusing on their long-term well-being and mental health.

11. Are there additional amounts for survivors and dependent child(ren) after a Veteran dies?

Veterans need to know that the immediate family they leave behind will be financially looked-after in the event of a service-related death.

In the event of a Veteran's service-related death before age 65, the survivor and dependent children would receive the same Income Replacement Benefit amount as the Veteran would have until he or she reached age 65. Then the survivors and dependent children would receive 70% of the benefit to which the Veteran would have been entitled after age 65 (increased from 50% in Budget 2016). This would continue for life.

If a Veteran is receiving the PSC monthly benefit at the time of their death, and any residual amount is left over, it will be cashed out to survivors and dependent children.

Survivors and dependent children may also apply for a PSC that the Veteran could have applied for prior to their death, and they may receive a lump sum amount if approved.

12. Are there additional amounts for Veteran Dependents such a spouse or dependent child in the case of the death of a Veteran?

If a Veteran dies of a service-related death before age 65, the survivor and orphan would receive the same Income Replacement Benefit amount as the Veteran until the Veteran would have been 65 and then 70% of the benefit to which the Veteran would have been entitled to after age 65 for life.

If a Veteran dies of a non-service related death before age 65, the survivor and orphan would receive a lump-sum payment equal to 24 times the amount the Veteran received in the month he died with no offsets.

If the Veteran dies of a non-service-related death after age 65, the survivor and orphan would receive the Income Replacement benefit at the same rate as survivors and orphans of Veterans who die of a service related death.

13. How is Pension for Life different from what was previously available to Veterans living with an illness or injury?

Pension for Life is a holistic package that provides monthly recognition, monthly income support and overall stability to members and Veterans living with a disability caused by a service-related illness and/or injury. The benefits give Veterans a choice to meet their needs and circumstances in the short and long term, and is overall easier to understand.

The Income Replacement Benefit also address loss of career progression potential. They also offer additional recognition of severe and permanent impairments that create additional barriers to entering life after service.

The New Veterans Charter contains seven economic benefits, each with its own complex eligibility and application processes. The new Income Replacement Benefit replaces six of the seven benefits, making it easier for members and Veterans to apply for income support or go through the challenge of understanding the eligibility criteria.

14. Why would you make changes to ELB and CIA in Budget 2016 only to change everything a year later?

It was essential to address the most pressing issue, which was to raise the overall level of income for the most vulnerable Veterans. Budget 2016 increased the amount of financial benefits available to Veterans and made it easier for certain Veterans to access an increase to their CIA benefit.

Now we are reducing the complexity of having six different financial benefits, all with varying criteria and payment schemes by consolidating them into one. As well, we are creating payment flexibility in the Pension for Life benefits (PSC, APSC and IRB), and further recognizing that some Veterans experience additional barriers to re-establishment because of severe and permanent impairments.

15. Who did you consult?

Over the past two years, VAC has engaged Veterans and their families, Canadians, stakeholders, and experts in developing Pension for Life. These key audiences provided input and feedback during the VAC Stakeholder Summits in December 2015, May 2016, and October 2016, and at the Ministerial Advisory Group meetings.

Through these outreach efforts, we have learned that Veterans are focused on three key elements for a Pension for Life: ensuring that no Veteran under the NVC would receive less than a Veteran under the *Pension Act* for the same disability or incapacity; reducing the complexity of financial benefits; and needing choice for Veterans.

PAIN AND SUFFERING COMPENSATION (PSC)

16. What is the Pain and Suffering Compensation?

The Pain and Suffering Compensation is designed to recognize and compensate CAF members and Veterans for the pain and suffering they experience due to a disability caused by a service-related illness and/or injury. It is not intended to replace income, which is why the PSC is not taxable.

Based on the member or Veteran's assessed extent of disability, the PSC benefit potentially

CIA
CIA-S
ELB
ELB-E
IRB
RIB

entitles Veterans up to a maximum of \$1,150 a month for life. Veterans and members can also opt to cash out their payments at any time. The intent is to provide the choice of how to receive this benefit, while encouraging recipients to continue the monthly payment.

17. What will the eligibility criteria be for the Pain and Suffering Compensation?

The Pain and Suffering Compensation is available to members and Veterans of the Canadian Armed Forces (CAF) who have a disability caused by a service-related illness and/or injury. The actual amount of the PSC will be determined by a Veteran's Disability Assessment. It's important to remember that these monthly payments are based on the member or Veteran's extent of disability, and that not all Veterans who receive the PSC will receive the maximum of \$1,150 per month.

18. How do I apply for this compensation?

Details about the application process will be available closer to the expected release date (April 1, 2019). As specifics get confirmed, we intend to share it.

We will also issue a notification via *My VAC Account*. Our goal is to inform as many members and Veterans as possible about the benefits and services available to them and their families.

19. What happens to the monthly Pain and Suffering Compensation payments if the Veteran passes away?

If a Veteran receiving the monthly Pain and Suffering Compensation dies before receiving the equivalent lump sum amount, the survivor and dependent children would receive the remaining balance as a lump sum.

20. What is the maximum monthly amount that a Veteran can receive?

The maximum amount will be \$1,150 per month; the actual amount received depends on the extent of disability.

21. How was the maximum monthly amount of \$1,150 determined?

The monthly amount was determined by converting the value of the maximum lump sum Disability Award of \$360,000 into an age-adjusted monthly payment. For those most severely impaired Veterans, they may also receive the Additional Pain and Suffering Compensation, a monthly amount of tax-free compensation of up to \$1,500, for a combined maximum amount of \$2,650 per month.

2700 + FAMILY ALLOWANCE

Veterans who are the most severely impaired with significant disability would typically be receiving many other benefits and supports including monthly income replacement and the entire suite of wellness programs.

22. If you choose the monthly payment option but want to take the money as a lump sum payment at a later date, are you able to?

Yes. You can choose to cash out the benefit and receive the balance owing, which is the difference between the monthly amount already paid and the applicable lump sum amount.

23. Why would someone want to choose the monthly option for the Pain and Suffering Compensation?

The monthly payment option provides compensation and stability on a long-term basis, especially for younger members and Veterans with service-related disabilities. Each Veteran

can make a personal decision that best meets their individual needs.

VAC encourages Veterans to seek independent financial advice in order to determine the best option for them. Veterans Affairs Canada will pay up to \$500 for Veterans to access financial counseling or advice services from a provider of their choice.

24. Does the monthly payment option work out to more money over a Veteran's lifetime than the lump sum option?

The monthly payment is for life, so it depends on whether a Veteran's life is longer or shorter than their predicted life expectancy.

25. If I want to take advantage of the monthly option, do I have to pay back the lump sum I was awarded to Veterans Affairs Canada?

No. In order to benefit from the introduction of the Pain and Suffering Compensation, VAC will provide Veterans who have already received the Disability Award since 2006, the opportunity to potentially receive a monthly amount.

The calculation considers:

- 1) The amount that the Veteran already received from VAC;
- 2) The monthly amount the Veteran would have received so far (had a monthly payment option been available); and
- 3) A life annuity calculation, which takes into consideration individual circumstances to calculate any offsets to the monthly payment.

26. Why is sex part of the formula?

Sex is a factor of life expectancy, which is part of the formula used to calculate the monthly payment for Disability Award recipients.

27. Where can I get financial advice to help me make a decision on which option (lump sum or monthly payment) to select?

There are many agencies that provide financial advice including banks, private companies and community-run groups. Veterans can make a choice based on their own preference.

Veterans Affairs Canada will pay up to \$500 for Veterans to access financial counselling or advice services from a provider of their choice.

28. Are older Veterans disadvantaged by the creation of the new Pain and Suffering Compensation?

No. Veterans are able to choose if they would like to receive the Pain and Suffering Compensation as a monthly payment or lump sum, whichever option works best for them. To help with this choice, Veterans Affairs Canada will pay up to \$500 for Veterans to access financial counselling or advice services from a provider of their choice.

29. Why is there a discrepancy between the Pain and Suffering Compensation and the Disability Pension amounts?

The Pension Act should not be compared to the Pain and Suffering Compensation alone. The Pension Act monthly payment should be compared to the Pain and Suffering Compensation + Income Replacement Benefit + wellness programs. The PSC alone is not meant to provide

lifelong financial support.

The two benefits are very different, which makes it hard to compare. The disability pension provided for both economic and non-economic support to injured Veterans. However, in most cases it was insufficient financially, nor were there wellness programs to assist Veterans to re-establish into post-service life. Whereas, the Pain and Suffering Compensation is meant to recognize a Veteran's pain and suffering related to a disability caused by a service-related illness or injury only. The Income Replacement Benefit addresses the lost income experienced by a Veteran because of their illness or injury.

Additional Pain and Suffering Compensation

30. What is the Additional Pain and Suffering Compensation?

The Additional Pain and Suffering Compensation is intended to recognize and compensate Veterans for their barriers to establishing themselves in post-service life as a result of service-related permanent and severe impairment. It is not related to income, which is why it is not taxable.

31. What is the eligibility criteria of the Additional Pain and Suffering Compensation?

This benefit is payable to Veterans who have one or more disabilities caused by a service-related injury or illness that is:

- 1) Creating a permanent and severe impairment; and
- 2) Creating a barrier to re-establishment in civilian life; and
- 3) For which the Veteran has received a Disability Pension, Disability Award or Pain and Suffering Compensation.

32. What is the monthly Additional Pain and Suffering Compensation based on?

The benefit recognizes that severe and permanent impairments may create barriers to establishing themselves in post-service life. The monthly amount payable is based on the extent of the Veteran's permanent and severe impairment. It takes into consideration such things as a Veterans' mobility, requirements for supervision and the need for assistance with activities of daily living (such as bathing and dressing).

It will be payable at three grade levels with \$1,500/month being the highest and \$500/month the lowest.

INCOME REPLACEMENT BENEFIT (IRB)

33. What is the Income Replacement Benefit?

If a Veteran experiences health problem(s) that are resulting primarily from their service, seeks rehabilitation and needs income support during that rehabilitation, the Income Replacement Benefit will provide financial support to them during that specific period of time.

For those who have a permanent physical or mental health problem that results in a reduced earning capacity, the Income Replacement Benefit will continue after the completion of the rehabilitation plan and will reduce at age 65 to 70% of the pre-age 65 amount (less offsets).

Calculation of benefit: The benefit will be determined based on the higher of 90% of a Veteran's salary at release, indexed forward to current day, OR based on a minimum threshold

(\$48,600), indexed annually based on the Consumer Price Index. The minimum threshold is comparable to the middle-class tax bracket (\$45,916 in 2017). The benefit will be offset by other income sources, such as benefits payable under the *Canadian Forces Superannuation Act*, colloquially known as the CAF military pension.

Long term and lost career progression: For those who have a permanent physical or mental health problem that results in a reduced earning capacity, their military salary at release will be adjusted annually by a career progression factor of 1% until the earlier of what would have been 20 years of service had they not released or age 60. So, a Veteran with 5 years of military service would be eligible to receive career progression for 15 years.

34. What is the eligibility criteria for the Income Replacement Benefit?

A Veteran may qualify if they are a Canadian Armed Forces (CAF) Veteran who has a barrier to re-establishment because of service-related physical or mental health problem(s), and they are taking part in VAC rehabilitation services.

A Veteran who is participating in VAC rehabilitation program will be evaluated to see if their permanent physical or mental health problem associated with their Income Replacement Benefit results in a permanent Diminished Earnings Capacity (DEC). If it turns out that the Veteran does have a DEC, then the IRB will be extended for the Veteran's lifetime or until the Veteran no longer has a DEC.

For those who have a permanent physical or mental health problem that results in a diminished earning capacity, the Income Replacement Benefit will be increased by 1% every year until the Veteran reaches what would have been 20 years of service or age 60. The benefit is also available to qualified survivors and dependent children after the death of the Veteran.

35. Why are we eliminating/consolidating six financial benefits?

This has been done to make things easier for Veterans.

Having Veterans and their families apply for six separate financial benefits related to income replacement was unnecessarily complex. That's why we have consolidated the six benefits into a single monthly payment—the Income Replacement Benefit (IRB).

36. How do I apply for this benefit?

Details regarding the application process will be available closer to the expected release date—April 1, 2019. We will also issue a notification via *My VAC Account*. We will ensure that Veterans and their families are provided with all of the information they will need to apply.

37. Will this improve processing and wait times?

VAC is always looking for opportunities to improve the service delivery experience for Veterans. We are continuously streamlining administration to make things easier of Veterans and their families. Veterans can expect their Income Replacement Benefit to be processed in about four weeks, which is the current service standard for the Earnings Loss Benefit, and which involves collecting and reviewing similar information.

38. Will my payments decrease as a result of consolidated benefits?

Veterans will receive comparable benefits and amounts that are no less—before offsets—to

those they were eligible to receive before March 31, 2019. The names of the benefits and the structure of the payment may look different. Whether or not the benefits are taxable may also change.

For those who previously received a lump sum Disability Award, a calculation will be done automatically to determine if any additional money should be paid to a Veteran on a monthly basis. Any future disability benefit applications will be for the PSC because it is replacing the current Disability Award.

39. If I was eligible for one of the benefits being consolidated, am I automatically eligible for IRB? Will I need to be reassessed for the Income Replacement Benefit?

Yes. The monthly amount and length of time that a Veteran you will receive the IRB will depend on the financial benefits they were eligible for as of March 31, 2019. For example, if a Veteran was eligible for short-term Earnings Loss Benefit, they will be eligible for short-term IRB (not necessarily IRB for life) or if the Veteran was eligible for the Retirement Income Security Benefit, they will be eligible for IRB payments for Veterans age 65 or older.

To better serve Veterans, it is important for us to review and assess their needs while receiving the Income Replacement Benefit. There will be times when we need to review and assess a Veteran's rehabilitation needs, their ability to participate in their rehabilitation plan, their ability to earn an income and the amount of their income from other sources. Each of these may influence a Veteran's continued eligibility for the Income Replacement Benefit and the amount.

40. Why are Veterans (under the NVC) required to participate in VAC's Rehabilitation Program in order to be eligible for IRB?

The purpose of rehabilitation services is to support Veterans in improving their health to the fullest extent possible and adjust to life at home, in their community or at work.

41. Why are Veterans who medically release from the military due to non-service related injuries or illness no longer eligible for rehabilitation services? Do they not deserve the same level of care?

Veterans who medically release from the military are eligible for a separate insurance program through the Canadian Armed Forces (Canadian Armed Forces Long Term Disability Insurance).

Even if a service-related illness or injury manifests itself later in life, there is no time limit on when an ill and/or injured Veteran can seek VAC's rehabilitation services for barriers to re-establishment due to health problems that are primarily resulting from service.

42. What supports/options are available to medically released Veterans with disabilities that are caused by non-service related injuries and illnesses?

Veterans who medically release from the military are eligible for an insurance program through the Canadian Armed Forces (Canadian Armed Forces Long Term Disability Insurance). Medically released Veterans can also access vocational rehabilitation through this program. Veterans who medically release may be eligible for VAC support including the Career Transition Services, Education and Training Benefit, as well as access to the Public Service Health Care Plan.

43. Is there a transition period for this change?

Yes. These changes are expected on April 1, 2019. We will ensure that Veterans and their families are provided with all of the information they will need in advance of this date.

44. What financial support is available for Veterans who are mentally and physically able to work, but have not yet found employment or a source of income?

Veterans who are:

- Able to work;
- Participated in VAC Rehabilitation Program;
- Were eligible for the Earnings Loss Benefit or the Income Replacement Benefit; but are unable to find employment or are underemployed, may be eligible for the Canadian Forces Income Support (CFIS).

The Canadian Forces Income Support (CFIS) is a non-taxable, monthly income support that provides financial assistance to help meet basic needs such as food and shelter.

VAC's Education and Training Benefit and Career Transition Services programs would also be available to support Veterans who have not yet found employment or a source of income.

45. Will Veterans be able to earn any income without reducing the income received from other sources?

To encourage Veterans to engage in activities that are beneficial and meaningful to them, the Income Replacement Benefit will allow recipients to earn up to \$20,000 per year from employment before the benefit is adjusted. Employment income in excess of \$20,000 will be fully offset dollar for dollar from the IRB amount.

46. If a Veteran receives IRB and dies before age 65 due to a service-related injury or illness, what are survivors and orphans eligible/entitled to?

Survivors of the members and Veterans who have die as a result of a service-related injury or illness are eligible to receive the IRB. The Veteran does not need to be in receipt of the IRB at the time of death. Survivors may receive the same amount of IRB before offsets the member or Veteran could have received prior to the member or Veteran's 65th birthday. The amount of the IRB before offsets is reduced when the member or Veteran would have reached the age of 65 to 70% of the member or Veteran's rate post age 65. Income amounts the survivor receives in respect of the Veteran are offset from the IRB amount.

Orphans' eligibility for the income replacement benefit will be the same as that for survivors described above. In cases where there is a survivor and orphans, the amount for which the survivor is eligible (before offsets) will be split in two equal shares, with half going to the survivor and half going to the orphan(s). In the absence of a survivor, the orphans will divide the full amount between themselves. There are no offsets to the amount of IRB for orphans.

47. If a Veteran receives IRB and dies before age 65 due to a non-service related injury or illness, what are survivors and orphans eligible/entitled to?

Survivors of Veterans who die before age 65 and are in receipt of IRB at the time of their death may be eligible to receive a lump sum amount equal to 24 months of the monthly amount of IRB before offsets the Veteran was eligible for at the time of death. No offsets are applied to the amount.

Orphans' eligibility for the Income Replacement Benefit will be the same as that for survivors described above. In cases where there is a survivor and orphans, the amount for which the survivor is eligible (before offsets) will be split in two equal shares, with half going to the survivor and half going to the orphan(s). In the absence of a survivor, the orphans will divide the full amount between themselves (no offsets).

48. If a Veteran receives IRB and dies after age 65 what are survivors and orphans eligible/entitled to?

If an IRB-receiving Veteran dies after age 65, their survivor may be eligible to receive 70% of the amount of IRB—before offsets—received by the Veteran at the time of death. Income amounts the survivor receives in respect of the Veteran are offset from the IRB amount.

Orphans' eligibility for the Income Replacement Benefit will be the same as that for survivors described above. In cases where there is a survivor and orphans, the amount for which the survivor is eligible (before offsets) will be split in two equal shares, with half going to the survivor and half going to the orphan(s). In the absence of a survivor, the orphans will divide the full amount between themselves. There are no offsets to the amount of IRB for orphans.

49. Why are Veterans able to earn up to \$20,000 while receiving the Income Replacement Benefit?

To encourage Veterans to engage in activities that are beneficial and meaningful to them, the new benefit will allow recipients to earn up to \$20,000 from employment per year before the benefit is adjusted rather than immediately reducing benefits, as is currently the case.

The yearly amount of \$20,000 is being used as it is approximately the maximum amount an individual can earn before taxes are deducted in the most generous jurisdiction (Alberta).

Employment income in excess of \$20,000 will be fully offset dollar for dollar from the IRB amount.

50. How did Veterans Affairs Canada determine the career progression factor or 1%?

For Veterans who have not yet served a full career in the military, the Income Replacement Benefit will be increased by 1% every year until the Veteran reaches what would have been 20 years of service or age 60. It does not represent the actual career progression an individual Veteran may have had in the military.

Financials

51. What will this cost?

The Pension for Life will cost \$3.6 Billion from 2017 to 2022 and \$111.7 million per year ongoing.

52. Is there any new money associated with this announcement?

These changes would cost approximately \$3.6 Billion over 6 years and \$111.7 Million per year ongoing.

53. Can you explain indexation?

Indexation ensures that the purchasing power of money remains the same after inflation. It also ensures that purchasing power remains the same over time. Simply put, as items like food

become more expensive, indexation means we provide Veterans with more money to ensure they can keep buying these things.

54. What is wrong with the current financial benefits system for Veterans living with an injury or illness?

There are currently seven benefits, each with their own complex eligibility and compensation schemes. These benefits do not always reflect the intent of encouraging Veterans to re-establish and seek employment after a service-related injury or illness, despite his or her ability to do so.

55. What is the maximum monthly-amount a Veteran can receive with these changes?

The amount of the Income Replacement Benefit is based on a Veteran's military salary at release (adjusted annually), less offsets. As such, the amount varies depending upon each Veterans individual circumstances.

The maximum Pain and Suffering Compensation would be \$1,150 per month.

The maximum monthly Additional Pain and Suffering Compensation would be \$1,500 per month.

56. Is this, in fact, a lump sum divided into monthly payments over the course of a Veteran's life?

No. The new PSC is designed to support ill and injured members and Veterans, and provide them with the ongoing monthly recognition for their service-related illness or injury. If taken as a monthly payment for life, there is no cap on the amount the Veteran can receive. This means that they can receive more than the lump sum cash out amount. It is not a lump sum amount spread out over the Veteran's life. For a younger Veteran, this could mean receiving more than double the amount of the lump sum.

57. Will any Veteran receive less than they previously received with these changes?

Veterans who were entitled to the Earnings Loss or Retirement Income Security Benefit or Career Impact Allowance and supplement will not receive less under the Income Replacement Benefit (pre-offsets) than what they were receiving prior to this change. However, the structure of the payments and the portions that are taxable or not may change.

Veterans eligible for the Pain and Suffering Compensation will not receive any less than they would have if they received a Disability Award.

58. Is the money you are providing to Veterans as part of this package enough for them to live on?

Yes, for the most ill and/or injured Veterans who are not able to re-establish themselves following their service, the Pension for life will provide financial security for those who need it most. The IRB is designed to ensure a middle-class income (from all sources) for eligible Veterans with long-term needs.

Eligibility

59. Who is eligible for the Pension for Life option?

Veterans and CAF members who experience a service-related illness or injury that results in a disability are eligible for the PSC. Income support and additional recognition for severe and permanent impairment is available for those Veterans who need it.

Service Delivery

60. When will Veterans have access to these new benefits?

These benefits are expected on April 1, 2019.

61. Will VAC reach out to Veterans who are eligible under the new benefits and automatically enroll them, or are Veterans responsible for doing that themselves?

Veterans Affairs Canada will use all channels available to connect with Veterans to ensure they know about the changes. This includes talking with our front-line staff, sharing information through Facebook, Twitter and other social media channels, and using *My VAC Account* to reach those with an account. We will also be working with stakeholders groups and our Ministerial Advisory Committees to share this information and reach as many members and Veterans as possible.

Anyone with questions about the changes is encouraged to contact us at [1-866-522-2122](tel:1-866-522-2122), or visit veterans.gc.ca for more information.

62. What are you doing to address issues to improve service delivery for Veterans?

We know that we are falling short of service delivery excellence. Now that we have delivered a balanced and effective combination of programs and services—of which the Pension for Life announcement was the final piece—we are turning our full attention to improving our department's service delivery.

While there is much to do, we have already made and are in the process of making improvements. These include:

- Ensuring accurate wait times for disability benefits are prominently displayed;
- Implementing our new Guided Support level of support for those who need more than a phone call but less than a Case Manager; and,
- Improving our digital tools, like the *My VAC Account* digital portal, which now includes direct messaging with VAC staff.

Looking at our internal processes, we are working towards an integrated, simplified and user-friendly service delivery model. Our vision for service excellence is:

- Veterans transition seamlessly from the CAF to VAC and into the VAC services they need when they need them.
- Veterans will get one application, assessment, exam and decision. Veterans don't do the work, we do.
- Veterans receive the right support for all of their needs—this continues as their lives evolve.
- Veterans consistently have a responsive, compassionate, and uncomplicated service experience regardless of where they live or how they choose to deal with us.

More information on our Service Delivery Review and our pursuit of service excellence can be found on our website.

Well-being

63. What do you mean by well-being?

We define well-being as a satisfied and fulfilled Veteran with purpose, who is financially secure, safely housed, in good health physically and mentally, highly resilient in the face of change, well-integrated in the community, proud and cognizant of his or her legacy; and being valued and celebrated.

Our research on well-being—and its role in setting Veterans up for a successful post-service life—has been the driving force behind these changes.

“Well-being” is a broadly accepted goal of public policy, and there are many different ways of defining the concept. VAC’s Research and Policy Directorates reviewed expert literature, considered findings from Veterans’ population studies and held multidisciplinary consultations. The outcome was a composite well-being construct designed for Canadian Veterans and their families. Strategic outcomes were identified to support transition services, policies and programming.

Learn more about the [seven domains of well-being](#).

64. Does the Department think that being financially secure is a major step to well-being?

Research shows that financial stability is among the first steps to overall well-being. VAC wants to ensure that Veterans who are ill and injured have the opportunity to focus on their rehabilitation and making informed choices about their life after service. The Income Replacement Benefit will provide a stable and predictable income while Veterans are focusing on the rest of their well-being and preparing themselves and their families for their chosen next step.

New Veterans Charter (2006)

65. Why did so many people criticize the *New Veterans Charter*, and how have these changes address those criticisms?

The Charter received unanimous support in Parliament when it was introduced as it effectively responded to significant dissatisfaction with the old *Pension Act* system. Since the introduction of the Charter in 2006 the focus of criticism has been pointed at the lump-sum Disability Award payment and comparisons with financial compensation offered through the *Pension Act*. However, it is not well understood that the Disability Award is only one component of the benefits offered under the Charter, which also included rehabilitation, vocational rehabilitation and income replacement programs.

The New Veterans Charter has evolved since 2006 to address gaps and criticism. It includes a comprehensive set of programs and services to enhance the overall well-being of Veterans and their families. This includes elements such as improved income replacement, mental health services, as well as family, career and education supports. This change to the Disability Award is something for which the Veterans’ community has long advocated and will give Veterans a more straightforward and understandable benefits system that better meets their needs.

Systemic issues between VAC and DND

66. The Veterans' Ombudsman has made a number of observations and recommendations to address systemic issues between VAC and DND that are creating extra and unnecessary red tape. What are the Government's plans to address and correct those issues and what is your expected timeline?

The Veterans' Ombudsman has made a number of recommendations to improve the lives of Veterans and their families. In a recent report, the Ombudsman noted that out of the 57 recommendations that were developed in collaboration with Veterans' advocates and organizations, 37 have been fully or partially implemented, and that six of the items in the Minister of Veterans Affairs' Mandate Letter are based on his recommendations.

In Budget 2017 the Government committed to develop an action plan that will see VAC and DND addressing the overlap and gaps that currently exist for Canadian Armed Forces members released from the military. The plan will also simplify benefits so that the process is easier to navigate, gets Veterans their services quicker and helps them transition to life after service.