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—
Chair

Mr. Royal Galipeau

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• (1100)

[English]

The Vice-Chair (Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP)): Good morning, ladies and gentlemen, and especially to our honoured veterans. Thank you all very much for coming.

On behalf of our chairperson, Mr. Royal Galipeau, who unfortunately is still under the weather, I'll be assuming the chair in his absence, and hopefully he'll return very soon. I welcome you to the standing committee.

Pursuant to Standing Order 108(2) and section 20.1, or the statutory review provision, of the Enhanced New Veterans Charter Act, we're extremely honoured this morning to have as our witnesses, Mr. Jim Scott of the Equitas Society and as individuals, Donald Sorochan and Kevin Berry.

Before we start, I want to thank each of you for your service to our country.

Could you gentlemen introduce yourself so we can have it recorded, and then we'll proceed to your presentation.

I see Mr. Karygiannis's hand up.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): I have a point of order.

Chair, two other veterans have joined the Equitas Society as individuals, Aaron Bedard and Glen Kirkland, and I'm sure that if it's okay with everybody, we could also ask them to say a couple of words or to take questions.

The Vice-Chair (Mr. Peter Stoffer): I was just going to state to the people here that if they could introduce everyone here, if they're part of this organization, then we'd be happy to have their discussion as well.

Mr. Scott, if you would like to introduce everyone with you, including our veterans, that would be greatly appreciated.

Again, on behalf of the committee and the House of Commons, thank you all very much for making the journey to us today and helping us in our work, our all-party deliberations to analyze the new Veterans Charter to see where we can go forward on this.

Mr. Jim Scott (President, Equitas Society): Thank you very much, Peter

Ladies and gentlemen, we're very honoured to be here to be able to address this important issue.

I'll introduce those who have come with us: Glen Kirkland, who does not know that I used to commute to work with his dad and used to see him when he was just a young kid, days back in Delta that he doesn't remember; Aaron Bedard from Vancouver, one of the representative plaintiffs in a pending class action lawsuit run by the law firm Miller Thomson; Kevin Berry, a war veteran, who is also a representative plaintiff; and me, the father of a veteran who was looking into why there were issues with the new Veterans Charter; and Don Sorochan, the lead counsel for Miller Thomson, representing the plaintiffs through the legal process.

The Vice-Chair (Mr. Peter Stoffer): Before you start, I want to advise the committee that our analyst, Jean-Rodrigue Paré, would like to say a couple of words about the process of what we're doing.

[Translation]

Mr. Jean-Rodrigue Paré (Committee Researcher): I will say it in French and kindly ask the interpreters not to make any mistakes.

Some questions have been raised as to whether members could express themselves freely, given that the government has filed an appeal on a case that is currently before a court in British Columbia. The sub judice convention applies here. Under this convention, members must refrain from taking part in public debate on these questions, on questions of fact in particular. Members must not become directly involved in the proceedings of a case. However, in this case, the committee was designated as an appropriate vehicle for addressing the dissatisfaction expressed by some veterans. This is a fluid convention. As long as members use their judgment, I do not see why we could not start discussing these matters.

• (1105)

The Vice-Chair (Mr. Peter Stoffer): Thank you very much.

[English]

Mr. Lobb, please.

Mr. Ben Lobb (Huron—Bruce, CPC): Mr. Chair, please remind all guests about the protocol in committee about the taking of pictures when the committee's already begun.

The Vice-Chair (Mr. Peter Stoffer): Thank you.

Anyone in the media or taking pictures please be advised of the proper protocol.

Mr. Scott, please proceed, sir.

Mr. Jim Scott: Thank you very much.

I would like to reiterate that we really appreciate this opportunity to appear before your committee, first as the parents of a veteran, and second, in my case, as the president of the Equitas Disabled Soldiers Funding Society, which is a non-partisan, volunteer, and now national organization.

With my wife Holly, I am a parent of a Canadian Forces Reserves soldier, Master Bombardier Daniel Christopher Scott, of the 15th Field Artillery Regiment, a reserve unit in British Columbia, who was severely wounded in Afghanistan on February 12, 2010. The second of our three children, Dan did two tours of duty in Afghanistan, coming home badly injured.

At the age of 24, in the service of Canada and because of an accidental bomb blast that took the life of Corporal Josh Baker and injured four other Canadian soldiers, my son had to have one of his kidneys removed, his spleen removed, and part of his pancreas removed. As a result of that, his life has been changed. For these injuries, he received a settlement under the new Veterans Charter of \$41,500, with no other benefits such as retraining or earnings loss benefits.

It was difficult for me to believe that my son's life-threatening injuries were deemed to be worth so little. I should add a bit here. My wife actually works for an insurance company. Her job is to take litigated files and determine the one-time lump sum cash value. She has 200 files at any one time. We just couldn't understand why this was so disproportionately low. I also learned from my son that this was not unusual. Many of his fellow soldiers who were coming back from the Afghan conflict were being seriously disadvantaged by the lump sum payment under the new Veterans Charter.

I approached the government directly and was given assurances that the enhancements to the new Veterans Charter under Bill C-55 and additional funding for soldiers would address all these problems. However, I haven't seen this promise fulfilled as far as the compensation goes for the individual soldiers affected. I still see these small lump sum payments.

As a result, I sought legal advice and collaboration, which eventually led me to Don Sorochan, with the law firm Miller Thomson. As a consequence of Miller Thomson's agreeing to represent the soldiers legal interests pro bono, somebody had to pay for their disbursement costs. Mr. Sorochan convinced me that we would have to form a society that would raise the disbursement costs to go forward with this program, and that was the beginning of the Equitas Society. It was strictly to fund the disbursement costs.

However, soldiers started to contact us with their cases. It was an awful lot of work. Sometimes for three hours a day we would have to respond to e-mails and phone calls. I know that Don Sorochan is in the same boat. We received hundreds of calls and e-mails.

As a result of these examples, we found three key issues with the new Veterans Charter that were somewhat troubling. We divided the cases into the severely disabled, the moderately disabled, and the partially disabled.

For the severely disabled who receive their lump sum payment and monthly benefits support, we found that, compared to the previous Pension Act, they could be financially disadvantaged by approximately 30%. This is due to the new Veterans Charter

reduction of benefits at age 65, and the fact that there are tax and clawback considerations to their monthly settlements, which is not normal for a workmen's compensation monthly payment.

Also, we found in talking to the soldiers that the clawback is actually a disincentive for these severely disabled members to find other employment. We encourage all of them to go forward with their lives, but for some reason, getting their money clawed back starts to make them want to just collect money. So we have some issues with the way that's being administered.

• (1110)

Secondly, we have the moderately disabled. These are Canadian Forces members who will be discharged because they don't meet the requirement of universality of service and who will receive two years or more of earning lost benefits as they're retrained. But they can be disadvantaged tremendously by up to 65%, because if you take the total cash value they would get over their lifetime under the old system, they have said to us that under the new system—and we believe them—there is a big gap in the benefits.

But what I would really like to emphasize is the Canadian Forces reserve members—especially from the province of British Columbia where we don't have a standing military base, so we raise the army with reserve soldiers—have been sent into harm's way. They have injuries. They've come back and these injuries are not such that they will be removed from the reserve unit. They're not discharged, so none of these programs come into play. However, they have to take their injuries into the civilian workplace and try to get employment.

It's quite sad because a lot of them say that they were going to be police officers and so on, and I ask them, "Can you run" or "Can you walk"? No. But then how are they going to do that? Their settlements are \$26,000 or \$40,000. It's just not enough to compensate them for the fact that they're going to have a permanent disability for the rest of their lives. But they aren't discharged from the reserves so they don't trigger any of these other programs.

When the program first came in it was supposed to be that they would remain in the military so it wouldn't really have been an issue.

The last issue we found, which is somewhat different from the promise in the new Veterans Charter is that a lot of the home units are making special deals with their soldiers so they can compensate them directly. Although this is very commendable, the individual soldiers know that this guy is getting this deal at this unit and that guy is getting this deal at that unit. It actually creates a lot of issues while people try to compensate for the fact that the new Veterans Charter is not accommodating to them.

The other issue is that some of these side deals are quite questionable if you were to look into them. It puts a tremendous amount of stress on the soldiers who are supposed to be reintegrating into society to know that the light of day cannot really shine on how the rehabilitation programs work. I can talk more about that offline.

In summary, the settlements under the new Veterans Charter in many cases do not equal the settlements under the previous Pension Act or under the Workers' Compensation Act, or even lump sum payments awarded by the courts.

I've left a 30-page document, in both French and English. There are some factual changes to this document but it does outline the issues here when we compare the new Veterans Charter payments to workers' compensation, to court settlements, and to previous pension acts.

I'm not saying that the new Veterans Charter doesn't work, but there are cases that have been outlined to us where it simply has failed or where there are major gaps in the program.

Don.

Mr. Donald Sorochan (As an Individual): Thank you.

I'm Don Sorochan. I'm the lead counsel in the class action that flowed from the visit that Jim made to my offices, in which he told me of the various cases that had come up.

I became aware of it because one of our neighbour's kids, whom I've known since his mother came home with him as a baby, served in Afghanistan. While in British Columbia, he was ordered to go and clear some brush and trees. A tree fell on him and his legs were seriously damaged, requiring surgery in Afghanistan and Germany, and then follow-up surgery in Vancouver. He was still being kept in the military when I heard about this situation from his father.

In years before that, prior to the Afghanistan war, there were instances in the military of people who had been injured in the normal course of events, and the issue then was universality of service. If you were injured and you couldn't perform completely, there was a tendency in the military to try to have you removed from the Canadian Forces.

That wasn't the case with this young man. In fact, the armed forces were basically making a job for him. They were making a job for him at the Jericho base in Vancouver, and he was getting some level of support from that.

You'll see in the written material I've handed out that, when he came in to see me, he told me he was getting a lump-sum award of \$13,000. I make reference in the material to the details in the statement of claim and the judgment of the British Columbia Supreme Court. I don't have time to get bogged down in details here, but I did want to make a point that this \$13,000 that I refer to in my written material is only the issue that triggered it. At the end of the day, he received some additional moneys for PTSD. This is the thing that got me wondering how this could be.

All political parties are represented here. I've worked with all the political parties during my career, and I've learned to respect members of all political parties. I believe there's a genuine effort on all sides to do right by our veterans.

I have to say I was completely astonished. I made some inquiries of people—I'm not going to name them—people who were ministers. I asked how this got in. How did this happen? They said this was supposed to be a benefit. All parties voted 100% to bring in this new Veterans Charter.

While I'm going to say kind things about politicians, I'm not so kindly inclined towards the bureaucrats, because they basically snow people. We were told by the bureaucracy that this was for a benefit. But the research I've done shows that it was well and truly known to

those bureaucrats that it would have the adverse effects that it has had, and it was an effort by the bureaucracy to cut budgets and save money. It did so on the backs of our veterans.

At the time it was being thought about, there wasn't any war going on. It wasn't that we anticipated that we would be having a whole bunch of new casualties. It was, in fact, some sort of academic exercise to look to how we could mesh the various pension schemes of the federal government. But I digress.

I've posed some questions at the front of my written remarks I've handed to you. Is there any justification for compensating veterans for injuries incurred while serving Canada on a lesser basis than the courts would award in damages in personal injury litigation? I'm going to be talking about the honour of the crown as a way of enforcing the social covenant.

In the aboriginal context, we are still working our way through what the honour of the crown means. There's no ambiguity here, though, about what is meant by appropriate compensation for injuries. There isn't a type of personal injury whose value hasn't been assessed by our courts, whether it occurs by a medical error or motor vehicle accident or whatever. The courts have assessed what the value would be for a given injury, so we don't have a big question mark about what it means to have adequate damages paid.

●(1115)

The first question I would ask is whether there is any justification for these types of personal injuries departing in a lesser extent from what other Canadians would get if they had an injury that could go to the courts.

The next question I would ask is whether there is any justification for compensating veterans under the new Veterans Charter differently than old veterans were compensated under the pension cheque. What's the difference? They all served Canada. It was quite clear when the new Veterans Charter was advanced that it was not—I repeat, not—to affect the previous pension benefits of our World War II, Korean, and other veterans. It was to go forward.

Well, that might have kept the wolves at bay for people who would be howling if you brought in a piece of legislation that cut the benefits to existing veterans. You can tell me what you think your constituents would have said as they headed out of the Legions if that had been brought in. I submit that there's no justification for old veterans being paid considerably more compensation than new veterans.

Is the substantial reduction of benefits under the new Veterans Charter a breach of the social covenant? On that, I know there are people who have said, "Well, Sorochan, how can you argue that this promise made by the Prime Minister of Canada on the eve of the First World War can bind a subsequent government?"

It can do that because it wasn't just any promise. It was a promise that led to our being a country. We weren't independent in 1867. We only became an independent country, where the Westminster Parliament couldn't override the laws passed in this building by the Statute of Westminster, in 1931. The independence that led to the Statute of Westminster in 1931 flowed from the victories that the Canadian army obtained in the First World War, and particularly the battle at Vimy Ridge.

That promise, that social covenant, was made by the Prime Minister of the day as a foundational promise, not of his government, not of his political party, but of the people of Canada to those who were going to put themselves in harm's way of an unimaginable nature. Remembering what they faced at Vimy Ridge, they faced an obstacle that had defeated the French army and other armies before it. They were men who were going out of trenches into machine-gun fire with almost certain consequences of injury and death. In fact, of the people who heard Prime Minister Baldwin speak, 50% of them became casualties, that is, 50% of the people involved in that battle were killed or wounded.

It was not just any promise. It was a promise made to people who then and subsequently have put their lives on the line for their country. If they didn't obey the orders of their senior officers, up until capital punishment was removed, they could have been executed. It's still an offence. You don't as a soldier get to decide whether you like the orders you're given by the chain of command on behalf of the country. You must obey the order or suffer the consequence. There's no other member of society, including others who put themselves in harm's way daily—police officers and firemen—who can be sent to prison for not obeying their orders.

So the social covenant lived on. It lived on in legislation. It wasn't just a transitory speech made in order to bring people to the battlefield in the First World War. It lived on through legislation, and it disappeared from the legislation in the new Veterans Charter. Somebody thought that taking the reference to the covenant out of the legislation meant it didn't count any more. In my respectful submission, it counts, and it's a constitutionally protected concept.

• (1120)

So how do you enforce that constitutionally protected concept? I'd suggest we do it through the honour of the crown. The honour of the crown has been used to give effect to promises that the Government of Canada, through its representatives, made when they built this country geographically, and when they dealt with our first nations as they went across the country. The alternative was the way the Americans did it. They had their so-called Indian wars. We didn't have Indian wars. We had commitments to our first nations, and they have been given effect to constitutionally by the honour of the crown. There's more vagueness as to what it all means in the aboriginal context, I would suggest to you, than there is in this context. As I said before, we know what the courts have valued these items at. I get carried away when I start talking about these things.

I want to suggest that you're all here as members from different parties, but you're all here, just as I was, as a member of the community. I didn't get involved in this because I'm politically active. I got involved in it because a father walked across the street and said his son was very seriously hurt and was suffering by it. I don't have any screening on my telephone, and I get calls that come through on a daily basis from people in tears, not just from the veterans, but equally often from their families. The effect of this on families is unbelievable. I can't believe that you aren't getting those calls in your offices. I can't believe there's a community in Canada where people aren't touched by this issue. I would really have a merry Christmas if the joy of the season would descend upon this committee so that we could put aside partisan concerns and try to address this for the good of your constituents.

Can I wrap up with one brief story? I was told not to tell stories.

• (1125)

The Vice-Chair (Mr. Peter Stoffer): Very briefly, sir.

Mr. Donald Sorochan: It involves Mandela, so I think it's timely.

In 2000 I went to a conference in South Africa. I presented a speaker's pole to Nelson Mandela, and I got to spend some time with him before that. He heard I was from Canada and his eyes lit up and he said, "We owe a great deal to Canada"—"we" being South Africa. He said, "You gave us our constitution."

I don't know if you know this, but the South African constitution was a product of the working papers of the Meech Lake accord and various other documents of constitutional puzzling here in Canada. It was used as the foundation for the South African constitution. In particular, one part of our discussion in Canada on property rights that we didn't choose to put into our charter of rights and freedoms was a fundamental part of the South African way of solving their problem. They needed that constitutional safeguard so that the white farmers wouldn't feel their property would be taken away.

What happened when I gave Mandela that speaker's pole is that he came down off the stage and embraced another white man in the second row of the crowd. I asked who he was. I was told he was his prosecutor, the man who had asked for the death penalty for Nelson Mandela.

There are two points to this story. If Nelson Mandela can go down and embrace his prosecutor, all of you from different political stripes can get together, embrace each other, and embrace the veterans and solve this problem for them. I assure you that this is a very serious problem. It's not just the suicides of the serving members that are illustrative of this problem. You don't even know about the suicides of people who aren't serving in the Canadian Forces. These are people who are suffering on a daily basis.

I ask you in the spirit of, well, in the spirit of Mandela, in the spirit of Christmas, in the spirit of whatever, to get this thing solved so that your constituents are treated in a fair way.

The Vice-Chair (Mr. Peter Stoffer): Sir, thank you very much.

We now move on to Mr. Kevin Berry, please.

Kevin, if you'd like, you can introduce your dog as well.

Mr. Kevin Berry (As an Individual): Hello. My name is Kevin Berry. I'm from Vancouver, British Columbia. I have a service dog here with me, Tommy. He's a 21-month-old German Shepherd, Lab, and Doberman cross. He was provided by Citadel Canine Society out of Vancouver. Tommy is my service dog for post-traumatic stress disorder, and that's part of why I'm here today.

The Vice-Chair (Mr. Peter Stoffer): Welcome here, Kevin.

Mr. Kevin Berry: Thank you for having me.

Ladies and gentlemen, Canada replaced a fair system with an unfair one, halfway through a war. From First World War pensions—that were argued on this Hill by veterans who came aboard trains to argue in front of Parliament—until March 31, 2006, veterans could count on one inalienable truth: so long as there was a Government of Canada, there would be the steadying hand of support, and the daily acknowledgement of their suffering, in the form of a monthly pension.

This support was lifetime and without reservation. There were no conditions. Rank did not impact compensation. Neither did future earnings. It was a fair system.

The priceless peace of mind that is supposed to be there for those injured or disabled in the service of Canada is now gone. Make no mistake: I am here today because lives hang in the balance.

I have a tattoo to memorialize my friends who fell in Afghanistan. I have 12 names tattooed on my arm. Five of them have taken their own lives as a result of their service. In 2003-04, 2,200 people went to Afghanistan with me. In our first year back, seven of them took their own lives. That was the first year back. There have been dozens more since.

Now, what role does the lump sum pay in this? The lump sum versus the Pension Act goes after three things: stability, security, and hope.

In terms of security, a wound or an injury that was sustained in the service of Canada has, since 1919, earned a monthly pension. That connects the daily pain and suffering of the veteran to the Government of Canada and, by extension, to the Canadian people.

Every morning when I wake up, I'm compensated under the Pension Act for my lack of hearing and my bad knees. When my knees ache and I put my hearing aids in—I'm 30, by the way—I'm reminded that there's a connection to the Government of Canada and, by extension, the people; that my sacrifice is remembered; and that it's dealt with through a financial stipend. It's not a huge amount of money. I'm not going to get rich off of it. But it's a nice reminder that I haven't been forgotten and that's acknowledged—every day.

This reflects our unique relationship with Canada. We are members of society who have sacrificed our bodies and minds for the collective betterment of our country.

Now, a lump sum? We're not mercenaries. We're not sent into harm's way for profit. We're not sent into harm's way on the understanding that if we're hurt we'll be given a bag of money. We're sent into harm's way by our country, and we are told, from the day we enter basic training, that our country will take care of us if we are hurt—period. Do not pass go. There are no other terms and conditions to it. If you are hurt, we will take care of you.

We are not being taken care of under the new Veterans Charter. It's been a failure.

We can fix it. This is why I'm here.

We have something in the military called unlimited liability, which Aaron and Jim alluded to earlier. You don't hear about the Toronto Police Service ordered to assault a machine gun nest. Friends of mine are on the emergency response team in Vancouver, and they base all their scenarios on zero casualties.

The military is not that way. A regimental sergeant major during an infantry attack organizes a casualty collection point, because we know we're going to sustain casualties. It's part of the job. It comes with the territory. We accept that reality willingly, and go forth willingly. But part of that unlimited liability is the government's end of it: that we will take care of you when you get home.

We have prided ourselves as a nation on not having homeless veterans. We now have them. This is happening right now. We are seeing suicides right now as a result of this legislation—men and women who are penniless as a result of this.

We have veterans who have invested their lump sums, as they've been told to do. Let the free market dictate. You can invest your lump sum. You'll make more money. You'll be better off than if you had a pension.

The market crashed in 2008. Several of my friends had their savings wiped out.

These are veterans without legs, legs that were lost in the service of Canada. These are people who are not going to be able to have any further benefit coming. Why? Well, they're able to work.

In the old system, they would still receive their pension. In the new system, well, if you're able to work, we don't need to support you—never mind that you strap your leg to your body every morning when you get up.

This is not the society that I signed on to protect and serve. We took care of people.

When I was told by Veterans Affairs to go home, you're disabled, it gutted me. My life was turned upside down. I wasn't able to work, and that was something I prided myself on. I'd been working since I was 16 years old.

People who join the military don't tend to be the type of people who want to sit and wait for a handout. And it's really mean-spirited to assume it is a handout. I mean, we're disabled. I'm not able to live my life to the fullest extent that I could have had I not served my country.

● (1130)

That's a trade I'd gladly make again. I'd gladly serve in the military again if I were physically capable of doing so. But the reality is that we've lost faith. We've lost hope now, as veterans. We're disillusioned.

I get dozens of contacts through social media from people who are desperately seeking help, desperately wanting to know how the lawsuit is going, desperately wanting to know if there will be any change in the lump sum.

A friend of mine attempted suicide a few weeks ago. He has two young sons. He had done the math. He has PTSD, mind you. He can't work, he's not trainable. He has a debilitating mental illness. His lump sum was given to him at the height of his mental illness. Luckily his wife convinced him to buy a house. They still have a small mortgage, and he decided that his survivor's benefit to his wife, should he take his own life, would make more financial sense than if he were to remain alive. So he attempted to take his own life. Luckily the RCMP interceded, and he's still with us. Others have not been so lucky. This is not, by any stretch of the imagination, a rare case.

I can't put into words the feeling of betrayal, and how gutted I was when I was told the circumstances of the new Veterans Charter. When I was told that I was permanently disabled, yet my support was going to be a one-time payout so that government could walk away, it destroyed me. My mental state, which was already fragile, completely disintegrated, and I had no hope.

I ended up in treatment for alcohol and for post-traumatic stress disorder in 2011.

There are a lot of different scenarios that go into suicide and addiction and mental illness. There's only one that government can control, and that's the financial support that veterans receive. That falls to the men and women in this room, to make recommendations.

There's a common argument about the lump sum versus the monthly pension. People will say that a soldier who's addicted can go out and drink his monthly pension every month. That's true. However, every month that's going to come in, and those are months that he will remain alive. He will go for the next month, further and further and further.

The lump sum marks a finality to it, and when that's gone—and with the amounts that we are compensated, it's gone very quickly, inside of a year to three—hope is gone. Men and women are on the streets as a result of this legislation, they're penniless.

I had to make a decision between rehab, eating a pistol, or being homeless. Those were the choices that fell to me in 2011. I chose rehab. Spin the bottle, pick one of the three—two aren't good. I almost died because of this legislation.

It's not acceptable. It's not acceptable for Canadians. It's not acceptable for Canadian veterans. They deserve better. They are absolutely vulnerable as a result of their service to this country, and we are here to move forward with getting them the benefits they so richly deserve.

What do we need? We need hope. We, who are now wounded, have lost a part of ourselves and we've lost it willingly and without complaint for our country. There is not a veteran I've met who wouldn't join again tomorrow. These are proud Canadians, people who would willingly fight for their country again.

We've had faith that the government would take care of us and would honour their agreement. There is a whole host of programs under the new Veterans Charter, but the most important one is the disability allowance, and that's what's been slashed markedly under the new Veterans Charter.

Our monthly disability pension, that cheque that gives us hope as much as it gives money, had dignity to it. It meant that we could be somewhat self-supporting, it could make up in some small measure for our earning gap from what we could have made before, and we were comfortable in the knowledge that we were connected to the population of the country. The people who paid their taxes gave us a pension every month to say, "Hey, thank you for giving up your body parts or your sanity for our way of life."

The war in Afghanistan has been going on for 12 years. There hasn't been any gasoline rationing or rationing of meat, or scrap metal drives or rubber drives like during the Second World War. The general population is completely disconnected to the fact that we are at war. But make no mistake, we have been at war.

In closing, I'd like to draw strength from the Legion's position during the 1951 pension debate, at which time the government was trying to prevent the raising of pensions to match the living wage.

• (1135)

The basic principle of pension legislation since the First World War has been that a war disability pension is compensation paid by the state for injuries suffered while on active service and assessed on an equitable basis for the same degree of injury, regardless of a man's civilian occupation or earning capacity. No subsequent training or earnings could affect a pension, once granted.

We need hope back. If we have hope, we can save lives. People can live better and it's a relatively simple fix.

I think I'd be of more value at this point taking questions, and I thank you for your time.

The Vice-Chair (Mr. Peter Stoffer): Mr. Berry, we can't thank you enough.

We thank all three of you gentlemen very much for your invaluable testimony for us today.

We'll now move on to questions, and the questions can be directed to every single person on the panel, if you wish.

You may want to put in your earpiece for French interpretation.

• (1140)

Hon. Jim Karygiannis: Chair.

The Vice-Chair (Mr. Peter Stoffer): Mr. Karygiannis, this is just a reminder, sir, that if you wish to have a point of order, you should say "point of order". For the record, it would be helpful.

Hon. Jim Karygiannis: Okay. I was just wondering, and seeking unanimous consent from all my colleagues, if we can give Aaron Bedard and Glen Kirkland two or three minutes apiece before we start questioning, if that's okay with the rest of the committee.

The Vice-Chair (Mr. Peter Stoffer): I'm in the hands of the committee.

Hon. Jim Karygiannis: These veterans certainly deserve that. It's the least we can do for them.

The Vice-Chair (Mr. Peter Stoffer): Mr. Karygiannis, I understand that they will also have an opportunity to respond to our questions in that regard.

Hon. Jim Karygiannis: Will you ask again?

The Vice-Chair (Mr. Peter Stoffer): I know I'll be asking my own questions of the two gentlemen.

Hon. Jim Karygiannis: Can we ask for unanimous consent, Mr. Chair?

The Vice-Chair (Mr. Peter Stoffer): I will. I'm always up in front of the committee, and it's up to the committee.

Mr. Parm Gill (Brampton—Springdale, CPC): Mr. Chair, can we limit it to no more than a couple of minutes, because we are running out of time, and I'm sure all the members have questions they would like to ask?

The Vice-Chair (Mr. Peter Stoffer): Okay. Unanimous consent is granted.

Mr. Kirkland, please go right ahead for a few minutes.

Mr. Glen Kirkland (Equitas Society Veterans Council): I just wanted to—

The Vice-Chair (Mr. Peter Stoffer): Could you introduce yourself and say where you're from?

Mr. Glen Kirkland: My name is Glen Kirkland. I was born and raised in Langley, B.C., but I reside in Brandon, Manitoba.

I try to bring up one point every chance I get. It's who's our next generation of soldiers. If this generation is not being looked after, who's going to carry that torch? I'm a fifth-generation Canadian soldier, dating back to before Canada was a country. I served proudly and with honours, and so did every generation. There's no way that, if I have the opportunity to have children, they would be serving in the Canadian military, unless there's something drastically changed with ill and injured soldiers. The suicide rate right now is unbelievable.

I have a quick little story, and I won't take very much time. I'm a real estate agent now, and I sold a house to a gentleman named William Elliott. There was some disclosure that, in the house he bought, the gentleman killed himself in the house—this is in Shilo.

Mr. Parm Gill: I have a point of order.

The Vice-Chair (Mr. Peter Stoffer): Mr. Gill, point of order, sir.

Mr. Parm Gill: Mr. Chair, I'm not sure if we have a member of the opposition videotaping or taking pictures, which obviously is against the rules of committee, and I would like to ask you, Mr. Chair, to please make a ruling on that.

The Vice-Chair (Mr. Peter Stoffer): Because we are not televised, if any member of the committee is taking what I call photo journal representations of this, I would ask that individual to cease immediately, please. Thank you.

Please, Mr. Kirkland, carry on.

Mr. Glen Kirkland: During the disclosure at the sale of the house, I had to explain to William Elliott that the previous person, who was military-based, killed himself in that house. This is killing me, but.... Just a few days ago, William Elliott killed himself in that same house. These are not isolated situations. These guys are not getting the support. It's very clear. There has to be something done.

That's all I have to say.

The Vice-Chair (Mr. Peter Stoffer): Mr. Kirkland, thank you very much for that.

Sir, would you introduce yourself and say where you're from?

Mr. Aaron Bedard (Equitas Society Veterans Council): I'm from Vancouver, British Columbia. My name is Aaron Michael Bedard. I was a combat engineer in the Canadian Forces. I served on Task Force 106. I was outside where Charlie Alpha Bravo companies in the QRF served in Sangin and all that good stuff.

In the summer of 2006, being in constant combat and around colleagues who were dying almost every single day, it was something that's not like suicide but quite similar. You were prepared to die and were accepting it every morning. "Is it my turn yet", because every day someone was getting hit and killed. It's a road that you can't come back from and I deal with suicide every day.

I have a new wife and a nine-month old and it's something that still pops into my mind every day. And I'm worried that if things take forever to get fixed with this, it's just going to get worse with suicides. It stabs me in the heart every time I see one. We've got an anniversary of Vimy coming up and an anniversary of the armistice, and I hope and I pray that we get it all sorted out before then, because it's going to be pretty hard to celebrate those events if this isn't fixed.

•(1145)

The Vice-Chair (Mr. Peter Stoffer): Sir, I thank you very much for that. Again on behalf of the committee, congratulations on your recent nuptials as well. Very good.

We'll now start off for questioning. You may wish to put in your earpiece, please.

Mr. Sylvain Chicoine, for five minutes, please. Thank you.

[*Translation*]

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP): Thank you, Mr. Chair.

I want to thank all the witnesses for being here today. I also want to thank them for their service to the country, the sacrifices they have made and their efforts to ensure that veterans are treated fairly.

Everyone agrees that it is totally unacceptable for an injured soldier not to get the same level of compensation as any other worker. I think that is unacceptable and that your efforts to correct this situation are laudable.

As far as your case is concerned, the government admitted that there was a social covenant between the Crown and Canadian Armed Forces members, and felt that this covenant had been honoured.

In your view, in what sense has the Government of Canada failed to live up to this covenant and how could the New Veterans Charter be amended to ensure that this social covenant is honoured to your full satisfaction?

[English]

Mr. Donald Sorochan: I take the positions of lawyers with the usual grain of salt. The government lawyer's position, which has not been reflected in statements of government ministers or others, was that they are respecting the social covenant by the existing legislation.

Now that's a position that a lawyer takes because he's given marching orders. I don't even know that he believes it. But the position was that, yes, there is a social covenant, but we're honouring it with the existing legislation. If we go to trial, we think we'll be able to show that this is not the case.

[Translation]

Mr. Sylvain Chicoine: Thank you.

You mentioned in your complaint that during enlistment, the recruiter talks about the compensation provided to injured soldiers. However, under the Pension Act, if someone enlisted in 2002 and was injured in 2008 he will not be covered by the Act but will be entitled to the compensation provided for in the New Veterans Charter. That sounds a bit like a breach of contract to me.

Don't you think that access to programs under the New Veterans Charter should have been based on the date of enlistment and not on the date that the person was injured?

[English]

Mr. Jim Scott: That's a very good question and normally there's a grandfathering clause for most contracts when you make a fundamental change—and that's reflected in the report that we've submitted to you. In this particular case, you have people enrolling and signing to one set of circumstances and then having that set of circumstances change in the mid-contract period with no grandfathering provisions. That's very different from what you would see in most changes. For instance, when you make pension acts and so on for a workforce, the people who have them previously get to retain them and it's from that date forward that people are told and get the new benefits. So we were very surprised that this change went into effect and there were no grandfathering provisions.

[Translation]

Mr. Sylvain Chicoine: Thank you.

The government is saying that it recognizes that duty and that it is included in the new charter.

Can you comment on that?

[English]

Mr. Jim Scott: Sorry, when you say “duty,” which duty are you referring to?

The Vice-Chair (Mr. Peter Stoffer): Mr. Chicoine, can you repeat the question, please.

[Translation]

Mr. Sylvain Chicoine: Yes. I am talking about the government's sacred duty to take care of wounded veterans.

[English]

Mr. Donald Sorochan: As I said, this was on a motion to dismiss, and nothing has been decided other than that the case can continue.

The argument was that the new Veterans Charter fulfills the social covenant. That's the legal position that was taken by that lawyer at that time.

One of the premises of our case is that this is not true. We'll be able to call evidence showing what the effects are and how it differs from what had gone on, just as we've heard here today.

I was looking for a battle that took place between the new Veterans Charter and the old. Theoretically, one bullet could have been fired and you'd be compensated under the Pension Act, and the next bullet out of the machine gun would be under the new Veterans Charter. We weren't able to schedule such a battle, but theoretically that could have happened. You could have had people right in the middle of the same battle with different bullets hitting them and they would have been treated markedly differently. Theoretically, I never did find that battle.

• (1150)

The Vice-Chair (Mr. Peter Stoffer): Thank you, sir. Thank you, Mr. Chicoine.

We now move on to the Parliamentary Secretary for Veterans Affairs Canada, Mr. Gill.

Mr. Parm Gill: Thank you, Mr. Chair.

I also want to take this opportunity to thank our witnesses and veterans for everything that you have done to defend our country and for your service. I truly appreciate it. I also want to thank you guys for appearing before the committee. This motion to hear from you guys was put forward by the members of the government.

Can you tell us if you are aware that more money is spent today under the new Veterans Charter than under the Pension Act?

Mr. Jim Scott: We're not looking at the funding model for this. That will be your job. We're looking at the effect model. What effect is it having? For instance, my son's compensation, with \$41,500 for his injuries, is disproportionately low. How that funding created this situation, I don't know. But it created a situation where you have a disproportionately low settlement.

I know of another person who was shot in the kneecap and got a one-time payment of \$26,000. These are low payments. You're talking about \$5 billion going into an organization. If I get my calculator out and divide it by the number of injured soldiers, it's going to equal more than \$26,000 or \$41,000. So I just don't know how you can spend that amount of money and still have these small payments, unless there's a blockage in the system somewhere.

Mr. Parm Gill: I understand. We're not talking about individual cases. My question is whether you are aware that the government today under the new Veterans Charter spends more money than it did under the Pension Act.

Mr. Jim Scott: Does that mean you're spending more on the basis of a comparison between the charter and the act? Or does it mean you're spending more because there are more people going through the system? I just don't know.

Mr. Kevin Berry: I'd like to expand on that as well, Mr. Secretary. The Pension Act focuses on the pain and suffering; that's all it does. It is not for vocational rehab. It is not rehabilitation. It has nothing to do with any of that. Only one of the programs under the new Veterans Charter, the disability award lump sum, can be compared with the Pension Act.

You would have to compare a comprehensive system with the War Veterans Allowance Act, which compensated World War II veterans. It's disingenuous to make such a comparison with the amount of money spent on a comprehensive rehabilitation program that anybody can access. Anybody in the Canadian Forces who's compensated under the Pension Act or under the new Veterans Charter can get new Veterans Charter benefits. However, Pension Act payments are only for pain and suffering, and they are only for those who are wounded or handicapped in the service of Canada.

So putting the two side by side, you see they are not the same. Not even close.

Mr. Parm Gill: If I understand you correctly, you do acknowledge, obviously, that there are more benefits available under the new Veterans Charter than, say, under the Pension Act, and that overall the amount of money spent on these benefits is higher than with the Pension Act.

Mr. Jim Scott: I don't have those numbers. I would have to take a look at them. One of the things is that with the lump-sum payments you're basically prepaying the first 10 years of their benefits. That's where the tipping point comes as far as where you start to save. Normally under a pension scheme you amortize your costs over 60 years, so let's say that you had a 25-year old person, you would have payments over 60 years. If you front-end load, you could have a ballooning in your benefits here.

I think what these soldiers are doing is looking at their lifetime benefits and not their benefits in the first few years of the new Veterans Charter, because obviously if they get a lump sum they are years ahead of a pension program for the first few years.

Once again, I would have to take a look at your numbers to see if you're front-end loading whether this is going to be a long-term benefit to the soldier or just a temporary benefit.

• (1155)

Mr. Parm Gill: I have a chart here that goes back to 1992 actually and then all the way to 2013. It's just a very simple graph showing in billions of dollars how much money each year the government spends, so my question to you is this. As you can see, there's a dramatic spike—

Hon. Jim Karygiannis: Chair, on a point of order—the parliamentary secretary referred to a graph. The rest of us do not have the privilege of having that graph and I'm just wondering if he would like to make that available to the rest of us.

The Vice-Chair (Mr. Peter Stoffer): Mr. Karygiannis, I can assure you, sir, this is not a court of law. This is a committee. Individuals can refer to whatever documents that are out there as they wish. If they wish to be challenged later on to provide that document, all individuals are more than free to write to that individual to ask them that at a later time.

Carry on, Mr. Gill.

Mr. Parm Gill: Thank you, Mr. Chair.

As I was saying, the graph that I have, which I would be happy to share, clearly shows a dramatic spike in funding to Veterans Affairs, and about 90% of it goes to benefits and services.

Given this information, do you believe there is less money spent on veterans' financial and rehabilitation benefits than, say, there was in 2002?

Mr. Jim Scott: I would have to take a look at it. What's causing your spike? Is it the fact that you have more claims because you've been at war for 10 years? I just don't know. I think this is one of the issues on which, as we get farther down into the legal matters, we will be subpoenaing these documents and having analysts take a look at them. I know what you're saying, but I just can't comment on it.

The Vice-Chair (Mr. Peter Stoffer): Thank you, Mr. Gill. Your time is up.

Would you like to add to that part?

Mr. Glen Kirkland: Yes, please.

The Vice-Chair (Mr. Peter Stoffer): You have a very short time, sir.

Mr. Glen Kirkland: Could I see the same chart with the suicide rate? I bet they would correspond.

The Vice-Chair (Mr. Peter Stoffer): That shall be taken under advisement, sir. Thank you.

I will now move on to the Liberal Party.

Mr. Jim Karygiannis, go ahead, please, for five minutes.

Hon. Jim Karygiannis: Thank you, Chair.

I'd like to read a couple of words into the order.

In 1917, then-Prime Minister Rob Borden said that “you need not fear that the government and the country will fail to show just appreciation of your service to the country” and that “no man, whether he goes back or whether he remains in Flanders, will have just cause to reproach the government for having broken faith with the men who won and the men who died.” Those were words that were said.

There was a covenant between the soldier, military personnel, and the country that it was going to look after you. When we come to today, we have the minister saying:

As I explained to 25 Veterans stakeholders a few weeks ago, the plaintiffs in the current court proceedings argue that the promises of past governments are binding on present and future governments. While this may sound reasonable, their argument could have a far broader impact than perhaps intended. If accepted, this principle could undermine democratic accountability, as parliamentarians of the future could be prevented from changing important legislation. Hence this is not about the issues raised by the plaintiffs, but about unintended consequences to the very functioning of our parliamentary democracy.

We've seen governments come and governments go, and especially this government has a tendency of breaking covenants that previous governments have worked upon, which we had come to accept. We broke the covenant that at 65 years old you're going to get a pension. Now it's 67. So you start working and you have a contract with the government and all of a sudden it's, "No, we're going to change that contract to 67".

Having said in 1917 that we would not turn away from you, in 2013 we say, well, we can't do that. We have examples of covenants that are broken. I'm sure in your case right now this is the highest covenant that this government is trying to break.

I wonder if you would like to make a comment on that.

Mr. Jim Scott: I'll comment, and then maybe Don Sorochan can comment.

I think one of the issues in this particular action by Equitas is that people see it as a slight to the government for soldiers to ask the courts to define their rights and benefits. As we send our soldiers overseas, we always say it's because we want to install democracy in countries like Afghanistan.

Parts of democracy are the government and the courts. We have the courts, the Senate, the House, and they all form our democracy in Canada. There's nothing wrong with soldiers asking the courts what legal rights we have in this country. The courts will define them.

Right now, we're at odds. During the trial, the government lawyers said that soldiers are no different from anybody else collecting welfare and that the government has the right to set welfare as they see fit. We disagree with that opinion, and therefore we're asking an independent source to say there is a duty of care by the government in individual cases, not mass funding. The courts don't look at funding requirements, they look at individual cases. That's why I think it's the appropriate place right now for soldiers to be addressing their individual rights in contract with the government.

Don?

•(1200)

Mr. Donald Sorochan: The political reality of different policies and political ideologies coming forward is not offended by the position we're advancing, because we say that the social covenant goes beyond a mere political statement. The social covenant was not a statement of a political party—although there were some political reasons for it. One of the political reasons was that the prospect of trying to fill the trenches by conscription would have irreparably divided the country at the time. It was a highly divisive issue between Quebec and other parts of Canada. So the government of the day, speaking not as a government but on behalf of the country, said they would make this covenant, this promise, to you.

So in this context, we argue—and if necessary, we'll argue to the courts—the fact that it has been repeated historically since 1914 as a continuing social covenant we say makes it different from an ordinary political promise. I know we wouldn't want to constitutionalize every politician's promise.

The Vice-Chair (Mr. Peter Stoffer): Thank you very much.

Your time is up, Mr. Karygiannis.

We now move to Mr. Hayes, please, for five minutes.

Mr. Bryan Hayes (Sault Ste. Marie, CPC): Thank you, Mr. Chair, and welcome.

I want you to know that all of us on this committee have a vested interest in being on this committee, and we're here to make the new Veterans Charter absolutely the best it can be.

I'm just educating myself, plain and simple, so we can make the right decisions.

I'm looking at an individual case in the ombudsman's report. The Veterans Ombudsman noted that a 24-year-old medically released veteran with an 80% disability will receive \$2 million just in financial benefits under the new Veterans Charter.

In this case, do you believe that \$2 million is more than what that same veteran would have received under the Pension Act?

Mr. Jim Scott: That's a very good question because I think the trigger to be severely disabled is 78%, so 80% would make this person disabled and they would get their lump sum and then monthly support payments.

Our position on this is very simple: you're so bloody close to having a real pension if you just didn't reduce it at age 65, because at 65, you go to what you call a 2% pension. Everybody thinks that's 2% per year of service, but it really is a 2% lump sum payout on the money that is collected, and the benefit you get for that period of time is subject to tax and has clawback provisions.

If those little cleanups were done, you've got that one pegged, because under workers' compensation programs, the benefit is reduced to 75% to make it non-taxable. It's really a 100% compensation package reduced to 75% to make it non-taxable. Under the new Veterans Charter, you make it 75% and taxable, so that's the difference. Then you make it "clawbackable" and I think that's the worst thing you're doing because it's a disincentive for these guys to find meaningful employment.

•(1205)

Mr. Bryan Hayes: So you've reviewed the ombudsman's report?

Mr. Jim Scott: I haven't, but I've seen this case before—

Mr. Bryan Hayes: His statement was that there are actually better economic benefits paid under the new Veterans Charter. That's what he stated based on his actuarial analysis. And he didn't talk about the new veterans independence program, which wasn't part of it. He didn't speak to the \$75,800 available for college and university education. So that was just his actuarial calculations.

Mr. Jim Scott: What I would say on that is that if you took away the clawback and made it not taxable and did something about the beyond-age-65, on that particular issue you're almost done.

Mr. Bryan Hayes: All right. I want to understand something here. Is the intent of your court action simply to throw out the new Veterans Charter and go back to the old Pension Act, or is it to enhance and improve the new Veterans Charter?

Mr. Jim Scott: The desired outcome is just that the benefits packages offered to soldiers be equal. And really, for the severely disabled under Bill C-55 and so on, a lot of ground has been missed. The biggest problem I see coming right now are these partially disabled soldiers who were reservists, who are now out on civvy street trying to find jobs. They have not been released, but they have these mechanical injuries that are going to affect them for the rest of their lives and they have these very low payments. And because they haven't claimed for post-traumatic stress, their universality of service is not high enough to claim access to any of the other programs.

So what we have, say in the province of British Columbia, is all of these reserve units with these guys with foot problems and stuff with these really disproportionately low payments. I don't think that was the intent of the new Veterans Charter.

Mr. Bryan Hayes: I need don't need this now, but I'd like to ask you, Mr. Scott, if you could table with the committee any analysis you might have done with regard to the new Veterans Charter and how it matches up to workers' compensation schemes in British Columbia.

Mr. Jim Scott: Yes, we've written a 72-page document compares it to workmen's compensation. For instance, I'll give you my son's case.

He would get—I'm just doing this by memory right now—10% of his income for a lost spleen, 15% for a lost kidney. The pancreas would have to be reassessed on its own. In the province of British Columbia, you can insure your earnings up to \$72,000 a year. So that's \$6,000 a month. He would get 25% of the \$6,000, so about \$2,000 a month. That would be reduced to 75% to make it non-taxable. He would then get \$1,400 a month non-taxable and non-clawbackable.

He got \$41,000. That turned into an annuity is \$140 a month. So it's about one-tenth if you compare the two programs.

Mr. Bryan Hayes: It's interesting. Again, to go back to the ombudsman's report, he did a little bit of analysis of worker's compensation and he did look at B.C., and his chart actually shows the new Veterans Charter paying higher benefits than worker's compensation. But, again, I'm not sure what he was comparing. I think that's something that probably should be looked at.

Mr. Jim Scott: You're 100% on and I've talked to the Veterans Ombudsman and he wanted to start at the top and work down, so his report is on the severely disabled. When you get past the severely disabled to the moderately disabled, who are 40% disabled let's say, and to the partially disabled, who are 15-20% disabled, that's really where you're finding your big issues with the new Veterans Charter.

But his report was on the severely disabled. And Bill C-55 and stuff has done a lot to address that. You're a few tweaks away from

having that one done; but at the lower end of the scale, there is still a wide open area of problems.

Mr. Bryan Hayes: Thank you.

Thank you, Mr. Chair.

The Vice-Chair (Mr. Peter Stoffer): Mr. Hayes, thank you very much. We now move on to Mr. Rafferty, please, for five minutes.

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Thank you very much, Chair, and thank you, all five, for being here today.

I'm not a government member but an opposition member. Just to clarify what the government believes about this, regardless of what questioning might come from the other side, in the recent decision in September of the British Columbia Supreme Court, the counsel for the government said:

Counsel for the defendant concedes, for the purpose of this application, that the benefits and services formerly available to Canadian Forces members and veterans under the Pension Act were substantially better than those that are now available to them under the NVC.

So that's a quote in that court decision in September. The government is fully aware of these issues and we're all here, hopefully, to make sure that those tweaks happen and the other things happen with the new Veterans Charter.

I just want to ask a couple of questions.

Mr. Barry, could you just briefly tell us what it has meant to you to have Tommy, your service dog, with you.

•(1210)

Mr. Kevin Berry: Tommy has been an absolute delight. He saved my life in a lot of ways. He's given me back access in ways that I didn't have before. I've been debilitated with post-traumatic stress disorder since 2010, rarely leaving my residence, and to be able to be in Ottawa today and to do some of the things I've been able to do over the last year, having Tommy has been an absolute benefit.

Mr. John Rafferty: Was it difficult to access Tommy and Tommy's support?

Mr. Kevin Berry: There definitely could be more resources in place. This is a new program. Tommy is the first dog in British Columbia to receive his guide animal certificate for post-traumatic stress disorder. The benefits that Tommy brings forth give me a life back. I'm no longer confined to my house; I'm able to go out and interact. There are definite benefits.

Mr. Bryan Hayes: Don't back up because your dog's ear is under your wheel.

Mr. Kevin Berry: Thank you.

He's been absolutely delightful for my life. With post-traumatic stress disorder, it's a continuum disorder, a spectrum disorder. There are many different places along the two points, and Tommy's definitely something for guys that are at my stage. That can be a benefit, absolutely.

Mr. John Rafferty: Thank you very much, Mr. Berry.

Mr. Bedard and Mr. Kirkland, I wonder if you could each maybe comment on my next question. You're both relatively recent service members. I wonder if you could maybe explain to us or at least give us an indication or sense of what rank and file members, young men and young women who are serving right now, think about the new Veterans Charter. Do you have anything you can share with us on that?

Mr. Aaron Bedard: I decided to use social media to set up an opportunity for fellows to have access to the information forms they need to fill out to get their military medical records and their Veterans Affairs Canada history, in the event they may eventually choose to be a representative plaintiff in the case, if it proceeds. I put out a word through some different groups one day in July, and 350 veterans, many of whom are currently serving but are fearful to use their own names and use different names, including their wives' names in a lot of cases, met up with me. I was suddenly connected with about 25 of them who are 100% disabled, people whom we didn't know about. And I only did that on one day in July.

I have trigger issues and can only do so much. My attempt is to try to find these guys and to help out these fellows. And I know for a fact that through my own experience what's going on. I know exactly what's going on because I went through it in my time. In my period of time leaving the regiment, there was no JPSU. I was put in a holding unit. My file was lost for a year; it fell through the cracks.

I don't ever want to hear that word or statement again, and to be horrified that it's a dead end.... Having the monthly payment for life is a guarantee whereas there's uncertainty with one chunk, especially for someone who's never had any money before, a 20-year-old, who just began working. If they lose it all, it's incomparable and goes beyond the numbers.

Mr. John Rafferty: Right.

The Vice-Chair (Mr. Peter Stoffer): Mr. Kirkland, would you like to add anything?

Mr. Glen Kirkland: Yes, just briefly. Peter MacKay said in Parliament that I was able to stay in for as long as I wanted, and I was given that opportunity. And when I asked if this was going to be given to all wounded soldiers, they said "no". So I quit. I put in my release. It's one soldier, one standard; one veteran, one standard. That's not the case. I was given an opportunity that no one else was. And I'm going to be one of those success stories. I did my return-to-work program. I am successful, but it's not universal. I had preferential treatment. I couldn't take that. How could you offer that to somebody and expect them to be able to sleep at night?

The Vice-Chair (Mr. Peter Stoffer): Mr. Kirkland, thank you very much.

Mr. Rafferty, thank you.

We now move onto Mr. Opitz.

Mr. Opitz, welcome to the committee, sir.

• (1215)

Mr. Ted Opitz (Etobicoke Centre, CPC): Thank you, Mr. Chair.

First of all, thank you all for appearing today. I'm on the defence committee normally, and Mr. Kirkland visited us there not that long ago. In fact, the defence committee is conducting a study on the care of the ill and injured. We were actually in Petawawa last Thursday, touring the JPSU and some of the facilities there. And I was in Shilo a couple of month ago for a different event, but took the opportunity while I was there to look at some of the issues that are going on in Shilo.

That just illustrates that all of us in the House are very interested in making sure that this is right by veterans, and we're working very hard to do that.

To that end, sir, Minister Fantino announced that he would invite the veterans to the committee here for you to be able to air your concerns to Parliament, which you're doing today, which is fantastic. But at that time, did you expect the minister to ask us to bring forward recommendations on new language to be added to the new Veterans Charter capturing the duty, the obligation, and the commitment of the Government of Canada towards Canadian veterans?

Mr. Jim Scott: That's a good question. A lot of people have asked what the solution is, and I've always said to every person, "Just acknowledge that there are some gaps, acknowledge that there are some problems, and then seek to close those gaps and those problems". One of the concerns I have is that, when you go into a review process with predetermined ideas already in mind, it really doesn't make the review process that valid—in other words, if you say, "This is going to be the outcome; now have your review". We're very open to what this committee does. There is just the fact that we want to raise, that for whatever reason we got down this road, we now have hundreds of people who have contacted us and they have bona fide cases of gaps in their benefits under this program.

What does the solution look like? I would hope you will be able to offer those solutions.

Mr. Ted Opitz: That's part of the reason and the things this committee will come out with, the various courses of action that may be available to us. There are enough veterans on this that we kind of understand the process.

Sir, the new Veterans Charter was designed to support wellness, and it was designed to encourage independence over dependence. Would you agree with those principles overall?

Mr. Jim Scott: Reintegration of our members back into civilian life is very important. It is top priority. We support that.

Mr. Ted Opitz: Okay, on the disability award, can you expand on what your thoughts are, and do you think it should be indexed?

Mr. Jim Scott: The disability award....

Mr. Ted Opitz: The lump sums—

Mr. Jim Scott: Oh, the issue with the lump sums is that you have a series of lump sum programs.

For the partially disabled, like my son, it's just a lump sum; that's it. Then you have lump sums in the cases of people who are discharged from the military and they get some earning loss and some training. Then you have the severely disabled, as we were talking about, who have ongoing benefits. In each of those categories the lump sum is a different payment, so what we're doing here is calling lump sums one term when in fact it has three different meanings. The lump sum for my son is the only payment he gets. A lump sum for a moderately disabled person, say 40%, is part of a program of reintegration into society. A lump sum for a severely disabled person is just part of an expanded benefit program.

When you say “indexed”, I'm not 100% sure what you mean. Is it to increase the lump sum as it goes up? The issue is whether you want to have a lump sum, for instance in the case of my son, that is equal to what the court system would give out for a liquidation and liability and then apply that to a severely disabled soldier and then add on your other streams of income on that too.

You're going to run into problems here, because you're going to have double the compensation. That's the problem with the lump sum payment. It doesn't work in some cases, and if you make it too big, it's going to be too much in other cases.

Mr. Ted Opitz: Just based on your answers, in some areas nomenclature—that is, what we call some of these programs—might be an issue and lead to some misunderstandings.

Mr. Jim Scott: You have basically three streams and you're trying to say it with one term: “We make lump sum payments”. That's the biggest criticism of the new Veterans Charter. Lump sums are sometimes the only form of payment, and sometimes they're part of an extensive benefit package.

Mr. Ted Opitz: I have only a second left—

Mr. Jim Scott: You just had one second—

Mr. Ted Opitz: You said you're—

The Vice-Chair (Mr. Peter Stoffer): Mr. Opitz, you do not want to interfere with Mr. Hawn's time.

Mr. Ted Opitz: Okay, there you go.

The Vice-Chair (Mr. Peter Stoffer): Now we'll move on to Mr. Hawn, please, for five minutes.

• (1220)

Hon. Laurie Hawn (Edmonton Centre, CPC): Thank you very much, Mr. Chair.

Thank you all for being here, and thank you for your service in so many ways.

We've talked a lot about Robert Borden's promise, and we've acknowledged it's not covered in the Constitution or the Charter of Rights and Freedoms. It's a promise from the heart. It's promised with the honour of the crown, so to speak.

Mr. Sorochan, we all accept there's a social responsibility. I don't think that's in question, but on the technically legal side, do you think the government should be elected to bring in new programs, to change programs as it sees fit and as the electorate elects it to do?

Mr. Donald Sorochan: You've opened the door on that one. I believe we're in a constitutional monarchy and the Constitution is, in some respects, unwritten. I believe that the government can act within the constraints of the Constitution. I believe that the social covenant is a constitutional document.

Hon. Laurie Hawn: I'm not getting into the honour of the crown in this case or the obligation—

Mr. Donald Sorochan: Yes, you are, because you asked what Parliament could do. Parliament can act according to the law and the Constitution.

Hon. Laurie Hawn: Do you think that this government should be bound by the promises that Paul Martin made?

Mr. Donald Sorochan: It depends on the promise.

Hon. Laurie Hawn: So anybody who disagrees—

Mr. Donald Sorochan: You're bringing in the typical slippery slope argument thing. I'm arguing that there is a fundamental constitutional issue created by the social covenant. I'm not arguing that a tax break is constitutionally protected or that all sorts of other things have that same protection.

Hon. Laurie Hawn: That's your argument and I appreciate that argument and I don't disagree with it. There are some fundamentals of democracy that say a government has the authority granted to it by an election to bring in legislation, to change legislation if they see fit. I'm not talking about a moral obligation here.

Mr. Donald Sorochan: No, I'm not talking about moral obligation either. We haven't even gotten into the bureaucracy of this because a lot of the problems here are created by a mindless bureaucracy just saying that things anybody else would deem to be a disability aren't a disability. What we have is a law that says this is the end result. In a way it wasn't passed by Parliament. The framework is passed by Parliament and then the details of how it is put into effect are created by orders in council by various bureaucrats.

Hon. Laurie Hawn: So there are fundamental issues here of constitution and legality.

Hon. Jim Karygiannis: [*Inaudible—Editor*]

Hon. Laurie Hawn: I have four minutes, Jim, and you're interrupting me. Thank you, because I have other questions to get to.

Mr. Scott, how is your son doing now?

Mr. Jim Scott: Good.

Hon. Laurie Hawn: Is he working? What's he up to?

Mr. Jim Scott: He's training himself. He just put himself through a paramedic training program and he's going to try to become an ambulance attendant, but he's paying for all those courses himself.

Hon. Laurie Hawn: Okay.

Sorry, I did want to correct something for the record. No changes were made to the Canada Pension Plan. That's still 65. The only thing that was changed was OAS at 67.

Mr. Kirkland, I have a question for you, but I guess also a question, Mr. Scott, for the other folks who are part of the Equitas suit. To better educate the committee—and this would be done in camera, not in public—would it be fair to ask the members whom you represent to provide the committee with information on all of the benefits, payments, etc. that have been received by those folks so that we as a committee can be better educated? As in, here's what we're talking about, here's what these guys, these folks, actually received versus the Pension Act, or whatever it is. Would it be fair to ask for that information?

Mr. Jim Scott: We can do that because all of that information is in the pleading and some of it's in that 72-page document that I've just given. So we're open to providing that and having an analysis.

Hon. Laurie Hawn: So we can collect that and can collect it from DND, or whoever else is involved?

Mr. Jim Scott: Yes we've always said that if you want.... One of the biggest issues, and I don't want to gobble up your time, is people's right to privacy of their medical records. What we've said to all of the representative plaintiffs is that if you begin this process, you are now open to everybody.

Hon. Laurie Hawn: We wouldn't use it in public. It would be in camera just so we can inform ourselves on that.

Mr. Kirkland, you've said that you've taken advantage of the program and stuff, and that's great. Have you looked at what you would have received under the Pension Act versus what you actually did receive in your particular case?

Mr. Glen Kirkland: Yes I did.

Hon. Laurie Hawn: Do you have dollar figures for that?

Mr. Glen Kirkland: Yes, what I'm receiving now and what I will be receiving is a mere fraction.

•(1225)

Hon. Laurie Hawn: How much would you have received under the Pension Act?

Mr. Glen Kirkland: I would have received \$5,500 a month.

Hon. Laurie Hawn: How much did you receive from the new Veterans Charter including retraining and so on?

Mr. Glen Kirkland: A one time lump sum payment of \$250,000.

Hon. Laurie Hawn: What about your schooling?

The Vice-Chair (Mr. Peter Stoffer): Your time is up, Mr. Hawn.

Hon. Laurie Hawn: Sorry?

The Vice-Chair (Mr. Peter Stoffer): Mr. Kirkland last response, sir.

Mr. Glen Kirkland: I paid for most of the schooling by myself.

The Vice-Chair (Mr. Peter Stoffer): Thank you very much, Mr. Hawn. Mr. Kirkland, thank you.

We'll now move on to the four-minute round, our second round, starting with Madame Perreault.

[*Translation*]

Ms. Manon Perreault (Montcalm, NDP): Hello. I would like to thank the witnesses for being here with us today.

I will be sharing my time with Mr. Chicoine.

I am going to speak from the heart. It breaks my heart to hear testimony such as that given by Mr. Berry, Mr. Bedard and Mr. Kirkland. I do not understand why Canadians with the same injuries are not entitled to the same amount of money. Everyone should receive the same amount of money for injuries with the same consequences.

It is easy to see that I have a physical disability. That is clear. Mr. Hawn said earlier that the government has the power to change the laws passed by another government. However, the government also has the duty to take care of our veterans.

It is unacceptable that there are so many inequities among veterans. It is unacceptable that there are so many suicides. There are many problems in this regard. These people need support and it is up to us as members of Parliament to ensure that veterans have access to care and are closely monitored.

That brings me to my question. In Canada, employers have the duty to accommodate their employees. When a person has an accident or is injured, his employer is obligated to accommodate him so that he can continue to work. Does the same obligation exist toward our veterans? In a situation where veterans are no longer able to do what they could in the past, do we simply cast them aside or do we suggest other directions for them to take?

[*English*]

Mr. Jim Scott: That's a very good question.

What happens—we get a lot of this from the wives—when a soldier is injured, say in Afghanistan, is that they come back, and there's this initial gathering around. Then they find out that they will not meet the universality of service and they'll be removed from their employment. A process has been started and, if they are not severely disabled, they will get some retraining and then they will be on their own. That is causing tremendous hardship on a lot of families because, although you retrain somebody, that does not guarantee that they're going to get a job. It just means that you retrain them for the purpose of getting a job.

So the duty to accommodate—and then there is a reasonableness clause to that—is found. For instance, with the RCMP we had a young lady who had her leg shot off up in an interior town in British Columbia. She was able to retain her job within the RCMP in the province of British Columbia. Injuries like that in the military could very well have you retrained but then sent into the civilian world. The issue here is that normally a workers' compensation program ensures income, because it is the income that people are concerned about, not how much money they get. We are separating the veterans who want to stay in the military from their income source, which is the military, and we're taking the step of retraining them. But in all cases, it's not enough; they don't have a job at the end of it.

[*Translation*]

Ms. Manon Perreault: In my riding of Montcalm, there is the Amicale des vétérans and the Royal Canadian Legion, but there is also NATO. Recently, these people spoke to me about the principle of universality of military service.

Could you elaborate on that?

[*English*]

The Vice-Chair (Mr. Peter Stoffer): Excuse me, Madame Manon, you have two seconds.

[*Translation*]

Ms. Manon Perreault: Okay.

[*English*]

The Vice-Chair (Mr. Peter Stoffer): Thank you, Madame Manon.

You can finish that very quickly; go ahead.

•(1230)

Mr. Jim Scott: I could talk about universality of service, but I am no expert on the universality of service, so I wouldn't want to mislead the committee as to what I do and do not know on that. I'm familiar with it in a broad sense, but I'm no expert.

The Vice-Chair (Mr. Peter Stoffer): Mr. Scott, that's very kind. Thank you very much.

We'll now move on to Mr. Chisu, please, for four minutes.

Mr. Corneliu Chisu (Pickering—Scarborough East, CPC): Thank you very much, Mr. Chair.

Thank you to the witnesses for appearing in front of the committee, especially the veterans from Afghanistan, especially my fellow engineer.

I am proud to be able to have served the country myself, both in peacekeeping operations in Bosnia in 2004 as well as in the war in Afghanistan in 2007. I consider my service a duty to my country and I always have been guided by what I can do for my country, being very well aware that I could be killed or severely wounded. Fortunately, I'm here with you today.

I would like to go back a little bit to what aspects of the Pension Act you feel are better than the charter. Could you elaborate on this, not only for the regular force people, but also for the reservists? What is better?

The Vice-Chair (Mr. Peter Stoffer): Mr. Berry.

Mr. Kevin Berry: Well, what you're talking about with reference to the Pension Act is the disability compensation, right, and what's better about it, right? Well, it's for life, for starters. The current lump sum system is equivalent to only about 10 to 12 years of the compensation that you would have received.

What was better about the Pension Act was that it only dealt with pain and suffering. Now, the earnings loss benefit that's part of the new Veterans Charter, that was handled by SISIP before the new Veterans Charter came in. You still got your 75% of long-term disability; it just came under SISIP. It was just a renamed program. You still got retraining through Veterans Affairs and through SISIP could go back to school, prior to the new Veterans Charter. These aren't new benefits.

The huge difference here is that for pain and suffering under the Pension Act it was a lifetime monthly pension that was commensurate with the degree of injury incurred and was relatively comparable to personal injury compensation elsewhere in the country. It's been replaced by, in some cases, one-tenth, in a small amount that comes up front. Yes, it's tax free, but all the other benefits are taxable. The old pension under the Pension Act was tax free, it was indexed, and it was for life.

The new benefits, the earnings loss benefits, are taxable. They only go to age 65. They're not indexed. If you're going to compare the two time periods, we were much better off under the Pension Act because that was money in our pocket to spend and to feel self-sufficient and move forward with.

Not everybody qualifies for retraining. The ombudsman's report this year says that 53% of veterans who qualify for these programs aren't even allowed to have access to them. They're denied by Veterans Affairs.

So there's an accessibility issue, but there's also the overriding issue, which is that the programs aren't as generous as what was offered under the Pension Act. That's why I'm saying it's disingenuous to compare the Pension Act to the new Veterans Charter, because the Pension Act only represents the disability award part of the new Veterans Charter.

You have to take into account things like the earnings loss benefit. That was SISIP under the old system. There was another program and another benefit that paid out for guys who couldn't work. They weren't left to their own devices just on the Pension Act; there were other programs in place. You have to compare the two systems comprehensively, not just the one piece of the Pension Act versus the entire new Veterans Charter.

Mr. Corneliu Chisu: Okay.

Can you tell me how the old system helped a veteran to rehabilitate?

Mr. Kevin Berry: To rehabilitate? Okay—

Mr. Corneliu Chisu: To rehabilitate. It was in the old system a way to reintegrate a veteran into society.

Mr. Kevin Berry: The proper comparison would be to compare that to the War Veterans Allowance Act that followed the Second World War and was opened to Korean War veterans. That would be the proper comparison. That was proper reintegration on the part of government.

There are other folks, such as Harold Leduc, who are much more informed on this and who would be better to call as witnesses to speak to that, but comparing the two systems—Pension Act to new Veterans Charter—doesn't work.

With regard to retraining and rehabilitation, you could have been sent to retraining and rehabilitation during the time period prior to 2006, but it was under other programs. There were other retraining benefits. They were administered by Veterans Affairs and by SISIP. I received retraining through SISIP when I got out of the army in 2004. That was paid for by SISIP because I was a Veterans Affairs client under the Pension Act for my knees and ears. The retraining was there at that point.

• (1235)

The Vice-Chair (Mr. Peter Stoffer): Thank you, Mr. Berry. Thank you, Mr. Chisu.

Now we'll move on.

I'll take the liberty as the acting chair to ask my questions, but I won't have any questions; I'll just make a statement for all of you. I'm making a statement because I honestly feel that the aspect of the charter, how it came about, and the causes of it, are sometimes misunderstood by people in my own party and others.

There are three people in this room who were here when the charter was voted on, but there's only one person who was there when it was being negotiated. That was me, along with the late deputy Jack Stagg. In order to get the New Democratic Party's support, we had to have a thorough review and understanding of every aspect of the charter. The process of the charter had been going on for years. The process was done in earnest in 2004 and 2005, in the middle of the Afghan conflict, after we had already lost the four guys at Tarnak Farms, two of whom came from the area where I live.

The aspect of the charter was that it was a living document. The six major veterans groups and all the political parties at that time were convinced that it was a living document. The new benefits arising from the charter as you went from a lifelong pension to not just cash but care—to allow the modern day veteran the opportunity to be rehabilitated, to get re-educated, for them and their family to move forward and feel they still had worth to their society, whether in the military or in the private sector—was the premise of the charter.

We knew that in any new document of this nature where you're changing the paradigm, there would be problems. The fact that it was a living document was what sold it for everyone, that this thing could be opened up immediately and changed. Unfortunately, the only change was Bill C-55, which was five years later.

We already knew within nine months to a year that there were problems starting to arise from the charter. Some of those problems

are the following, and if they were addressed earlier, I'm sure, Mr. Scott, that you and your team wouldn't be here today. It's about who determines the disability amount.

In the many cases at the Veterans Review and Appeal Board, if you have a hearing loss or something, they'll give you one-fifth of a payment. You can appeal to get two-fifths or three-fifths. A veteran may feel they are disabled to that extent, but the department may feel that they're only determined at this extent. Therein lies the large gap. Who determines what your disability is, especially when it comes to OSI or PTSD? That is one of the major problems we have right now.

The other one is the access to earnings loss benefit and permanent impairment allowance. We saw all the charts that said that if a person got a lump sum they would also get the following, all the way through. One of the concerns, of course, was the age 65 restriction, which the ombudsman pointed out. That is a very severe problem that needs to be addressed. There is no question about that.

The other one is that a lot of these benefits were made taxable. We saw a chart here the other day by the department that had a big part of it as a benefit, but a large part of it was taxable. If you got \$2 million, \$340,000 of that was taxable, so you really only had \$1.7 million in that regard. Therein lies one of the aspects.

It is the access to the additional programs. It is the speed at which you are able to get them. It's the ability of veterans and their families to get the attention of the department in a timely manner to address their issues immediately, so that all their issues can be addressed.

Unfortunately, we're all to blame for this, through the bureaucracy in the department to the politicians themselves. Those accesses were slow. In some cases they didn't exist at all. In some cases, the veterans were so upset that they just hung up the phone and said they couldn't deal with these people.

In 2005 and 2006, when this charter was done, it was done with the best of intentions, by all the veterans groups and all the politicians who were here. I was on the plane when the four leaders at that time agreed to it. They fast-tracked it to get it through, knowing full well that if problems arose they could deal with the issues right away.

The purpose of this committee, as Mr. Hayes said, is that when we're done with our hearings we want to achieve the best new Veterans Charter that we can. We want to enhance it so that Mr. Berry, Mr. Bedard, Mr. Kirkland, everyone else, and especially your son, Mr. Scott, can get the benefits they so richly deserve, in a timely fashion, knowing full well that not one veteran has ever asked us for a Rolex watch or a trip to Florida.

• (1240)

I can assure you that a lot of veterans in the previous system had just about as many complaints as those in the new system. I deal with a lot of World War II and Korean veterans, and guys who retired in the sixties and seventies, who have just as many serious complaints about the old benefits that you good folks do with the new benefits.

So there is a system failure here. Our job, and our promise to each and every one of you, and I can say this on behalf of the committee, is to do the very best job we can.

We have three veterans on the committee right now, one behind us. Mr. Karygiannis knows all too well what the loss of someone in Afghanistan means, as one of his relatives also paid the ultimate sacrifice.

I just want to conclude, before we move on to Mr. Lobb, by saying that it always amazes and uplifts me when I see disabled veterans helping disabled veterans.

Mr. Bedard, Mr. Berry, and Mr. Kirkland, thank you. Thank you very, very much for what you're doing, not just for other veterans but for yourselves as well. Thank you especially to your families. We thank them for sharing you with all of us.

Now I'll move on to Mr. Lobb for four minutes, please.

Mr. Ben Lobb: Thank you, Mr. Stoffer.

I have a little anecdotal story to build upon your comments about some of the former active members.

My grandfather was in World War II, and he was injured a few days after D-Day. A grenade went off in a tank and he was burnt. Shrapnel damaged his legs. He's long since been deceased, but my grandmother was telling me the other day that under the Pension Act, she receives \$83 a month for his injuries.

So to your point, how do you put the value on that, of being burnt and not being able to wear shorts your entire life? I don't know. I just thought I would bring that up, because I think there has to be a little balance.

I'll also mention that I've been on this committee for five years. I asked to be on this committee to try to do what we can to move the bar forward.

All of that being said, I have a couple questions for you, Mr. Berry, if you don't mind answering them. If you don't feel like you want to answer them, don't answer them.

Mr. Kevin Berry: I'm an open book.

Mr. Ben Lobb: Okay.

I wasn't sure if I caught this right at the beginning. Were you a regular force member, did you say?

Mr. Kevin Berry: I was. I served with the 3rd Battalion, Royal Canadian Regiment, based out of Petawawa. I served in Afghanistan, on Roto 0, Operation ATHENA, from August 2003 until February 2004.

Mr. Ben Lobb: Okay. And you've answered my second question about when you left the military.

When you left, did anybody at Canadian Forces or anybody at Veterans Affairs have an interview with you to say "Sir, here are some of the programs, here are some of the options that are available to you"?

Mr. Kevin Berry: Absolutely.

Mr. Ben Lobb: What happened during that interview?

Mr. Kevin Berry: The benefits were put forward to me. I had a good chain of command. When I injured my knees overseas in Afghanistan, I had a call in right away to Veterans Affairs, because the date of the claim beginning is when the date of the benefits kick in. I was compensated under the Pension Act.

I received my retraining benefits, as a Veterans Affairs client, through SISIP, because I was getting released from the military. You do meet with a social worker on your way out the door. On your way out, they'll say, hey, this is something you're entitled to. This was in September 2004, when my contract ended. I'd gotten in just prior to 9/11.

The thing is that in some cases, PTSD will incubate for decades. There are still World War II veterans coming forward saying "You know what? I've suffered with this over my lifetime."

I came forward with PTSD in 2010. By that time, the rules had been changed. I'd been a civilian, I'd been working, I'd been earning income, I was gainfully employed as a bar manager, I was making my way, far in excess of what I was making as a private in 2004.

When I came forward and asked Veterans Affairs for help, I was told to go home, that I was clearly a mess, and that I was going to be taken care of. My pay at the time was 75% of my 2004 private salary indexed to 2010 and then taxed. So I went from earning roughly \$4,500 a month to \$2,100 a month. Due to the clawback, my \$600-a-month pension under the Pension Act was clawed back.

Mr. Ben Lobb: What year was this?

Mr. Kevin Berry: That was 2010. I was receiving \$1,500 a month from that and another \$600 a month from my Pension Act benefits. That's for my knees and ears, and those were injuries incurred during my time in service.

Mr. Ben Lobb: Again, if you don't want to answer the next question, that's fine too. I'm just curious to know what services Veterans Affairs is providing you with today to help you through your PTSD, which I'm guessing is still existing.

• (1245)

Mr. Kevin Berry: Yes.

Mr. Ben Lobb: What other services can you access today?

Mr. Kevin Berry: Currently I'm on earnings loss benefit, which is the same program I was on before. I was placed on earnings loss benefit in 2010. At the time, the benefit was only 75% of my pre-release salary.

Mr. Ben Lobb: So it's changed.

Mr. Kevin Berry: With Bill C-55 they brought the bottom up to \$40,000.

Mr. Ben Lobb: Yes.

Mr. Kevin Berry: So I'm receiving the bottom amount of that. With the SISIP clawback class action being settled, the clawback on the earnings loss benefit has stopped, so now I receive my pension act benefits on top.

Mr. Ben Lobb: Sorry to cut you off—

The Vice-Chair (Mr. Peter Stoffer): Your time is up.

Mr. Berry, do you want to conclude what you were saying?

Mr. Kevin Berry: In terms of retraining, I've just started down the road with CanVet. I will note that, although I've been out of work for almost four years, I've never once been designated as permanently impaired or totally incapacitated. I'm not entitled to those benefits because, at 39%, I don't meet the threshold to move forward.

The Vice-Chair (Mr. Peter Stoffer): Thank you, Mr. Berry.

Now to wrap up, Mr. Karygiannis, you have four minutes please, sir.

Hon. Jim Karygiannis: Thank you, Chair.

You're aware that nine VAC centres are being closed. The minister said that we're going allow one case manager to be in. I understand from sources that it's going to be only for three months. Here we've got a government that is spending \$3 million more per year for travel, ministerial travel, than any other government before, and we're shutting down VAC centres. The Prime Minister's Office is increasing staff salaries by 7% and we're saying to you that we're going to stick it to you.

How long do I have, Chair?

The Vice-Chair (Mr. Peter Stoffer): You have three minutes, sir.

Hon. Jim Karygiannis: I just want to make sure that you feel that we're doing right by you. When someone is in a work situation—working 9 to 5—if there is something that is not proper, if they don't feel that it's safe, they don't do it. But in the job that you went to and you signed on the dotted line for—and you certainly believed in serving this country—you go from 9:01 a.m. to 8:59 a.m. the next morning, and there's no “I'm not going to do it”. There's no “I'm not safe”. You're told to do something and up you charge, or you do it because you feel it's the right thing to do for your country.

Can you actually compare apples to apples and oranges to oranges? Here we've got the government spending \$3 million more per year for the ministers to travel and 7% in an increase for the Prime Minister's staff, and yet we're sticking it to you.

How do you feel about that?

Mr. Jim Scott: I'm going to say one thing here. As Mr. Gill and others have stated, there's this umbrella of money being spent in Ottawa here—

Hon. Jim Karygiannis: I'm sure, Mr. Scott, you'd agree that the umbrella is money that's upfront in lump sum payments to the soldiers. We're not sure how much of the \$5 billion is towards that. I bet you that 80% of that is towards that. It's front-end loaded.

Mr. Jim Scott: We were just going to say that how we're measuring the effectiveness of the new Veterans Charter is to see what actually goes to the individual people. This is sometimes where we're at a disconnect. The courts are going to look at what goes to individual people, what benefit they have as individuals, and not the global money that is being spent.

In that case, we keep on talking about what individual soldiers and their families receive. Very often the push-back that we get is, “Well, we're spending a hell of a lot of money here in Ottawa; so these people should really not be coming here with their hand out so much because there's a lot of money going into the program”.

The remedy Mr. Sorochan advises clients to resolve this issue will be, when those clients are at equality with what other Canadian workers and other soldiers are making....

As we continue to say, it's irrelevant what is being spent, unless we see it come to the actual soldiers, because the only way we can recommend to disband the legal proceeding is just when the individual clients have what's equal to other—

Hon. Jim Karygiannis: Mr. Scott, I want to ask the three servicemen.

Do you think your government is truly representing you? Do you think that truly your government is looking after you today?

The Vice-Chair (Mr. Peter Stoffer): Mr. Karygiannis has every right to ask the question, but I always say to the witnesses that if you wish to answer, you may. If not, you don't have to.

Mr. Karygiannis, your time is up.

Gentlemen, do you wish to respond?

● (1250)

Mr. Aaron Bedard: I think everyone is here doing their job. It's a complex world, however, and PTSD goes on forever. Every day is a new day. I'm 40 years old. I got in after working construction for 15 years. I argue and fight with anybody who I see doing something that could kill others.

What was the question?

Hon. Jim Karygiannis: Is your government doing the best for you in representing you? Do you feel we're doing the best for you, or are we letting you down?

Mr. Aaron Bedard: The message is building.

A year ago I started talking to fellows and educating people online. More and more people are starting to come forward. We hear about all these suicides because guys on the bases let people know right away. It's escalating, unfortunately. It's inevitable.

I think the message is—

Hon. Jim Karygiannis: We're letting you down.

Mr. Aaron Bedard: Yes, to an extent.

The Vice-Chair (Mr. Peter Stoffer): Gentlemen, on behalf of the committee and everybody else in this room, including all your fellow veterans, we can't thank you enough for taking the time to come to Ottawa to present your case. Also, I would invite you to listen to further testimony in the new year. As you know, the House will rise this week, but this committee will resume its testimony in January or February of next year.

We encourage each of you, if you have further testimony, documentation, or anything else that will help our committee in its deliberations, to forward it. We would be more than honoured to receive it.

We'll be going in camera in a moment. At this time we're going to close for one minute to say goodbye to our witnesses. On behalf of all of us, thank you very much for coming.

[Proceedings continue in camera]

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