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"It's almost too late"

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## "IT'S ALMOST TOO LATE"

REPORT OF THE SUBCOMMITTEE ON VETERANS AFFAIRS of the STANDING SENATE COMMITTEE ON SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

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### **MEMBERSHIP**

## The Standing Senate Committee on Social Affairs, Science and Technology:

The Honourable Lorna Marsden, Chair
The Honourable Brenda M. Robertson, Deputy Chair

and

#### The Honourable Senators:

Austin, Jack
Bonnell, M. Lorne
David, Paul
Gigantès, Philippe D.
Hébert, Jacques
Kirby, Michael
Lavoie-Roux, Thérèse

\*MacEachen, Allan J., P.C. (or Frith, Royce) Marshall, Jack \*Murray, Lowell, P.C. (or Doody, C. William) Thériault, L. Norbert Spivak, Mira

## The Subcommittee on Veterans Affairs:

The Honourable Jack Marshall, C.D., Chairman
The Honourable M. Lorne Bonnell, M.D., C.M., Deputy Chairman

and

The Honourable Senator:

David, Paul

The following senators also participated in the examination by the Subcommittee: The Honourable Senators E.W. Barootes, Joseph-Philippe Guay, Finlay MacDonald (*Halifax*), Lorna Marsden, Gildas Molgat, Robert Muir, Eileen Rossiter and Cyril B. Sherwood.

<sup>\*</sup> Ex Officio Members

#### ORDERS OF REFERENCE

Extract from the Minutes of Proceedings of the Senate, Wednesday, June 28, 1989:

"With leave of the Senate,
The Honourable Senator Marsden moved, seconded by the Honourable Senator Turner:

That the Veterans Affairs Votes 1, 5, 10, 15 and 20 of the 1989-90 Estimates, which were referred to the Standing Senate Committee on National Finance on 2nd May, 1989, be withdrawn from the said Committee and referred to the Standing Senate Committee on Social Affairs, Science and Technology.

The Question being put on the motion, it was--Resolved in the affirmative".

> Gordon Barnhart Clerk of the Senate

Extract of the Minutes of Proceedings of the Standing Senate Committee on Social Affairs, Science and Technology, September 26, 1989:

The Honourable Senator David moved:

"That a Subcommittee on Veterans Affairs be established for the purpose of hearing evidence and considering matters relating to the Order of Reference adopted by the Senate on June 28, 1989 concerning Veterans Affairs Votes, 1, 5, 10, 15 and 20 of the 1989-90 Estimates which was referred to the Standing Senate Committee on Social Affairs, Science and Technology:

That the Subcommittee be composed of the Honourable Senators Bonnell, David and Marshall;

That the Honourable Senators Marshall and Bonnell be Chairman and Deputy Chairman respectively; and

That the Subcommitte be authorized to report from time to time to the Standing Committee.

The question being put on the motion, it was-Resolved in the affirmative."

Patrick Savoie
Acting Clerk of the Committee

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#### RECOMMENDATIONS

- 1. that at the earliest possible opportunity, the Government of Canada introduce legislation to extend full veterans benefits to all Canadian merchant seamen who served in dangerous waters in Canada's armed conflicts;
- 2. that the War Veterans Allowance Act be amended to define as a veteran all merchant seamen who made at least one trip through dangerous waters;
- 3. that the Government of Canada prepare and place in the Peace Tower a Book of Remembrance honouring merchant seamen who died of enemy action in Canadian armed conflicts and, further, that suitable monuments to their sacrifices be erected;
- 4. that the residency requirement of the War Veterans Allowance Act and Part XI of the Civilian War Pensions and Allowances Act be amended to permit otherwise qualified veterans to apply for benefits from outside Canada;
- 5. that the Canadian government take immediate steps to negotiate an agreement with the United Kingdom to exempt War Veterans Allowance from British taxes;
- 6. that the rates of compensation provided for under the *Prisoners of War Compensation Act* be reviewed with the objective of taking into account the severity of the POW regime forced on veterans by the award of additional compensation for each month deemed extremely severe, and that two additional categories be added at appropriate rates of compensation for those veterans who served 30 months and more as prisoners of war;
- 7. that for the purposes of establishing entitlement to the Veterans Independence Program, receipt of prisoner-of-war compensation be treated as proof of undiagnosed medical disability;
- 8. that the Veterans Independence Program immediately be extended to civilians who served in close support of the wartime armed forces, that is, as enumerated in Part XI of the *Civilian War Pension and Allowances Act*, and that these benefits be comparable to those offered military veterans; and
- 9. that the cuts to the heavy housekeeping component of the Veterans Independence Program be fully restored.

- 10. that the Veterans Allowance Act be amended:
  - 1. to establish a common age at which both men and women qualify for benefits and that this common age be 55 years old; and
  - 2. to make eligible for benefits all those Canada service veterans of World War I and World War II who volunteered for unrestricted active duty, who were assigned to serve within the boundaries of Canada, who served for no less than 365 days, and who are in need.
- 11. that the Pension Commission give careful consideration to the psychological problems which may arise when the stresses of retiring and aging are combined with those of blindness, and that these problems influence the assessment of applications for exceptional incapacity.
- 12. that peacetime service personnel pensioned under the Special Duty Area Pension Order be eligible for Veterans Independence Program benefits.

## "IT'S ALMOST TOO LATE"

## Introduction

The Committee tabled its last Report on Veterans' Affairs, "They Served, We Care", over nine years ago. The subject matter of that Report was the Statute Law Amendment Act of 1980 (Bill C-40), which had substantially amended the provisions of the Pension Act, the Compensation for Former Prisoners of War Act, the War Veterans Allowances Act, and Part XI of the Civilian War Pensions and Allowances Act. "They Served, We Care" was highly regarded by veterans and veterans' organizations, and the government acted on a number of its recommendations. But even at the time of its submission, members of the Subcommittee had become aware of other anomalies and inequities in the treatment of veterans and their families, and, unfortunately, governments then and since have not seen fit to implement all of its recommendations or eliminate the anomalies.

The passage of nine years has brought improvements to veterans' programs and to government policy - most notably the introduction of the Aging Veterans Program, later called the Veterans Independence Program, to assist veterans to stay in their own homes by providing funds for assistance in housekeeping, groundskeeping, transportation, etc. At the same time, the hearings of the Subcommittee on Veterans' Affairs have highlighted the unequal treatment of our veterans who served in the merchant marine, the continuing plight of some of our veterans living abroad, the realignment of prisoner of war compensation, groups of veterans with deserving claims who were overlooked when the Veterans Independence Program was extended to Canada Service veterans, and other anomalies in the legislation and ways in which our treatment of veterans could be improved.

The present Report deals with deliberations and recommendations on these issues. We have chosen the title "It's Almost Too Late" because it is literally true - the average age of our First World War veterans is over 90, while that of Second World War veterans is over 70, and that of Korean war veterans is approaching 60 and we have only a few more years in which to show those who served that we care by ensuring they and their surviving spouses spend their last few years in dignity and comfort.

The Committee wishes to thank the members of the Subcommittee for their hard work and the representatives of the veterans organizations and members of the public who gave testimony and advised the Subcommittee. We also wish to acknowledge our gratitude for assistance given during the study and preparation of our report by Mr. Denis Bouffard, Clerk to the Subcommittee, Miss Laura Fox, Administrative Assistant, Mrs. Marie Claire Jak, and Mr. Grant Purves, Research Officer of the Research Branch of the Library of Parliament.

11. that the Pension Commission give careful consideration to the asychological

even at the time of its submission, members of the Subcommittee had become aware of other

## VETERANS OF THE CANADIAN MERCHANT NAVY

"Make no mistake, the real victors of the Battle of the Atlantic were not the navies or air forces, but the Allied merchant seamen." (Rear-Admiral Leonard W. Murray, Commander-in-Chief, Canadian North-West Atlantic, as quoted in the brief dated 15 January 1990 by the Canadian Merchant Navy Association)

"That was the kiss of death bestowed with gratitude." (Gordon Olmstead, exmerchant mariner and POW, speaking of the government's post-war treatment of veterans of the merchant marine)

- 1. The wartime service and post-war treatment of the veterans of the Canadian Merchant Navy was a major focal point of your Committee's concern, and the Subcommittee heard from a number of groups and individuals who represent merchant navy veterans and merchant navy prisoners of war. As far as we are aware, our investigation marks the first occasion on which a parliamentary committee has been made aware both of the service and sacrifices of merchant seamen during World War II and of the shabbiness of their treatment in the years following the war. We also became aware of how little we and other Canadians know of the wartime history of the merchant marine. For this reason, the proceedings of our Subcommittee reprint some of the briefs and material we received.
- 2. When World War II began in September 1939, Canada's merchant marine consisted of just 37 ships and 1,400 merchant seamen. By war's end in 1945, it had grown to 180 ships and 12,000 mariners. Sixty-seven Canadian ships were lost during the war, and of the 7,705 seamen credited by the Department of Transport with sailing in dangerous waters, 1,146 were killed and 198 taken prisoner of war. (Proceedings, 1A:7)
- 3. German sea warfare was limited until June 1940 because until the fall of France and the Atlantic ports, the Allies could restrict German naval and air operations largely to the North Sea and Baltic, well away from the most heavily travelled sea-lanes which converged on the English Channel and off the East Coast of North America. Once the Germans had the time to organize their occupation of the Atlantic coast from Norway through the Low Countries and France, German aircraft, submarines and surface vessels entered a three-year period, called the

Battle of the Atlantic, 1941-1943, during which they devastated Allied resources in ships, men and materiel.

- 4. While many histories of the Battle of the Atlantic have been published, our witnesses knew of no official history of the Canadian Merchant Navy's role in this battle or, indeed, its role in the war. On their own initiative, however, many of them had spent a great deal of time researching the background of their briefs. The most extensive of these briefs are reprinted as appendices to our *Proceedings*. On the basis of their testimony, it is clear that many Canadians, wanting to serve their country during the war, joined the merchant marine rather than one of the fighting services because they had been rejected as too old or too young or as physically unfit for the latter. These wartime volunteers and many veteran mariners served in various capacities, such as firemen, oilers, victualling staff, deck, engineer and radio officers and gunnery crew aboard merchant vessels so equipped.
- 5. The ships carried the lifeblood of Great Britain and of the Allied armies assembling there and later on the continent. They at times sailed independently, but most were grouped in convoys escorted by naval vessels and were confined to their station in the convoy which travelled at the speed of its slowest member. Whether sailing alone or locked into the rigid columns and rows of a convoy, the merchant vessels faced many hazards. Their greatest enemies were the dreaded U-boats or submarines. In the early stages of the Battle of the Atlantic, the U-boats easily evaded the thin lines of navy escorts and tore into the orderly columns of merchantmen with their torpedos. Closer to Europe, long-range German airplanes bombed and strafed merchant vessels which were also at the mercy of floating mines. Then there was the mariners' traditional antagonist, the weather. When combined with the close proximity of ships in convoy formations, complex zig-zag patterns governed by the clock, the weather "could create a seemingly never-ending nightmare of black looming shapes in the dark, and strident blasts of whistles and sirens." (Proceedings, 8:18)
- 6. Merchant seamen were the prime victims of the inexperience of the naval crews at the beginning of the Battle of the Atlantic and of the failure of the military authorities to respond quickly and effectively to the developing crisis in 1941-1942. As a result, by the end of 1942, 88% of the Canadian merchant navy's casualties had occurred. When the obvious flaws in organization, training and equipment were corrected and the Royal Canadian Navy attained its potential, merchant shipping losses were dramatically reduced. (Proceedings, 8:32, 1988) Nevertheless, casualties among merchant seamen who sailed in dangerous waters during the war, at more than one in seven, were much higher than those of the Navy.
- 7. One hundred and ninety-eight Canadian merchant seamen were captured when their ships were sunk. The "hazards of war at sea were replaced by the purgatory of imprisonment ashore."

Most of these men spent more than four years in prison camps in German-occupied Europe, but 23 spent more than three years in the Far East. Those captured and imprisoned by the Japanese were incarcerated under "conditions of appalling deprivation and degradation." (Proceedings, 1A:9). A radio officer repatriated from a Japanese prisoner-of-war camp reported that his Japanese captors had told him, "You merchant seamen are going to be lower than the military, whether they are a private or whatever they are in the military, they are higher than the merchant seamen." (Proceedings, 8:31, 1988)

8. Throughout the war, members of the government acknowledged that in the Canadian Merchant Navy "everyone from the masters to the mess boys served in the front lines of the war at sea." The tribute of April 1943 by the then Minister of Transport, the Hon. J.E. Michaud, was quoted by one of our witnesses as follows:

"Merchant seamen virtually form the fourth arm of the fighting services, and despite their reticence to blazen abroad their heroic exploits, we feel that in fairness to them and to their next of kin the Canadian public should be told of their work." (Proceedings, 1:24)

In the words of Rear-Admiral Leonard W. Murray, Commander-in-Chief, Canadian North-West Atlantic:

"Make no mistake, the real victors of the Battle of the Atlantic were not the navies or air forces, but the Allied merchant seamen." (Quoted in the brief dated 15 January 1990 by the Canadian Merchant Navy Association)

Following the war, however, the survivors of this "fourth arm of the fighting services" were not granted veteran status; rather, merchant seamen were classified as civilians, non-military, having the freedom to participate in an open labour market, and non-combatant since they were not under arms, a decision that belied their exceptionally heavy casualties and the conditions of their service which might include gunnery training and serving on the gun crew of those merchantmen so equipped.

9. Post-war policy toward veterans of the merchant marine was also based on the desire to encourage the expansion of the peacetime merchant marine and hence to keep in being the pool of experienced merchant mariners formed during the war years. The Canadian government enacted legislation to reintegrate ex-service personnel. Programs for retraining and education permitted veterans of the armed forces to attend courses in high school, technical schools and universities. However, veterans of the merchant marine were offered only such educational assistance as would "further their careers at sea." (Proceedings, 1:28) In the words of one witness:

"Merchant seamen did get a number of benefits. However, the Honourable Lionel Chevrier, then Minister of Transport, put it this way in "Canada's Merchant Seamen", King's Printer, 1945,

Such benefits should not be of a nature which would encourage seamen to leave the industry at the end of the war to seek employment in other fields...

That was the kiss of death, bestowed with gratitude."

- 10. The vaunted expansion of the Canadian Merchant Marine did not materialize after the war. On the contrary, the ships of the merchant marine were sold or flagged out to other countries. Seamen and officers alike lost their jobs overnight, their hope for careers was destroyed and many, lacking the education and training necessary to successfully change careers, fell by the wayside. Even those few merchant navy veterans employed in the federal civil service had difficulty winning promotion. The Veterans Preference Act excluded even the disabled merchant seamen because they were classified as civilians, not as veterans. As a result, they were liable to be passed over for promotion and to be trapped on the lowest rungs of the employment ladder. Not surprisingly, merchant seamen were also ignored on such occasions as annual veterans' parades, Remembrance Day services, Battle of the Atlantic Sunday services, and in the design of public memorials.
- 11. Transport Canada acknowledged the failure of the dream of a great Canadian merchant marine in 1948, when it admitted that there was employment for less than 4,000 of the 10,000 wartime merchant seamen. (Proceedings, 1:26) Whatever the justification for the original decision to deny seamen veterans' access to the educational opportunities and veterans' preference extended to military veterans - in retrospect, your Committee finds it exploitative and unjust -the refusal to extend these benefits to veterans of the merchant marine after 1948 was indefensible. The only possible explanation for government inaction is that, relatively speaking, veterans of the merchant marine were a small group without the sympathy or support of a powerful lobby or of friends in high places. The Canadian Seamen's Union, which might have interested itself in the plight of the veterans and the deep-sea fleet, was identified as a union led by Communists. It was superceded by the Seafarers' International Union led by the American, Hal Banks, and supported by the business, labour and political establishment. Hal Banks used strong arm tactics and blacklists to impose his will and to ensure that his supporters got the available jobs, a struggle which, together with the demands of his union, decimated the remaining deep-sea fleet and made it easy for the government to forget its promises and the claims of veterans of the merchant marine for another decade. (Proceedings, 8:44-45 (29 June 1988) and 1:33 (14 February 1990))
- 12. In responding to charges that merchant seamen veterans were unfairly treated after the war, governments have traditionally argued that not only were merchant seamen civilians, but

also they were much better paid than their military equivalents. A study presented before the Subcommittee challenged the accuracy of this claim, concluding that "no MN (Merchant Navy) officer under the rank of Captain or Chief Engineer received as much pay as the RCN (Royal Canadian Navy) equivalent, even in 1944, and that the 1940 rates for all MN ratings were much lower than RCN rates until 1944." (Proceedings, 1A:20-21).

- 13. The situation has improved since the 1960s. In 1962, Part XI of the Civilian War Pensions and Allowances Act extended War Veterans Allowance benefits to civilians "in the same manner and to the same extent as if the civilian were a veteran to whom the Act applies." As of April 1976, the Compensation for Former Prisoners of War Act included compensation for merchant seamen POWs. (Proceedings, 1A:31). At least since 1986 veterans of the merchant marine have found an important ally in the Royal Canadian Legion, the Navy League of Canada and other associations representing uniformed servicemen and servicewomen. In recent years, they have also become more welcome at official ceremonies honouring Canada's war dead. Nevertheless, they are still treated inequitably under existing legislation and veterans programs.
- 14. The most glaring example of this continuing unequal treatment is in the respective service qualifications for the War Veterans Allowance and its equivalent under Part XI of the Civilian War Pensions and Allowances Act. For merchant seamen, it is still 180 days' service in dangerous waters, but for uniformed servicemen and women, interpretations of the War Veterans Allowance Act by adjudicative boards have liberalized service eligibility criteria so that today they are deemed to have had theatre of war experience if they travelled on or over dangerous waters while on duty. Thus, travel from the mainland to either P.E.I. or Newfoundland would qualify them for benefits. There are other equally glaring examples of unequal treatment in terms of the Veterans Independence Program, access to veterans' homes, etc.
- 15. Both the United Kingdom and the United States recognize their merchant seamen as veterans. Since 1988, when legislation was adopted declaring their veteran status, U.S. merchant seamen have been eligible for full benefits from the Veterans Administration. (Proceedings, 8:27, and 1A:34) Canada should do no less, particularly as under existing legislation, a U.S. merchant seaman resident in Canada might receive Canadian benefits as an "allied veteran" and thus receive preferred treatment over Canadian merchant seamen.
- 16. As the veterans of Canada's wartime merchant marine have aged, public recognition of their wartime contribution and of the sacrifice of those mariners who have died as a result of enemy action in Canada's wars, has become increasingly important. Yet no book of remembrance honouring their contribution and war dead has ever been placed in the Peace Tower of Parliament. Nevertheless, there is a book honouring those Canadian civilians who volunteered in 1884 to help a British military expedition make its way up the Nile River in Egypt to Khartoum in the Sudan in an effort to rescue General Charles Gordon. The title page of the book dedicated to the "Nile Boatmen" reads as follows:

## IN 1884 CANADA FOR THE FIRST TIME TOOK PART IN WAR OVERSEAS

## FOUR HUNDRED VOLUNTEERS SKILLED IN RIVER NAVIGATION SERVED WITH DISTINCTION

## IN THE NILE EXPEDITION

#### SIXTEEN OF THESE GAVE THEIR LIVES

## THEIR NAMES ARE RECORDED IN THIS BOOK IN LASTING AND GRATEFUL MEMORY

Have Canada's merchant mariners deserved any less respect for their participation in two World Wars and the Korean conflict?

- 17. It is to correct these inequities, past and present, that your Committee makes the following recommendations:
  - 1. that at the earliest possible opportunity, the Government of Canada introduce legislation to extend full veterans benefits to all Canadian merchant seamen who served in dangerous waters in Canada's armed conflicts:
  - 2. that the War Veterans Allowance Act be amended to define as a veteran all merchant seamen who made at least one trip through dangerous waters; and
  - 3. that the Government of Canada prepare and place in the Peace Tower a Book of Remembrance honouring merchant seamen who died of enemy action in Canadian armed conflicts and, further, that suitable monuments to their sacrifices be erected.

# THE RESIDENCE REQUIREMENT FOR VETERANS UNDER THE WAR VETERANS ALLOWANCE ACT AND THE CIVILIAN WAR PENSIONS AND ALLOWANCES ACT

- 18. In its 1981 Report, "They Served, We Care," your Committee recommended that "the residence requirement of the War Veterans Allowance Act and Part XI of the Civilian War Pensions and Allowances Act be amended to permit otherwise qualified persons to benefit from the legislation while residing outside Canada." We strongly urge the government to act on this recommendation.
- 19. While the Statute Law Amendment Act of 1980 removed the Canadian residence requirements for widows and children of recipients who die outside Canada, veterans (both military and civilian) must still return to Canada and reside here for a period of one year before they become eligible for benefits. Once in receipt of an allowance, however, they can then leave Canada and resume their residence abroad.
- 20. Most veterans find it difficult and often impossible to return to Canada to establish residence in order to comply with the present legislation. Often they are too poor, too old and too ill to be able to travel and to establish a new domicile in Canada for one year. Frequently they have family ties where they are living that make it financially and psychologically out of the question. Most of the veterans involved, especially those living in the United Kingdom and the United States, feel that Canada is ignoring their wartime service by forcing them to return to Canada for one year before being eligible for benefits.
- 21. In 1988, the Subcommittee on Veterans Affairs invited the National Secretary of the Canadian Veterans' Association of the United Kingdom, Mr. Percy Mercer, to come to Canada to appear before the Committee. He was able to give evidence about the plight of many veterans who were living in absolute poverty. One case in particular was symbolic of successive governments' lack of concern about the welfare of our veterans living abroad. A William Simmons, a Canadian veteran who had spent three years in a prisoner-of-war camp, had died

destitute and had left a surviving wife in the same condition. He should have been receiving prisoner-of-war compensation since 1976 which entitled him to a pension equal to 25% of the disability pension. Upon his death, his widow should have received a pension equal to one-half of his compensation - amounts that would have allowed them to spend their last years in dignity rather than poverty. But the Simmons' did not know that he was entitled to POW compensation, nor had the Canadian Veterans' Association of the United Kingdom been advised of the new legislation. The staff of the Canadian High Commission in London claimed they did not have the responsibility or budget to seek out Canadian veterans to advise them of changes in veterans' legislation that might be to their benefit.

- 22. As a result of Mr. Mercer's testimony, it became apparent to your Committee that among impoverished Canadian veterans and their spouses living in Great Britain, there might be others who were entitled to POW compensation and/or disability pensions. Thus, it was decided that all those who were listed with the Association and for whom the War Veterans Allowance was being sought should be interviewed again and should have their war records studied to see whether they too might be entitled to pensions. Mr. Mercer and his colleagues carried out the study and submitted a large number of new applications to the Canadian Department of Veterans Affairs.
- 23. The Chairman of the Veterans Subcommittee, the Hon. Senator Marshall, visited the United Kingdom to investigate the conditions of Canadian veterans living there and the steps being taken to assist those in need. As a result of his trip, and at his request, the Bureau of Pensions Advocates sent an advocate to the U.K. to interview Canadian veterans on the spot to avoid the delays of correspondence and to allow speedier processing. Over the past two years, around 50 of these pension applications have been approved, and over \$250,000 has been paid in retroactive benefits to U.K. veterans and the spouses of deceased veterans, all of whom now receive regular pension income. For example, one widow is now entitled to a full widow's pension of \$1,057.57 monthly and has received retroactive awards totalling some \$36,000.
- 24. Despite the success in finding entitlement to pension income for some veterans and their survivors, many others are still living in poverty poverty that would quickly be relieved if they were eligible for War Veterans Allowance. For some years now, the Government of Canada has made small payments to needy Canadian veterans in the United Kingdom up to the limit where these payments would begin to affect the veterans' benefits under the British program of National Assistance. Your Committee is pleased to note that, following the recent increase in the British limit from 21 pounds sterling per month to 43, the Canadian government announced an increase in its support to the full 43 pounds sterling. Despite these developments, your Committee recommends:

- 4. that the residency requirement of the War Veterans Allowance Act and Part XI of the Civilian War Pensions and Allowances Act be amended to permit otherwise qualified veterans to apply for benefits from outside Canada; and
- 5. that the Canadian government take immediate steps to negotiate an agreement with the United Kingdom to exempt War Veterans Allowance from British taxes.

25. For many years now, associations representing European theatre Prisoners of War, and periods of time such as the Disease Prisoners of

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## PRISONER OF WAR COMPENSATION AND DISABILITIES

"He said that the government was not geared to look after POWs, and neither did they give a damn. Just get rid of them. " (The words of an unnamed Brigadier of the medical corps as remembered by a witness)

- 25. For many years now, associations representing European theatre Prisoners of War, and particularly those veterans incarcerated for long periods of time such as the Dieppe Prisoners of War and the Merchant Marine Prisoners of War, and others, have expressed discontent with their levels of compensation and disability pension. The *Prisoners of War Compensation Act*, 1976 flowed from the findings of Doctor Douglas Hermann's "Report to the Minister of Veterans Affairs on a Study of Canadians Who Were Prisoners of War in Europe During World War II" and from its recommendation that "provisions be made to compensate similarly other former prisoners of war who, because of extraordinary stress and trauma related to capture and imprisonment, also suffer from significant physiological and psychological disadvantages." (Proceedings, 4:21) Current levels of compensation under the legislation range from 10-25% of the disability pension, depending on the length of time the veteran was held prisoner. Those held for 3-18 months receive 10%; those held for 18-30 months, 15%; and those held for 30 months and over, 25%. (Proceedings, 1A: 11)
- 26. The Committee heard from Dr. A. Lynne Beal, a psychologist acting as advisor to the Dieppe Veterans and Prisoners of War Association. Based on a close review and analysis of the data and findings of the Hermann Report, she concluded that the Dieppe POWs had been compensated through pensions for the significant physiological disadvantages they have suffered: "However, the significant psychological disadvantages they suffered have been totally overlooked in awarding compensation through pensions, contrary to Dr. Hermann's recommendation." (Proceedings, 4:21)
- 27. While Dr. Beal found a strong correspondence between physical disabilities and pensions 36.9% of Dieppe POWs reported general deterioration in physical health and 36% received pensions there was no such correspondence between psychological disabilities resulting from incarceration and pensions. Seventy-one point seven per cent (71.7%) of Dieppe POWs reported

suffering nervous disorders directly attributable to incarceration, while only 36% received pensions. The same disparity showed up among other POWs of whom 59.3% reported suffering nervous conditions and only 22% received pensions. Many of these nervous conditions would today be related to "Post-Traumatic Stress Disorder" which was only recognized as a diagnostic category in 1980, well after submission of Dr. Hermann's Report, and which has become accepted in the United States as the basis of disability claims.

- 28. Dr. Beal reviewed the diagnostic criteria of Post-Traumatic Stress Disorder and the evidence of this disorder among war veterans, including World War II veterans who experience it as they get older. She found that "Post-Traumatic Stress Disorder has been diagnosed in a WWII veteran as long as 40 years after the traumatic event. It is, therefore, a very specialized disorder. It takes very qualified people to identify it." Treatment of the disorder is a complex process but can be effective. In her opinion, some of the responses to Dr. Hermann's survey of European theatre POWs revealed some of the classic symptoms of the disorder, particularly nervous conditions attributed to incarceration that adversely affected relations with immediate family, and a sense of helplessness "with a mental status of surrender and lack of choices and control over their environment". (Proceedings, 4:24)
- 29. The *Prisoners of War Compensation Act* was adopted in recognition that POWs might have a residual disability which nevertheless was not pensionable because it arose from the intangible effects of incarceration and the deprivations of life as a prisoner of war. The National Prisoners of War Association, which has represented the interests of the European theatre POWs before the Subcommittee on many occasions, testified that a great many of its members are not entitled to benefits under the Veterans Independence Program because their POW compensation is not treated as a form of disability pension under the eligibility criteria for VIP. For some other purposes, however, POW compensation is treated as a form of disability pension for example, in determining eligibility for a full surviving spouse's pension, the deceased veteran's POW compensation, if any, is added to his/her rate of disability pension. The Association has also proposed a new table of POW compensation which would range from 10% -55% by 5% increments for each six months of internment. Thus, a veteran who spent up to six months as a POW would receive 10% compensation, while one who spent more than 54 months would receive the maximum amount of 55%. (Proceedings, 1A:12)
- 30. For the first time, the Subcommittee heard from the Koncentration Lager Buchenwald Club, a small unique organization made up of the 16 remaining RCAF veterans who were shot down over occupied Europe in 1944 and who, because they were captured in civilian clothing while evading capture, were turned over to the Gestapo as spies, saboteurs and collaborators. Consequently, they were not initially treated as prisoners of war, but were held first in a civilian prison in Paris run by the Gestapo and then were sent to the notorious Buchenwald concentration camp. Throughout this period, they were subjected to beatings, emotional torture and solitary confinement during questioning, and then to starvation and more abuse during their stay in the concentration camp. When, in November 1944, they were sent by some "miracle" to Stalag Luft

- III, a prisoner of war camp, it was just before the camp was evacuated by forced marches to avoid first the advancing Soviet armies and then the advancing western allies. Thus, although their period of incarceration was short, it was extremely harsh and cruel both physically and emotionally. (Proceedings, 8:30-33)
- Those prisoners of war who met with the Subcommittee were encouraged to tell their 31. personal story of capture, incarceration and post-war treatment. Out of these discussions, one fact emerged with stark clarity - in the words of an unnamed Brigadier of the medical corps as remembered by a witness: "He said that the government was not geared to look after POWs, and neither did they give a damn. Just get rid of them." (Proceedings, 2:17) Certainly, the above situation was thought to exist where veterans attempted to get pensions for wounds resulting from their being taken prisoner, or sickness and injuries arising from the conditions of their internment. Frequently, of course, the fact of these wounds and injuries was not part of the POW's wartime Canadian medical records for the wounds had been treated or left to heal for themeselves while the veteran was incarcerated. Lacking documentary evidence of the servicerelated nature of some of these disabilities, lacking, according to testimony, medical examiners knowledgeable about the conditions in POW camps, between one camp and another, or even between a POW camp and a concentration camp like Buchenwald, the Department was accused of being too prone to reject the claims of ex-POWs for disability pensions arising from the circumstances of their capture and incarceration. (Proceedings, 2:12-17 and 8:36) The experience and opinions of some ex-POWs who appeared before the Subcommittee may not be typical of the assessment of pension claims arising from internment, but the discontent of veterans who suffered long-term and/or extremely harsh internment is real and long-standing.
- 32. The Committee is of the opinion that the risk of and experience of the equivalent of Post-Traumatic Stress Disorder would depend on both the length of incarceration and the severity of the camp regime and, further, that its symptoms, if left untreated, might intensify during the veterans' "retirement years." In framing its recommendations, the Committee must acknowledge the fact that many ex-POWs might refuse to come forward or might lack the motivation to come forward and seek treatment. Consequently, your Committee recommends:
  - 6. that the rates of compensation provided for under the *Prisoners of War Compensation Act* be reviewed with the objective of taking into account the severity of the POW regime forced on veterans by the award of additional compensation for each month deemed extremely severe, and that two additional categories be added at appropriate rates of compensation for those veterans who served 30 months and more as prisoners of war; and
  - 7. that for the purposes of establishing entitlement to the Veterans Independence Program, receipt of prisoner-of-war compensation be treated as proof of undiagnosed medical disability.

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## VETERANS INDEPENDENCE PROGRAM

- 33. The Veterans Independence Program, or VIP, is the most creative and worthwhile new program to be introduced in the last decade. Its object is to help veterans maintain or improve their quality of life by assisting them to remain healthy and independent in their own homes or communities. To this end, the program will fund, up to prescribed limits, alterations to a veteran's residence, assistance in house and groundskeeping, in home and ambulatory health care (including transportation where necessary). If institutionalization is unavoidable, the program contributes to the costs of residential or nursing home care. Begun on an experimental basis as a departmental initiative in 1981, the program was at first limited to war disability pensioners and civilian disability pensioners whose long-term health needs were related to their pensioned conditions.
- 34. From its inception, the VIP has been very popular among all veterans groups, and there has been pressure on the government to expand it to cover veterans other than the war disabled. The program was also popular with the Department because the costs of helping a veteran entitled to institutional care at government expense to stay at home were only a fraction of the cost of residential or nursing home care. As a result, the program was expanded to include other groups of military veterans with theatre of war experience recipients of the War Veterans Allowance aged 65 and over, and "near recipients," i.e., those who would be receiving WVA benefits were it not for payments under Old Age Security legislation. For some reason, these expansions ignored the claim of civilian veterans with overseas service to equal treatment with their uniformed fellow veterans. Thus, Merchant Seamen, Red Cross workers, Canadian Firefighters, the Newfoundland Overseas Forestry Unit, Trans-Atlantic Air Crew, etc., not in receipt of a war-related disability pension, are not eligible, even if they are recipients or "near recipients" of the civilian equivalent of War Veterans Allowance. The claim of Prisoners of War to be included in the program was also ignored.

- 35. At the 1988 convention of the Royal Canadian Legion, the Minister of Veterans Affairs announced a major extension of the VIP. It would be extended to those veterans who never served outside Canada, the Canada Service Only veterans, who were 65 years old and older, and were in need. While members of your Committee supported the decision, they strongly believe that other groups had and have an equally strong claim to be included.
- 36. As noted earlier, the VIP not only enhances the independence of the veteran, it also helps the Department delay or altogether avoid the exceptionally high costs of institutionalization. The year following the institutionalization or death of a spouse is one of the most difficult periods of a person's life. The War Veterans Allowance Act and the Pension Act, following recommendations by the Committee in its last report on this subject, were amended to permit the continued payment to a surviving spouse of married rates and, where applicable, special allowances, for one year following the death of the veteran. The Committee believes that the continuance of at least the housekeeping, groundskeeping and transportation portions of the VIP benefits would help spouses make the necessary adjustments to their new lifestyle following the institutionalization or death of a veteran. Consequently, we are glad to report that over the summer, the government announced its intention of continuing to provide certain VIP services to surviving spouses for up to a year following the death of the veteran.
- 37. The budget of February 1990 sought to reduce the costs of the Veterans Independence Program by eliminating the heavy housecleaning service except where the security or safety of the veteran was involved. This decision followed on the heels of an independent evaluation of the program which found that heavy housekeeping assistance was the most frequently identified unmet need that might affect the veterans' ability to manage at home. Of the 30% of veterans reporting unmet needs, fully 81% in the survey felt the need for heavy housekeeping assistance as opposed to light housekeeping or groundskeeping. The reports of visiting nurses and informal caregivers made the same point, if less dramatically more, not less, heavy housekeeping was needed. In assessing the additional costs involved in implementing the recommended changes to the Veterans Independence Program, your Committee expects the government to keep in mind the \$46 million annually that this program is estimated to save the taxpayer when its costs are compared to the cost of the institutional care the veterans might otherwise have required. Consequently, your Committee recommends:

<sup>(1)</sup> Final Report, "Evaluation of the Veterans Independence Program," Corporate Services Division, Veterans Affairs Canada, 20 June 1989, p. 22-23.

<sup>(2)</sup> Ibid., p. iv.

- 8. that the Veterans Independence Program immediately be extended to civilians who served in close support of the wartime armed forces, that is, as enumerated in Part XI of the Civilian War Pensions and Allowances Act, and that these benefits be comparable to those offered military veterans; and
- 9. that the cuts to the heavy housekeeping component of the Veterans Independence Program be fully restored.

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## THE WAR VETERANS ALLOWANCE ACT

- 38. The War Veterans Allowance Act authorizes the award of an allowance to women at age 55 while men do not qualify until age 60. The different age requirements for men and women have been challenged before the Veterans Appeal Board as being inconsistent with Section 15 of the Charter of Rights and Freedoms, which guarantees equality before and under the law, and which prohibits discrimination on the basis of sex, age, etc. Notwithstanding the Charter argument, the Board ruled that it could only interpret the Act and that the choice of an appropriate age at which to award an allowance was an issue that could only be properly addressed by Parliament. The Committee believes that this gender-based age discrimination should be eliminated from the legislation.
- 39. A basic element of eligibility for War Veterans Allowance is that the veteran must have served in a theatre of war. Hence, those wartime servicemen and women who served only within the geographical boundaries of Canada are not eligible unless they have been awarded a disability pension. Many of the veterans volunteered to serve abroad and could have been sent anywhere in the world. Instead, they were assigned to the defence of Canada itself or to training bases and establishments. Since interpretations by adjudicative boards have already blurred the distinction between actual theatre of war service and Canada-only service, your Committee believes the time has come to broaden service eligibility criteria.
- 40. Your Committee recommends:
  - 10. that the Veterans Allowance Act be amended:
    - 1. to establish a common age at which both men and women qualify for benefits and that this common age be 55 years old; and
    - 2. to make eligible for benefits all those Canada service veterans of World War I and World War II who volunteered for unrestricted active duty, who were assigned to serve within the boundaries of Canada, who served for no less than 365 days, and who are in need.

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## ADMINISTRATION OF BENEFITS ON BEHALF OF VETERANS AND THEIR DEPENDANTS

41. When veterans or their dependants are unable to manage their finances and have no one to assist them, the Department has administered these accounts. Although 20 years ago Veterans Affairs administered accounts for about 10,000 veterans, today only about 1,000 veterans and their dependants are assisted in this way. This assistance has come at a steep price because the Department was not authorized to pay interest on the funds held in trust. The practice of not paying interest on these funds was criticized by members of the Subcommittee during their intensive discussions with departmental officials in Charlottetown in March 1990 and thereafter with representatives of veterans groups. The Subcommittee had prepared a recommendation that the Department of Veterans Affairs Act be amended to oblige the Department to pay interest on these accounts at the going rate. Consequently, we are pleased to note that both Houses of Parliament have given speedy passage to Bill C-87, an Act to amend the statute law in relation to war veterans, which allows the Minister of Veterans Affairs to pay interest on these accounts as of 1 January 1990.

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## AWARD OF EXCEPTIONAL INCAPACITY ALLOWANCE TO THE WAR BLINDED

- 42. Under the *Pension Act*, veterans can apply for an exceptional incapacity allowance provided that their degree of incapacity is already assessed at 100%. This allowance is paid to veterans whose disability has left them in a helpless condition, resulted in continuing pain and discomfort, resulted in loss of enjoyment of life, shortened their life expectancy, etc. There are five degrees of exceptional disability. As these apply to the war blinded, grade one total blindness plus a significant secondary disability gives rise to the maximum award and grade five the ability to count fingers and to move about in protected areas outdoors gives rise to the minimum award.
- 43. The President of the Sir Arthur Pearson Association of War Blinded, Mr. Dorward, brought to the attention of the Subcommittee the special problems of approximately 160 war blinded veterans, problems that have arisen when blindness is combined with retirement and aging. Most of these veterans had found employment, frequently with the Canadian National Institute for the Blind (CNIB) or in some other protected environment because they could not compete with sighted people. Their working world consisted of going to work on the same bus, getting off at the same stop, and spending their day with people they knew. According to the witness, "the friendships at work were generally the only friendships those war blinded men and women had. They were like one large family. They did not want to get mixed up with other organizations." (Proceedings, 4:8) Following retirement, however, their blindness has helped precipitate a marked decline in the quality of their life and in that of their spouses:

"However, they have now grown old and have retired. Now they sit at home. They do not want to go out because that means that their wives, who are as old as they are, get a little tired. It is enough for them to go out for the groceries, the daily newspaper and do other jobs to maintain the household without having their

husbands tagging along. Their husbands are embarrassed by having to be guided and worry that they might knock things over in crowded department stores. Today's merchandisers seem to create total chaos by placing everything in our way. There are no clear aisles anymore." (Proceedings, 4:7)

- 44. The war blinded believe that their applications for exceptional incapacity or for an increase in the level of their exceptional incapacity allowance are dealt with from a strictly physical point of view. Too many are going before the Canadian Pension Commission with a medical report which says there is no change in their physical condition; consequently, no increase in the incapacity allowance is awarded. Your Committee recommends:
  - 11. that the Pension Commission give careful consideration to the psychological problems which may arise when the stresses of retiring and aging are combined with those of blindness, and that these problems influence the assessment of applications for exceptional incapacity.

brought to the attention of the Subcommittee the special problems of approximately 160 was

## SERVICE WITH UNITED NATIONS EMERGENCY SPECIAL AND PEACEKEEPING FORCES

- 45. The present report has focused on some of the outstanding oversights and anomalies in the benefits available to civilian and military veterans of World War I and World War II and their surviving spouses. Since World War II, however, thousands of Canadian servicemen and servicewomen have served abroad in theatres of war, or of civil or international strife as members of various United Nations "emergency" "special" and "peacekeeping" forces. Yet the veterans of these conflicts and near conflicts may not be eligible for the same benefits as are the veterans of the world wars. This fact was brought to the attention of the Committee by Cliff Chadderton, Chairman of the National Council of Veterans Associations in Canada, who appeared before the Subcommittee.
- 46. The most serious of the anomalies in our treatment of post-World War II veterans is the denial of Veterans Independence Program benefits to some of the veterans disabled as a direct consequence of their participation abroad in United Nations military and para-military operations. Thus, while veterans disabled in the Korean "emergency" have been made eligible for VIP benefits, service personnel who have been pensioned under the Special Duty Area Pension Order for injuries arising from service in Cyprus, the Middle East, etc. are not eligible for VIP benefits. Peacekeeping in a hostile environment can be as dangerous and stressful as service in a declared theatre of war, and veterans of international peacekeeping operations should be entitled to equal benefits as a general rule. As a preliminary step in this direction, the Committee recommends:
  - 12. that peacetime service personnel pensioned under the Special Duty Area Pension Order be eligible for Veterans Independence Program benefits.

The Subcommittee on Veterans Affairs will be examining this Special Duty Order in its new mandate, the "Veterans Health Care Regulations SOR/90-594", 28 August 1990, to ascertain the benefits, services and care to which armed forces personnel, in all categories should be entitled.

List of Persons who appeared before the Committee, showing the number and date of the Issue in which their evidence appears

## First Session of the Thirty-fourth Parliament, 1989-90

Bala, Ontario

Name	Issue No.	Date
Barnett, Mr. Barney	949 8 8 8	June 13, 1990
Secretary Treasurer		members of various Unite
Army, Navy and Air Force		
Veterans in Canada		
Ottawa, Ontario		Chadderton, Chairman o
	namittee.	April 3, 1990
Beal, Mr. Ron	4	April 3, 1990
Vice-President		
Dieppe Veterans and Prisoners of		
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Beal, Dr. A. Lynne, Ph.D.	noise i batin U ni baones nousqu	April 3 1000
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Brick, Capt. Paul	nd veterans of it8 mustional pear	
Chairman		
Company of Master Mariners of		
Canada (Maritimes Division)		
Dartmouth, Nova Scotia		
Broadbent, Mr. David	Order be elicil to for Veterner	March 28, 1990
Deputy Minister		
Department of Veterans Affairs		
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Carter-Edwards, Mr. Edward	8	June 13, 1990
Secretary		
K.L.B. Club "Koncentration Lager		
Buchenwald"		

Name	Issue No.	Date	
Chadderton, Mr. H. Clifford	6	May 23, 1990	
Chairman			
National Council of Veteran Associations			
in Canada			
		June 6, 1990	
Craddock, Mr. Ralph	7	June 0, 1770	
Past President			
Federation of British and Canadian			
Veterans of Canada			
Brantford, Ontario			
Dorward, Mrs. Doreen	4	April 3, 1990	
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Dorward, Mr. D.M.	4	April 3, 1990	
President			
Sir Arthur Pearson Association			
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Garceau, Mr. Gaston	5	Way 10, 1550	
Dominion President			
Royal Canadian Legion			
Gibson, Mr. Bill	8	June 13, 1990	
Member			
K.L.B. Club "Koncentration Lager			
Buchenwald"			
Halifax, Nova Scotia			
		April 3, 1990	
Giguère, Mr. Georges	4	April 3, 1990	
National President		10000000	
Dieppe Veterans and Prisoners of		Canadian Merchant Navy Prison	
War Association			
Hannington, Mr. Fred G.	5	May 16, 1990	
Dominion Secretary			
Royal Canadian Legion			
		March 7, 1990	
Houison, Mr. Frank E.	2	March 7, 1990	
National President			
National Prisoners of War			
Association (E.T.) of Canada			
Hamilton, Ontario			
Venet Me Ted	5	May 16, 1990	
Keast, Mr. Ted Service Officer			
Royal Canadian Legion			
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Name	Issue No.	Date
Large Mr. Robert (Bob) Past National President National Prisoners of War	Congrisse, sheet	March 7, 1990
Association (E.T.) of Canada Lion's Head, Ontario		
Luce, Mr. Oswald First Vice-President	2	March 7, 1990
National Prisoners of War Association (E.T.) of Canada Thorold, Ontario		Dorward, Mrs. Dorwen Sir Armer Pearson Association
MacDonald, Mr. Gordon Member	2	March 7, 1990
Canadian Merchant Navy Prisoner of War Association		
Marsh, Mr. Dennis Chairman	7	June 6, 1990
Brief Committee and Pensions Officer of the Federation Federation of British and Canadian		Oklyar Civildian Lagion
Veterans of Canada London, Ontario		Gibern, Mr. Bill Member  K.E.S. Chib 'Koncentration Lager
Merrithew, the Honourable Gerald S., P.C., M.I. Minister of Veterans Affairs	2. 3	March 28, 1990
Olmstead, Mr. Gordon	1	February 14, 1990
President Canadian Merchant Navy Prisoner of War Association	2 5	March, 7, 1990 May 16, 1990
Robertson, Mr. Gordon S. Member	1	February 14, 1990
Canadian Merchant Navy Association		
Smith, Mr. Ray Immediate Past National President	2	March 7, 1990
National Prisoners of War Association (European Theatre) of Canada Kitchener, Ontario		
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## (Appendix cont'd)

Name Issue No.		Date	
Thorne, Mrs. Ruth Secretary Federation of British and Canadian Veterans of Canada Hamilton, Ontario	. 7	June 6, 1990	
Vernier, Mr. John President National Prisoners of War Association (E.T) of Canada Ottawa Branch	1 2	February 14, 1990 March 7, 1990	

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