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**Subcommittee on Veterans Affairs of the  
Standing Committee on National Defence and  
Veterans Affairs**

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**Chair**

**Mr. Anthony Rota**

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## Subcommittee on Veterans Affairs of the Standing Committee on National Defence and Veterans Affairs

Wednesday, June 1, 2005

• (1530)

[English]

**The Chair (Mr. Anthony Rota (Nipissing—Timiskaming, Lib.)):** We'll call this meeting of the subcommittee on veterans affairs to order.

We have some witnesses here today. I always have a hard time with that word. I like to say "guests", but it's "witnesses" today. The discussion will be around the ombudsman and your feelings. I'll introduce you. I don't have the ranks or the biography on you, but if you don't mind, I'll just introduce you by name. Sean Bruyca is a Gulf War veteran; Georges Villeneuve is also a Gulf War veteran; Louise Richard is also a Gulf War veteran; and Perry Gray is a Croatian peacekeeping veteran.

First, thank you very much for coming. We appreciate all the input and all the time you have spent on this. I know some of you I see on a regular basis, and we really do appreciate all the input we can get. It's always on a firsthand basis and it really does make a difference.

Before going on for very long, maybe we'll just start off. I understand, Mr. Bruyca, that you have a presentation. We'll let you get started with that and we'll go from there.

**Mr. Sean Bruyca (As an Individual):** Thank you, Honourable Chair.

Honourable members, my name is Sean Bruyca. I'm a retired captain and intelligence officer who proudly served in Canada's air force for 14 years. I was disabled as a result of my service in the Persian Gulf War of 1990-91.

We are pleased that Canada's government has declared 2005 to be the Year of the Veteran and is honouring almost 700,000 veterans and 80,000 presently serving CF members.

Roughly seven years ago, on June 15, 1998, the Office of the Ombudsman National Defence and Canadian Forces was established to make sure none of the 80,000 CF members is unfairly treated. The position serves the men and women of our forces well. However, once CF members leave the forces, they become veterans. The ombudsman has no mandate to represent veterans in matters concerning veterans affairs.

The irony is that whereas healthy and for the most part employable soldiers in DND do have an independent ombudsman, disabled and often unemployable veterans do not. This very obvious oversight was addressed just three months ago, on March 31 of this year, by André Marin, the departing ombudsman for the Department

of National Defence and the Canadian Forces. In his white paper "Overhauling Oversight", he wrote the following:

Denying to veterans access to the Ombudsman to address...their issues makes little practical sense. The door should not close on them once the scope of their problem reaches into the realm of Veterans Affairs Canada. The stereotype of a veteran may well be the wizened, elderly gentleman giving a shaky but dignified salute beside a memorial—someone who is far removed in time and life-experience from his military days—but the reality is that Veterans Affairs Canada administers benefits for those who only hours or days before were members of the Canadian Forces. All former members, even those who have been discharged for decades, maintain a close connection to the institution, not only because their military experiences are etched in their character but also because their personal welfare remains tethered to the government they served. Their financial security, their mental and physical health, and their sense of belonging are all inextricably linked to the military...It was inevitable that veterans would call, as they have, for the creation of an ombudsman's office or an inspector general to assist them. It is a call that must be answered.

The call was echoed earlier this month by a confidential Senate analysis of Bill C-45, which stated, "While this legislation will provide veterans with much-needed job assistance, it does not provide them with an ombudsman." Indeed, the eight-year process that recently culminated in Bill C-45, the so-called Veterans Charter, only serves to further underscore the pressing need for an ombudsman for Veterans Affairs Canada.

Ironically, while the Veterans Charter was motivated in part by the neglect and mistreatment of the 45,000 veterans pensioned for disability since the Korean conflict, VAC did not engage in meaningful consultation or feedback with the very veterans the legislation was intended to assist. Believe it or not, VAC carried out consultations with the leadership of six veterans' organizations only on condition that the leadership was forbidden to discuss any details of the proposed charter with their membership. Thus, the so-called consensus of veterans' organizations in support of Bill C-45 could have been based on the views of as few as six individuals.

Then, because of the unprecedented way the charter was expedited through the House of Commons, in under five minutes on May 10, veterans were denied any meaningful opportunity to provide input on the charter's potential impact on them. The fact is, VAC was so interested in the public perception of being seen as client-focused in this Year of the Veteran, they actually completely forgot about meaningful consultation.

In this regard, they're a little bit like the zealous volunteer who sees an immobile victim who moments earlier dived into shallow water. The eager volunteer rushes to move the victim and then administer mouth-to-mouth without checking to see if the victim's neck is broken. Some help that is not carefully and thoughtfully applied does more harm than good.

When someone has been disabled as a result of his or her service to Canada while serving in the Canadian Forces, he or she has a right to assistance. In order for that assistance to be meaningful, VAC must learn to listen; however, VAC's track record does not inspire confidence. In this regard, an ombudsman would be a neutral and objective sounding board for veterans and a strong proof that the government's new commitment to veterans goes far beyond lip service.

● (1535)

The ombudsman would also be a place to turn to for information about existing channels of assistance and redress within VAC that are presently poorly publicized, if at all. The office would have the authority to investigate complaints where other mechanisms are not available and cut through much of the bureaucracy, not just for the sake of one individual but for the benefit of hundreds if not thousands of veterans to follow.

In the early 1990s, processing times for favourable decisions were approaching 18 months. This sparked a public scandal, resulting in the complete overhaul of Veterans Affairs Canada in 1995. Although the department has since accelerated claim processing times, the real story isn't quite that simple. The modern disabled veteran often suffers from complex medical conditions with which VAC is unfamiliar. As a result, initial pension awards are often far below what is needed according to the reality of the disabilities suffered. For example, awards of 20%, or \$400 per month, have been quite common for disabilities that make the veteran totally unemployed.

As a result of such inadequate decisions, the psychologically and/ or physically disabled veteran is forced to enter an indescribably demoralizing review and appeal process. Our investigations and personal experiences indicate that the processing times for an adequate decision for a disability claim can take three to five years and that a number of claims remain outstanding even after five years.

In spite of Auditor General reports on VAC in 1998 and 2000, many veterans who receive unfavourable decisions from the department are still being forced to appeal to the Veterans Review and Appeal Board when other more efficient, less costly, and less traumatic avenues such as departmental reviews are available. Worse, despite the Prime Minister's promise to the contrary, the VRAB board members are still politically appointed. Out of the 22 members, only one has a prior military background, and none are or have been medical practitioners.

The entire process is rife with apparent conflicts of interest. The veteran is represented at the board hearings by a lawyer working for and responsible to VAC, consulting files maintained by National Defence, and defending the case to a board whose members, according to the Prime Minister's Office, are recommended by VAC itself. Perhaps even more bizarre is the fact that both the Prime Minister's Office and the Minister of Veterans Affairs claim the other is responsible for the Veterans Review and Appeal Board. The

bottom line is that the board that is deciding on veterans' lives and spending Canadian tax dollars is accountable to no one.

It is in this environment that an ombudsman's office would excel. An ombudsman's office at Veterans Affairs would be the perfect organization for investigating the long-standing criticisms of how the Bureau of Pensions Advocates, Veterans Affairs Canada, and the Veterans Review and Appeal Board interact. Furthermore, a VAC ombudsman would ensure that systemic problems would not be filtered by middle managers. Instead, senior departmental officials would have the tools to manage more efficiently and ensure mission statements and service values are actually upheld.

Ironically, the main obstacles to the creation of an ombudsman are the Royal Canadian Legion and Veterans Affairs itself. The Minister of VAC even points to the legion as a reason to not have an ombudsman for her department. In his white paper, "Overhauling Oversight", André Marin made a distinction between the strong advocacy in the legion and the legal mandate of the ombudsman, stating the following:

To be sure, the Canadian Legion is a magnificent organization that has done its best to establish committees and to liaise with government administrators, often with great effect, but it is not an institutionalized ombudsman. It does not have the powers of proactive investigation, the resources, nor the professional staff, nor does it have the power to report officially to the government and the public.

The Minister of Veterans Affairs has also stated there is no need for an ombudsman because the department offers the services of the Bureau of Pensions Advocates and the Veterans Review and Appeal Board itself. I had the honour of attending the testimony to this committee of Victor Marchand, the chairman of VRAB, wherein he stated proudly that VRAB heard 6,500 cases last year, approximately 3,400 of which received favourable decisions.

Impressive numbers, but I would like to focus on the more than 3,000 that did not receive a favourable decision. Three thousand is almost three times the number of cases the DND ombudsman investigated last year. Something is dramatically wrong with a system that has 6,500 individuals who must appeal their decisions annually and where almost 50% of those are left unsatisfied.

● (1540)

A VAC ombudsman would not replace VRAB but would track and report on systemic problems, which are causing such large numbers of unsatisfied clients in the first place. A VAC ombudsman would likely be able to pinpoint the problems in the department itself that resulted in the veteran being forced into the difficult VRAB process in the first place.

The DND ombudsman does not replace existing mechanisms of organization and control. It exists alongside. It has enhanced the command structure, the public service union, and it has validated many observations and advocacy work done by special interest groups, such as universities, the Conference of Defence Associates, as well as serving member and retired-member organizations such as VPP, the Volunteer Patricia Program. A VAC ombudsman will likewise not replace the directors general, the Veterans Review and Appeal Board, nor the legion or the dozens of other veterans organizations. A VAC ombudsman would co-exist alongside such organizations, likely enhancing the value of all and undoubtedly increasing the efficiency of Veterans Affairs Canada and the Veterans Review and Appeal Board.

The time for a VAC ombudsman is now. The new Veterans Charter will add yet another category of veteran and create inevitable uncertainty and confusion, both in the veterans being served as well as the VAC staff implementing new and untried programs and policies. This is a perfect atmosphere to introduce the ombudsman to objectively monitor and report on systemic glitches and malfunctions.

The change in VAC has been ponderous and stubborn, at best, over the past five decades. The present legislation is the consequence of 15 years of inadequate care for the modern CF veteran. VAC initiated studies to this effect over eight years ago. An ombudsman can investigate and report on systemic problems, as well as make real and lasting recommendations in a much shorter timeframe.

Now I would like to bring this to a personal note for all the veterans present. Our mere action of defending the interests of modern veterans in the past has resulted in threatening letters and phone calls from the Department of Veterans Affairs. This compounds a general unwillingness of veterans to speak openly, not only for their own problems with Veterans Affairs Canada, but it often prevents whistle-blowing on systemic problems with this complex and difficult to reach department. The creation of a CF ombudsman, above all else, has allowed CF members to speak out without fear of retaliation and backlash.

We disabled veterans are dependent on VAC for our financial security and health care, which often allows us to go on living. A VAC ombudsman would allow us to speak out, without threats to our health, our family, or our future.

One of the main reasons I went off to war, honourable members, is that I love Canada. Excuse me if I get a bit emotional here. I love the freedom of our nature, the wide expanse of responsible liberties throughout society. In the midst of such hope and limitless possibilities, Canada takes care of those who cannot take care of themselves. The overwhelming majority of Canadians do not require wheelchairs, and yet what I love about Canada is that we ensure all public buildings and many corporate structures provide wheelchair-accessible entrances and services. The majority of veterans may not need an ombudsman, but an ombudsman's most valuable role is in defending the little guy, the terrified, the marginalized, those who cannot defend themselves—usually the minorities. An ombudsman is to disabled veterans as wheelchair ramps are to all Canadians: both allow each and every Canadian and Canadian veteran to be treated equally.

Thank you. That concludes the presentation.

• (1545)

[*Translation*]

Thank you. We can take questions in both official languages.

[*English*]

**The Chair:** Thank you very much, Mr. Bruyca.

Now we will proceed with questions on the first round. The first round will be seven minutes per question.

**Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC):** Mr. Chair, are there any statements from Mr. Gray or Ms. Richard?

**The Chair:** I'm sorry. I don't believe so, no. We had checked earlier and there was only the one statement.

**Mrs. Betty Hinton (Kamloops—Thompson—Cariboo, CPC):** How about Mr. Villeneuve?

**The Chair:** Mr. Villeneuve as well. We had checked earlier and there were no statements, but they will all be open to questions.

Mr. Bruyca, you have an additional statement.

**Mr. Sean Bruyca:** This is my wife Carolina, who is here to support me.

There is an administrative matter. Unfortunately, we're not a department and we don't have all the facilities to produce things for you. I noticed that in the past testimony you requested a breakdown of what the process is for a veteran's pension application and review. We prepared it, but unfortunately it's not in French.

[*Translation*]

There is no French version.

[*English*]

But the clerk has indicated to me that she will have it translated afterwards. If I could have the committee's permission to hand it out to you at this time, I think it might be of great assistance.

**The Chair:** I would need unanimous consent from the committee, if that's okay.

[*Translation*]

Are we all right with having the document in only one language? It can be translated later. Are there any objections?

[*English*]

Are there no objections?

Okay, very good.

[*Translation*]

**Mr. Sean Bruyca:** Thank you very much.

[*English*]

**The Chair:** In that case, we'll proceed, and our first question will come from Mrs. Hinton.

**Mrs. Betty Hinton:** Thank you once again for being here, Sean. I've had the pleasure of meeting you on many occasions and I find you invaluable in giving me insight. I've met with several other veterans as well and have heard very similar comments coming from other veterans.

I have a couple of pieces of paper in front of me regarding a presentation that was made June 1, 2005, regarding veterans' organizations and an ombudsman. I'd like to get into that in a moment, but I want you to be aware of how grateful this nation is for your service to your country. You've done a tremendous job, all of you, at great risk. I appreciate you very much. I also appreciate the positive comments you've made regarding the legion, because I believe the legion plays a major role in this country.

But I also understand your wish for an ombudsman. I'm not sure whether you're aware or not, but the Conservative Party platform—point 110 is the number we're looking at, and the item is (v)—states very clearly, “The Conservative Party would immediately enlist the services”—

• (1550)

**The Chair:** Can I keep this non-partisan, please?

**Mrs. Betty Hinton:** I'm trying to—“of an Ombudsman”....

That's all—I was trying to reassure him.

**The Chair:** Okay, that's great. I just don't want to see it become a political debate. I appreciate the information. Thank you.

**Mrs. Betty Hinton:** No, it's not going to be political. I'm trying to tell him we understand that there is a need for an ombudsman.

I would like to ask you, Sean, if I could, do you see an ombudsman as a last resort?

**Mr. Sean Bruyca:** I think there's a lot of misconception about what an ombudsman does. An ombudsman would exist and be able to insert the file—any complaint, any situation, any problem when dealing with individuals—at any stage in Veterans Affairs, whether it be the pension adjudication, the review process, or just requesting treatment and care for the family.

Parallel to that is that they could also insert the file, where need be, at the Bureau of Pensions Advocates as well as VRAB. I see the ombudsman as complementing what structures are in place now and providing much needed recommendations for structural change to address many concerns that this committee has brought up about possible overlap of responsibilities, possible expenditures that could be brought into line.

So I see the ombudsman as defending individual rights as well as addressing systemic problems. As a last resort.... I'm sorry if I'm not too familiar with the concept in the case of Veterans Affairs. Some of us have been at this for 10 or 12 years, and we don't see any end to it, so I don't really understand what a “last resort” would be with respect to Veterans Affairs.

**Mrs. Betty Hinton:** I have sheets here called “Exhibit A: to SVAC Presentation June 01...”. Could you elaborate on that?

**Mr. Sean Bruyca:** One of the most important things is I'd like to reinforce the value of the legion to Canada. The veterans' organizations as a whole provide a fraternal aspect. The Canadian military experience is one of belonging. Veterans, principally when

they leave the military, derive great value from their service to their country and from the camaraderie they experienced in the military. Above all else, the veterans' organizations provide that. They also provide a way for advocating on behalf of their members.

If we look at some of the numbers, the total population of CF members in Canada right now, both serving and retired, is 490,000. The total number of war veterans is 250,000. The legion is the largest single organization and does great work.

On top of that, the legion represents no more than 20% of this population. That means 80% of war veterans and 80% of CF veterans do not belong to the legion. Although the advocacy work the legion does is excellent, at the same time 80% of the population doesn't have a voice. They may not all need it, but I think testimony that.... The old expression goes, “two is a coincidence”, but there are a lot more than two veterans here. And I'm sure all of you have received a lot more than two complaints in each of your individual riding offices about problems people have experienced with Veterans Affairs. They've had to turn to you as a last resort to resolve their problems.

I see the legion continuing to exist and possibly even growing, because a lot of their programs could be expanded upon—everything from the poppy to the CF sports championship sponsoring. Those are all valuable programs.

The last on their list is advocacy, and although that's an important role, an ombudsman does far more than advocate. An ombudsman has legal powers to ask for documents, question people, develop reports in accordance with all the investigation information they compile, and provide that to the Canadian public.

I'd just like to emphasize that the question of an ombudsman isn't about veterans' organizations per se; it's about caring for the veteran. The veterans' organizations can continue to exist, but at the same time we can't forget the fact that the main reason for VAC to exist is to care for the individual veteran. There's no mechanism to defend the rights of the individual veteran and report on systemic problems.

• (1555)

**Mrs. Betty Hinton:** You're saying 80% are not represented under the current system. Can you give me an example of some people who are less than comfortable, perhaps, going through the conventional method?

**Mr. Sean Bruyca:** Could I ask one of you to respond?

**Mr. Perry Gray (As an Individual):** I'd like to address that. I do not belong to the legion, nor do I belong to any other organization. It has been my personal experience that many legions I have been affiliated with in the past are nothing more than drinking establishments for non-veterans. I base that on my personal experience in rural Ontario, where I was either a member or a visitor to several legion halls. I went there for the cheap beer and to play darts.

As Sean pointed out in exhibit A, the majority of members of the Royal Canadian Legion are not veterans, but they may be family members of veterans.

In the 1970s the legion faced a membership crisis, so we started to heavily recruit non-veteran, non-service personnel. Today they are the majority in the legion organization. Whereas they may proudly be members of that organization and participate in memorial services such as November 11, the poppy campaign, or a great number of philanthropic activities, you must bear in mind that in many communities the legion is a place where you can go to drink.

I am not going to join an organization that actively approves of alcohol abuse.

**The Chair:** Thank you.

[Translation]

Mr. Desrochers, for seven minutes.

**Mr. Odina Desrochers (Lotbinière—Chutes-de-la-Chaudière, BQ):** Thank you, Mr. Chairman.

Distinguished guests, I too would like to thank you for coming here today to share with us your views on the creation of a new ombudsman's position and on the expectations you may have. I listened closely to your presentation.

Mr. Gray, you stated that the Canadian Legion does not necessarily meet the needs of veterans. However, VAC was created and other structures have been put in place and to my knowledge, the system works fairly well. Have you checked to see whether there is a veterans' ombudsman in countries similar to Canada? Or, is this a very unusual step that you are asking the Canadian government to take?

**Mr. Sean Bruyey:** Thank you very much.

[English]

I haven't had a lot of time to research this, and we're not a government department with all the resources to do that. I am familiar with the fact that Australia has an ombudsman office. It goes far beyond having an ombudsman office. It has guarantees along with its services, so it's very transparent as to how long a response to a telephone call, all the way up to a pension decision, will take. If it's not met to the very minute of the last day of that guarantee, one can immediately call the ombudsman office and immediately have that situation remedied.

In addition to that, Australia is very similar to Canada in size and politics. Australia also provides an ombudsman that reports on its systemic issues. This has been an invaluable resource to speak out on behalf of the marginalized. At the same time, Australia has a very active veterans' organization that is equivalent to the legion. Their ANZAC organization throughout New Zealand and Australia is extremely powerful, vibrant, and healthy. It coexists and works alongside the ombudsman office itself.

• (1600)

[Translation]

**Mr. Odina Desrochers:** Is Australia the only country? Are there any other countries that have an ombudsman to handle veterans' claims?

[English]

**Mr. Sean Bruyey:** I'm aware that Germany has an ombudsman, but I do not know the details or the mandate. That's about the extent of my knowledge, but I can research that for you.

[Translation]

**Mr. Odina Desrochers:** I'm trying to understand your demands and to situate them in the context of the Canadian government. You say that several associations already exist at this time. We often hear about the cost and the staff that would be assigned to the ombudsman's office. What would be the value added of such a position and if it were created tomorrow morning to meet the needs of veterans, how would this reduce waiting times and enhance support levels?

[English]

**Mr. Sean Bruyey:** Just from our personal experience dealing with Veterans Affairs, I can show you this pile of paper that represents submissions, recommendations for change at Veterans Affairs. All of them have some element of increasing efficiency in providing services at Veterans Affairs. Very few of these would cost the government any money, and I imagine they would actually save the government money. Out of all these submissions, out of all the requests to try to arrange meetings with department officials, not a single one has been acknowledged in a positive manner or been implemented.

I'm not saying that every one of these we've provided makes sense. I mean that out of the hundreds of pages of documents we submitted to Veterans Affairs, they have resisted every attempt to increase efficiency according to our recommendations. So I think the first result of creating an ombudsman position is that it would be able to identify waste, and we see waste every day when we go to the department.

First of all, where there were three levels of bureaucracy two years ago, there are now six levels of bureaucracy. Where one call centre used to be able to deal with the issues and we got an immediate response, they've now set up three separate call centres across Canada and two separate treatment authorization centres. They've actually increased the manpower, and yet the provision of services has decreased over the past 18 months.

So we're kind of left at the experience level, the user level, saying this doesn't look like an efficient organization. It's not improving my services, but they've hired more people.

From our standpoint, we believe Veterans Affairs is inefficient in the way it functions. Unfortunately, there is no evidence out there, no investigative body that is allowed into that department that will report on a regular basis. The Auditor General only reports every five years. That's not enough time to keep track of and monitor the efficiency of a government department.

So I would think the value added of an ombudsman would be returned immediately, I would guess within the first six months, and the savings would only grow as the years went on.

[*Translation*]

**Mr. Odina Desrochers:** Is the fact that you're having trouble obtaining basic benefits from VAC the problem, or is it more that claims have become more complex? Why is it so difficult for you to get VAC to process your claims?

[*English*]

**Mr. Sean Bruyey:** I will do my best to attempt to answer that question. The first part is where do these problems exist?

This is my wife. She puts up with a lot because of my disabilities. This file alone is just for us to get couples therapy over the past two years. That's just one of our therapies, one of our cares. That is the type of efficiency at Veterans Affairs.

This should not be happening, first, in terms of clients' rights, treating them with dignity and respect, and secondly, my God, I can't imagine the amount of manpower that Veterans Affairs puts into creating such work programs for its employees when it could be handled much more efficiently.

On a grander scale—pension adjudication applications—this paperwork right here represents the paperwork for my brother, who has not received a pension yet and for which we're still fighting. That's the sort of work.... Sorry, that's my file. That's my brother's file over here on the left, and there are literally thousands of papers and pages that have to be gone through. I can't imagine how much it costs Veterans Affairs to keep dealing with this application.

I don't know why it's so inefficient. That's why I would like an ombudsman to find out.

That's my file, and it deals with everything from review processes to the Veterans Review and Appeal Board and the Bureau of Pensions Advocates.

I would just ask the other members if they could speak to answer the question from the honourable member.

•(1605)

**Mr. Perry Gray:** I'll give you an example from my own experience.

I've been through the review and appeal board twice. The last time was in January of this year. My advocate, who had 23 years' experience with the department, and who is a lawyer, arranged the hearing in Charlottetown without my approval. I happened to be in the hospital at the time because of my condition. When I questioned him about this, he said, well, I wanted to get everything done while you were in the hospital. Afterwards, I received the report of the board. According to departmental statistics, I was given a positive review. The results of the board in no way matched what I had appealed in the first place back in 2002. I questioned many things.

On Monday, the district office received a call from my lawyer in Charlottetown stating that there had been an oversight made when my file was originally adjudicated in 2001. I was then asked to go to the district office, which I did yesterday, and fill in another application for yet another pension, which will have to go through the adjudication process. I've been told this takes an average of 18 weeks. Today, I made a call to make another appeal because they want to claw back benefits I received. They're going to start that

process this month. I had to make four connections. The last one was to a voice mail. I don't think I will be able to stop the clawback of my pension before it's implemented at the end of this month.

Why am I being punished for the ineptitude and the errors of the members of that department?

[*Translation*]

**The Chair:** Would you care to comment, Ms. Richard?

[*English*]

**Ms. Louise Richard (As an Individual):** Thank you.

To answer your question, sir, yes, I think it's very clear that since 1990 until today, over the last 15 years, we're considered modern combat veterans. Our prior veterans are clear-cut war veterans from World War I, World War II, and Korea. They fought for a long time to get the recognition they so duly deserved because it was a police action for the longest time. It took a long time for them to be considered and recognized.

In 1990 Canada had been peaceful, basically, since Korea. Since 1990, the Gulf War came around, then Somalia, Bosnia, Croatia, Yugoslavia, and Afghanistan. Let's go on and on. Let's not forget Haiti either. I think Veterans Affairs was very comfortable and cozy doing their little thing, and they depended on the legion to manage their clientele at that time.

As Percy explained, they're going to the legion, swapping stories, and getting drunk. It's fine, if that's your thing, but it's not acceptable for us young men and women. We want to get therapy. We want to be helped to cope with these war demons, to have some kind of quality of life, and to have some stability with our families.

It's a nightmare, trust me. Our families have gone through hell, not just our direct partners but our children. Many now suffer from secondary post-traumatic stress disorder. Why? Because Canada has done nothing to treat us for post-traumatic stress disorder.

Once these illnesses become diagnosed, maybe you have a chance, but National Defence and Veterans Affairs are not in the business of diagnosing. They minimize and belittle. They just want you to go away.

If you're sick, it becomes even worse because now your condition becomes chronic. You look at these young men and women who have chronic conditions and many are life threatening. Many of our buddies are dead from suicide. Many have died from various cancers, autoimmune diseases, you name it.

I'm speaking personally of the Gulf War. I was a nurse during the Gulf War. I injected my fellow Canadian soldiers with anthrax, the plague, and botulism toxoid. This is experimental stuff. Canada never approved it. Canada never approved giving that to healthy men and women. Then over and above that, they said, "Captain Richard, you're not going to document that in their yellow books".



You now have people who have been used as guinea pigs and were not aware of it. Years later, they are ill and need to address these issues with Veterans Affairs. But where's the proof of documentation? Veterans Affairs bases everything on whether you can prove this happened directly. When you don't have the documentation, what do you do, sir? Also, if documentation was in your file, National Defence has removed certain key documents from files, as we know from our Croatian soldiers.

I could go on with clear-cut examples. This is about one-tenth of my file. I'm not strong enough to bring the whole thing here today.

I started in 1994, and here we are, 11 years later. I was misdiagnosed when I was with the military. It took everything I had once I left the military to get clear-cut diagnosis, at my own expense.

A lot of these issues with review boards, uncertainty, suicide, and all of this, could be prevented if someone out there was listening and if we had some way of focusing on our issues. As Sean explained, it's extremely limited right now and it just goes around.

• (1610)

**The Chair:** Thank you, Ms. Richard.

We've gone over the time limit, but I think it's very important that everybody has the chance to express an opinion. We want to hear everything.

[Translation]

Do you have anything you'd like to say, Mr. Villeneuve?

**Mr. Georges Villeneuve (As an Individual):** No.

[English]

**The Chair:** Okay, *c'est bon*.

Then we'll continue with Mr. Stoffer.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Thank you, Mr. Chairman.

Thanks to all of you again for appearing before the veterans committee.

I can appreciate and understand the frustration you have with a government department, Veterans Affairs. We deal, as MPs, with many other departments, and sometimes the bureaucracy gets overwhelming.

It's something that should be fairly straightforward, when you're dealing with an individual's personal file or a case and an MP deals with it. When I think of the difficulty in getting a response, either in the negative or positive, or even an acknowledgement, I can appreciate your frustration.

On behalf of our party, we also thank you for your service to our country and greatly feel for the fact that you're going through these illnesses when that wasn't what you planned when you joined the military.

I just want to say one thing. I've been a member of a legion since 1972, in British Columbia, the Yukon, and now in Nova Scotia, and sir, I say this with the greatest of respect. I have never, ever assumed that they were just a drinking establishment. There is no question you can consume alcohol on the premises, but I have seen countless

hundreds, if not thousands, of people who have been assisted by the legions. All kinds of people go into those legions. And the work they do for students, for seniors—not just veterans, but all types of seniors—and everyone else is really nothing short of remarkable.

I can appreciate that you have a difference of opinion with them when it comes to the ombudsman issue, but from hearing from the three of you now—I've seen the press conference, and we've done a press conference before, Louise, if I may call you that—the frustration you have with Veterans Affairs is real and it's understandable.

I say this with the greatest respect, sir, and I can't speak to your personal circumstances regarding your experiences of the legion, but on a personal note, Mr. Chairman, I find the legions and the Army, Navy and Air Force Veterans in Canada Association and many other associations do very valid work on behalf of veterans. It's nothing short of remarkable.

Having said that, mind you, there is a perception, at least on the public side, that a lot of these organizations just look after the concerns of World War II or Korean veterans and the four or five remaining World War I vets. Many people in the public don't really have a full understanding of the new, modern veteran. In Nova Scotia, for example, it's quite unique to see a licence plate with a veteran on it and somebody a lot younger than me is driving it. You kind of think “hmm”. But it's our responsibility as parliamentarians to tell the general public that the modern veteran today is 36 years old. That's a modern veteran. And some of them go through some very serious difficulties.

I have a question for you, sir—and again, I thank you for your presentation. We have the defence ombudsman, André Marin, who I have the greatest respect for and who I thought did a great job when he was there. He's now moved on to Ontario, and there'll be new people there. I've also noticed, in speaking to a lot of CF members I represent at the Shearwater air base, that they're just as frustrated with the ombudsman at the defence level. I've asked them about the ombudsman for veterans, and they're split. Some say “absolutely”; some say “well, I don't know”. So there isn't a unanimous position on that, and this is one of the reasons why we have you here to discuss it.

Is it not possible—and I say this as the devil's advocate—that another level of bureaucracy may even impede or slow down the already slow process you go through?

• (1615)

**Mr. Sean Bruyca:** You have every right, Mr. Stoffer, to make that point, and it's a very grave concern.

I think, most importantly, all the mechanisms that are touted as being an ombudsman—therefore, we don't need one—have vested interests. An ombudsman office in its truest context is impartial. As the old saying goes, justice must not only be done, but it must be seen to be done.

I think in the case where Veterans Affairs is advocating on behalf of a special interest group, the legion, to be the ombudsman, irrespective of the great value—and I agree with you 100% that the legion has contributed to society—that shows an enmeshment of interest that goes completely contrary to having an impartial investigator and representative that will defend the rights of the marginalized.

I would like to just emphasize that with having an ombudsman office itself, yes, there could be the risk of having more bureaucracy, but when we look at the DND ombudsman, for the real issues we're talking about, we see their staff has six investigators, if I'm not mistaken, in the actual special projects cell. They're the ones who go after the systemic problems. The cost of maintaining six individuals to report on systemic issues is a small price to pay for having the value added of not only increasing the efficiency of the organization, but also the real value added, which is respecting the dignity and the independence of the veteran.

As a veteran, or as a Canadian citizen, for instance, if I want to deal with Revenue Canada about my taxes, I should not be forced to go to the bank—"You must deal with the TD Bank in order to get your taxes dealt with". Well, first of all, the bank doesn't have the power to deal with that. Maybe an accounting firm would, but the TD Bank doesn't. That sort of farming out of responsibility by the Canadian government really disappoints and I think really besmirches the sacrifice that Canadian veterans have made. We deserve an impartial advocate, free of any special interest groups, and we also deserve to be able to go to the legion if we choose to.

I don't see one replacing the other. In fact, I see them both as complementary.

● (1620)

**Mr. Peter Stoffer:** We heard Monsieur Marin say it would be more or less fine with him if that department was an ombudsman for both.

What is your opinion? Would you like to see a combined ombudsman for military and veterans, or would you like to see an independent ombudsman for Veterans Affairs only?

**Mr. Sean Bruyca:** There are a couple of pros and cons with both structures. I feel there are probably three options for an ombudsman. One would be a completely independent Veterans Affairs ombudsman. A second option would be that the resources are completely pooled under one ombudsman, a VAC-DND-CF ombudsman. And the other, which I think is a traditional Canadian compromise and is the best of both worlds, is to have an ombudsman that is probably a separate directorate within a common office. It would save money on resources and infrastructure. It would also allow the experience of the CF ombudsman to carry over, so there wouldn't be this growing pain of setting up an office and having a year or two years before the investigators can really clamp down on the problems.

Irrespective of whatever structure is chosen, I think there have to be some fundamental considerations. One is that VRAB doesn't report to the minister, it reports to the Governor in Council. Presently the structure is that the CF ombudsman reports to the Minister of National Defence. That works for DND, but it would not work for Veterans Affairs as a whole, because the minister cannot control VRAB. So in that case the ombudsman would have to have the

power to report to Parliament, or at the very least the Governor in Council, because they're the ones who appoint the VRAB personnel. I think that consideration has to be taken into account.

I think the second one is that there will be initial costs, because I believe they will need some dedicated resources. Those 210,000 Veterans Affairs clients could initially require a bit of an investment, but the value added, as I said, is in respecting the dignity and sacrifice of the modern veterans.

We don't have a homogeneous society any more, and we don't have a homogeneous veterans field any more. I think the impartiality and the dedicated resources of an ombudsman would go a long way to supporting what we have all sacrificed. We're not asking for a whole bunch of money. What we're asking for is the very bare minimum. The policies we're fighting for here are far below what was awarded to World War II veterans, far less costly than what was awarded to World War II veterans, and yet still we're given, begrudgingly, resentfully, from the bureaucrats, "This is my money, so you don't deserve it".

That's not what we went to war for. We're not asking for any more than the basic entitlement of caring for our family and providing security for our future.

**The Chair:** Thank you, Mr. Bruyca.

Now we'll go on to Mr. Bagnell. You have seven minutes, please.

**Hon. Larry Bagnell (Yukon, Lib.):** Thank you.

I too would like to thank you all for coming and for your service to the country. I know it's difficult. As Peter said, you weren't expecting your life to unfold this way. We certainly appreciate your efforts to help veterans, especially those who may not be served by the legion.

I would also like to say that we had 400 legion members in my riding on the weekend for a conference. They do great work in the Yukon. I've been very happy with the legion's contribution to our community.

Just to go on record for some people who are in the room, I hope we might get some feedback later, through the clerk, from the department on a couple of issues that have been brought up today, one of them being the consultation on the charter. The department might just provide us with what was done on the consultation; and also from the legion, further clarification on points that have come up today....

I don't have any opinions here. Most of my questions are just to get some more details on some of the issues you brought up.

You said some claims were three to five years or even more. Do you have an estimate of how many claims that might be?

**Mr. Sean Bruyca:** I can honestly say, from the personal experience of the more than half a dozen veterans in this room, that all of us have had that experience, and some of us still have our claims outstanding. You probably see some nodding heads behind me.

At the same time, we all know the old shampoo commercial: two friends who know two friends.... The pattern seems to be quite common. What happens in a lot of cases is that the veterans have two options. They can enmesh themselves in this soul-destroying process, and perhaps be successful enough in the end to provide some security and income for the family and care for themselves, or they can just walk away. We know many veterans like that. They don't get care and treatment, and they live in a cabin in the woods. This is no exaggeration. It does terrible things, the modern operational stress injury. These veterans are left without a chance to fight. They are being forced to go through an incredibly difficult bureaucratic system, or they are being forced to associate, when their illnesses don't allow them to associate with individuals.

I'm sure every one of us here, even though some of us may not have an operational stress injury, have those down days when Remembrance Day comes. We have a difficult time associating with people, and that's just the nature of going to war. It's the war wound Hemingway talked about, the one you don't talk about. I'd like to emphasize that abandoning people to this option or nothing is not what Canada is about.

• (1625)

**Hon. Larry Bagnell:** So you've found at least six people who waited over five years for an answer to their claim.

**Mr. Sean Bruyca:** Actually, it's over 40 individuals, to my knowledge.

**Hon. Larry Bagnell:** Forty people who waited over five years for an answer to their claim?

**Mr. Sean Bruyca:** Waited for five years for an acceptable claim. For instance, Veterans Affairs have these wonderful statistics. They've testified in front of committee and said they had  $x$  number of claims they processed, and they were ordered pensions. Well, someone who's totally disabled who's awarded 20%, when they're completely unemployable or immobile because of their symptoms, is not getting an acceptable award. That forces the veteran to keep going at the system. If they're unemployable, that's the only source of income.

**Hon. Larry Bagnell:** Could you just elaborate on that a bit? Could you give me an example of someone who is getting 20% of the money but is totally unemployable?

**Mr. Perry Gray:** We did a quick survey among ourselves, and I'm only going to speak for myself because this information is protected.

My initial award was 30%. According to National Defence, I was unemployable. According to SISIP, which is the military insurance program, I'm unemployable. Yet, if you read the definition of 30% on the Veterans Affairs table of disabilities, I am employable.

Another friend with similar symptoms got 25%. A third person was given 20%. Veterans Affairs does not have a standard formula. Each case is treated as individual, but they have this arcane formula, which none of us understands, that they use to arrive at their decisions. Though they say there are approximately 5,000 veterans with PTSD, if you were to ask all 5,000, you will get different answers about how much they were awarded. If you want the statistics, you're going to have to go to Veterans Affairs. I don't know if they keep statistics. As one of their senior people said, they don't keep statistics on suicides.

So I'm suggesting you go back to the department and ask them how many people have PTSD, what level are they receiving, are they happy with that level, and how long have they been appealing their case. I don't think the department can answer those questions, but I think all those questions should be asked. It would be nice, on behalf of all of us sitting here as witnesses, if someone in a position of authority were to ask those questions.

I hope that helps you with your point of view.

• (1630)

**Mr. Sean Bruyca:** That's an excellent question, Mr. Bagnell. What I'd like to emphasize, and I'm sure you've encountered it, is the incredible lack of transparency that goes on there. We understand the table of disabilities—you may have heard of that. It's a standard formula for calculating disabilities. If I could just emphasize what Mr. Gray said, those 5,000 people will all have the same symptoms, the same level of disability, the same limitations on employment, yet they will all be awarded different numbers. There's no transparency when we receive a pension award. It does not explain why we receive that award. It doesn't say you receive it because you meet criteria A, B, and C.

As veterans, we shouldn't have to go to you guys to get you to get the statistics to find out if they're transparent or not. That's what an ombudsman should be doing. Veterans Affairs Canada should volunteer that normally, but it's not happening. An ombudsman would be able to get those statistics and would be able to get transparency in an organization like that, I would imagine.

**The Chair:** Very good. Thank you.

Now we'll go to the second round; that's the end of the first round. The second round will be alternating between party and government, and each will be five minutes. I appreciate the help, I haven't been cutting anyone off, and I appreciate all the input. If I could ask you to make your questions and your answers...I don't want to say "as brief as possible", but the only reason I would say it is I know we have a vote at 5:30 and I'd like to get us there. I don't want to cut anybody off, so just try to make it as concise as possible—but give us all the facts you can; we do appreciate the input.

Next is Mr. O'Connor, for five minutes, please.

**Mr. Gordon O'Connor:** Thanks very much. I think many of the questions have been asked already, but I've still got a few left.

Let me start by saying that I lean towards the idea of an ombudsman, so when I couch my questions, don't be shocked; I'm coming from the other side.

First of all, who do you represent? There are four individuals here. Are you here as four individuals, or do you represent some organization?

**Mr. Sean Bruyca:** We're here as four individuals and we've always spoken as individuals.

First of all, my symptoms...personally, I can speak for myself. I don't do well in organizations; I haven't done well in organizations since the war, and I think that's very common for many of the modern combat veterans. The reason we do this as individuals is we know far too many of our comrades are too disabled to speak out. The cost to myself and my wife of my speaking out is immense. Without getting into personal details, it's literally hell for my wife to deal with my speaking out. The anxiety, the stress, the tears—it's an incredible responsibility to force a veteran to speak out on his own behalf. A lot of veterans don't speak out for that very reason.

What I'd like to emphasize is that an ombudsman would not force us to be here today to speak out like this. There are a lot of individuals out there who we know won't come forward for that very reason.

**Mr. Gordon O'Connor:** It's just that there are other veterans' organizations out there that may not support the idea of an ombudsman. They would come forward to us and say they represent 100,000 people—or 50,000, or 40,000, or whatever. You're here as individuals and your opinions are as valid as anybody else's; it's just that governments, federal governments especially, are impressed by numbers. If there's only one person in the land who has one rare disease, they won't do anything about it. If there are thousands, they'll do something about it. I'm just pointing out that when you come as individuals, you may not get the same reaction from the government.

**Mr. Sean Bruyca:** Exactly. Just as every organization doesn't have active members who participate and advocate for the issues the organization is proposing, so when an organization has a policy statement, often only a few individuals are actually pushing for it. The organization may say they speak on behalf of  $x$  number of people, but they're actually only working on behalf of themselves or for their own interests. We know that at least 80% of the veterans—we're talking somewhere around the number of over 500,000 Canadian veterans—probably do not belong to a veterans' organization. We can say that as individuals we represent the 500,000 people who do not belong to organizations. Is that impressive? I don't know.

•(1635)

**Mr. Perry Gray:** If you go back to what Mr. Bruyca said in his formal presentation, the six people who were flown into Ottawa for the first meeting of the new charter, Bill C-45, were not allowed to consult with their organizations. They had to agree to confidentiality. So were they really representing those six organizations, or, as Mr. Bruyca pointed out, were they representing themselves? That is the point you have to consider. Does the Prime Minister of Canada represent all Canadians, or does he only represent his party? You have to consider what you mean by representation.

**Ms. Louise Richard:** If I may just add, following what Perry just said, there exists a Canadian Gulf War Veterans Association. It goes back to 1998, I believe. This is one of the special six organizations that was addressed and included in this new Veterans Charter, Bill C-45.

If you want to look at what this association really represents, it's absolutely nothing. And I will tell you here, none of us belong to this organization. One, their website has not been updated in over two and a half years. Two, they don't believe that Gulf War illnesses exist. Three, they have their own little mandate and their little glory

stand to themselves be number one. I don't know who they're representing, but it sure isn't the ill and needy Gulf War veterans.

To give you an example, if they are representing us they would have been there the night Bill C-45 went through the Senate. They weren't. If they're representing our best interests and the veterans, why have these reports never been distributed or challenged here in Canada? These are scientific studies on Gulf War illness—one from the United States of America. It is true that it exists. One study is from the U.K., from the fall of 2004. These are very recent studies. The U.K., Australia—we can go on and on.

Why would we belong to an organization that does not represent the best interests of those who are the most in need? This is why an ombudsman is needed more than ever, sir.

**The Chair:** Thank you.

We'll now move on to Mr. Bagnell.

**Hon. Larry Bagnell:** Thank you. I've got lots of questions. It's great having veterans on the ground here.

I have to say, though, when you suggested we all had lots more than two complaints about Veterans Affairs...I haven't had a lot more than two veterans come to me with complaints about Veterans Affairs. In fact, one person in the military was having a problem and I asked him why he didn't go to the ombudsman. He wasn't in any great rush to do that.

**Mr. Gordon O'Connor:** [*Inaudible—Editor*]

**Hon. Larry Bagnell:** That's true. There aren't very many. But we want more, so get that on the record.

Perry, just going back to the question we were talking about before on your 30% disability, who in the military said you were disabled? Did they say you were 100% disabled so you couldn't get any job, and was that permanent?

**Mr. Perry Gray:** First of all, this is a copy of the Veterans Affairs table of disabilities.

**Hon. Larry Bagnell:** Sorry, I meant National Defence.

**Mr. Perry Gray:** Yes, I know, but I just wanted to connect the two.

In May 2000 I was diagnosed at the military health care centre here in Ottawa. I was diagnosed with PTSD and major depression. I was put immediately on six weeks' sick leave. I was then transferred to a patient holding list. The list is all those people who cannot be gainfully employed in the military, but the list allows the military to recruit somebody else to fill my spot. I was on that list for two years until I voluntarily decided to retire.

I have a letter from SISIP that says I am totally disabled. But according to Veterans Affairs, my current level is 60%: major difficulties at work; lengthy periods of absence necessary. That means I can hold a job.

In the last three years I've been in hospital three times, once per year, and since I got my diagnosis I have been treated by 10 different psychiatrists and psychologists, all of whom concluded that I am not employable. Why? Because I can't get up at the usual time in the morning. I'm not trustworthy. My IQ has dropped. My memory is shot. I have a criminal record as a result of getting into trouble with the police because of my violent outbursts. Who is going to employ someone who has psychological, criminal, and social problems?

This is what is tied to these disorders. I take drugs. The drugs affect me. There are all kinds of side effects. You're not going to employ me because you can't rely on me. But Veterans Affairs says, yes, you can rely on this person.

A friend of mine worked for a company for no pay. They fired him because he was unreliable.

• (1640)

**Hon. Larry Bagnell:** In relation to the legion, they don't represent 80%, roughly. Are those 80%, those people, allowed to go to the legion for services, or do you have to be a member?

**Mr. Sean Bruyey:** From what I know, one's allowed to go to the legion. I think what I'd like to do is steer it away from that, though. The services the legion provides are not ombudsman services. It doesn't matter whether 100% of veterans go to the legion, it still would not be able to offer the services of an ombudsman. And I think that's what this is all about. It's not about veterans' organizations or the legion; it's about getting care to the marginalized, those who don't have a voice, which in this case represents—and sorry if I'm wrong, I usually forget that I'm married when I'm stressed out like this—500,000 veterans, plus their families, plus their children. I would say we represent a couple of million Canadians.

**Hon. Larry Bagnell:** One of the things you said, I think in your speech, is that what the legion can't do is look at the systematic glitches and problems in the department. So the legion doesn't make that kind of recommendation to the department.

**Mr. Sean Bruyey:** It can make recommendations, just as we did. The legion has no more legal power than we do. It has a nice special relationship with Veterans Affairs. And you know what? That relationship has produced some good results over the years.

The point is that if I have a personal complaint, or if Louise or Perry have a personal complaint that requires someone to get into the files, to order investigations, there's no way whatsoever that the legion has the authority to do that. An ombudsman does. It's the power to subpoena, for legal investigation, that gives the ombudsman teeth. A legion doesn't have teeth, nor does it have the mandate, nor does it have the responsibility. An ombudsman has teeth, and that's what Canadian veterans want.

**The Chair:** Thank you.

We'll go on.

[Translation]

You're next, Mr. Desrochers. You have five minutes.

**Mr. Odina Desrochers:** Thank you very much.

We're hearing that there are in fact two classes of veterans: World War I, World War II and Korean War veterans, and veterans of the

more recent Gulf War and the peace-keeping missions led by Canada and often marked by tragedy.

In your view, is VAC mindful of this reality, or is simply trying to salvage whatever it can by embracing the concept of two classes?

[English]

**Mr. Sean Bruyey:** In reality, honourable member, there are at least five different classes of veterans: World War II; World War I; Korea; veterans from post-Korea, which includes us, and since October 27, 2000, there are the serving member clients of Veterans Affairs who are allowed to collect their pensions and do not have them deducted from their income—we do have it deducted from what limited disability income we get; and the fifth class is the veterans who will come on line with the new charter. So there are five different classes of veterans and the introduction of six new programs.

I think even Veterans Affairs admits they have problems administering what they have. With the introduction of six new programs and employees who are already overwhelmed, or those who are hired on new who are unfamiliar with the new policies, this is going to create havoc and mayhem. The price isn't that you go to Zellers and the stuff is not on the shelf; the price is broken families, lost lives, spiralling addictions, and something that Canada was willing to send us to war for.

The policy says that as a soldier I must accept unlimited liability, but when I return, the government, under Veterans Affairs, has a limited liability, and they don't have to answer to anyone. That's why an ombudsman is needed to make things transparent, at the very least. If I was willing to accept unlimited liability, the least Veterans Affairs could do is open its books to an impartial investigation.

• (1645)

[Translation]

**Mr. Odina Desrochers:** Perhaps “class” isn't the right word, but I wanted to distinguish between veterans of conflicts that raged during the first 50 years of the 20th century and veterans of modern day conflagrations occurring between 1970 and the present. You mentioned Gulf War veterans. The Gulf War was fought quite recently, namely in 1990.

Do you feel that the same recourse is available to you? Some of these files seem to have been dragging on for years. Do you have the same recourse and access to the same tools as the majority of veterans?

[English]

**Mr. Sean Bruyey:** I think first and foremost the reason I mentioned the five classes of veterans is that each one has a different benefit program. There may be the fundamental ones, such as the Pension Act, that link some of the veterans.

I'd like to correct a misconception in some of the testimony you've received from Veterans Affairs, whether it be by the deputy minister, the ADM, or BPA, that talked about modern veterans only looking to boost their pension. What I'd like to point out is that the first class of veterans had access to low-interest loans, land grants, free post-secondary education, a guaranteed low-income cut-off called the war veterans allowance, and more. The only qualification they needed to enter any of these programs is that they served in World War II.

Right now the present class of veterans must be accepted—and my brother hasn't been, but I have—into the disability program, and the programs are far less generous than those. When the DM gets up there and portrays us as a bunch of money-grubbing, greedy veterans.... I'll tell you that the income security I get and the medical treatment I get are the only things keeping me alive.

Did they have access to other mechanisms that we don't have? Yes, they did, and they had a society that was much more supportive. We're not asking for the same programs; we're asking for an ombudsman.

**The Chair:** That's it, and now we'll go back to Mr. Bagnell.

[*Translation*]

Three seconds.

**Mr. Odina Desrochers:** Thirty seconds.

[*English*]

**The Chair:** I'm being a little more lenient than usual, but....

Let's have just a very short question and answer, if it's okay.

[*Translation*]

**Mr. Odina Desrochers:** Mr. Bruyca, in your opinion, would creating an ombudsman's position resolve the problems that you've described and mend your relationship with VAC?

[*English*]

**Mr. Sean Bruyca:** The short answer is yes. What I believe will happen is when we speak out, people will listen and say, look, that veteran is having problems. What happens is Veterans Affairs will quickly put out that fire. As the old expression goes, rather than Veterans Affairs putting out all these fires, why don't we go after the guy with the matches? It's Veterans Affairs itself creating the problems. An ombudsman goes after the guy with the matches. An ombudsman gives credibility and validity to not only our concerns but to the legion's concerns and every other veterans' organization's concerns. That's what I see. So, yes, it would work very well.

•(1650)

**The Chair:** Very good. Thank you.

Now we'll go over to Mr. Bagnell.

**Hon. Larry Bagnell:** You just mentioned that when people came out of the Second World War they didn't have to be injured and they actually got more generous provisions than today. If a veteran who wasn't injured and came out of the Second World War and chose the cash payment, how much did he get? You said it was a lot more generous than what's available today.

**Mr. Sean Bruyca:** They didn't have a cash payment, to the best of my knowledge, honourable member. What they had was a commitment from the Canadian government that they would get

whatever education was needed, not just two years of rehabilitation, which is presently what we have, and which doesn't include university. They were paid for the complete university program, and if it took five years, six years, or eight years, I believe they were allowed to take that long because of their disabilities.

They were provided with a complete suite of programs that weren't time limited and that respected the commitment for the rest of their lives.

**Mr. Gordon O'Connor:** Excuse me, I'm not an expert, but my father came out of the war and got education benefits, as did my uncles, but there was some kind of formula. You did build up certain credits. Some people used them to buy land; they were authorized to buy land. Some used them for education. Some got them as starter loans for businesses, etc. But there was some kind of formula related to service. I just can't remember what it was.

**Hon. Larry Bagnell:** Can anyone join the legion, right from the Second World War or First World War up to someone who became a veteran yesterday?

**Mr. Sean Bruyca:** Yes.

**Hon. Larry Bagnell:** They can.

**Mr. Sean Bruyca:** Sorry, honourable member, that is including anyone off the street.

**Hon. Larry Bagnell:** It mentions here, on the sheet we got, the legion being partisan. I'm not sure exactly of the definition. Does that mean it is aligned to a political party?

**Mr. Sean Bruyca:** Maybe I didn't use the right words there. If I didn't, I'm sorry, but "partisan" means they represent their own interests. They have a membership that has its own concerns—

**Hon. Larry Bagnell:** Being the veterans—

**Mr. Sean Bruyca:** —being those veterans in that organization. There are other veterans' organizations that have their agendas also. There are dozens of veterans' organizations throughout Canada.

What I'd like to emphasize again is it is not about the veterans' organization. The legion does not provide the services, nor could it, nor does it have the resources to provide the services of an ombudsman, nor does it have the legal powers to provide the services of an ombudsman.

Anyone can join, and all power to them, because, I agree with all of you members, there is great value added to society, but it hasn't added value in terms of an ombudsman. It doesn't have those powers.

**Hon. Larry Bagnell:** These dozens of organizations you just mentioned, do they put any suggestions to the department about systematic glitches and problems that you said an ombudsman would?

**Mr. Sean Bruyca:** They all do. They all provide those sorts of recommendations, just as the legion does, but none of them have the power of impartiality. When an ombudsman speaks, people say there is probably a lot more credibility to the objectivity of the observations. When a special interest group speaks, it's how big are they and let's see if we should listen to them.

For an individual veteran who is suffering disabilities, the point is we have to give them a voice. We have to give them a recourse.

**Hon. Larry Bagnell:** Are you saying that the organization made up of the veterans is less objective than the ombudsman, who probably was not in military service? Because he wasn't, he's more objective.

**Mr. Sean Bruyca:** By the very nature of it, an ombudsman is supposed to be impartial. The ombudsman would not necessarily agree with the veteran every time. In fact, the CF ombudsman on numerous occasions has come out in support of some of the policies that DND and the CF have.

What the ombudsman does is find a way to impartially look at the situation and have all the cogs of the gears work together and mesh nicely, as opposed to what we have to do. We have to keep butting our heads against each and every cog. Imagine that Veterans Affairs is about five of my hands, and it's a lot harder to do this than an ombudsman doing this.

**Hon. Larry Bagnell:** Could an ombudsperson do the job if he had not had military experience?

• (1655)

**Mr. Sean Bruyca:** I believe so. However, I think a certain measure of understanding in the organization is very important. What we've noticed from Veterans Affairs is that there is a lack of understanding because there's very limited military experience. There are not many veterans I know of who are hired by Veterans Affairs. This creates a huge understanding gap about what it means to be in the military and to have suffered disabilities at the hands of the military.

**Hon. Larry Bagnell:** I have just one last very short—

**The Chair:** You're taking advantage of my good nature here.

**Hon. Larry Bagnell:** It's related to what I was asked.

**The Chair:** Again, make it a short question and a short answer, if you don't mind.

**Hon. Larry Bagnell:** I thought earlier in the presentation someone was complaining about the appeal board because there weren't enough veterans on it. Why can they not do a good job if they're not from the military service if the ombudsman can do a good job and he doesn't have military service?

**The Chair:** Can I intervene for a second? You've got one more question coming, so maybe you can hang onto that thought, and then we'll be done.

Now we'll go to Mrs. Hinton, and then back to Larry.

**Mrs. Betty Hinton:** I recognize that this is stressful for you, and answering these questions is not an easy thing. I appreciate that you have been once again brave enough to actually put this kind of pressure on yourself. So I'm going to take the pressure off you. I'm

not going to ask you any questions. I'm going to give you my five minutes.

Do I have five minutes, Mr. Chair?

**The Chair:** We'll call it a preamble.

**Mrs. Betty Hinton:** I will give you whatever time I have to make whatever statement you may choose to make.

**Mr. Sean Bruyca:** I'll just take a quick one minute of that time. There is a veteran who was one of only six individuals who were consulted for the new charter. He wrote me an e-mail quickly before I came, and he would like me to enter that into the minutes, if possible.

His name is Harold Leduc and he is the past president of CPVA. Without a doubt, on the legislative and policy processes that exist at Veterans Affairs Canada, he is the most knowledgeable of the leadership of any of the veterans' organizations'.

He said:

As a longstanding advisor/ consultant to Veterans Affairs Canada, a service officer, and a member of numerous veterans' organizations, I fully endorse the establishment of the office of Veterans Affairs Canada ombudsman. The office of the ombudsman will be an asset to veterans and their families and the department. There is too much pain and suffering to ignore among veterans and their families because of a lack of this very complaints mechanism.

The process leading to and change enshrined in the legislation recognized obligations of the people and Government of Canada to those who serve, without consultation with the enactment of Bill C-45, clearly illustrates that VAC lacks empathy to the veterans they serve. They know us but they don't understand us.

He has offered his services to the committee at any future date if you'd like to have him come to testify.

**Mr. Perry Gray:** I only wanted to add one thing. There have been many questions asked of us today. We can't answer many of them because we do not have access to the information you want to know. We are here as broken bodies to give you personal insight into why we believe an ombudsman is required.

One of the biggest problems we face is that there is no single organization that represents all veterans. In the past, the department has played a game of divide and conquer. With regard to Bill C-45, the six representatives were sworn to secrecy. They didn't represent any of us.

When you go to the Veterans Review and Appeal Board, those people are appointed by the government based on the recommendations of Veterans Affairs. They don't represent us. The Bureau of Pensions Advocates are government lawyers who receive their paycheques from Veterans Affairs. They don't represent us.

If I want to go out and get my own lawyer, I have to pay for that. I can't afford it on my pensions. This is why we have come to you. We need the ombudsman to ensure transparency and to ensure that the Veterans Affairs department abides by the Auditor General's recommendations and the recommendations of committees like yours.

There is a court case in the province of Ontario based on the fact that billions of dollars have accrued because of Veterans Affairs' mismanagement. The department was told by the Auditor General years ago that they were irresponsible and mismanaging these funds. The department is hiding behind a decision by the Supreme Court of Canada and will not pay those people.

If this one case was all you considered, it is a 100% justification for creating a new office that can say, "Enough, the buck stops here". We don't want to deal with half a dozen veterans' organizations and individuals. We want one person to speak with a voice for all veterans. That's what I would like to see happen.

Thank you.

● (1700)

**The Chair:** Go ahead, Louise.

**Mr. Sean Bruyey:** Sorry, I wanted to add a quick comment.

Maybe one of the oft forgotten factors in all of this is actually the public service employee. An ombudsman at DND and CF also represents the employees.

I've been told personally by at least two Veterans Affairs employees that, first of all, they're not allowed to talk to me any more because of the involvement I've had with advocating on these issues.

In addition, in the last six months, at least half a dozen employees are very afraid of the new legislation coming in because they don't know how they're going to manage the workload. They have said frequently, "I've brought my complaints up the chain of command and nothing has been done".

The ombudsman would exist not only for the veterans but for the thousands of public service union employees who work at Veterans Affairs who also need a voice for their concerns. When you have your job, you're also afraid of speaking out.

Thanks.

**The Chair:** Louise, do you have a short answer?

**Ms. Louise Richard:** Yes, very short.

To emphasize what an ombudsman does or has success in doing, look at mustard gas. Our Suffield, Alberta, veterans were finally recognized. They were used as guinea pigs 40 years ago, and finally, they will get whatever care, help, or pensions that may go to them. If they're dead, that will go to someone else. It was André Marin's work that made it happen. It wasn't Veterans Affairs' work; it was the CF ombudsman.

It was the same thing with our Korean War veterans and toxic exposure. They had been denied for over 40 years. The legion has done nothing to help them, although they're very aware of the problem. Yet again, André Marin has come through. The CF ombudsman helped them and now they're with Veterans Affairs.

The latest incident concerns our veterans and Agent Orange. We had soldiers who served there and came back sick and in desperate need. Yet again, it was toxic exposure. André Marin and, this time, Cliff Chadderton were behind it.

**The Chair:** Very good. Thank you.

Mr. Bagnell.

**Hon. Larry Bagnell:** I hope we'll get some input through the clerk.

Perry, I believe you mentioned one case. If we could follow that up, it would be great. Perhaps you could give me more details in writing later on that particular case. I don't have time right now. That would be helpful.

**Mr. Perry Gray:** Sir, that information is available on various government websites.

**Hon. Larry Bagnell:** What is the case called?

**Mr. Perry Gray:** I'm not sure, but if you look back at *The Globe and Mail* of last Wednesday, it is one of the lead articles on the front page.

**Mr. Gordon O'Connor:** The allegation is that the government looked after the investments of a bunch of veterans and mismanaged them. When they were paid out, they didn't get interest and things like that.

**Hon. Larry Bagnell:** I hope we'll get some input from Veterans Affairs on that.

Both Sean and Perry said there were only six veterans consulted on the new charter. I'd like to get some more information later from the department.

You made a serious point in your opening presentation about threats from the department. I take that very seriously. I wonder if any of the four of you who have had threats could tell me who they came from and if they came in writing or by phone.

● (1705)

**Mr. Sean Bruyey:** In talking with the ombudsman, we found that they've identified threats in the CF to keep people quiet.

**Hon. Larry Bagnell:** We're talking about veterans, though.

**Mr. Sean Bruyey:** Exactly. So I would like to emphasize the words of the CF ombudsman that institutional threats are very often

**Hon. Larry Bagnell:** But I'm not talking about him. You said there were people here who had had threats. I just want to know who had the threat, who it came from, and if it came in writing or by phone.

**Mr. Sean Bruyey:** I had threats. It was in writing, and it's in one of these letters right here in this mess of stuff.

**The Chair:** Perhaps we can request a copy of those for the committee. Then we'll have it on file and we can take a look at it. That would be ideal. That will give you time to find it, and it will give us something on file. It's something to act on. I would appreciate that.

**Mr. Sean Bruyey:** I have the threat here.

**The Chair:** Thank you.

Mr. Bagnell.

**Hon. Larry Bagnell:** That's all, Mr. Chair.

**The Chair:** Mr. Stoffer.

**Mr. Peter Stoffer:** I feel like the kid in the sandbox, the last kid to get picked.



Your response regarding an ombudsman confused me. Would you like to see it independent of DND or combined with DND? If it could happen tomorrow, what type of ombudsman would you like to see, one in conjunction with DND or a separate one?

**Mr. Sean Bruyey:** If it was separate, I'd be afraid that a VAC ombudsman would have less public profile. The best opportunity for sharing resources and having more effective systemic investigators would be brought about by creating a sub-directorate within DND. Combine them, but give them dedicated resources.

**Mr. Peter Stoffer:** You said you've made many recommendations to DVA over the years. Have you had an opportunity to present those or give them to our committee?

**Mr. Sean Bruyey:** No, this is the first chance.

**Mr. Peter Stoffer:** I know the conditions you're under and the budgetary concerns, but when you get an opportunity, could you forward us those recommendations you've sent on? Forward them through our chair, so that we can have copies and peruse them.

I'd like to leave my last remaining minutes to you, Mr. Chairman. You may have a question you'd like to ask.

**The Chair:** I'm fine. You've done a great job as a committee.

**Mr. Peter Stoffer:** Good luck in your deliberations. I'm sorry you're going through a five-year waiting period to get an answer. In any department, under any circumstance, regardless of what it is, nobody should have to wait that long for a response. If we could get copies of your recommendations, we'll pursue it.

As individuals, I would assume you have gone to your member of Parliament wherever you live in the country. Have others in your situation gone to their members of Parliament? Has that experience been more or less positive, negative, or just a waste of time?

**Mr. Sean Bruyey:** Most of the veterans that you see are receiving probably the maximum entitlement we believe we're entitled to. We're not here advocating on our own behalf for our own pensions. We're here for other veterans.

As to the member of Parliament route, MPs are very receptive. Most MPs are effective and receptive to helping out veterans. There's no complaint there. You guys do a great job and I can't thank you enough for being here.

It has to be emphasized, though, that even an MP does not have the powers that an ombudsman would. I think an ombudsman would also make your lives a lot easier.

**Mr. Peter Stoffer:** Thank you very much. Merci.

**The Chair:** Very good.

In that case, to terminate the meeting, I want to thank you all for coming out here. I think you'll realize that many of the members of this committee hold your interests close at heart, and we really do want to see what's best come out. I want to thank you for coming out and giving us your honesty and candour in your presentations.

I was talking to some World War II veterans not too long ago, and it was interesting to hear their comment that when they came back from the war, the World War I veterans said to them, "Well, you're not real war veterans; we're the real war veterans". It's almost as if it's a tradition that goes on from one war to the next, that some people fought the real war. Well, in my heart, you put your lives in harm's way, so you're all veterans, and I think that's very important.

I just want to thank you for having served your country, not only during war, but also today by bringing us this information, which will continue to help those who are still out there and who really need the help. Hopefully, we'll be able to take that information and put it together so we can come up with something that will make a difference.

Thank you.

● (1710)

**Mr. Peter Stoffer:** Mr. Chairman, you were there when this happened, but just for your benefit, when they had the big dinner on the Monday with the leaders and all of the various factions and CF members, one gentleman—I forget his name, but I think it was something like Chris—who had been an aviator, looked right at the Prime Minister and talked about the fact that, look, it may be too late for us older guys, but all politicians should keep an eye on the new veterans coming out. I remember him saying that at the dinner.

So you have a lot of support among the aging veterans as well.

Thank you.

**The Chair:** Thank you again for coming out, and we appreciate your time and all the effort and everything you've given to us today.

Thank you. The meeting is adjourned.





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