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Chair: Mr. Emmanuel Dubourg



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• (1705)

[*Translation*]

The Chair (Mr. Emmanuel Dubourg (Bourassa, Lib.)): I now call the meeting to order.

Welcome to the 59th meeting of the Standing Committee on Veterans Affairs.

[*English*]

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Monday, March 6, 2023, the committee is commencing its study of the backlog at the Veterans Review and Appeal Board.

I'd like to welcome our colleague MP Eric Melillo, who replaces Mr. Fraser Tolmie.

Members and witnesses, I would like to remind you that although this room is equipped with a powerful audio system, feedback events can occur. These can be extremely harmful for interpreters and cause serious injuries.

The most common cause of sound feedback is an earpiece worn too close to a microphone. We therefore ask all participants to exercise a high degree of caution when handling the earpieces, especially when your microphone or your neighbour's microphone is turned on.

In order to prevent incidents and to safeguard the hearing health of our interpreters, I invite participants and witnesses to ensure they speak into the microphone into which their headset is plugged and to avoid manipulating the earbuds by placing them on the table away from the microphone when they are not in use.

[*Translation*]

A reminder that all comments by members and witnesses should be addressed through the chair.

Given the time, I would ask for the unanimous consent of the committee to continue the meeting until 6:00 p.m. or 6:15 p.m., provided that our witnesses can stay until then. Is there unanimous consent to extend the meeting until 6:15 p.m.? I see that there is, and I thank you.

• (1710)

[*English*]

Colleagues, let's start.

Let me welcome our witnesses for today.

[*Translation*]

From the Department of Veterans Affairs, we have Steven Woodman, acting senior director, legal operations, Bureau of Pensions Advocates. From the Veterans Review and Appeal Board, we have Christopher J. McNeil, chair, and Jacques A. Bouchard, deputy chair.

Gentlemen, we will turn the floor over to you for your opening remarks. You have five minutes to address the committee members.

[*English*]

Mr. Christopher McNeil (Chair, Veterans Review and Appeal Board): Thanks for the invitation to again appear before you.

Appearing with me today, as usual, is my colleague the deputy chair, retired Lieutenant-Colonel Jacques Bouchard.

Jacques and I come to our work from uniform service. What motivates us daily in our work is having served with those who have suffered. We are very proud of the work we do and we're very proud of both the members and staff in P.E.I. who serve veterans every day.

As you know, the role of the board is essentially to provide veterans an opportunity to appeal disability claims where they are dissatisfied with the VAC decision. Thus, the caseload of the board is directly related to the workload of VAC.

Generally, the board is asked to review about 10% of VAC decisions. That goes up and down depending on the year. If VAC has a backlog, that backlog will eventually flow downstream to the board at some point. As a result of the significant increase in VAC processing decisions in the last few years, the board has seen approximately a 30% increase in the number of applications coming to the board.

The increased workload in the past few years has challenged our capacity to provide veterans with timely hearings. In 2018-19, the board had essentially 1,500 pending cases. Now, in 2022-23, we have 6,100 pending cases. This is in spite of the fact that over the same time period we have almost tripled the number of hearings that we have had. In 2018-19, we heard about 2,000 cases a year. Last year, we heard 5,200. This year, we will hear probably 6,000 cases.

The result of that is that veterans are waiting longer for their decisions. They are waiting up to almost a year—about 400 days.

We are pleased that the minister has supported the board's request for additional funding to address this growing backlog. As a result, in budget 2022 the board received two years of temporary funding in the amount of \$6.2 million. While that may not seem like much, you have to recognize that we operate on a \$11-million operating budget, so it is a significant investment in our service. In addition, the Government of Canada has committed to providing the board with additional funding that will support a long-term strategy to reduce the wait times.

With these resources, we've hired additional staff and we are in the process of hiring additional members to conduct more hearings. We believe this will provide a significant opportunity to reduce that backlog. However, we believe that in the absence of significant procedural changes, additional resources alone will not solve the backlog problem.

In this regard, I would ask deputy chair Jacques Bouchard to briefly outline the steps we have taken to increase access to hearings for veterans and to reduce the administrative burden.

Mr. Jacques Bouchard (Deputy Chair, Veterans Review and Appeal Board): Thanks, Chris.

[*Translation*]

Mr. Chair, ladies and gentlemen, good afternoon.

As indicated by Mr. McNeil, we want to take a moment to tell you about a few of the initiatives we have implemented to improve access for veterans.

First, we have expanded the board's simplified hearing model, which has allowed us to increase the volume of cases that can be heard, and support timelier decisions. Most importantly it reduces the burden on veterans and their families to make their claim.

In partnership with the Bureau of Pensions Advocates, we participated in the VETeam initiative with a simplified process, primarily for hearing loss and tinnitus cases. This process allowed the board to hear and issue approximately 2,500 decisions over the past two years, with 1,000 of these in a four-month window.

We are currently piloting an early resolution model, also with the Bureau of Pensions Advocates, for cases where the issue in dispute is narrow. The object is to deal with these files early and divert them from the formal appeal hearing process. In cooperation with the bureau, we believe this process has significant opportunity to address the backlog and reduce the burden on veterans and their families.

Finally, we continue to work every day to put the board in a position where it has the capacity to meet the current and ongoing needs of Canada's veterans.

Thank you, Mr. Chair.

I will now give the floor to my colleague Steven Woodman from the Bureau of Pensions Advocates.

• (1715)

[*English*]

Mr. Steven Woodman (Acting Senior Director, Legal Operations, Bureau of Pensions Advocates, Department of Veterans Affairs): Good afternoon and thank you, Mr. Chair and committee members, for inviting me to appear before you today.

I am Steven Woodman, the acting senior director of legal operations at the Bureau of Pensions Advocates. It is my pleasure to be here to speak about the bureau. The bureau has existed for more than 90 years in one form or another and is the only service of its kind in the world.

The mandate for BPA is set out in the Department of Veterans Affairs Act, which creates a free legal service for veterans. That mandate includes assisting applicants and pensioners in the preparation of reviews or appeals under the Veterans Review and Appeal Board Act and arranging for representation at those hearings by our lawyers.

The act stipulates that the relationship between the bureau and the person requesting assistance is that of a solicitor and client, which means that the exchange of information with our clients is confidential.

The Bureau of Pensions Advocates calculates intake to be approximately 20% of the department's output. This means that as the backlog is reduced and more decisions are made at Veterans Affairs Canada, the work at BPA and then the Veterans Review and Appeal Board, VRAB, increases.

Last year, in fiscal 2022-23, our intake at BPA was 16,818 files. The average over the previous five years was 13,303. With the exception of the first year of the pandemic, our intake has risen annually. With this increasing intake, we are working closely with the Veterans Review and Appeal Board to implement strategies that are resulting in greater responsiveness to veterans' claims.

As you heard from Mr. Bouchard, these initiatives include working with VRAB to create a simplified settlement process on some files and the creation of what we called the VET, veterans excellence teams, which consisted of junior lawyers working on less complex matters to help resolve those matters outside of our usual process and creating an early resolution process.

[*Translation*]

About a third of the requests for assistance the Bureau of Pensions Advocates receives will require a hearing before the Veterans Review and Appeal Board. At the end of the day, the bureau represents veterans in over 95% of the cases heard by the board.

In addition to representing veterans before the board, the bureau submits 2,000 to 3,000 files each year to Veterans Affairs Canada for departmental review. An application for ministerial review is essentially a request to the department to review its own decision in light of new evidence or a clarification of the evidence that was already available at the time of the initial decision.

In recent years, the department has received additional funding to temporarily increase its capacity. This funding has allowed the bureau to address its own backlog. In budget 2023, the government announced new funding to help the bureau continue to reduce its backlog and maintain services for veterans. This is obviously invaluable assistance, but we continue to work on a long-term solution to these challenges.

Thank you.

[English]

The Chair: Thank you very much for your opening remarks.

[Translation]

We will now have two rounds of questions.

I'm pleased to invite Blake Richards, first vice-chair of the committee, to take the floor for six minutes.

[English]

Mr. Blake Richards (Banff—Airdrie, CPC): Thank you.

Thank you to all of you for being here today and for your testimony, as well.

I'll start with you, Mr. Woodman.

With the Bureau of Pensions Advocates, what do you do to seek feedback from veterans? What do you do to seek feedback as to whether they're happy with the work that you do on their behalf, or if there are ways that you can improve?

• (1720)

Mr. Steven Woodman: We do exit interviews after all hearings. We are pleased to tell you that we have probably in excess of 90% approval from the veterans we represent. That's been the case from practically the very beginning of the bureau.

Of course, we have face-to-face contact with veterans on a daily basis, telephone contact. We're outward facing to veterans. That is our work. That is our business, so we hear from them all of the time, and we really do make an effort both to listen and to bring those concerns to VAC and to address them with our clients.

Mr. Blake Richards: Thank you. I appreciate that response.

Looking through VAC's departmental plan for the coming year, I noticed the Bureau of Pensions Advocates is mentioned in it twice.

One of those instances indicates one of the plans the department has. The report says, "explorations will occur to see if additional technologies, like artificial intelligence, could increase efficiencies." That's in relation to your work at the Bureau of Pensions Advocates.

Can you tell me what that means, exactly? What are the intentions for using artificial intelligence in your work?

Mr. Steven Woodman: I'm afraid I am not aware of what the intentions are for using artificial intelligence for our work.

Clearly, there is the issue of first-level decisions, which have to be sent out with a certain amount of efficiency. However, in our work itself, I can't see that there would be any necessary, immediate application for artificial intelligence.

Mr. Blake Richards: Yes. It certainly concerned me to see that. When I think of veterans' cases, they're often very complex and nuanced. I think they require a lot of human understanding and empathy. It scares me to think there is some idea that an algorithm or a robot might be able to be part of that work. It scares the heck out of me, frankly. It's way too impersonal for what we need to be doing to serve our veterans.

I would ask if you could go back and see what you can find out about what that, in fact, means and provide some information to the committee on that. It certainly is concerning to me. I appreciate that you're not aware of what the intentions are, but if you could see what you can find out and get back to the committee on what those intentions are, it would sure be good to know.

I'll leave that there for a second.

I'll turn to Mr. McNeil or whoever would like to answer on behalf of the Veterans Review and Appeal Board.

I got a letter recently from a veteran. I'm going to quote from that letter, because it had an interesting observation. He said, "It would seem that VAC is systematically denying claims and forcing people to go through the appeals processes, and I would like to know why. I think all veterans deserve to know why. VAC is not supposed to be run like an insurance company, and it's supposed to always give the benefit of the doubt to the veteran." He goes on to say, "I can say with certainty that people are routinely being denied and forced to go through the appeals process who match the criteria."

Does that sound like something you've heard from veterans yourself? Do you think there's any accuracy to the comments this veteran shared with me?

Mr. Christopher McNeil: Certainly, we hear frustrations from veterans, but I can only point to.... We do 10% or less of VAC decisions. The assumption is there's a larger number of people who are either satisfied with that decision or who pursue on to.... We do 10%, and we see our decisions fall into a couple of categories. One is just because of human error. It's a people business with people making decisions. The second one is due to the changing of medical consensus. The third one is they have a lawyer and now they have evidence. They needed new evidence. That's generally the nature of the work we see.

We see veterans for the first time, and the ones we see obviously are frustrated. I can only tell you the numbers. We do 10%, and that's on the high end. In some years, we do less.

• (1725)

Mr. Blake Richards: Okay.

What would you say are some of the most egregious errors or decisions you've seen and had to overturn in recent memory? Could you share with us a couple of examples without giving out personal information?

Mr. Christopher McNeil: I can't say that I see egregious.... We see mistakes. Sometimes they're obvious mistakes. Sometimes people just miss it—the criteria for this or that. I can't speak personally, and I don't think Jacques could either, to something like seeing some concerted effort. I see mistakes. Mostly, it is lack of evidence at that level.

Mr. Blake Richards: Okay.

What is your sense of the general attitude veterans have towards VAC when you're hearing from them at your hearings? What would the general feeling be towards VAC among the veterans you're hearing from?

Mr. Christopher McNeil: As I said before, I don't think the veterans who come before us distinguish. As I've told my staff, they don't say, "VAC did a very bad job. VRAC did a great job. The BPA did a great job." They are upset with the RCMP. They are upset with the military. They are upset with VAC. They are upset with us. They are upset at the system. They see that the system let them down.

Yes, we are one part and we have a different job, but the system is only as good as its weakest link. In my experience, they're just upset with the system. They don't say, "Yes, VAC...." Obviously, when they're in front of us, VAC might be their target, but they're equally upset with CAF.

Mr. Blake Richards: I guess I'm being told that my time is up for now. Maybe I can come back later and we can explore a little further what we can do to improve the system.

The Chair: Thank you very much.

Let's turn to Mr. Sean Casey for six minutes, please.

Mr. Sean Casey (Charlottetown, Lib.): Thank you very much, Mr. Chair.

We have spent a fair bit of time in this committee with officials from Veterans Affairs in front of us because of the backlog in processing disability claims. I understand you to say that some of those make it to you, but not all of them.

They've been able to provide us with pretty good data on the composition of those claims, i.e., the average wait time for a francophone versus an anglophone or for a woman versus a man. Can you do that?

Mr. Christopher McNeil: There's not a huge distinction between genders. Right now, there's about a two-week delay for women, and I can't tell you why. They come in the same and they're processed the same, so I can't explain that to you. It may be the nature of the cases. I don't know.

Mr. Sean Casey: That's two weeks—not 400 days, right?

Mr. Christopher McNeil: Yes, two weeks.

In the context of francophone veterans, that's a little different. I'll ask Jacques, who spends most of his time trying to fix that. We've seen a slip back from last year on that, but I'll let Jacques speak to it.

[*Translation*]

Mr. Jacques Bouchard: Unfortunately, we sit next to a giant. We're a very small board next to a very large organization that hires francophones. Therefore, it's very hard for us to retain francophones, which means that over the past two years, particularly the last one, we've unfortunately seen an increase in the number of weeks it takes us to render decisions in French.

We're fortunate because, as Mr. McNeil mentioned earlier, the government and the Minister of Veterans Affairs have recognized that we need more people, and we've received a significant increase in funding, \$6.2 million, over the next two years. In fact, we've already started hiring francophones or at least bilingual people to be able to render decisions a little faster.

I can provide the committee with some statistics. Currently, in 2022-23, we're at an average wait time of 57.1 weeks for applications in French, which is actually 400 days, whereas we're at 49.3 weeks for applications in English. In 2021-22, we were at 44.5 weeks for applications in French and 42.7 weeks for applications in English. I hope that answers your question.

Mr. Sean Casey: Yes. Thank you.

[*English*]

Given the dramatic increase and the size of the backlog, can you give us your assessment, Mr. McNeil, on the morale right now?

The last time we did a fairly in-depth study on the Veterans Review and Appeal Board was about 10 or 11 years ago, and this committee produced a report on suggested improvements. That was back in the days of John Larlee and Harold Leduc. I'm sure those names still resonate in the hall there.

Can you talk about the morale now? I know that COVID would be a factor as well, but I'm wondering about the culture.

• (1730)

Mr. Christopher McNeil: Well, we're quite proud of our culture. We've worked on it.

We believe that we have an emerging culture. We believe that we're establishing an organization where people want to come and work because we can offer our mantra: We want you to be successful in your professional life and your personal life, whatever that looks like to you. We have a very young staff. The board has been around for 25 years, so the first cohort, that version of the board, also has been around, and that cohort is now retiring out.

We have a very young staff, and we are fortunate to have a brand new facility in P.E.I. out on St. Peters Road that is fresh and new and vibrant. I just got the results of the most recent survey, and the board generally has scored higher than other organizations of our size in the civil service, so we're quite proud.

As Jacques says, we're an ant next to an elephant. There are always more opportunities at VAC than we can offer, so we're trying to say that you can come here and have a work-life balance, and that is working out for us.

Mr. Sean Casey: Do you still hear your cases with a panel of three?

Mr. Christopher McNeil: The majority of our cases are reviews, and that's a panel of two people. That's the majority. Our appeals have been dropping significantly over the last three years for a lot of reasons, but the majority of our work is with two people.

I should say that post-COVID one of the advantages for veterans is they have the choice, so we are seeing a lot more virtual hearings. We are having less of the in-person hearings post-COVID. We don't know what that number is going to be when it settles, but it is settling.

Mr. Sean Casey: I want to bring Mr. Woodman in on this.

One thing we recommended in the December 2012 report is that veterans who decide to proceed to the Federal Court for judicial appeal have representation from the bureau.

Has that happened?

Mr. Steven Woodman: No, it hasn't.

Mr. Sean Casey: Has it been looked at?

Mr. Steven Woodman: It's been considered, I believe.

The major issue at this point is that there aren't many cases that actually go to the Federal Court. The change, if you will, in the approach of the board to many of the issues that would otherwise have gone in years past to the Federal Court is partly an explanation for that. Most of the cases that go are almost always represented by lawyers pro bono, and that has been fairly successful in addressing some of the issues that have arisen.

Mr. Sean Casey: Thank you.

The Chair: Thank you, Mr. Casey.

[*Translation*]

I now turn the floor over to the second vice-chair of the committee.

Mr. Desilets, you have six minutes.

Mr. Luc Desilets (Rivière-des-Mille-Îles, BQ): Thank you, Mr. Chair.

Mr. Bouchard, your president mentioned that if no real procedural changes are made, these additional resources—I assume he was talking about the \$6 million—will not, in themselves, eliminate the backlog. So I'm still wondering what the solution is, but I'm also wondering if there has always been a backlog.

Mr. Jacques Bouchard: The simple answer is yes. There's always been a backlog, but unfortunately, it's been longer than it used to be lately.

Mr. Luc Desilets: Okay.

During my first term, I attended three or four board hearings. I find that very difficult for these people. I don't think it's your fault, but it's pretty hard from a human perspective. People sometimes have a hard time expressing themselves, they are poor people who may have psychological problems. It's sad to see that these individuals are ill equipped.

It may be a coincidence, but none of the four cases I attended were heard or led to a decision. In each case, the file was referred to the requester on the grounds that a document or a photocopy was unreadable, that an examination had to be redone, or for some other reason of that kind.

I'll go back to my question. You talked about the \$6 million, but you seemed to want to implement procedural changes. Perhaps I'm wrong, but that's what I understood. Can you talk a little bit about what these procedural changes might entail?

• (1735)

Mr. Jacques Bouchard: As I mentioned, we've simplified some of the processes over the past three years. We're now piloting a new process for early resolution of cases where the issue in dispute is fairly narrow. We'll define what that looks like in the next few weeks. We've conducted a pilot project for this, with five cases, and we will be doing another one in August with five others. We should be able to give you more information after that.

Mr. Luc Desilets: When you were talking about procedure, you were talking about a more efficient way to meet the demand. I imagine there must be other cases of paratroopers breaking their knees or people with hearing problems. I get the impression that it almost becomes automatic after a certain number of years. There must be other identified or identifiable cases that could be dealt with more quickly.

[English]

Mr. Christopher McNeil: You could do a probability study to say that, in certain types of cases, certain factors apply. The ones we see the most are hearing loss and tinnitus. I've spoken to this committee before about how I believe this creates the greatest route to do some process that would be shorter on the front end. That's partly because we interpret the VAC policy and guidelines more favourably, so we have a very succinct process, as Jacques said. Last year, we did about 1,000 of those cases in three months.

Our mistake in the past has been—if I can talk about mistakes—in creating processes where we could hear more cases. We improved the hearing thing, but what we didn't do was reduce the time at the front end that staff does and reduce the time at the back end. We are now trying to make the whole thing...reduce this amount of work here and reduce the amount at the back end, which, in the end, reduces the burden on veterans.

[Translation]

Mr. Luc Desilets: Thank you.

Mr. Woodman, you alluded earlier to the fact that Canada—it always feels strange to say this—is one of the only places in the world where a board like this exists. Is that what you said?

Mr. Steven Woodman: No. I wasn't talking about the board. I meant lawyers like us who provide legal aid to veterans.

Mr. Luc Desilets: Okay.

How does it work elsewhere?

Mr. Steven Woodman: In Australia, for example, people have no right to counsel. Only here do people have the right to legal advice.

Mr. Luc Desilets: Okay, I see.

The issue we're seeing today is that you're unable to meet the deadlines you set for yourselves for claims, whether it's the Veterans Review and Appeal Board, Veterans Affairs Canada or elsewhere.

Did you rely on conclusive studies carried out elsewhere by countries that may have achieved better results than we have? I imagine you will answer yes.

Mr. Steven Woodman: We didn't, no. Obviously, our job, or our lot if you will, is to represent veterans and be their voice. At the Bureau of Pensions Advocates, we need to know how to do our job properly. If the government changed its approach, we would obviously change how we do our job, but for now, that's how we do our job.

Mr. Luc Desilets: You could also say “if the government changed”, period.

In closing, I'd just like to say that a few months ago I called on Mr. Bouchard's services to get some figures. I received an answer very quickly and the figures were disconcertingly clear.

I'm also grateful to all three of you for answering the questions. It's always difficult to get answers at the Standing Committee on Veterans Affairs.

• (1740)

The Chair: Thank you very much, Mr. Desilets.

[English]

Now, I'm pleased to give the floor to Ms. Rachel Blaney for six minutes, please.

Ms. Rachel Blaney (North Island—Powell River, NDP): Thank you so much, Mr. Chair.

I thank our witnesses for being here today. I always enjoy hearing from you.

Mr. Casey asked you a question about statistics and numbers. Could you formally send that to the committee? I would really appreciate that.

My first question is for Mr. McNeil.

I'm trying to understand the process here. When the VRAB makes decisions that are different from the VAC decisions, how does that work in terms of interpreting or changing policy?

To clarify, I understand that VRAB has a more favourable outcome—I think is what you said—for tinnitus claims than VAC. When that happens, it may not seem fair to all veterans. I'm wondering how you work with VAC to balance that. Does that happen?

Mr. Christopher McNeil: The Veterans Review and Appeal Board and VAC don't work together, per se, to say what their policies are, because we have to sit in judgment of their policies. I assume they have a process internally that looks at our decisions over time.

I've had the advantage of meeting regularly with the deputy minister to talk about cases. For example, we've met a couple of times on hearing loss and tinnitus. The board interprets the VAC policy much more generously than VAC does, so we're seeing an influx of those cases. We obviously reach out to VAC and say, “If we're going to get here at the same time, then maybe there's a way we can do this.”

Yes, it's like how the Federal Court makes a decision and the board has to reflect on what it's doing in respect of that. Well, we are the tribunal, and I assume that VAC has a process to stay atop of those decisions.

Ms. Rachel Blaney: Thank you for that. I'll have to look into that.

You also mentioned in your discussion with us—correct me if I'm wrong—that you saw a 30% increase in cases coming to the board. I'm wondering, with that increase, whether you are seeing a particular pattern.

Mr. Christopher McNeil: There are a couple of things with regard to our increase. One is that we have a lot of hearing loss and tinnitus cases. That's why we've done that.

There are the cases of the backlog, but there are two effects of the backlog on the board. One is that when you bust the backlog, some of those flow down. The initiatives that VAC has taken on those cases with a more favourable policy on partial entitlement or around MST.... Those cases then create a boomerang effect. People who were denied under the old policy are coming back to say that they now want to be treated, and those cases come back.

Those are the two real...of what's driving us. We expect that the backlog bubble will go away at some point. We will deal with that bubble, and we will come back to a normal number, to what we usually have. However, those are primarily.... We're being driven.... Fifty per cent of our cases.... I think that last year 40% of our cases were hearing loss and tinnitus.

Ms. Rachel Blaney: That's a huge portion. Just going back to that, I know that right now, but not today, our committee is actually doing a study on women veterans. When it comes to dealing with women, you already talked about how there seems to be a bit of a longer period of time for whatever reason and that it is not clear. I'm just wondering, in terms of the cases, whether you have a sense of how many women veteran files you have. Is there a particular pattern with women?

Mr. Christopher McNeil: I can tell you that about 16% of our files are for women. Part of what we are dealing with is a historical disadvantage that women have faced. If we look back and take responsibility, we see that women were denied at a higher rate. They were withheld. They got partial entitlement at a higher rate. For example, in my experience, pregnancy may be a risk factor in just about half of the conditions. Often, if a woman was pregnant, part of her entitlement was withheld even though, when we look at it objectively, the evidence doesn't necessarily suggest.... Women have faced a harder burden. Our experience has been that they tell us—and it's true—that they interact with a medical system that is essentially made for men. That has been the challenge. I don't think there's anything particularly different in the nature of the claims. They make claims for back injuries, neck injuries, leg injuries and PTSD. They have all the same types of files. It is about how they interact with the system and how they have been treated on those files; for example, not necessarily being seen as combat when in fact they were combat veterans.

• (1745)

Ms. Rachel Blaney: That's really interesting. We had a veteran here last week who was saying that it would be good if we actually saw that recognized in terms of women's claims. It's just to understand the history of women serving and to modify the process so that women are acknowledged for that. It sounds as though you're seeing a very similar thing and actually making decisions that prove that is the case.

Mr. Christopher McNeil: We're trying to understand their experience and adjust our approach to that experience, recognizing that the system is not necessarily the same.

Ms. Rachel Blaney: Thank you.

How many of the cases that VRAB has involve minority veterans groups such as the LGBTQ2S+ community or indigenous veterans?

Mr. Christopher McNeil: We don't have those stats. I can't give them.

Ms. Rachel Blaney: What's the barrier to having those stats? You have stats for francophones and stats for women.

Mr. Christopher McNeil: We have francophone stats primarily because we have francophone hearings or English hearings. Gender has always been collected, but we don't always have collected. I'm sure if you dug down deep enough into some of the records, they're probably there if they self-identified. We are a small organization and we tend to get our stats from VAC. If a data point exists somewhere, you could probably get it, but we don't do that.

Ms. Rachel Blaney: That's interesting.

I think that's my time.

Thank you, Chair.

The Chair: Thank you very much.

We're going to start our last round of questions. I'm pleased to invite Mrs. Cathay Wagantall.

Go ahead for five minutes, please.

Mrs. Cathay Wagantall (Yorkton—Melville, CPC): Thank you very much, Chair, and I do appreciate your being here, Chair.

I'm just going to take a moment very quickly to put a motion on notice today so that you're aware of it. I'll read it:

That, pursuant to Standing Order 108(2), the Standing Committee on Veterans Affairs undertake a study of no fewer than 8 meetings regarding the anti-malaria drug commonly known as Mefloquine, Meffiam, Lariam, and other brand names; that the study encompass the complete history of the drug distributed to members of the Canadian Armed Forces...from its first distribution to the present day; that the study consider all aspects of the use of Mefloquine and other anti-malaria drugs by the CAF, including, but not limited to its distribution, pricing, clinical testing, dosing, follow-up, side effects, a review of the latest research, a comparison with the experience of Canada's allies, and other related topics; and that the Committee report its findings to the House.

This committee, back in the day, did a brief study on this issue. We are far behind the rest of the world in acknowledging the damage this drug has done to our armed forces. I think it would be great to do a study. I will just put that on notice, if that's okay.

The Chair: That has been well received.

Go ahead, please.

Mrs. Cathay Wagantall: I'll go to my questions.

We had a group of women here. I think it was on Thursday. I would say it was the best testimony and the most difficult testimony we have heard to date. It brings up some questions.

I'm going to quote what was said by one of the witnesses, Captain Louise Siew. She's my vintage, so maybe that's why I really appreciate where she was coming from. It's because she has the history. I will read into the record what she said:

As someone who enrolled in 1975, I can state that overall the military, forced into this change in the 1970s, did so begrudgingly and with an unwillingness to accommodate women. They maintained this posture for as long as they possibly could. They proactively dismissed, mistreated, humiliated and even hurt us.

Both policy and culturally based barriers set conditions for abuse and harassment—physical, mental and sexual—and negated our voices.

She went on to say:

The CF needs to account for the conditions of service that women endured in the past and the resulting health and well-being effects.

That's for CAF. She continued:

As well, VAC needs to recognize the impact of this history in their adjudication process for disability claims and in the availability of programs and services to meet the needs of all women veterans.

When you're talking about the dynamics that are different around women, I think this pretty well puts it in a nutshell. Every one of these women faced some form of, if not complete sexual abuse while serving in the military as part of that effort, I think, as she says, to dissuade women from being involved in the armed forces.

We talk about benefit of the doubt. You talk about a lack of evidence and criteria being very much what motivates your responsibilities in dealing with appeals.

In light of the fact that with the current legal case, they are just taking the word of these women who are part of that program as fact for what they went through—because there's no record of this—if VAC moved forward with this, how would that impact information that comes to you for appeals?

Would you find that even now, there are circumstances where you're trying to work through a case and there isn't evidence available in this regard?

• (1750)

Mr. Christopher McNeil: No. I would say not. I won't say it's judicial notice, but as a country, we have paid significant settlements in recognition that both women in the RCMP and women in the military suffered sexual violence. That's not a question anymore in front of our panels. That's a fact, so when women tell us their story, that's it.

It's also from our perspective.... In fairness, I should say the board participated with Professor Eichler at Mount Saint Vincent University, who did a study that looked at our decisions. We were like the rest of society. Our decisions really suffered from the missed sexual violence...no corroboration, no report, no....

Since the Heyder and Beattie lawsuit, VAC has implemented a number of what I would call evidentiary things—no need for corroboration, a broader lens of what's military, military vet, military.... All these cases now, historically, we probably saw out of 100.... We probably turned over cases that were basically turned over on the same evidence on which they were denied before.

Mrs. Cathay Wagantall: With military sexual trauma in these circumstances, I would appreciate it if you guys made the effort to go to Thursday's hearing and listen to what they said, because they seemed to face incredible difficulty in getting claims processed that, to some degree, are related to the emotional and mental struggles they face, which are very hard to prove.

I'm concerned that we do everything we can. If there's an area where benefit of the doubt has to be considered, I would say of anything, this would be it.

Mr. Christopher McNeil: We would agree.

Mrs. Cathay Wagantall: I appreciate that very much. Thank you.

What I see here in the lack of evidence and criteria that you're talking about that you then have to deal with...I don't want to put you out of a job, but why are these things not being dealt with up front when they are being presented?

If a document is too difficult to read, why is that put into an appeal process? Why is that not dealt with directly so that it can simply move through the system without going through this additional step?

Mr. Christopher McNeil: That wouldn't be my experience. My experience is that the documents don't exist.

For example, when veterans apply to VAC, they don't have access. When they go to BPA, the BPA tells them they need x, y and z. They get those documents at the front end, but they're not there now. I can't speak to the front end. Maybe there's an education thing out there that would do this.

Essentially, the case gets heard once and you start to see the weaknesses. By the time it gets to us, it gets more focused. We're not deciding certain things. They're just missing that one piece of evidence. That's the advantage of BPA in Canada, compared to anywhere else in the world: free legal advice.

The Chair: Thank you so much.

We'll now have Mr. Wilson Miao for five minutes.

Mr. Wilson Miao (Richmond Centre, Lib.): Thank you, Mr. Chair.

Thank you to all the witnesses for being here today. I'd like to thank you for your patience while waiting for us to vote.

Over the past few years, I understand, the Veterans Review and Appeal Board has been receiving funding, including the \$6.2 million you mentioned in your remarks. Also, in budget 2023, there's a proposal of \$156.7 million over the next five years.

What do you plan to do with this funding, and is this funding helpful in the effort of assisting veterans and dealing with the backlogs?

• (1755)

Mr. Christopher McNeil: Of course it would be helpful.

Our plan with this funding is twofold.

One, the minister has the power to appoint what's called temporary members to the board, so we're in the process, for the first time, I think, in the history of this board, of appointing temporary members. In my time as chair.... It's the first time in probably 20 years that we have 25 board members. We've operated with around 20 members and we're in the process of replacing three of them right now. It is about members, but it's also about staff on a five-year plan: Take these cases, process them, eliminate the backlog, and then reduce them.

The board has not seen a lift in its core funding for well over 20 years. The board has suffered from a bit of a structural deficit. That's part of what that funding is. It's to create permanent staff for the board to deal with cases going forward.

Mr. Wilson Miao: Thank you.

I understand a veteran no longer needs to wait for a decision to receive mental health benefits.

How many veterans have applied for the mental health benefit, and is it helping with the wait times?

Mr. Christopher McNeil: That is a VAC question, because, by the time they get to us....

What I can tell you is this: We do not see many entitlement claims for mental health. What we see is the extent of the disability argument. VAC is granting entitlement on the front end, but they may say the disability is a 40% disability. They're coming to us on that.

Mr. Wilson Miao: Thank you.

Mr. Chair, I'd like to share my remaining time with the parliamentary secretary, Mr. Samson.

[*Translation*]

Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.): Thank you, Mr. Miao.

All three witnesses, thank you for joining us today and thank you for your service.

Mr. Bouchard, I'm going to take this opportunity to further discuss the early resolution pilot project your team has launched. You feel it might help resolve less problematic cases. Could you tell us more about it?

Mr. Jacques Bouchard: I'm going to ask my colleague Mr. McNeil to do that because it's really his project and his initiative. He oversaw the first five years of the project, and I'm in the process of carrying out the second phase. So I will ask him to respond, if you don't mind.

Mr. Darrell Samson: That's fine.

[*English*]

Mr. Christopher McNeil: What that project does.... It's more about the case.

I'll tell you a story about a brother who is a veteran. He recently had a departmental review application. It's no secret. He had a near-drowning incident in basic training which resulted in a claim. That case finally came together with a detailed psychological report.

What we're looking to do is, you have that one piece of evidence and to not put it through the system and build all this upfront stuff, but to bring it forward and say, "Okay, we agree. We'll write a decision on that. We can reduce the time at the back and save all this time for cases that need more of that work."

It's an issue-based thing. It might be a very simple thing. It might be testimony or something where somebody can give us a statement to clean it up. It relies heavily on Steve's lawyers, because they know their cases. They could say, "I have a case and I think, if you agree with my argument, we can do something quickly."

I believe that if we continue to do the same thing over and over again, we can expect to get the same result. Veterans respond to this type of initiative, and it reduces the burden on them.

What I have learned is this: What keeps us up is the waiting. There's a veteran out there who needs benefits. It's not for me to decide whether they need them next week or next month. They need benefits, and we're trying to get them into their hands faster.

Mr. Darrell Samson: Thank you.

I have a quick question.

[*Translation*]

Mr. Bouchard, Veterans Affairs has assigned a group of francophones to process francophones' cases in order to respond more quickly. With the additional funding planned, would it be possible to set up a unit on the board dedicated to francophone cases, like the department has done?

• (1800)

Mr. Jacques Bouchard: Right now, half of our members are bilingual and we're counting on several francophones, which is already helping us a lot.

However, with the processes we intend to put in place, our goal is to hire many more francophone members to be able to tackle all the cases we have. I don't want to make any assumptions about future funding, but the funding we've received for the next two years has already enabled us to hire 40 people, many of them bilingual, to help us render decisions a little more quickly. Our intention is to continue to hire bilingual people to help us issue decisions faster.

Mr. Darrell Samson: Thank you.

The Chair: Thank you, Mr. Bouchard.

Mr. Desilets, you have the floor for two and a half minutes.

Mr. Luc Desilets: Thank you, Mr. Chair.

Mr. Bouchard, earlier, you gave us statistics showing the difference in processing times for francophone and anglophone files, between the filing date and hearing date. Could you tell me about the difference between the hearing date and the decision?

Mr. Jacques Bouchard: The time we take between hearing and decision is really due to the fact that we've lost a number of francophone or bilingual employees who are capable of preparing decisions on our quality control team. However, recently we've been able to hire some bilingual people.

We've just completed a project that ran from last November to April of this year. We had 1,200 cases in the system, and we've now dealt with all of them. Of that number, approximately 272 cases were in French, and we're in the process of completing them.

Mr. Luc Desilets: However, what's the difference between the processing time for francophone and anglophone cases, specifically?

Mr. Jacques Bouchard: I couldn't tell you exactly. I can just give you the time between the filing date and the hearing date, which is 57.1 weeks for francophone cases and 49.3 weeks for anglophone cases.

Mr. Luc Desilets: Okay.

Earlier, we talked about the time between filing and hearing, which was 400 days, if I'm not mistaken. Have you established a service standard for this, which shouldn't be 400 days?

Mr. Jacques Bouchard: I'd like to understand your question. Are you asking me if there is a standard?

Mr. Luc Desilets: Yes. Is there a 14-week standard or a 16-week standard, for example?

Mr. Jacques Bouchard: Our standard is 16 weeks, once the case is entered into our system.

Mr. Luc Desilets: Okay.

Mr. Jacques Bouchard: After the hearing, the standard for rendering a decision is six to eight weeks.

Mr. Luc Desilets: Okay.

Let's go back to francophones. How do you explain the fact that it's so difficult to hire francophones? There are bilingual people, which is fine, but a bilingual person can't necessarily respond to a francophone's requests in a totally meaningful way. Why is it so difficult?

Mr. Jacques Bouchard: I can't really explain why it's difficult to find francophones, but I can certainly say that we're making a lot of effort to attract francophones. In fact, the process we will be announcing very soon, I hope, with the support of the Minister of Veterans Affairs, will focus on hiring many more bilingual francophone members.

As for our staff, 40% of our workforce is bilingual, and we've now started expanding our efforts to find more francophones who'd like to join us.

The Chair: Thank you, Mr. Desilets.

Thank you, Mr. Bouchard.

Mr. Luc Desilets: Thank you.

The Chair: I now invite Ms. Blaney to take the floor.

[English]

You have two and a half minutes, please.

Ms. Rachel Blaney: Thank you, Chair.

I'm aware that some of you need to fly home, so I will try to keep my questions to the two and a half minutes.

I'm trying to get my head wrapped around how there's the connection between VAC and VRAB. There's been a lot of discussion

in this committee on the table of disabilities and the entitlement eligibility guidelines. I'm wondering if there are any conversations as you're doing the cases and VAC maybe uses that information. Do they ask for information so that when they look at something like this table, they can maybe modify it, taking into consideration the decisions you've made?

• (1805)

Mr. Christopher McNeil: We certainly comment on their work. It's a bit problematic for us. The board does not endorse their work because we interpret the final product and maybe not the way it's intended. Obviously, there's unintended.... But, yes, we do. Certainly the BPA would be more heavily involved in how they see that, but, yes, those are very important tools to us.

Ms. Rachel Blaney: Thank you.

Do you have anything to add, Mr. Woodman?

Mr. Steven Woodman: Obviously, there's an internal process at Veterans Affairs, and we're part of that. We're bringing forward comments and concerns, if you will, to both the table and the review of the entitlement eligibility guidelines and just in general to some of the changes we've seen in decisions over the past few years. It's really more of a conversation and bringing our comments forward, but I have every belief they're listened to.

Ms. Rachel Blaney: I always hope they're listening to us as well, so I'm hopeful for you.

The last question I have is around the GBA+ training. I've seen it is something that is encouraged. I'm wondering if there's any discussions about it being mandated.

Mr. Christopher McNeil: We certainly have done that training across our board and staff, and we have certainly done that type of training as part of a larger component of responding, so being more empathetic, being more...“sensitive” is the wrong word, but basically it's ensuring we're serving the veterans in front of us. We've done that, just as we've done significant training on military sexual trauma and around race and how people experience service in those contexts.

Ms. Rachel Blaney: Thank you.

Those are my questions.

The Chair: Thank you so much.

In order to finish at 6:15 p.m., because one of our witnesses has a flight, we're going to have two interventions of three minutes each.

I invite Mr. Blake Richards for three minutes, please.

Mr. Blake Richards: Thank you.

Mr. McNeil, let's go back to where we were a half hour ago or so.

When I asked you about veterans and their general feeling toward VAC when they arrive before your board, you mentioned it's really more the system—for lack of a better way of putting it, I think that was probably what you were saying—that veterans feel has let them down. That tells me there's a need, obviously, to make some changes in how things are done so veterans are getting the results they expect and deserve, rather than ending up feeling like the system has let them down.

I wonder if you have any suggestions for us on ways there could be improvements made. In particular, are there things that VAC can be doing in their decision-making processes that would cause fewer veterans to feel like they've been let down and fewer veterans to feel there's a need to appeal those decisions as a result?

Mr. Christopher McNeil: I think no matter what, there will always be appeals. People are dissatisfied.

Mr. Blake Richards: That's understood, but we all want to try to reduce the numbers.

Mr. Christopher McNeil: Yes. I come out of the criminal justice system, and I come out of a system where there all kinds of individual parts to that system. Everybody has their individual independence, but the system has to come together and discuss these things within their independent roles to open the system up. We try to do that at the board, in the sense of being a partner, as part of the system. I think the system is trying to evolve. I have a little piece of it. My piece is much smaller. I don't have the back window. That is why we work very closely with BPA now to improve how we work, and we hope that will transition down to veterans.

Mr. Blake Richards: Before it arrives to you there, is there anything you could see that would improve the outcome? I get that there are always going to be appeals, but is there anything that might improve the outcomes at the beginning?

Mr. Christopher McNeil: Again, I come to this work from a background in restorative principles. Often, I think it's how you meet the person at the door, their first contact, in a way to restore their trust. These are people who have served their country. They have a very deep trust. I think those kinds of principles, meeting at first contact and asking what can we do, how do we make it

smoother, how do we help them.... I believe it's all relational. Instilling those kinds of restorative principles would go to some degree, but that's from a guy from 25,000 feet up.

• (1810)

Mr. Blake Richards: That's appreciated.

Is it one of those things where sometimes we need to apply a bit of individual common sense to some of those things?

Mr. Christopher McNeil: It's a little too much inside baseball for me. It's a very big system there. We're a little system. We can make changes quickly. Where we are on the board, we can respond quickly when we see things. I can't speak to VAC, but I certainly think the sooner we meet the veterans with some effort to demonstrate to them the things we're trying to achieve, the better off we'll all be.

Mr. Blake Richards: Thank you.

The Chair: Thank you so much.

On behalf of all members of the committee, including myself, I'd like to thank the witnesses for the discussion this afternoon.

We were studying the backlog at the Veterans Review and Appeal Board. From the Department of Veterans Affairs, we had Steven Woodman, acting senior director, legal operations, Bureau of Pensions Advocates. From the Veterans Review and Appeal Board, we had Christopher J. McNeil, chair; and Jacques A. Bouchard, deputy chair.

Thank you so much.

[*Translation*]

Is it the pleasure of the committee to adjourn the meeting?

Some hon. members: Agreed.

The Chair: I don't know if it's too early to wish you all a good summer. In any event, I want to thank our interpreters, the analyst, the clerks and the entire technical team for accompanying us.

The meeting is adjourned.

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