

Section 4.—Pensions

Subsection 1.—The Development of the Pension System

Background of Canadian Pensions Legislation.—The Pension Act of 1919 established a Board consisting of three members vested with exclusive power and authority to adjudicate upon pension claims and to award pensions for disability or death related to military service in the War of 1914-18. The Canadian pensions legislation as it developed following the War of 1914-18 is outlined at pp. 759-760 of the 1943-44 Year Book. The machinery which then took form has been adapted and applied to present circumstances.

In 1941, Parliament appointed a select committee to consider the general provisions of the Pension Act and ex-service men's problems and to make suitable recommendations in regard thereto. After consideration of the Committee's report, which was framed to meet present-day conditions and based on experience gathered in the administration of the Pension Act since the War of 1914-18, Parliament decided to make the provisions of that statute, with appropriate amendments, applicable to claims arising out of the War of 1939-45.

Summary and Procedure in Regard to Application.—The provisions of the Pension Act, as originally enacted in 1919, although wide and generous in their scope as compared with pension legislation in other countries, have been considerably broadened and extended by various amendments enacted from time to time during the past twenty-seven years. Amendments to the statute since 1919 have:—

- (1) substantially increased the actual amounts of pension payable;
- (2) widened the grounds on which pension might be awarded;
- (3) authorized certain additional benefits, such as clothing allowances for pensioners compelled to wear artificial appliances, allowances for parents, and special provisions for disability due to tuberculosis;
- (4) introduced the principle of personal appearance and public hearings for applicants;
- (5) with respect to the War of 1939-45 provided that service anywhere outside of Canada should be regarded as service in a theatre of actual war.

The procedure at present to be followed in dealing with applications for pension, arising out of the War of 1914-18 is laid down in Sects. 51 to 61 of the Act. Briefly it consists of three stages for applicants whose claims are not initially granted. On first application, the evidence presented is considered at what is known as a first hearing. If the Commission's decision is adverse to the applicant, he is entitled to a second hearing, provided he applies within 90 days of the first hearing. When presenting his claim for second hearing, he is required to include all disabilities which he claims to be due to his military service. Prior to second hearing, the applicant is furnished with a complete and detailed summary of all evidence available in the departmental records pertaining to his case. He is given every opportunity to review this evidence, to include any additional evidence he can secure, and is allowed six months, from the date of mailing the summary of evidence, in which to prepare his claim. When notified by the applicant or his representative that the claim is ready for hearing, the Pensions Commission then gives a decision on second hearing. If this decision is adverse to the applicant, he then has the right to appear before an Appeal Board of the Commission sitting in his district and to call witnesses if he desires. The judgment of the Appeal Board is final and the application cannot be considered again, except by special permission of an Appeal Board when it is shown, to the satisfaction of such a Board, that an error has been made by reason of evidence not having been presented or otherwise.