Definitions for VAC Rehabilitation and Vocational Services and related compensation benefits

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In accordance with section 2 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* and Section 6 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Regulations*, the following definitions apply for the purposes of the Act:

Aggravated by Service

Aggravated by Service, in respect of an injury or a disease, means an injury or a disease that has been aggravated, if the aggravation

- a) was attributable to or was incurred during special duty service; or
- b) arose out of or was directly connected with service in the Canadian Forces.

Barrier to Re-establishment in Civilian Life

Barrier to Re-establishment in Civilian Life means the presence of a disability or a temporary or permanent physical or mental health problem that limits or prevents an individual’s reasonable performance in civilian life of their roles in the workplace, home or community.

Board

Board means the *Veterans Review and Appeal Board* established by section 4 of the *Veterans Review and Appeal Board Act*.

Canadian Forces

Canadian Forces means the armed forces referred to in section 14 of the *National Defence Act*, and includes any predecessor naval, army or air forces of Canada or Newfoundland.

Common-law Partner

Common-law Partner, in relation to a member or a Veteran, means a person who is cohabiting with the member or Veteran in a conjugal relationship, having so cohabited for a period of at least one year.

Compensation

Compensation means any of the following benefits under this Act: an earnings loss benefit, a supplementary retirement benefit, a Canadian Forces income support benefit, a permanent impairment allowance, a disability award, a death benefit, a clothing allowance or a detention benefit.

Dependent Child

Dependent Child, in relation to a member or a Veteran, means their child, or a child of their spouse or common-law partner who is ordinarily residing in the member's or Veteran's household, who is:

- a) under the age of 18 years;
- b) under the age of 25 years and following a course of instruction approved by the Minister; or
- c) over the age of 18 years and prevented by physical or mental incapacity from earning a livelihood, if the incapacity occurred

    - (i) before the child attained the age of 18 years, or
    - (ii) after the age of 18 years and before the age of 25 years while the child was following a course of instruction approved by the Minister.

Diminished Earning Capacity

Diminished Earning Capacity means that the Veteran is incapacitated by a permanent physical or mental health problem that prevents them from performing any occupation that would be considered to be suitable gainful employment.

Disability

Disability means the loss or lessening of the power to will and to do any normal mental or physical act.

Employability Assessment

Employability Assessment focuses on the capacity of the Veteran to perform the physical and mental tasks of work that a Veteran is qualified. It assesses the Veteran's ability to perform the essential functions of the job with or without accommodations. It also identifies suitable occupations and earning capacity for the Veteran.

Functional Capacity Assessment

Functional Capacity Assessment provides a comprehensive assessment of an individual's capacity to dependably perform work and routine daily activities. A combination of standardized tests and work/activity simulation tests are used to identify function. It identifies the Veteran's ability to return to work, and the Veteran's residual functional abilities and limitations related to work, leisure and household activity.

Health Problem

Health Problem is a temporary or permanent health condition plus the impairment resulting from the condition.

Manifested itself

Manifested itself means that the health problem was identified or diagnosed or was causing recognizable symptoms, functional impairment or disability. “Manifested itself” does not imply or require a causal relationship to service.

Medical Rehabilitation

Medical Rehabilitation includes any physical or psychological treatment whose object is to stabilize and restore the basic physical and psychological functions of a person.

Member

Member means an officer or a non-commissioned member of the Canadian Forces, as those terms are defined in subsection 2(1) of the *National Defence Act*.

Minister

Minister means the Minister of Veterans Affairs.

Orphan

Orphan, in relation to a deceased member or a deceased Veteran, means their child, or a child of their survivor who at the time of the member’s or Veteran’s death was ordinarily residing in the member’s or Veteran’s household, who is

- a) under the age of 18 years;
- b) under the age of 25 years and following a course of instruction approved by the Minister; or
- c) over the age of 18 years and prevented by physical or mental incapacity from earning a livelihood, if the incapacity occurred

    - i) before the child attained the age of 18 years, or
    - ii) after the age of 18 years and before the age of 25 years while the child was following a course of instruction approved by the Minister.

Personal Information

Personal Information has the same meaning as in section 3 of the *Privacy Act*.

Prescribed

Prescribed means prescribed by regulation.

Psycho-social Rehabilitation

Psycho-social Rehabilitation includes any psychological or social intervention whose object is to restore a person to a state of independent functioning and to facilitate their social adjustment.

Rehabilitation

Rehabilitation: is a process to restore a client's physical, psychological, social and vocational abilities to an optimal level that will result in a Veteran's ability to integrate and actively participate in their community.

Rehabilitation Need

Rehabilitation Need: is a physical, mental health or psycho-social problem that is creating a barrier to a Veteran's re-establishment in civilian life.

Rehabilitation Plan

Rehabilitation Plan: is an authority document for clients eligible for rehabilitation services. The plan provides the authorization for the payment of services and benefits aimed at removing the client's specific barriers to integration within their community. The plan includes medical rehabilitation, psycho-social rehabilitation, and/or vocational rehabilitation interventions to address the needs identified during the assessment of needs for the client.

Rehabilitation Services

Rehabilitation Services means all services related to the medical rehabilitation, psycho-social rehabilitation or vocational rehabilitation of a person.

Service-related Injury or Disease

Service-related Injury or Disease means an injury or a disease that

- a) was attributable to or was incurred during special duty service; or
- b) arose out of or was directly connected with service in the Canadian Forces.

Special Duty Service

Special Duty Service means service as a member in a special duty area designated under section 69, or as a member as part of a special duty operation designated under section 70, during the period in which the designation is in effect. It includes any of the following that occurred during that period but not earlier than September 11, 2001:

- a) periods of training for the express purpose of service in that area or as part of that operation, wherever that training takes place;
- b) travel to and from the area, the operation or the location of training referred to in paragraph (a); and
- c) authorized leave of absence with pay during that service, wherever that leave is taken.

Spouse

Spouse is a reference to a member's or a Veteran's spouse who is residing with the member or Veteran.

- a) "spouse" is deemed to be residing with a member or a Veteran, and a person does not cease to be a member's or a Veteran's common-law partner, if it is established that they are living apart by reason only of;
    - i. one or both of them having to reside in a health care facility;
    - ii. circumstances of a temporary nature; or
    - iii. other circumstances not within the control of the member or Veteran or the spouse or common-law partner.
- b) The *Canadian Forces Members and Veterans Re-establishment and Compensation Act*does not apply to a member's or Veteran's surviving spouse if the member or Veteran dies within one year after the date of the marriage, unless
    - i) in the opinion of the Minister, the member or Veteran was at the time of that marriage in such a condition of health as to justify their having an expectation of life of at least one year; or
    - ii) at the time of the member's or Veteran's death, the spouse was cohabiting with the member or Veteran in a conjugal relationship, having so cohabited for a period of at least one year.

Survivor

Survivor, in relation to a deceased member or a deceased Veteran, means

- a) their spouse who was, at the time of the member's or Veteran's death, residing with the member or Veteran; or
- b) the person who was, at the time of the members or Veteran's death, the member's or Veteran's common-law partner.

Suitable Gainful Employment

Suitable Gainful Employment (employability) means employment for which the Veteran is reasonably qualified by reason of education, training and experience and that provides a monthly rate of pay equal to at least 66 2/3 per cent of the imputed income of the Veteran. Refer to the Income Replacement Benefit policy for details concerning a Veteran's imputed income.

Veteran

Veteran means a former member.

Vocational Assistance

Vocational Assistance includes employability assessments, career counseling, training, job-search assistance and job-finding assistance, whose object is to help a person to find appropriate employment.

Vocational Assistance Plan

Vocational Assistance Plan: is a plan that provides vocational assistance services to Veterans with no health problems, eligible spouses/common-law partners or survivors to increase their capacity to find appropriate employment and restore the earning capacity of the family to a reasonable level. The plan can include employability assessments, career counselling, training, job-search assistance and job-finding assistance to help a person find appropriate employment.

Vocational Rehabilitation

Vocational Rehabilitation includes any process designed to identify and achieve an appropriate occupational goal for a person with a physical or a mental health problem, given their state of health and the extent of their education, skills and experience.