Disability Benefits in Respect of Wartime and Special Duty Service – The Insurance Principle

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Purpose

The purpose of this policy is to clarify and delineate Insurance Principle coverage as it pertains to Wartime service and Special Duty Service, in addition to providing guidance for the adjudication of death and disability claims related to such service.

Policy

Eligibility

1. Wartime service includes the following:
    a. Canadian Expeditionary Force (CEF) – World War I:
        i. World War I – August 4, 1914 to August 31, 1921
        ii. Theatre of Actual War – August 14, 1914 to November 11, 1918
    b. Active Force/ *National Resources Mobilization Act* (NRMA) – World War II:
        i. World War II – September 1, 1939 to April 1, 1947
        ii. Theatre of Actual War:
            - Outside of Canada – September 1, 1939 to May 9, 1945
            - Pacific Ocean or Asia – September 1, 1939 to August 15, 1945
    c. Special Force – Korean War:
        i. Korean War – July 5, 1950 to October 31, 1953
    d. Regular Force attached to the Special Force in a Theatre of Operations – Korean War:

i. Theatre of Operations – If Struck-Off Strength (SOS) Canada or continental USA before midnight July 27, 1953 - July 5, 1950 to October 31, 1953

2. Special Duty Area Service and Theatre of Operations Ships of the Royal Canadian Navy in Korean Waters – Korean War:
    a. Esquimalt
        i. ATHABASKAN:
            - July 5, 1950 to May 17, 1951
            - August 2, 1951 to July 9, 1952
            - October 29, 1952 to December 11, 1953
        ii. CAYUGA
            - July 5, 1950 to April 7, 1951
            - June 19, 1951 to June 14, 1952
            - November 25, 1953 to December 16, 1954
        iii. CRUSADER
            - May 25, 1952 to July 1, 1953
            - October 18, 1953 to September 3, 1954
        iv. SIOUX
            - July 5, 1950 to February 4, 1951
            - April 8, 1951 to March 8, 1952
            - November 7, 1954 to September 24, 1955
    b. Halifax
        i. HAIDA
            - September 27, 1952 to July 22, 1953
            - December 14, 1953 to November 1, 1954
        ii. HURON
            - January 22, 1951 to September 21, 1951
            - April 29, 1953 to March 17, 1954
            - August 1, 1954 to March 19, 1955
        iii. IROQUOIS
            - April 21, 1952 to January 8, 1953
            - April 29, 1953 to February 10, 1954
            - July 1, 1954 to March 19, 1955
        iv. NOOTKA
            - November 25, 1950 to August 21, 1951
            - December 30, 1951 to December 17, 1952
3. Special Duty Areas (SDA)
    a. Egypt, Lebanon, Israel, Syria and Jordan – January 1, 1949 until further notice
    b. Indo-China - geographical area including Cambodia, Laos, North and South Vietnam – August 8, 1954 to March 31, 1981
    c. Congo – August 11, 1960 to June 30, 1964
    d. Cyprus – March 15, 1964 until further notice
    e. India and Kashmir and the area adjacent thereto enclosed by the circumference with a radius of 100 miles having at its centre the city of Rawalpindi, Pakistan – January 18, 1949 to March 31, 1981
    f. New Guinea – September 1, 1962 to May 31, 1963
    g. Yemen – June 18, 1963 to September 15, 1964
    h. The area 20 miles on each side of the international border between India and West Pakistan – September 28, 1965 to March 22, 1966
    i. Korea – November 1, 1953 (or the arrival in Korea following departure from Canada or the continental USA after midnight July 27, 1953) to March 31, 1981

j. Nigeria – August 1, 1968 to February 27, 1970
k. Republic of Zimbabwe (formerly Southern Rhodesia) – January 9, 1980 to March 31, 1981
l. Afghanistan/Pakistan – May 2, 1988 to November 30, 1994
m. Ethiopia – May 11, 1988 to September 8, 1988
n. Iran/Iraq – August 11, 1988 until further notice
o. Namibia – March 12, 1989 to April 30, 1990
p. Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua – December 3, 1989 until further notice
q. The Kingdom of Saudi Arabia, Kuwait, the Yemen Arab Republic, the Sultanate of Oman, Bahrain, the United Arab Emirates, Qatar, and their contiguous sea areas between 32 and 75 degrees East longitude and 12 and 32 degrees North latitude – August 11, 1990 until further notice
r. The People's Republic of Angola – June 24, 1991 to November 30, 1994
s. The People's Democratic Republic of Algeria, the Kingdom of Morocco, the Islamic Republic of Mauritania and the territory known as the Western Sahara – July 21, 1991 to November 30, 1994
t. The People's Democratic Republic of Ethiopia and the Republic of Djibouti – July 18, 1991 to November 30, 1994
u. The Socialist Federal Republic of Yugoslavia; Slovenia; the Republics of Croatia; Bosnia, Herzegovina, Montenegro, Serbia and Macedonia – September 9, 1991 until further notice
v. The Republic of Cambodia, the Kingdom of Thailand, the Lao People's Democratic Republic and the Socialist Republic of Vietnam – November 17, 1991 until further notice
w. The Somali Democratic Republic (formerly Somaliland or British Somaliland) – August 22, 1992 to November 30, 1994
x. The Republic of Mozambique – February 8, 1993 until further notice
y. The Rwandese Republic – April 6, 1994 until further notice
z. The Republic of Haiti – October 5, 1994 until further notice
aa. East Timor and the remainder of the area between 8^{o} and 11^{o} S latitude and 123^{o} and 128^{o} E longitude – October 18, 1999 until further notice
ab. Central African Republic – March 22, 1998 to February 15, 2000
ac. Democratic Republic of Congo – August 6, 1999 until further notice
ad. Sierra Leone – October 13, 1999 until further notice
ae. Ethiopia and Eritrea – August 31, 2000 until further notice
af. Afghanistan and the area of the Mediterranean Sea between 15^{o} and 36^{o} E longitude and between 30^{o} and 41^{o} N latitude and the area of the Indian Ocean and Arabian Sea that is west of 68^{o} E longitude to Tanzania, and north of 5^{o} S latitude – October 1, 2001 until further notice
ag. The Republic of Sudan – June 11, 2004 until further notice
ah. The Ivory Coast (Note: Applies to RCMP members only) – April 4, 2004 until further notice
ai. Niger – September 20, 2012 until further notice
aj. Tunisia and the territorial waters of Tunisia – November 1, 2017 until further notice

4. Special Duty Operations (SDO)
   a. PEREGRINE (Forest fires, BC) – August 2, 2003 to October 5, 2003
   b. SPLINTER (Hurricane Juan, Nova Scotia and Regional Halifax, NS) – September 29, 2003 to October 5, 2003
   c. UNISON (Hurricane Katrina, US Gulf of Mexico) – September 5, 2005 to October 27, 2005
   d. PLATEAU (Earthquake, Northern Pakistan) – October 15, 2005 to December 20, 2005
   e. LOBOS (North American Leaders Summit, Montebello, QC) – August 14, 2007 to August 22, 2007
   f. PODIUM (2010 Winter Olympic and Paralympic Games, Vancouver, BC) – January 5, 2010 to March 27, 2010
   g. HESTIA (Earthquake, Haiti) – January 13, 2010 to April 1, 2010
   h. CADENCE (G8/G20 Summits, Huntsville, ON and Toronto ON) – June 1, 2010 to July 1, 2010

i. MOBILE [Participation in multinational response to crisis in Libya (NATO-led Operation UNIFIED PROTECTOR), Libya] – February 24, 2011 until further notice.
j. LOBE (Libya) – September 2, 2011 until further notice.
k. ARTEMIS (Participation in maritime security and counter-terrorism operations in the Arabian Sea region) – May 1, 2012 until further notice.
l. RENAISSANCE (humanitarian support to the Philippines) - November 15, 2013 to January 24, 2014.
m. UNIFIER (Ukraine) - July 1, 2015 to until further notice
n. LASER (COVID-19, Canada) – April 3, 2020 until further notice
o. REASSURANCE (Participation in NATO mission, Central and Eastern Europe) – May 1, 2014 to March 31, 2023
p. PROJECTION (West Africa) – February 1, 2017 until further notice
q. CADENCE (G7 Summit, Charlevoix, Quebec) – May 15, 2018 to June 16, 2018
r. RENAISSANCE (Earthquake disaster assistance, Nepal) – April 26, 2015 to June 14, 2015

5. Royal Canadian Mounted Police (RCMP) Designations

   For the purposes of the *Royal Canadian Mounted Police Superannuation Act* sections 32.12 to 32.14 and in accordance with the *Pension Act* The Minister of Public Safety and Emergency Preparedness, in consultation with the Minister of Veterans Affairs, may designate special duty areas and special duty operations.

6. RCMP Special Duty Operations:
   a. CLEARBROOKE (Cambodia) – January 15, 2016 to May 15, 2017
   b. IRIS (Iraq) – September 14, 2016 until further notice
   c. COLLABORATE (Colombia) – February 25, 2017 until further notice
   d. PLAIN SIGHT (Philippines) – October 13, 2016 to May 19, 2017
   e. PIONEER (Palestine, EU POL COPPS) – January 1, 2006 until further notice
   f. UPLAND (Ukraine) – March 2, 2015 until further notice
   g. KANTANNA (Kyrgyzstan) – April 4, 2007 to March 31, 2013
   h. GAUNTLET (GUATEMALA) – April 4, 2011 to April 4, 2012
   i. HORAE (Haiti) – June 1, 2004 until further notice
   j. MOERAE (Mali) – March 23, 2018 until further notice

Definitions

7. For the purposes of policy application, the following definitions apply:

Compensation Principle: As stipulated by paragraphs 21(2)(a) and 21(2)(b) of the *Pension Act* and subsections 2(1) and 45(1) of the *Veterans Well-being Act*, a member is eligible for a disability pension and/or pain and suffering compensation for a disability or death resulting from injury or disease or the aggravation thereof that arose out of or was directly connected to military service in the non-permanent active militia or in the reserve army during World War II or in peacetime. Under this principle, in order to establish that a disability is service-related, one must demonstrate that the disability was caused by military service and not simply that the condition had its onset during service.

Disembarkation Leave: Also known as Special Leave - Relocation. Members will be granted disembarkation leave when posted, attach posted or attach posted (temporary) to a deployed operation. This leave is granted for both service in an SDA or as part of an SDO, but is not included in the deployment dates indicated on the Member Personnel Record Resume (MPRR).

The length of disembarkation leave granted upon the return is dependent on the length of deployment:

1 to 13 days - no entitlement to disembarkation leave

14 to 30 days - 3 days of disembarkation leave

31 to 60 days - 4 days of disembarkation leave

61 to 89 days - 5 days of disembarkation

90 days or greater - 7 days of disembarkation leave

Embarkation Leave: Also known as Special Leave - Relocation. Members will be granted embarkation leave when posted, attach posted or attach posted (temporary) to a deployed operation. This leave is granted for both service in an SDA or as part of an SDO. However, it should be noted that due to operational requirements, there may be instances where this leave cannot be taken.

The length of embarkation leave granted is dependent on the length of deployment:

1 to 13 days - no entitlement to embarkation leave

14 to 30 days - 1 day of embarkation leave

31 to 60 days - 3 days of embarkation leave

61 to 89 days - 4 days of embarkation leave

90 days or greater - 5 days of embarkation leave

Embarkation leave is calculated as working days, meaning Monday to Friday and excluding statutory holidays, which are normally taken consecutively and are not included in the deployment dates indicated on the MPRR.

Insurance Principle: As stipulated by paragraphs 21(1)(a) and 21(1)(b) of the *Pension Act* and subsections 2(1) and 45(1) of the *Veterans Well-being Act*, a member is eligible for a disability pension and/or pain and suffering compensation for a disability or death resulting from injury or illness which was incurred during, attributable to, or aggravated during Wartime Service or Special Duty Service. This eligibility is referred to as the Insurance Principle, as individuals are covered 24 hours a day, seven days a week, and only need to demonstrate that their disability had its onset during the qualifying period of service. Unlike the Compensation Principle, no causal link needs to be established between the disability and military service.

Korean War: Period between June 25, 1950 and October 31, 1953, inclusive.

Leave: Other authorized leave as granted to a member by a commanding officer and prescribed by regulation.

Special Duty Area (SDA): Specific geographic areas outside Canada where members are exposed to conditions of elevated risk.

Special Duty Operation (SDO): Missions/operations which involve elevated risk. These may take place in or outside Canada.

Special Duty Service: As of September 11, 2001, includes service in an SDA, service in an SDO, periods of training for the express purpose of service in that area or as part of that operation, travel to and from the area, the

operation, or the location of training (for the express purpose of special duty service), and/or authorized leave of absence with pay during that service, wherever that leave is taken.

Special Leave (Mission): Members are granted Special Leave (Mission) to leave a mission area and relieve stress in a non-threatening location. This applies to members who are on International Operations who serve for at least 30 continuous days in the area of operations. Special Leave (Mission) is granted by the Commander of a Command and the length may vary from mission to mission.

Third Location Decompression Program: This program takes place in a location away from the SDA/SDO, just prior to a unit's return to Canada. The program lasts normally for a minimum of two days and is included in the member's SDA/SDO dates. The member is not considered on "leave" during this time.

Training: Periods of training for the express purpose of service in an SDA or SDO. These periods of training are designated by the Department of National Defence Force Employer.

Wartime Service: Military service during World War I, World War II, and the Korean War.

World War I: Period between August 4, 1914 and August 31, 1921, both dates inclusive.

World War II: Period between September 1, 1939 and April 1, 1947, both dates inclusive.

Wartime Service

8. Members of the Canadian Expeditionary Force (World War I), the Active Force (World War II) and Special Force (Korean War and Theatre of Operations) are all covered under the Insurance Principle from their date of enlistment to their date of discharge, whether they served in Canada or overseas.
9. Members of the Militia who were conscripted by the NRMA for active service during World War II and had continuous full-time service (i.e. no break in service) following the thirty-day training period, are eligible for Insurance Principle coverage whether or not they attested to the Active Force.
10. Members of the non-permanent active militia (NPAM) and the reserve army (World War II service) are excluded from Insurance Principle coverage.

Special Duty Area and Special Duty Operation

11. While serving in an SDA or as part of an SDO, members are eligible under the Insurance Principle for:
    a. service in the SDA/SDO;
    b. travel to and from the SDA/SDO;
    c. leave taken during service in the SDA/SDO, no matter where that leave is taken; and
    d. time spent in the Third Location Decompression Program.
12. RCMP members may serve within a designated SDO in Canada without being deployed to the SDO. In these circumstances, the member continues in the performance of his or her regular peacetime duties and is covered pursuant to the Compensation Principle [subsection 21(2) of the *Pension Act*] for disability pension purposes.

Training

13. As of September 11, 2001, while participating in training for the express purpose of service in a specific SDA/SDO, members are eligible under the Insurance Principle for:
    a. time participating in the training;

b. travel to and from the training; and
c. leave taken during the training, including programmed down-time (i.e., week-ends and afterhours).

14. Individuals are covered only during periods of training which are designated by the Department of National Defence (DND) as training for the express purpose of service in a specific SDA/SDO.
15. Only the periods of specially designated training periods, for a specific SDA/SDO are eligible for Insurance Principle coverage. Although members may consider themselves on pre-deployment training commencing the day they receive notification from DND informing them that they are to deploy until their actual deployment, this period of time is not entirely covered by the Insurance Principle.
16. Whether the training takes place on a member's home base or away has no impact on whether the member is covered by the Insurance Principle or not. Specifically designated SDA/SDO training is covered whether it takes place at home or away.
17. Insurance Principle coverage includes the full 24 hour period, unless specific commencement and end times (hours) are provided by DND. If specific hours are provided, then individuals are covered by the Insurance Principle only during the specified hours.

Travel

18. If a CF personal travel or unit movement order specifies date and time of travel, individuals are covered only during the designated date and time. If only the date is specified, Insurance Principle coverage includes the full 24 hour period.
19. As of September 11, 2001, members are eligible during travel for the express purpose of:
    a. training which is designated by DND as training for the express purpose of service in a specific SDA/SDO; and/or
    b. travelling to, and returning from a SDA/SDO.
20. There is no limitation on the length of time that DND may designate as travel for the purpose of training and/or SDA/SDO service.

Leave

21. Members are covered by the Insurance Principle during:
    a. authorized leave with pay taken during service in a SDA/SDO [Special Leave (Mission)], after September 11, 2001, wherever that leave is taken;
    b. authorized leave taken during a training event designated by DND for service in a specific SDA/SDO, including programmed down-time (i.e. after-hours and week-ends) as long as it falls within the designated training dates; and/or
    c. Embarkation Leave and Disembarkation Leave as documented by DND.

Sexual Trauma

22. The following sections of this policy clarify how it will be applied by Veterans Affairs Canada when adjudicating applications for disability benefits involving claims of Sexual Trauma. Sexual Trauma includes incidents of sexual assault and/or sexual harassment.
23. When an application for disability benefits involves a condition (either physical or psychiatric) that is claimed to have been caused by Sexual Trauma, VAC will accept that the incident(s) of Sexual Trauma occurred as described in the applicant's credible statement, in the absence of contradictory evidence (see Benefit of Doubt policy).
24. While VAC may accept that the incident(s) of Sexual Trauma occurred as described in the applicant's statement, to grant entitlement VAC must determine that:

a. the claimed condition had its onset during service in an SDA/SDO; or
b. the Sexual Trauma incident(s) linked to the claimed condition (see paragraph 23) occurred during service in an SDA/SDO.

25. All applications for disability benefits must include a diagnosis of the applicant's claimed condition, provided by a qualified health professional. For claims related to Sexual Trauma, the health professional's report must support the link between the incident(s) of Sexual Trauma, and the onset of the claimed condition.

Exclusions

26. Cases which meet the test of section 22 of the *Pension Act* (Improper Conduct) or subsection 2(5) of the *Veterans Well-being Act* (Conduct of a Member), may not be eligible for Insurance Principle coverage and should therefore be considered on a case by case basis. For further details, please refer to the policy entitled Improper Conduct.
27. Other types of authorized leave attached to Embarkation Leave and Disembarkation Leave are not considered as part of Special Duty Service and therefore not covered by the Insurance Principle.
28. Leave taken prior to September 11, 2001, outside an SDA, is not considered Special Duty Service. Prior to this date, to receive Insurance Principle coverage during leave, the leave had to be taken within the geographic location of the SDA.

References

Pension Act

Veterans Well-Being Act

Royal Canadian Mounted Police Superannuation Act

Special Duty Area Pension Order

Disability Benefits in Respect of Peacetime Military Service – The Compensation Principle

Disability Resulting From Non-Service Related Injury or Disease

Pain and Suffering Compensation Policy

Improper Conduct