



## **Armed Forces Pensioners'/Annuitants' Association of Canada**

### **About our Military Widows Project**

For more than a decade the Armed Forces Pensioners'/Annuitants' Association of Canada (AFP/AAC) Military Widows, headed by vice-chairman Helen Rapp, have been lobbying the government on various issues facing military spouses and widows.

The most pressing issue has been Section 31(1) of the Canadian Forces Superannuation Act (CFSA), which penalizes a military retiree the right to leave his spouse a survivors' benefit if they marry after his 60<sup>th</sup> birthday. When Canada's Militia Pension Act was passed in 1901 it contained a section now referred to as the "gold-digger clause," which gave the government discretion to deny benefits to widows deemed "unworthy." A widow couldn't get benefits if she was more than 20 years younger than her husband or if he married her after age 60.

To show just how antiquated this act is it is important to note that it predates a woman's right to vote, which was made law in 1916.

The act was drafted this way to protect the Canadian military from "death-bed marriages" which were sweeping the U.S. At the turn of the century very young girls were marrying veterans of the 1865 Civil War for their pensions.

The AFP/AAC wants the government to abolish the antiquated age restriction found in Canada's Militia Pension Act. The association believes that the surplus in the Military Superannuation Fund should be spent on improving military survivors' benefits.

In 1992, the government agreed to allow retirees to buy a survivor's benefit for new spouses in return for reducing the amount of their own pensions. Regretfully, many lower-ranking servicemen cannot afford to buy the extra benefits.

The AFP/AAC continues to urge Parliament to amend Section 31(1) since the CFSA doesn't have the authority to change it. There have been at least five private members bills regarding Section 31(1) brought up in the House of Commons but none were passed.

Helen Rapp has been told by the Minister of National Defence, the Minister of Veterans Affairs and Minister Gordon O'Connor, former Minister of National Defence that the issue is being

studied by other government departments, such as Finance and Revenue. The consensus is that Section 31(1) of the Canadian Forces Superannuation Act is an antiquated regulation that has no place in the military forces in this day and age. They insist that it will be amended but it will take some time.

It is important for Parliament to know that there are safeguards, other than age, that could easily be built into plans to stop “gold-diggers” from exploiting military retirees.

In the U.S., for example, public servants and military can marry after retirement but those who want spousal benefits must take a flat-rate reduction in their pensions to get them. Newlyweds after retirement have a one-year waiting period. If the pensioner dies within the year, no benefits are paid. Also, surviving spouses are stripped of benefits if they remarry.

Helen Rapp encourages military retirees and their spouses to write to their local Members of Parliament urging them to act on their behalf.

She says she received a lot of support from various sources. Mr. Cliff Chadderton, chairman of the National Council of Veteran Associations in Canada, is a strong supporter. The Canadian Human Rights Commission has also written letters to the Minister of National Defence because Section 31(1) also discriminates against a certain number of military retirees because of age. That information has even been passed on to the Justice Department, which is another government department that is involved in amending Section 31(1).

She says the current Conservative government has been most accommodating, as have the Members of Parliament that she has met.

Minister of National Defence Peter MacKay was most encouraging when Helen Rapp saw him in late Spring 2008. He is well aware of the need to amend Section 31(1).

She encourages military retirees and their spouses to continue to urge the National Defence Minister to use his authority to get the other government departments who are involved in supporting the amendment to expedite the settling of this problem that affects a number of veterans and their spouses.

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