

# question corner

## Revisiting release for medical reasons

**Q**: I released voluntarily from the Canadian Forces (CF) in Oct 2004. I have since learned that I am quite ill, and that I should have sought medical help prior to release. I am now being treated for my illness, and I receive a veteran's pension. I should have taken a medical release but I didn't know I was sick at the time. Is it too late to have my

case reviewed? Where would I go to have this looked at? Is there a Department of National Defence (DND) office that can help?

**A**: CF personnel are released under the most appropriate release item. All personnel receive a medical examination prior to release. If a medical condition is

discovered during the release process, then a medical specialist will conduct a review to determine if the condition warrants recommending release for medical reasons.

If you were released from the CF and no serious medical problems were identified at the time of your release, you may, indeed, have your release item reviewed if you feel you had a serious underlying illness at the time of your release. In this case, you may forward a request for review to the Director Military Careers Administration and Resource Management (DMCARM).

The onus is on you to provide any additional information not available on your medical file to demonstrate that your

illness was, in fact, present at the time of your release.

If you feel your release should be reviewed, send a request for review by mail to [DMCARM 4-2 - Release Administration](mailto:DMCARM-4-2), MGen George R. Pearkes Bldg., 101 Colonel By Dr., Ottawa ON, K1A 0K2. ♦



### EE - from page 3

Department of National Defence/CF equity program. In fact, the EEA prohibits imposing quotas.

Instead, the CF has established recruiting targets for women, Aboriginal peoples and persons belonging to a visible minority. Targets are flexible goals that the CF can use like other operational objectives as planning and evaluation tools, and are based on the Workforce Analysis and the Interest and Propensity Survey.

Although the CF is actively recruiting designated group members, once applicants enter recruiting centres, they are all treated equitably – and only the best-qualified applicants are accepted. Acceptance into the Forces, and promotions, courses and evaluations, are based solely on the merit system.

**Myth:** Employment equity puts white males at a disadvantage.

**Reality:** Employment equity is about eliminating discrimination, not creating it.

Intentionally or not, discriminatory policies and practices in the workplace have the effect of denying some people access to jobs, promotions or training. Equity programs make opportunities available to everyone by ensuring that the skills and potential of all our personnel are fully used.

**Myth:** Employment equity means hiring unqualified people and runs counter to the merit principle.

**Reality:** There is a perception that employment equity programs do not require selection of the best-qualified people for positions and, therefore, are not merit-based.

Employment equity means providing all qualified individuals with equal employment opportunities. It does not mean hiring under-qualified workers just to reach a numerical goal. EE is not about putting people in jobs because they are members of a DG. Employment equity encourages the selection, hiring, training, promotion and retention of qualified individuals.

Some employers have systems, policies and practices that could impede the selection, hiring, training, promotion and retention of persons in those four designated groups. Employment equity ensures that those barriers are identified and eliminated.

The EEA specifically states that the obligation to implement employment equity does not require an employer to hire or promote unqualified individuals. The Act also ensures and emphasizes that hiring and promotion standards are not lowered in order to recruit employees from designated groups. Such practices

would create a counterproductive work environment.

Employment equity programs reinforce the merit principle by ensuring that all DND/CF personnel and employees can compete on a level playing field. Their objectives are to open up the workplace and ensure that our personnel policies and practices are free of any overt or subtle biases.

**Myth:** Employment equity means lowering job standards.

**Reality:** Employment equity programs examine standards to ensure that job criteria are realistic and work-related. They guarantee that no DND/CF employee is denied employment or opportunities for reasons unrelated to valid job requirements. The Supreme Court of Canada, in rendering a decision in *British Columbia v. BCGSEU* (the Meiorin decision), introduced a three-part test to determine this:

1. A standard must be rationally connected to the purpose and the job performance.
2. A standard must be adopted in honest and good faith to achieve the purpose.
3. A standard must, in fact, be reasonably necessary to achieve the purpose, and the organization must show that accommodation is not possible without undue hardship (cost, health and safety).

The onus is on organizations to prove that their hiring and employment standards are bona fide operational standards.

### More

- Consult the *Employment Equity Act* at <http://laws.justice.gc.ca/en/E-5.401/50293.html> for general information and for information on Workforce Analysis.
- Consult the *Canadian Human Rights Act* at <http://laws.justice.gc.ca/en/H-6/31435.html>.
- For information on *British Columbia v. BCGSEU* (the Meiorin decision), visit [http://www.lexum.umontreal.ca/csc-scc/en/pub/1999/vol13/html/1999scr3\\_0003.html](http://www.lexum.umontreal.ca/csc-scc/en/pub/1999/vol13/html/1999scr3_0003.html). ♦



MCPL ROBERT BOTTRILL, COMBAT CAMERA

Sgt Randolph Idlout, a Canadian Ranger, patrols on his snowmobile in Resolute Bay, Nunavut.



SGT FRANK HUDEC, COMBAT CAMERA

405 Maritime Patrol Squadron pilot Capt Lisa Reimer waits for pre-departure clearance in Sigonella, Italy.



SGT FRANK HUDEC, COMBAT CAMERA

LS Wright Eruebi, a naval reservist from Surrey, B.C., hauls in a line during a replenishment at sea on board HMCS Winnipeg in the Gulf of Aden.