

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Wednesday, November 12, 2008 — 1:00 p.m.**

**Speaker:** I will now call the House to order. We will proceed at this time with prayers.

*Prayers*

### Withdrawal of motions

**Speaker:** The Chair wishes to inform the House that Motion No. 546, standing in the name of the Leader of the Third Party will not be transferred from the Notice Paper to the Order Paper as the motion is now outdated.

We will proceed now with the Order Paper.

### DAILY ROUTINE

**Speaker:** Tributes, please.

### TRIBUTES

#### In recognition of Hockey Canada Week

**Hon. Mr. Lang:** I rise today to pay tribute to part of our national identity and heritage. Of course, I'm referring to our national sport, which is being celebrated through Hockey Canada Week. For many families in Canada and Yukon, the start of the hockey season signals the start of a new year. It means that winter is on its way and families can start to plan their days and weekends around the hockey schedule.

The local arenas become a focal point of the communities. Friendships are renewed or new ones are made. Passion for the sport drives us all. Hockey is a unifying force in Canada. Hockey Canada Week aims to build on how the game brings families and communities together and how players of all ages learn important values and life lessons.

Minor hockey associations are only as strong as the volunteers who give their time, and it's an amazing show of common purpose across this nation. About four million Canadians are involved in the effort to keep our game alive. These volunteers do everything from installing and maintaining the ice, transporting children to the arena, coaching and officiating and, at the end of the day, turning off the lights in the arenas. Year in and year out, these volunteers are committed to giving our children a safe and friendly environment to play the game they love.

In Yukon we are fortunate to have the greatest volunteers in the country; through them, the hockey spirit is alive and well in Yukon, just as it is elsewhere in Canada.

As a government, we are proud to support minor hockey and many other sports by funding coaches and officials training and by providing our athletes with training and competition opportunities. So let's celebrate this great national sport and recognize Hockey Canada Week from November 8 to 15. Remember: "Relax. It's just a game."

**Speaker:** I presume that tribute was on behalf of all members of the Legislative Assembly.

Are there any further tributes?

Introduction of visitors.

### INTRODUCTION OF VISITORS

**Mr. McRobb:** I would like to invite all members of this Assembly to join me in welcoming to the gallery today several members of the public who are here to show their concern about the *Forest Resources Act*.

*Applause*

**Speaker:** Are there any further introductions of visitors?

Hearing none, are there any returns or documents for tabling?

### TABLING RETURNS AND DOCUMENTS

**Mr. Mitchell:** I have for tabling today a letter to Senator Barack Obama, President-elect of the United States of America, congratulating him and expressing our desire to reaffirm the mutual concern of Yukoners regarding the sanctity of the Arctic National Wildlife Refuge. It is signed by me and by the Leader of the New Democratic Party. There is a signature block for the Premier.

**Mr. Fairclough:** I have for tabling a letter to the Premier from a constituent of mine, dated Friday, November 7, 2008.

I also have for tabling a petition from the community of Carmacks with regard to the Casino Trail bypass road, signed by 265 citizens of Carmacks.

**Speaker:** Are there any further documents for tabling? Reports of committees.

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

### NOTICES OF MOTION

**Mr. Mitchell:** I give notice of the following motion:

THAT this House urges the Yukon government to amend Bill No. 55, entitled *Act to Amend the Social Assistance Act*, to restore the independent appeal board and ensure its independence from government, instead of establishing a social assistance review committee that may not be seen as independent of government.

I give notice of the following motion for the production of papers:

THAT this House do issue an order for the return of all papers, documents and records relating to investments made in asset-backed commercial paper for the fiscal year 2007-08, including the dates of all investments in which funds the money was invested, the rate of return on the investments and the term of such investments.

**Mr. McRobb:** I give notice of the following motion:

THAT this House urges the Yukon government to attend to the recommendations set out in the position paper developed by the Liard First Nation regarding the *Forest Resources Act*,

Bill No. 59, and to ensure the proposed legislation is amended accordingly before it is passed by this House.

**Mr. Cardiff:** I give notice of the following motion:

THAT this House urges the Yukon government to amend Bill No. 59, the *Forest Resources Act*, to allow for aboriginal rights of non-treaty First Nations that do not have settlement lands.

I also give notice of the following motion:

THAT this House urges the Yukon government to amend Bill No. 59, the *Forest Resources Act*, to allow for effective monitoring and feedback systems as a mandatory feature of the forest resources management plan process, all woodlot and timber harvest plans and cutting permit approvals.

I also give notice of the following motion:

THIS House urges the Yukon government to ensure that the proposed *Forest Resources Act* facilitates a local, value-added wood products industry.

I also give notice of the following motion:

THAT this House urges the Yukon government to ensure that regulations that accompany the proposed *Forest Resources Act* control the export of raw logs from the Yukon.

I also give notice of the following motion:

THAT this House urges the Yukon government to ensure that the proposed *Forest Resources Act* does not allow logging roads to be built regardless of land use plans, forest management plans or endangered species legislation.

I also give notice of the following motion:

THAT this House urges the Yukon government to commit to a full public consultation on the regulations that will accompany the proposed *Forest Resources Act* so that the public may give their input on:

- (1) acceptable harvest levels that don't destroy other forest values, including wildlife, traditional practices, and that lead to clear-cuts;
- (2) how to maximize local economic development and jobs in the territory; and
- (3) the acceptable amount and location of forests that should be used for biofuels.

**Mr. Edzerza:** Mr. Speaker, I give notice of the following motion:

THAT this House urges the Yukon government to delay second reading of Bill No. 59, the *Forest Resources Act*, to allow for the presence of interested witnesses in the Legislature to make comments on the bill.

I also give notice of the following motion:

THAT this House urges the Yukon government to amend Bill No. 59, *Forest Resources Act*, to allow for provision for First Nation self-regulation of the aboriginal domestic harvesting of timber.

I also give notice of the following motion:

THAT this House urges the Yukon government to amend Bill No. 59, *Forest Resources Act*, to allow for clarification of aboriginal rights to hunting, fishing and trapping that defines the role of the aboriginal rights reflecting current law.

I also give notice of the following motion:

THAT this House urges the Yukon government to amend Bill No. 59, *Forest Resources Act*, to accommodate and sustain aboriginal title as an express consideration at every stage of forestry planning.

I also give notice of the following motion:

THAT this House urges the Yukon government to amend Bill No. 59, *Forest Resources Act*, to allow for empowering the minister to acquire all necessary information for sound baseline data to inform decisions about potential impacts of forest use.

I also give notice of the following motion:

THAT this House urges the Yukon government to commit to developing regulations to ensure that the wood supply is divided up, so that we have a versatile, resilient local industry and that the Yukon forest resources are not gobbled up by big multinational timber corporations.

I also give notice of the following motion:

THAT this House urges the Yukon government to set up a multi-stakeholder committee that would expediently make recommendations on what to do in forest areas that are significantly affected by insects and diseases.

I also give notice of the following motion:

THAT this House urges the Yukon government to ensure that all forest values, including timber, will be protected for future generations of Yukoners.

I also give notice of the following motion:

THAT this House urges the Yukon government to amend the proposed *Forest Resources Act* so that the minister may not unilaterally change or completely annul forest management plans.

**Mr. Hardy:** I give notice of the following motion:

THAT due to the scope, importance, absence of consultation, potential impact and unanswered questions around the proposed *Forest Resources Act*, this House urges the Yukon government to:

- (1) defer second reading of the *Forest Resources Act* until the spring sitting of 2009; and
- (2) ensure the *Forest Resources Act* is debated and witnesses are called to discuss their concerns, should the government be unwilling to defer this important piece of legislation until the spring sitting.

I give notice of the following motion:

THAT this House urges the Yukon government to delay passing the proposed *Forest Resources Act* until such a time as First Nations have been adequately consulted; and

THAT the act reflects proper government-to-government planning processes on lands within First Nation traditional territory.

I give notice of the following motion:

THAT this House urges the Yukon government to amend Bill No. 59, the *Forest Resources Act*, to allow for provision for First Nations' self-regulation of the aboriginal domestic harvesting of timber.

I give notice of the following motion:

THAT this House urges the Yukon government to amend Bill No. 59, the *Forest Resources Act*, to allow for empowering the minister to acquire all necessary information for sound baseline data to inform decisions about potential impacts of forest use.

I give notice of the following motion:

THAT this House urges the Yukon government to amend Bill No. 59, the *Forest Resources Act*, to allow for the criteria for adjusting the volume for a harvesting licence to include aboriginal concerns.

I give notice of the following motion:

THAT this House urges the Yukon government to ensure that the proposed *Forest Resources Act* and its regulations respect the ecological and cultural health of our forests.

I give notice of the following motion:

THAT in order to improve the proposed *Forest Resources Act*, this House urges the Yukon government to ensure there will be public consultations on regulations on bioenergy, particularly the amount and location of trees to cut for biofuels.

And finally, I give notice of the following motion:

THAT this House urges the Yukon government to ensure that the forest sector trust fund referred to in the proposed *Forest Resources Act* involves the public in its management, as was the intention of its creation under the devolution transfer agreement.

**Speaker:** Are there any further notices of motion?

Is there a statement by a minister?

This then brings us to Question Period.

## QUESTION PERIOD

### Question re: *Forest Resources Act*

**Mr. McRobb:** I have more questions today on the proposed *Forest Resources Act* and hopefully we'll get some answers. Let us first lay out what has been established so far:

(1) the Yukon Party government has refused our request to pull the bill and bring it back in the spring after the bill's shortcomings have been worked out;

(2) the government has refused to disclose when or even if this bill will be called for debate in this sitting before it is voted upon and passed by the Yukon Party majority;

(3) it has refused to explain how it will avoid legal challenges to this bill that would result in costly court disputes and cast a dark cloud over the industry.

The minister has put on record several times how much money this government has paid the Kaska to participate in the process. My question for the minister today: does he believe that participating in good faith in the process has caused the Kaska to forfeit its rights that aren't in the act?

**Hon. Mr. Fentie:** What's really at issue here is how the Official Opposition and now the Third Party are portraying a process that has been long engaged in the Yukon — many, many years. The ultimate conclusion of that process is an obligation by government to produce successor legislation, this being the first piece of legislation that meets that obligation, the *Forest Resources Act*.

But all these insinuations that all these problems exist — frankly, I'd like to challenge the Member for Kluane to demonstrate evidence that First Nations' rights are being excluded, because, frankly, that is not the case at all. In fact, it's quite the opposite. First Nations' rights, as required under law and the agreements in this territory, are very much encompassed in this act and include clearly substantive clauses that make provision to ensure that we are meeting our obligations and protecting those rights.

**Mr. McRobb:** Well, the Premier should read the position paper. He does not seem to understand a key point that is requisite to doing his job properly. When a representative from a First Nation participates in a government process, that participation does not compromise the ability of the First Nation to challenge the outcome of the process, especially when its input has been largely ignored, as in this case.

I'm very surprised the Premier does not understand that key point, especially with his mantra that it's working hand in hand with Yukon First Nations to create equal partnerships.

The Premier cannot expect officials to carry out this government's responsibility to consult with First Nations on a government-to-government basis. Will the Premier now commit to work cooperatively with the Kaska on a government-to-government basis to address the concerns with this act, as set out in the position paper, before it is passed?

**Hon. Mr. Fentie:** First, I don't have to commit to that at all, because that's exactly what is going on in this territory. The government is meeting its obligations.

If the member wants to refer to litigation, let us look at recent examples. Although the government does not choose to litigate, it does not stand in the way of any and all individuals, First Nations and others who may choose to do so. In recent examples, the courts have upheld the very statement that I am making, that the government is doing its work as it's obligated to do.

As far as the position paper from Liard First Nation, I commend the Chief of Liard First Nation in doing his job in representing his citizens. The chief and his government are entitled to develop position papers; however, the fact is, Mr.

Speaker, that this legislation is within the jurisdiction of the Yukon government. We, on balance, in meeting our obligations with First Nations, must also meet the public interest, and that's exactly what this act does.

**Mr. McRobb:** Mr. Speaker, this war of words will end up as a war in the woods. This government had six years to get it right, yet hasn't. The Chief of Liard First Nation summed it up well in his cover letter for its position paper. He said, and I quote: "For government to act in ways that reflect the honour of the Crown, it must do more than minimal information sharing and consultation with First Nations. Government must listen carefully to what they are told and find ways to reconcile our differing interests. We are disappointed with Yukon's general failure to consult with us during the development of this bill, and the bill's lack of provision to address First Nations' interests; nonetheless, we believe that future confrontations about the application of this bill are unnecessary and avoidable."

What will the Premier do to attend to the recommendations set out in the position paper in order to avoid those future confrontations?

**Hon. Mr. Fentie:** In the first instance, we don't develop legislation through the media or by position papers. In fact, the legislation is developed based on extensive consultation with First Nations and with the broader public. That's a process that this government continues to commit itself to on each and every issue before it, especially when it comes to development of legislation.

But overall, Mr. Speaker, the Member for Kluane is again making inferences that put the Official Opposition in a very precarious position. It was not long ago that they jumped to the presumption that a court ruling in the Yukon was in fact the absolute end. We believe in due process. This government believes in due process. We encourage all to avail themselves of due process. But through that due process, it's obvious that this government's work and its position have been upheld by recent rulings in the court and it certainly puts the Official Opposition on the outside of the law and due process.

**Question re: *Forest Resources Act***

**Mr. McRobb:** This government's failure to consult meaningfully at a government-to-government level will predictably bring on more legal confrontation and cast a dark cloud over the entire industry. There's another aspect to consultation that has many Yukoners concerned.

Their participation in the process to date has, according to them, not been very productive in terms of how their input is being reflected in the act. Instead of including important principles and provisions in the act, this government has subordinated them into the regulations which have yet to be drafted. It has been said that with a few changes, this act could be one of the best in the country.

Will the Premier commit to providing for a complete process of full public consultation for the drafting of the regulations?

**Hon. Mr. Fentie:** Mr. Speaker, you know, I encourage the member to keep asking the obvious. That is what the government is doing — and that is consulting. Whether it be legis-

lative development or regulation development, that is what we do.

Mr. Speaker, I think it is important that the member opposite recognize that continuing to infer that his opinion or the member of the Official Opposition's opinion is absolute in terms of possible litigation or possible other outcomes — the evidence continually shows that the members opposite are incorrect. Outside of that due process, that includes the law, and I think it is time that the Official Opposition really reflected on what they are doing here in this Assembly and how they are representing the public interest. Because right now, they are not representing the public interest; they are simply addressing issues in a manner that is to create confrontation. We on the government side are actually avoiding confrontation.

**Mr. McRobb:** We are representing the public interest. The Premier should look at the gallery for evidence of that. Now, let's clarify this a bit more.

The public wants more than to have its input heard and again ignored without an opportunity for follow-up. The public also wants the opportunity to comment on what's being drafted following the input stage, before the regulations are finalized. Let's be clear on this question, so there is no misunderstanding: will the Premier provide two rounds of public consultation for the drafting of the regulations — the first to gather input for the draft regulations and the second to comment on the draft regulations itself? Can the Premier give a clear, unequivocal answer to that question?

**Hon. Mr. Fentie:** The government will conduct its business — the public's business — as it is obligated to do. Now, if the members opposite have a different approach that is in total contradiction of due process, total contradiction of recent rulings in the courts, and in complete contradiction of the public's approach to this matter, then I encourage the members to stand up and tell the public what they would do when it comes to the development of legislation in this territory, how they would entrench these issues they speak of and how that addresses the public's interest. How is that meeting the Yukon government's obligations in the agreements and under common law? Stand up and explain that to Yukoners instead of nibbling around the edges, trying to make these wild assertions that all these things are going to happen.

Every time the members from the Official Opposition stand up, they get hit with the evidence and the facts, and it doesn't look good on them. I understand desperation can drive individuals, but I would encourage the members opposite to recognize that, in the desperate times they find themselves, they should not compromise Yukon and its future.

**Mr. McRobb:** Another question unanswered. You know, Mr. Speaker, a trademark of an open, accountable and transparent government is the clarity and forthrightness in which it communicates to the public and involves them meaningfully in the creation of important laws that affect them. But the trademark of this Yukon Party government is to keep the public guessing what it will do next and when, and avoid fully engaging them in meaningful consultation. We've seen another example of refusing to reveal its intentions with respect to pub-

lic involvement with the drafting of the regulations for this *Forest Resources Act*.

It's unfortunate that the minister and the Premier, who are charged with the responsibility for forests in the territory, cannot give a clear answer for elected members, the Yukon public and the many concerned citizens who are present today in the gallery.

Why is the Premier fully engaged in this war of words that will result in a war in the woods?

**Hon. Mr. Fentie:** Mr. Speaker, in the first instance, I didn't consider this a war of words. I thought this was Question Period and we're having a debate under our democratic system. But I can tell you this: I agree that the public is guessing. The public is always guessing exactly what the Official Opposition is attempting to articulate because it's not factual. Of course the public is guessing. At least they have a government that sticks to the facts, is open, accountable and presents all the information. That's exactly how we got the *Forest Resources Act*, Bill No. 59, through that process. We're very proud and we will continue to do that.

**Question re: *Forest Resources Act***

**Mr. Hardy:** The Premier is on record as saying he wants to push through the *Forest Resources Act*, even though a number of First Nations, individuals, organizations and groups have raised many serious objections and concerns around it.

Once again, a large segment of the public feels it was not fully consulted or its input was largely ignored in the drafting of this bill. The Premier likes to say when he brings forward legislation, "Let's get it right. Let's do it the right way."

Well, from my perspective, Mr. Speaker, a few more months may address many of the concerns that have been brought forward. If the Premier would be willing to hold the legislation off until the springtime, and take it back out to the people and the organizations and First Nations that expressed concerns, we could get it right that time. So my question is: why is the Premier wanting to rush this bill through the Legislature at this present time?

**Hon. Mr. Fentie:** This bill, and it going through the due process it must in this Assembly, is hardly rushing it through. But I have a question for the Leader of the Official Opposition: the leader is now suggesting that we should go out and do more consultation. And yet, last week, that very party chastised this government for doing exactly that on a bill they presented to this Legislature that relates to young Yukoners in the workplace. So, Mr. Speaker, there again the public is guessing. The opposition is flailing away, trying to demonstrate that they have some sort of vision or plan for the Yukon. They don't. We do. The government side does. That's why we've tabled this bill. It is a vision and a plan for the Yukon Territory, and it's a tool to carry it out.

**Mr. Hardy:** Mr. Speaker, let's put facts on the table. That Premier heard the member who introduced the child labour act say that he was willing to engage in a select committee to go out to the public.

He was willing to engage in any amendments that were brought on the floor — that's an open and accountable mem-

ber. Put the facts on the table, I say to the Premier. No more spin.

Now what we're hearing from Yukoners is: let's not rush this bill. Let's take the time to get it right. Let's proceed cautiously because this bill will set the tone for how we use our forests for many, many years to come. It is extremely important that we get it right.

Will the Premier or his minister postpone second reading of this bill to the spring sitting of the Legislature? Will he, or will he not?

**Hon. Mr. Fentie:** I hope this doesn't come as a shock to the Leader of the Third Party, but the forests in the Yukon have been used for a long, long time without any legislation at all and that is the problem here. That is why we are proceeding. That is why we have done our work to date and that's why we're proceeding.

Now, the member wants facts. Well, I could table the third party's press release from last week, chastising the government for the process that we've embarked upon, but I'll leave that alone and suggest to the third party that they have a great opportunity today to debate a motion that is in the public's interest, and I would encourage them to provide constructive input. The government accepts that and works with that. We've demonstrated that time and time again. We have a bill on the floor of this Assembly. It will be brought forward for debate. It will be brought forward for debate and members opposite can debate it to the full extent at their leisure — it's up to them.

This is a piece of the public's business that the government has tabled and we will press forward in meeting the public interest in conducting that business here on the floor of the Assembly.

**Mr. Hardy:** The Premier and I do share something in common: we both worked in the logging industry. I worked in the forest, cutting the trees, whether it was in British Columbia or the Yukon, and I believe the Premier was in the hauling industry down in the Watson Lake area. So we know what we're talking about; we know the value of the forests; but we do have a different view about the values of the forest.

This is enabling legislation, so the wording in this legislation is quite broad and vague. Really, the proof will be in the details, or in the regulations that accompany it — important details about how much wood will be logged, how it will be logged, whether export of raw logs will be allowed, how the values of other users of the forest will be protected. These things will be all-important in the regulations.

Will the Premier or minister respect the request of First Nation conservation groups, renewable resource councils and other stakeholder groups and organizations, and commit to hold full public consultations on the regulations accompanying this important act?

**Hon. Mr. Fentie:** I think it's clear, if we look back in the pages of *Hansard* from today, that the government has articulated that that's exactly what it intends to do. But I hope the Leader of the Third Party isn't following the direction that the Member for Kluane has taken, who has publicly stated that somehow this bill is developed because I at some point in my

history happened to be in the forest industry. I mean, that's not what this is about.

It's important that we have the tools for forest management in this territory and it begins with an act, a legislative framework within which to work to develop those tools, and regulations are obviously a major part of that need here in the Yukon Territory. And frankly, Mr. Speaker, if you really look back in history with regard to forestry in this territory and policy development and the involvement of the federal government and the involvement of interest groups, First Nations, the public, industry — it has gone on for well over a decade.

The first Forest Stewardship Council, the many forums that were held — the work to date has contributed to this bill. That's why it's a good one.

**Question re: *Forest Resources Act***

**Mr. Hardy:** Now, the Liard First Nation has some major problems with the *Forest Resources Act*, and it's not alone. The Yukon Conservation Society and the Yukon Forest Values Focus Group also have major problems with this legislation as it's written. So do several other renewable resource councils and other First Nations. This bill does not seem to have very many supporters.

You know, I have to ask the question — and it's becoming very obvious that the Premier is not going to budge on the legislation that's before the House today. So I'm going to go back to a question I asked earlier and that is: will the Premier at least commit to holding full public consultations on the regulations accompanying this important act? Will he do that?

**Hon. Mr. Fentie:** I'm getting quite concerned. I understand there are individuals and First Nations and others who always have concerns in making sure their interests are being represented. But how can the member opposite, the Leader of the Third Party, just simply disregard all the other individuals and entities that make contributions to this legislation? It's wrong, Mr. Speaker. This bill is before the House because of the amount of work that has been done to develop the bill. Now it's up to the opposition to debate the bill in accordance with meeting their responsibilities to the electorate of this territory, just as the government is doing in meeting its responsibilities to the electorate by tabling this bill and providing forest managers, the Yukon public, First Nations and others the tools necessary for sound, forward-thinking forest management to do exactly what the member's saying: protect our forests.

**Mr. Hardy:** Mr. Speaker, the Liard First Nation has a number of concerns around the impact that this bill will have on aboriginal rights and titles. It says it lacks the basic safeguards required by law to justify infringement of these rights, or to meaningfully accommodate those interests until such time as they are proven in court. This bill lacks explicit, detailed direction required by law to ensure that aboriginal rights and title are given adequate priority in forest planning.

On this side of the House, we are concerned the government will not give us sufficient time to thoroughly debate this bill in this sitting — this fall sitting — and we are concerned that the government will try to rush it through in the last days of the current sitting, similar to what it did with the amendments to the *Liquor Act* in the springtime.

So will the Premier give his word, here and now, that this bill will get a thorough scrutiny on the floor of this House by calling it within the next couple of days?

**Hon. Mr. Fentie:** We, the government side, do reserve the right to call the business of the House, as we do each and every day, but it's not our job to manage the opposition in their time and in their debate. So if the member opposite is suggesting that they want a thorough debate to ensure scrutiny of this bill, then I encourage them to deliver and I would hope that they do so.

The member keeps referring to aboriginal rights and title and I want to point a few things out. First off, the bill has provisions to address the very issue of First Nations in Yukon that do not have a settled claim. It also has provisions to deal with all First Nations in Yukon and addressing our obligations, whether there is a claim in place or a treaty in place — it is in the act, Mr. Speaker. And frankly, it is substantive in nature.

Furthermore, when it come to Liard First Nation, the government has even gone to the step of ensuring that all selected lands — selected by Liard First Nation in southeast Yukon — have been extended in terms of their interim protection. So the government has even gone to that extent of protecting those selected lands on behalf of Liard First Nation.

I am looking forward to the debate. I'm sure the members opposite have a lot of offer.

**Mr. Hardy:** You know, Mr. Speaker, sometimes the Premier speaks in a manner that seems to indicate that the opposition has this tremendous amount of power over what kind of legislation is brought forward and when it is brought forward. The reality is, the truth is, the fact is, that it is the government that sets the legislative agenda; it's the government that decides what bills are brought forward and when they're brought forward; and we on this side have to respond to that.

Every bill that's brought forward deserves some debate. This is a substantial bill; I am asking that it be brought forward as soon as possible so we have the proper time allowed in order to debate it thoroughly and get the concerns that we have heard addressed by the government that's bringing it forward.

Will the Premier at least assure us it will be brought forward in the next few days and also consider allowing us to call witnesses into the Legislative Assembly to speak to it?

**Hon. Mr. Fentie:** I would hope that the Official Opposition has a much higher regard for their position and the responsibility they hold in representing the Yukon public. To suggest they don't have that ability is not something the government side shares at all. In fact, we believe every one in this Assembly has a responsibility to bear and should deliver on that responsibility.

As far as bringing the act forward, of course as soon as possible, as we always attempt to do on the government side in tabling the public's business. But I reiterate and repeat: we can't manage the opposition's time; we can't manage their debate.

That is entirely up to them. If they want to be constructive, they will have ample time to thoroughly debate this bill. If they want to continue on with past practices, as they've demonstrated time and time again in this House over many, many

sittings now, then their opportunity and ability to thoroughly debate the bill will be vastly diminished. The issue is up to them.

**Question re: *Forest Resources Act***

**Mr. McRobb:** I want to return to the question on consultation on the regulations because the Premier chose to not answer what was a very clear question. People are tired of participating in the consultation process, only to find out later that their input has been ignored and there is no recourse, other than to pursue matters in the courts.

Can the Premier provide for two rounds of consultation — one for input to the draft regulations and the other to comment on the regulations that have been drafted? A two-part process — will he commit to that?

**Hon. Mr. Fentie:** I've said already that the government will live up to its obligations in consulting with its public and with First Nations under common law and under the treaties. We have done that all along and will continue to do that.

As I said earlier, even the courts now — after due processes concluded — have demonstrated that's exactly what the Yukon government has done.

The member opposite, if the Official Opposition should ever become government — and that's simply not the case today — should they choose to take a different route and design whatever processes they feel they should, that's entirely up to them. But the government will continue — as it has in the past in all matters — to meet its obligations.

**Question re: *Social Assistance Act, Act to Amend***

**Mr. Mitchell:** There are several significant changes being proposed in Bill No. 55, *Act to Amend the Social Assistance Act*. One proposed change is the replacement of the appeal board by a review committee. Currently, people who are denied assistance can appear before an appeal board that is at arm's length from the government, where they can expect to receive a fair hearing.

In the new act, the appeal board is eliminated and is replaced by a review committee consisting of three members appointed by the minister. The legislation puts considerable limitations on the jurisdiction of the new review committee and expands the power of the director. Even after this committee review, the committee's decision goes back to the director for a final decision, the same person who presumably denied assistance in the first place.

Can the minister tell us how implementing this change from an independent appeal board to a review committee appointed by the minister will keep this process independent and at arm's length from the government?

**Hon. Mr. Hart:** For the member opposite, we are reducing the level of appeal bodies from two to one and I changed the title to "review committee". While the act did talk about two appeal bodies, it is not practical in a small jurisdiction such as ours for that and the standard of practice in the past 10 years is to use one. An additional aspect to the changes will be made to bring the Yukon into line with other jurisdictions that have appeal bodies that operate under the same process. The amendments will clarify the role and the responsibilities of

the review committee, I remind the member opposite, based on the judicial advice to government on this particular review.

**Mr. Mitchell:** Well, Mr. Speaker, what I'm hearing is that the minister feels that one is better than two. But another concern with the proposed changes to the *Social Assistance Act* is the more stringent requirements for social assistance recipients to reapply monthly for benefits. Proposed changes should be making the process of applying for social assistance less demeaning, not adding to an already stressful situation.

Now we understand that the goal is to ensure that people on social assistance truly require the support but making people go through the task reapplication every 30 days does not necessarily accomplish this.

Streamlining the reapplication process for people whose situation has not changed in the last month could help destress the situation, and not make SA recipients feel badly about applying for assistance when in need. Having to reapply monthly, in fact, will cut into time better spent looking for work and working toward getting off financial assistance.

Could the minister tell us why his government believes that a demeaning monthly application process should be implemented?

**Hon. Mr. Hart:** You know, the act was written in 1972. Several changes have been made since that time, not the least of which was the name of the department. We are making many changes to clarify the act and to modernize it.

The member also raised the red flag, stating the act will now require social assistance recipients to apply monthly for assistance. Mr. Speaker, this has always been the case. It has been the case for the last 15 years. It was the case when they were in power and when the previous party was in power. There's no change in that particular aspect for us. Each month clients are required to update their information through the client reporting card. This tells us the particular situation that happened during the month, whether the individual or family circumstances have changed. This is not new — again, not new. It continues a practice already in place for the past 15 years. The amendment to the act only seeks to clarify the language used and to bring the act into line with the regulations.

**Mr. Mitchell:** Well, what the clarification does is make it even more stringent. Yes, it was required before, but now it's even more stringent. We have been speaking with stakeholders, including the Yukon Anti-Poverty Coalition, regarding these changes. In discussions with them, we have been told that the coalition and its member groups were not consulted about these changes.

In developing the proposed changes to the act, the government has not sought the views of the people who will be directly affected, nor has it consulted with the organizations that regularly assist these people. This seems to be a recurring theme with this government lately. It doesn't properly consult with Yukoners before making changes to laws that will affect them.

Consultation should be done with all stakeholders — the public, the Anti-Poverty Coalition and any other stakeholders that deliver services to those in need. Will the minister consult with stakeholders and non-governmental organizations that

support Yukoners in need of social assistance before moving forward with implementing the proposed *Social Assistance Act* amendments?

**Hon. Mr. Hart:** As I stated earlier, the amendments will clarify the roles and responsibilities for the review committee and it is based on the judicial requirements indicated to government. We are following through on that process, and we plan to make the changes in the act to simplify the process for all recipients.

**Speaker:** The time for Question Period has now elapsed. We will proceed to Orders of the Day.

## ORDERS OF THE DAY

## MOTIONS OTHER THAN GOVERNMENT MOTIONS

### Motion No. 542

**Clerk:** Motion No. 542, standing in the name of Mr. Nordick.

**Speaker:** It is moved by the Member for Klondike THAT this House urges the Government of Yukon to request the Employment Standards Board, in conjunction with the Yukon Workers' Compensation Health and Safety Board to:

(1) conduct a thorough review and assessment of the current situation involving the employment of children and young people in the Yukon workforce to ensure their protection from hazardous environments, substances and occupations;

(2) identify gaps in current employment standards, occupational health and safety, and education legislation in Yukon governing the employment of children and young people, including consultations with parents and employers; and

(3) present a report on their findings to the Yukon Legislative Assembly within the first 10 days of the next sitting.

**Mr. Nordick:** We understand the third party is concerned for the safety of our employed youth. We on this side feel that protection and the safety of our youth is paramount.

However, Mr. Speaker, my colleague, the Minister of Community Services, raised some important questions about how the provisions would be applied, which I believe this House should be addressing. He questioned how these rules would be enforced and how the bill, which was Bill No. 109, could affect Yukon businesses, young workers themselves and their families. Mr. Speaker, an unworkable bill may be worse than none at all.

Mr. Speaker, I appreciate the intent the members opposite had when introducing Bill No. 109; that is why we are debating this motion today. Mr. Speaker, Bill No. 109 does not include definitions for "employer", "employment", "work" or "premises". I ask: how will these terms be defined? Mr. Speaker, this bill restricts young people from working during certain hours on premises where food or beverages are being served. This may mean that young persons can't even pick up garbage on the grounds outside of hotels during those hours. Is this the intent or should this intent be more precise? What about young

workers supervising other workers? Is there an age restriction? What are their training requirements?

Mr. Speaker, in my riding of the Klondike we have several family-run businesses. How would this bill affect them? Has there been any consultation with these businesses? Mr. Speaker, we have a large number of industries in Yukon; why is there such heavy focus on the entertainment industry? Is there any indication that there are greater problems or greater risks with that industry? One example of this overemphasis on the entertainment industry is the restriction around split shifts that only apply to film industry and not other industries. Split shifts can and are fairly common in all industries. Has there been any thought regarding youth in the entertainment industries doing stunts? Where would you draw the line?

Mr. Speaker, a lot of parents and young workers depend on their part-time jobs in the summer to buy their own things, whether sports related, clothing, possibly saving for their future education, future travel or their own vehicle. I know that I worked when I was young to save up for my first motorcycle. How will this bill affect their future earnings?

Mr. Speaker, will young workers be discouraged from starting their own business? Is a person with their own child affected by this legislation? Mr. Speaker, we need to open doors for young families. We do not need more people on social assistance. What consultation has been done with employers? What consultation has been done with families or even the youth who are working?

Mr. Speaker, as this bill is taken into consideration, the protection for young workers — including the departments such as Community Services, Education, or the Workers' Compensation Health and Safety Board, and the Health and Social Services Department — consultation needs to be done with those departments and organizations that will be expected to enforce this to see how viable this bill would be. There could be 17- and 18-year-olds who are no longer living at home and are making their own way in the world. How will this bill affect them?

Mr. Speaker, this question carries on from my previous concern with regard to young families. What would qualify the director of employment standards to approve adolescents working in specific industries, or impose conditions on the employment of adolescents? How could this position be expected to have sufficient knowledge of the work environment of all industries?

This bill focuses mainly on employers and employers' workplaces. How will this act affect volunteers' activities, or small jobs done for homeowners, such as yard work, errands, and housework? What about young workers' seasonal jobs? Does this affect them? Who will determine, and how will they determine, whether employment is or is not —

**Some Hon. Member:** (Inaudible)

### Point of order

**Speaker:** The Member for Mount Lorne, on a point of order.

**Mr. Cardiff:** On a point of order, I recognize what the Member for Klondike is speaking about. The business before the House is a motion about child labour. The member is talk-



ing about a bill we debated last Wednesday. It does have some relevance to it, but I believe the member should be talking about his motion, rather than about the bill that was introduced last week.

**Speaker:** The Member for Klondike, on the point of order.

**Mr. Nordick:** I do believe the member opposite just defeated his own point of order by saying it is relevant.

### Speaker's ruling

**Speaker:** From the Chair's perspective, there is a relevancy the Member for Klondike is speaking of, but I thank the member for the point of order. You have the floor, Member for Klondike.

**Mr. Nordick:** Like I was saying, what about young workers' seasonal jobs? How does this affect them? Who will determine, and how will they determine, whether employment is or is not likely to be injurious — how and who will determine whether employment is dangerous or is not dangerous?

Where is the parents' role in deciding, along with the children, what their future may hold for the future leaders of this territory?

Mr. Speaker, this proposed bill has very restrictive work hours. Another very important question: why do restrictions for early morning shifts, midnight to 6:00 a.m. only apply to adolescents and exclude older high school students? Mr. Speaker, the *Employment Standards Act* states that someone under 17 cannot be employed in occupations that may be specified by regulations or contrary to such conditions as may be prescribed by regulations. The *Employment Standards Act* has some restrictions on employment of those under 16. Mine safety regulations under the *Occupational Health and Safety Act* say that anybody under 16 cannot be employed in or about a mine. At age 16, a young person can be employed at the surface of the mine, but certainly not at the face of the mine. Blasting regulations under the *Occupational Health and Safety Act* state that anyone under 18 cannot be employed underground or at a working face of a surface mine. So that's covered by both acts.

*Apprentice Training Act* — under 16 cannot be trained in designated occupations, so they have lists of these things that people under 16 cannot apprentice with because of their age. The *Education Act* — those under 16 must attend school. The superintendent or the director may, on application from a student or a parent, excuse the student from attending school and may attach conditions to the permission to be excused. This is why we are debating this motion today.

The motion:

“THAT this House urges the Government of Yukon to request the Employment Standards Board, in conjunction with the Yukon Workers' Compensation Health and Safety Board to:

“(1) conduct a thorough review and assessment of the current situation involving the employment of children and the young people in the Yukon workforce to ensure protection from hazardous environments, substances and occupations;

“(2) identify gaps in current employment standards, occupational health and safety, and educational legislation in Yukon

governing the employment of children and young people, including consultation with parents and employers; and

“(3) present a report on their findings to the Yukon Legislative Assembly within the first 10 days of the next sitting.

Mr. Speaker, I believe, along with everyone else here today, that the safety of young workers is paramount, but to legislate it with a bill presented to us last week with no consultation would be a mistake. That is why I am requesting unanimous passing of this motion to send a clear message to Yukoners that the members of this Assembly do take the safety of our youth seriously.

Thank you.

**Mr. Fairclough:** I would like to respond to the motion that was presented by the Member for Klondike. He laid out his rationale for why this motion has been brought forward. I think that it would serve the House and the public good if there were more debate on Bill. No. 109 that was presented by the third party in this House, but they adjourned debate on that bill, so we can't talk about it any further. We can't make recommendations of improvements to it. We can't tell or ask the government to go out and do public consultation on that bill and take it forward as a government, as a government should. We can't do that.

I understand perhaps the government feels the same way and did not want to continue debate on that bill, and now we're debating a motion with a lot of the same things that were in the bill. Mr. Speaker, it's unfortunate that we have to go this route, but it's not to say that we in the Official Opposition are in disagreement with this motion as brought forward by the Member for Klondike. We agree with it.

We think that improvements could be made to the motion also, that this issue needs to be addressed in the Yukon and that maybe we should look at other places across Canada and see exactly what they have as far as legislation for young workers in their legislatures.

The Member for Klondike said — and this is common with the motions he's bringing forward — that he urges his government, the Government of Yukon, to request the Employment Standards Board, in conjunction with the Yukon Workers' Compensation Health and Safety Board, to do things. They are going to request that they do this. I know if, down the road, that legislation gets developed, then, of course, the Yukon government needs to take this task on, too. I know the Member for Klondike would have lots to say on that. And I'm surprised, in bringing forward a motion that has a lot of impact, that the member did not go into more detail as to his rationale with the three points that were listed in his motion.

I think there is a lot to be said about the Yukon over the last 100 years and the workers we've had doing some of the very dangerous work over the years. I know of elders who have spoken to me and told me stories over the years about back in the day when not many people had birth certificates or even packed them around, and would basically lie about their age so that they could get a job. Many of them worked on the steamboats cutting wood and doing hard labour at a very young age of 12 — some even younger and a bit older. They went through

that process of having to basically lie about their age to get a job. It was doing the hard work that has built Yukon into what it is today.

I also had a neighbour in my own community of Carmacks, which I didn't know that he was involved in, but he was up doing the tours across the northern part of Canada with the RCMP — and he, again, was 12 years old when he first started out. And I didn't know, when I went to visit Herschel Island, in one of the buildings there, his name was carved out on a piece of board above a doorway. If I had known that, I would have taken that person with me just for him to see, I guess, where he has been in the past. But these are the types of things that took place many, many years ago.

Now we're asking the Employment Standards Board, along with the Workers' Compensation Health and Safety Board, to conduct a thorough review and assessment of the current situation involving the employment of children and young people in the Yukon workforce, to ensure protection from hazardous environments, substances and occupations.

In a sense I'm glad they're doing it, because there have been times that the Yukon government has taken on tasks like this and all we've seen is review after review, and consultation of those who have already been consulted on different things, and they have dragged it on for years and years and years. I hope that is not the case with this, and I don't believe that it will be.

I'm hoping that the Employment Standards Board, along with the Workers' Compensation Health and Safety Board, is more than willing to take this on, because I do want to give a little history, Mr. Speaker, of child labour in this country. I also wanted to identify gaps in the current employment standards and occupational health and safety and education legislation in the Yukon governing the employment of children and young people, including consultation with parents and employers. I'm going to be speaking to that a bit later also.

I think it was important for the mover of the motion to include this consultation with parents and employers, because I think even parents should be fully aware of the dangers that young people, and their own children, are put in when asked to do a task, whether it's a family business or a small business in the territory. I think they should be well aware of the hazards and the dangers, and having their children know this would give them the opportunity to either not do this job or continue on or, in fact, to be careful, wear the right clothing and so on.

I know we've come a long way over the years. If I went back a number of years to the time when I fought fires here in the territory when the federal government had control over lands and resources, there was a time when you were approached by a federal government employer to go and work: "Do you want to work or not? Yes, you do? Let's go." It was as simple as that. You got into a truck, you'd go to their compound and you'd get ready to go out and fight fire. There was no consideration at that time of wearing proper clothing, proper safety gear, boots, even gloves — none of that. You went out on the fire line the way you were dressed in the community and that is with a t-shirt, running shoes or whatnot — and you worked.

At times there was no attention paid to the number of hours you worked. If you were moved around from one fire to another, for example, you could be working over a 24-hour period without sleep — very hazardous work, I might add.

I know we've come a long way since then. I see people who are working in that industry now who are well-dressed — properly dressed for the job at task. But I know there are people who have been put in danger simply because of that.

One example I'll give was, as we were working on the fire line, there was one person who was cutting the firebreak and using a chainsaw, and cutting a tree down that needed to be cut down, but the ground was smouldering. As he cut the tree down, the exhaust from the chainsaw would heat things up and it heated the ground under his boots and melted part of his boots. Well, in those days, they didn't have standard footwear to use. That was, of course, a hazard and it should have been recognized. I know it has been worked on over the number of years.

So I think the Yukon has come a long way, but we still don't have any legislation in place to really address this. And I'm going to go through that and try to compare what we do here in the territory versus what the rest of Canada has been doing. I may go back to a couple of stories also, as we go through this. For the members' benefit, I just want to go through a bit of the history of child labour here in this country and elsewhere.

The mover of the motion — and I'll get you that — also wants a report to be tabled within the first 10 days of the next sitting. I know that, depending on whether or not this gets approved — and if it does — I'm hoping it does get kicked into high gear and some priority added and that this, in fact, will happen.

If the sitting were to start sometime in January, it doesn't give a whole lot of time for this working group consisting of two major organizations to do its job, particularly when we have nothing to rely on here in the territory for legislation as far as child labour.

Let me go through a couple of them. Just before I do that, Mr. Speaker, I know that when young people come into the workforce that they are energetic, ready to go and oftentimes do not see the hazards that are before them. I had the opportunity to work in the construction industry — most of my work was outside of the Yukon; it was in Alberta. I have taken on many people who have not been in the construction industry and had to go through the training and proper discussions about safety elements of working in the construction field.

Young people have a lot of energy. They can do things that we can't do these days — swinging from rafters down to the floor. It is easy for them to do, but sometimes there are hazards and anybody who is wearing, say, for example, jewelry — whether it is necklaces or even rings — could face some hazards. For example, if a person is moving down from one floor to another and does swing off a rafter — and this has happened to many people, because I've heard many stories about it and they just let their hands slip off the rafters and their ring gets caught and their body ends up swinging, and falling flat on their back. If the ground is not clean around where they are

working, they could be falling on hazardous material. That is one that has happened more often than people realize. I have seen it happen, and that is why I bring it forward. I was quite surprised that that was the reason for the fall.

Now, as far as a history of child labour — child labour has been used in varying forms since the beginning of time. Of course, it could be used in any industry. The example of some of the industries where child labour was documented — mills, of course, is one that comes to mind to many people — newspapers, mines, factories, sales, seafood industry, picking fruit and, of course, many more. It crosses all economic and academic levels of society also. Child labour occurs in developed nations as well as in Third World and economically depressed nations — particularly there we've noticed it, and we see it all the time on the news.

Of course, it can be part of the economic growth for family and country. Children have been used in the agricultural industry basically since the beginning of time.

Before the Industrial Revolution, children were needed on family farms to help with the harvest and other jobs to keep the farm alive. At the beginning of the 19<sup>th</sup> century, and after the Industrial Revolution, some children became economic liabilities for families instead of economic assets, since children were expected to be placed in schools instead of working for the family income or working for food on the table.

Now, certain child labour is not frowned upon at all, and is deemed legal in most places. Perfect examples of this are in the entertainment industry — child actors and singers, of course; let's also not forget the most used of all child labour services, and that's delivering newspapers. Anyone who has run for office and gone knocking on doors has experienced a few threatening moments from dogs and so on, and we all have our little ways in dealing with it. Some keep some dog biscuits in their pockets to deal with that matter. I believe there are people who are faced with this in this industry as well.

Article 32 of the United Nations *Convention on the Rights of the Child* states, "Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development."

In 1990, Canada became the signatory to the *Convention on the Rights of the Child* prohibiting illegal child labour, but not making child labour illegal or prohibited. That's interesting. I'm going to go through legislation across Canada, and I'll read out what the federal government has to say in this regard.

There have been some arguments put forward for the need for child labour, and not out-and-out abolishing this practice. There have been documented cases of when textile factories in underdeveloped countries have been shut down for employing children, and these same children have been forced into scurrilous areas of employment, as they must continue to be an economic source for their family, and this is one unfortunate one — and I know we've all seen documentaries on TV over the years — and one of the main illegal industries that they were forced into was prostitution.

Schooled-at-home children do not necessarily have traditional school hours, and may work for their family at a time that may seem to conflict with them receiving an education. Also, Mr. Speaker, the role of parents through history has been slowly diminishing. Stringent child labour laws are seen as beginning to muddy the waters as to what is an acceptable thing for a child to be asked to do, even within the family.

I'm going to talk later about a magazine that has a lot of numbers and percentages about the rates of young workers in this country.

Child labour legislation in Canada — I'm going to go through this in a couple of different areas. The place — of course, I'm going to either mention what province or territory it is. I'm going to talk about the age, the hours of work and time, the type of work and the restrictions that have been put upon the children through legislation in Canada.

In Canada, Mr. Speaker, an employer may employ a person under the age of 17 but there is no indication of minimum age. The hours of work and time — basically, any time between 6 a.m. — no earlier than 6:00 a.m. — to 11:00 p.m., and no later than 11:00 p.m. The type of work that is allowed here through this legislation by the federal government is — I'll list a few of them: in any office or plant; in any transportation, communications, maintenance or repair service; in any construction work; in any employment in any federal work, undertaking or business.

Now the restrictions that are supplied here — this is through the federal government — and, as I have read through this, those who are paying attention can see the differences between the provinces versus what the Government of Canada has to offer and Yukon Territory. Restrictions — if not required to attend school. So they can work in these types of work if they are not required to attend school. No work in underground mines. This is through the federal government and there is no mention of that here in the territory. But I just wanted to make one mention of this. As I was growing up and attending school in Carmacks, mining back then was something big. We had Faro on the go. We had a local mine right in the community that was called the Carmacks coal mine. We had BYG at Mount Nansen.

We had many placer mines that had been around that community. But Carmacks was kind of formed around mining activity out at Mount Nansen. Many knew that there was coal in the community, and they started coal mining in Carmacks on one side of the river, the south side. Back in the 1940s, it caved in and started on fire. And even this present day — I know I've said this in the House before — parts of that hill remain bare because it was warm enough to melt snow in the wintertime.

Since then, they've moved across the river, on the north side, to Tantalus Butte and mined coal out of there and provided coal to Faro for the generation of electricity. Well, during my years in the school there, I had friends who dropped out of school in grade 8 — in grade 8, dropped out of school — grade 8, grade 9, grade 10. I remember this because it was always on my mind because these people went from school right into the coal mine and started making what was considered to be pretty

big money at that time. They were able to buy trucks, motorcycles, and everything else.

It was on the minds of many people. Well, really, why stick with school when you can go right into the mining business and make money? So, even back then, they were working in a very, very dangerous situation. Coal mines are dangerous, and I think that has been recognized across Canada with all of the accidents we've seen. They continued on working as they got older, and they went from one mine to another. They went from Carmacks to Faro and made money. But they were always faced with the challenges and hazards that mining presented to them. They were taken under the wings of the experts, the people with many, many years of experience, to try to basically teach them how to do things properly.

Fortunately, none of those friends who have gone through that process were seriously injured over the years. Some of them are still in the mining industry.

So it's interesting in the federal legislation that any persons under the age of 17 cannot work in an underground mine, and that's understandable.

They also cannot work as a nuclear energy worker. They cannot work under the *Canada Shipping Act*. No risk regarding health and safety; they cannot work — I don't know why it's written that way, but there's no risk regarding health and safety. Also, they cannot work under explosive regulations.

Now let's go to Alberta. The age under their child labour legislation is 12, 13 and 14 years of age. Their hours of work are between 6 a.m. and 9 p.m. — only a two-hour difference than the federal legislation, but there are limitations. Two hours on a school day, and eight hours on a non-school day, and I don't really know how that works on a Friday after school kind of thing, because that's still considered a school day. The types of work they can do are: clerk in a retail store, clerk in an office, delivering newspapers and flyers. And the restrictions that are put upon them are: a permit is required from the director of employment standards — so they have to go through that hurdle to be able to deliver newspapers — or a parent or a guardian must provide a written consent to the employer. So there you can see the concerns of the parents with that legislation.

In the Province of British Columbia, the ages that they have in their legislation are — there's a couple of them — between the ages of 12 to 15 years of age, and they also have a different section for under 12 years old.

I just want to go through all of this so everybody has an understanding of where the provinces are coming from. Between the ages of 12 and 15, you're allowed to work and in the provincial act there's no time limit mentioned for the hours of work. That is quite a bit different from Alberta. Here's another one in British Columbia: there's no specification of the type of work.

I'm interested to hear what the government has to say in regard to the type of work or restrictions and so on. As far as restrictions go, they need to have written consent from parents or guardians. So it's fairly wide open as to the type of work and number of hours.

For children under 12 years of age in the Province of British Columbia, again there's no time limit mentioned in their

legislation. There is also no specification of type of work in their legislation. There is a restriction that they need permission from the director of employment standards, who may set conditions of employment. This is for children under 12 years of age.

In Saskatchewan, the age limit is also different. The minimum age is 16 — another difference across the provinces. The hours of work and the amount of time they can work — they too have no specification in their legislation. They have listed some of the types of work: hotels, restaurants, educational institutions, hospitals and nursing homes — again very different from what others have listed.

The type of restrictions they have upon them is no more than two shifts in any 12-hour period. Also, the employer must provide free transportation between 12:30 a.m. and 7:00 a.m.

This is the latest information, and I'm just wondering how old this piece of child labour legislation is in Saskatchewan.

In Manitoba, they have also a minimum age of 16, the same as with Saskatchewan, and again, under the hours of work and the amount of time that they can work, there is no specification in their legislation either. The type of work that they can do — they have not listed anything at all; there is no specification in their legislation under the type of work. But under the restrictions, and everybody seems to have this, you need a permit from the employment standards office if under the age of 16. So, employment standards have to provide that. Also the child's parents and guardian or employer, school principal, must sign the permit application form.

Now in Ontario, we'll see some of the same things that are listed in other provincial legislation as well. When it comes to age, there is no minimum age specified under their *Employment Standards Act*. There are no specifications of hours of work or time and there are no specifications of the type of work, but there are restrictions. I want to read through that because it's a bit different from what other provinces have been putting forward.

Eighteen years is the restriction for underground mines, 16 years for mining plants or surface mines, 18 years for window cleaning, 16 years for construction and logging, 15 years for factory operation and repair shops, and 14 years for all other industrial establishments. Let's keep going.

Quebec — they, along with a couple of the other provinces, have 14 years of age as a restriction and they have, for the hours of work and time, between 6:00 a.m. — no earlier — and 11:00 p.m. — no later. For the type of work, there is no specification in their legislation but they do have restrictions. Children under 14 need the written consent from a parent or guardian; children under 14 — no work during school hours. So it doesn't seem that Quebec has very strong legislation in their province when it comes to child labour, but I think it's better than ours.

In New Brunswick, the age is between 14 and 16 years, with restrictions. Their time is a little different from Quebec, too. The hours of work run from 6:00 a.m. — no earlier, to 10:00 p.m. — no later. That's an hour difference from Quebec. And there is no specification on the type of work. Under restrictions, they do have a bit more listed in New Brunswick: children under 16 — no more than six hours of work in a day;

children under 16 — maximum of three hours of work on a school day; children under 16 — maximum of eight hours attending school and working — I would assume that's a combination.

Children under 14 should not be employed in any industrial undertaking. In the forest industry, they cannot be employed. They cannot be employed in a garage or automotive service station. Children under 14 should not — I shouldn't say "cannot"; it is "should not"; those are the words they use — be employed in a hotel or restaurant; they should not be employed in a theatre, dancehall or shooting gallery or as an elevator operator.

In Nova Scotia, they list the age of between 14 and 16 years with restrictions. They have a bigger list of restrictions here and some of them are familiar. The number of hours they can work: for 14 and under, it says no more than eight hours a day; no more than three hours on a school day without a certificate; and also between — they must have gotten this one from Nova Scotia — the hours of 6:00 a.m. — no earlier — and 10:00 p.m., no later than 10:00 p.m. Time in school and at work should not exceed eight hours. That was both in New Brunswick and Nova Scotia.

The type of work in this legislation: there is none listed. For restrictions: children under 16 should not be employed in the mining industry, manufacturing, construction or forestry, in garages or automotive services, hotels and restaurants, or billiard rooms. It also says here — this is a little different — that code rules for children under 16 do not apply when employed by family members.

In Newfoundland and Labrador, the age is once again 16 years of age with the restrictions, and their times are a bit different — and I don't know exactly why their times are a bit different — but 7:00 a.m., a shorter time period, Mr. Speaker — no earlier than that — to 10:00 p.m., no later. And no more than eight hours a day, no more than three hours — they can work three hours only on a school day. The time in school and work must not exceed eight hours. Quite a few have had that, and I think perhaps one of these is what other provinces had looked at and what Yukon can do, too. But this one says that that they need a rest period of 12 hours.

Another interesting one is "no employment while a strike or lockout is in progress."

I've only got a couple more provinces here to read off, but they're all in regard to urging these two bodies, the Workers' Compensation Health and Safety Board and Employment Standards, which I've referred to in some of this legislation, which Yukon could develop. And when I get to the Yukon, it'll be interesting to see that.

When I get to the Yukon, it'll be interesting to see that. There are no specifications of the type of work and the only thing is that for children under 16, the employer must obtain written consent from the parent. An under-14-year-old cannot do hazardous work unless prescribed in the regulations under the act.

Prince Edward Island has the same age limit. The hours are between 7 a.m. and 11 p.m. There is no specification of the type of work they cannot do. Under restrictions — children

under 16 — no employer is allowed to employ a child in construction, no work during school hours, maximum of three hours a day on a school day, and no more than 40 hours in a week. They are the only ones who have basically listed that.

Now we're down to the territories. Both Nunavut and Northwest Territories are listed as having the same legislation. Their age limit is under 17 years of age. The hours of work are between 6 a.m. and 11 p.m.

They do not have specifications of the type of work, but they do have restrictions. In Nunavut and Northwest Territories, children under 17 cannot be employed in the construction industry, underground or in an open pit or quarry, as a hoist operator, where asbestos or silica processing is conducted. Children under 19 cannot be employed where liquor is sold or kept for sale. That one is different from all others in the provinces.

Let's have a look at the Yukon for child labour legislation in Canada. Ages: there are no provisions for a minimum age. Hours of work and time: no provisions for hours of work. Type of work they can do: there are no specifications, of course. Restrictions: no minimum wage for children under 17. So understandably the mover of the motion wants to put something in place for the territory to have these two bodies go out and talk to people and consult.

I want to talk about a couple of things and, of course, it's directly related to the motion, because we are requesting that the Employment Standards Board and the Workers' Compensation Health and Safety Board go out and conduct a thorough review and assess our current situation. That's why I listed what's across Canada and what we have here in the territory. I'm sure all members were interested in that.

I want to go through a couple of things, I guess, from the *Construction Safety* magazine. Because the mover of the motion talked about a bill that was brought forward by the third party, and they basically adjourned debate on it, I don't think we'll ever get back to it.

There was direction there to involve any amendments or changes to move things forward, and I guess what resulted out of that, as the mover of the motion said, is the development of this motion we have before us.

Now, the task is also to identify gaps in current employment standards. So, I wanted to bring out a couple of things. I'm working from the *Construction Safety* magazine on things that they point out. They ask, "Did you know that young workers constitute the largest percentage of part-time, temporary, seasonal, contract and casual workforce?" More than 40 percent of young workers are in businesses with fewer than 20 employees, and on average these companies have higher injury rates than larger companies.

In Ontario, only 40 percent of young workers receive health and safety training before starting their job or within the first few weeks of work. Quite often those who are starting off in the workforce, whether it's after finishing high school or even during their time in post-secondary, this is a complaint they bring home: they haven't told us about the dangers of working in this type of work, whether it is construction or even in a kitchen.

I mentioned earlier that I was glad to see the mover of the motion involve parents in this, including consultation with the parents and employers and that is under (2) in the motion. I could see why, because only about half of parents talk to their children about safety at work and advise them to be cautious. I know from the past, some people are just stuck with a certain employment for many, many years of their life and quite often do not know the hazards that await anyone on different types of jobs. It wouldn't be common knowledge for many of us, but if it was brought to our attention through education, even at the younger years, as we grow up, we should be able to pass that advice on to our children who are entering the workforce. I think 50 percent is, by far, not good enough, for parents who talk to their children about safety.

As I went through the ages on the different child labour legislations in Canada — we're dealing with employment standards for health and safety of children and young people and that's why I've listed the ages there. A young worker is defined by Statistics Canada as a person between the ages of 15 and 24. Now, comparing young workers 15 to 24 to older workers reveals a correlation between injuries and age. That's why I brought the other information forward too.

A common question that's asked is: why are young people at greater risk than older workers? Now of course the talks given by parents to children is one factor and the type of industry, of course, is another.

The high-risk sectors, such as construction, tend to create unfamiliar hazards with young workers. In 2000, young workers in Ontario construction accounted for about 18 percent of lost-time injuries out of an industry total in all ages of 5,980. That accounted for 1,084 lost-time injuries. That's quite high.

The Alberta occupational health and safety department has determined that the first few months on the job tend to lead to risk of personal injury. Of course, this leads to the conclusion to support the need for worker orientation and training before the work starts.

Now, Alberta recommends several measures of reducing risks to young people, to young workers, and as we give this direction to the Workers' Compensation Health and Safety Board and the Employment Standards Board, to go out and do an assessment, and do a review, maybe some of the points that I've pointed out would help them in that process. Alberta recommends several measures for reducing risks. One of them is intervention during the first few weeks of employment, training to ensure safe work practices are effectively communicated and applied, a site orientation, and an industry-wide basic accreditation training program. Too often, the failure to provide competent supervision, to deliver training, to follow acceptable industry practice and to take reasonable precautions can lead to occupational industry illness or even death. These preventable accidents impact society in many ways, not only on the physical, but also the physiological effects that can last a lifetime.

We all recognize our young workers perhaps may not know the ropes when they first start, but some of the risks and hazards are not only connected to them, but also to new employees, and they, of course, could be a little older. They face the same thing. If they come on a construction site and are un-

familiar with the hazards that are before them, they would be in no different a position than some of the young workers. But if they're familiar with that type of industry, of course, they would be looking for these areas that they may get hurt in during the employment.

I want to go on with more of this because I think it's important. I'm not going to go through all of the information, but as the mover of the motion is requesting Employment Standards Boards to do some review and assessment of the current situation here in the territory, a lot needs to be looked at.

Although some of the work in the provinces is not here, it doesn't mean that we should not be given advice, making sure that some of the hazards of the job are known, because a lot of our young workers here in the territory, students and so on, end up living in the provinces where they can attend post-secondary schooling; nowadays a lot of them aren't coming back simply because there is employment in the provinces that they can get fairly easily — the same type of employment they would have gotten here — and have the opportunity to stay in the city.

The Farm Safety Association in Ontario has identified two factors that help explain why young workers have more accidents than older workers. One is the immortality factor that comes into play for young workers who consider themselves invincible. The other is the lack of experience and training. I know I talked a little bit about the first one earlier and that is so true when anyone takes them out and does some work with them. Of course new workers often try to create a good impression by working hard and fast, but sometimes they can't recognize the hazards before them and are reluctant to report any unsafe conditions for fear of reprisal from employers. We hear that over and over again. I know many of the younger people do want to be employed. Some of them are very seasonal and do not want to make any complaints that would jeopardize their summer employment, for example.

In addition to these factors, there are physical demands placed on young workers, especially in labour-intensive jobs such as construction. Entry-level training programs can help to offset some risks to young workers. Investment in entry-level training can reduce injuries to young workers now and lead to a safer, healthier workplace in the future. In several industries and jurisdictions, entry-level training has improved accident prevention by increasing awareness and compliance. The Workplace Hazardous Materials Information System in place across Canada is one example of how training has helped reduce occupational hazards. I'm sure that those who are charged with the task of reviewing and assessing the current situation in the Yukon will take all that into consideration.

Now, certification or accreditation of employers in workplace health and safety is another approach that has proven successful in Alberta and Nova Scotia. I don't think that we have to change things here if it works elsewhere in some of the provinces, although these new policies come with a price tag — of course they do. The long-term benefits will be worth the investment, especially in protecting young construction workers from occupational injury, disease and death.

As I said before, statistics show that a significant percentage of all injuries to workers occur within their first 30 days on

the job. This fact highlights the importance of training and orientation, especially for young workers. I want to get back to an example that I used earlier when it comes to that. Now, of course, the inexperienced workers are generally involved in more accidents than veteran workers. Although experience increases safety awareness, early education in health safety and job skills can improve the safety record for new workers right from the start.

Accident prevention training should begin as soon as a young worker joins the company. Training is a vital part of orientation. I bring this up, again, because some of the jobs here in the territory are seasonal. There is not much time in the summer months to even learn all the hazards of the industry. I brought forward the fire suppression industry and it could be only an employment of the summer months or even 30 days. I know now they do some orientation: for example, some of them take courses beforehand; others who have been there for quite some time and are hired are not certified workers — their pay is a little less — but they do get some orientation for the really, really hazardous part of the job. One example is getting in and out of a helicopter.

A helicopter pilot has to take you aside and talk with you about where to walk, how to approach a helicopter, what not to carry, how to pack things properly, and what can and cannot go on a helicopter. They do that work, but not all of the time. There are times when you're in a dangerous situation and that orientation just doesn't take place. I say this because not every worker — for example in fire suppression — would be flown out to a work site. They could be driven there, be at a camp and if this camp has been burned out by a forest fire, then the emergency situation could be that they're evacuated by helicopter and they don't go through that orientation that's provided to them.

As to the workplace hazardous material information — the surveys conducted by WSIB and other organizations indicate that young workers have some thoughts and beliefs and attitudes that could be dangerous. I want to list a couple of them, because I think most of us could relate to it and perhaps see some life experiences too. They could say this, that "I'll do almost anything my employer asks me to." "I trust my employer not to make me do anything unsafe or dangerous." And this is, again, Mr. Speaker, young workers' thoughts and beliefs and attitudes. "I assume the equipment and chemicals I work with are safe." And often say: "I don't know much about health and safety rights and responsibilities." And this one comes up even with government employees, Mr. Speaker: "I don't want to ask too many questions. I may lose my job."

If there are many people to fill your job then you can understand why they might have these thoughts and beliefs. "I don't want my boss to think I complain too much about hazards". "I wish I could talk to someone my own age." These are some of the things that they say. "The training I get is basically on the job. Not much of it involves health or safety." "It is not an injury unless I can't do my job any more." Those are some of the thoughts of some young workers. Let me just say a couple more now. I think I mentioned this one somewhere else too: "I've got to work hard and fast. I don't want anyone to think

I'm lazy." And by doing that, of course, you could put yourself in a position of being injured. "I'll make do with whatever tools and equipment they give me." Here is another one when it comes to what some of the young people think and believe and what their attitudes are.

Everyone talks about safety but when it comes to getting the job done, they don't have time for it. Now, again, the studies conducted by the WSIB and other organizations indicate how to get young employees to listen, follow instructions and to understand why working safely is important.

Here are more thoughts: "Show me realistic cause-and-effect examples of what can go wrong." And they often say, "Show me real situations, including blood and gore." Now, sometimes that does have an effect to ensure that people do their job in a safe manner. We sometimes use that type of tactic when it comes to showing people the effects of drinking and driving, for example.

"Pay me for the time you want me to spend training or reading stuff you give me." "Give me time to work and read the policy, rather than telling me to read it on my own. Don't just tell me to be careful. Show me how to do it right."

Here is one: "Why should I wear safety equipment if other guys don't?" There are many common types of injuries to new and young workers. Falling, of course, is one of them.

I bring this up, Mr. Speaker, because when we read the motion, where it says, "identify gaps in current employment standards," I think we need to recognize, first of all, the different types of injuries that do take place here in the Yukon in the employment of children and young people. We are also asking them to consult, review and assess the current situation with parents and employers. I think part of the information is that what's being provided here could be taken by the Yukon Workers' Compensation Health and Safety Board and the Employment Standards Board — and listen to some of the employers. It may strike a conversation or an interest in some of the particular injuries of young workers. Falling, of course, is one.

Here's one that I don't think is really applied directly to young people, but it could be to everyone: working on ladders. Some people, sometimes, do not use their common sense in how to use a ladder, even those who have been climbing up ladders for years and years and years, and figure that where they put the ladder, whether it's on a tree or building, is safe. They don't use the proper precautions — for example, having another person on the bottom holding the ladder sturdy, and so on. I have known many people who have fallen from ladders over the years. A lot of them are right at home, doing tasks around the house and a lot of them have been badly hurt because of this, because it seems that when you fall off of a ladder, it always seems to be an awkward fall.

As we develop these standards — if one is being developed — there should be an assessment of what is in place now for warnings and how to use equipment properly. I bring this up because it is so common. We need to warn workers about ladders, whether they're properly set up or maintained or used. A lot of people use ladders that are not maintained properly and are worn out and unsafe.

Housekeeping is another one; electrical contact; trenches — this is another area we've experienced often, as we grew up working here in the territory. Many young workers and even kids I've known who would fall under the age of 12 would quite often play in the trenches that were dug up by equipment for laying — whether it's water lines or sewer lines or whatnot.

And there are other things too, like properly backing up a vehicle and not injuring a co-worker. Here's another one right here, and it is scaffolds. Quite often, in the territory, particularly in rural Yukon, you can't just go out and rent scaffolding like you can here in Whitehorse. So they build their own made of wood and they have to try to secure it to the wall. Usually this is in the construction business of building homes, houses and renovations. Quite often, people are hurt on scaffolding.

The other ones are guardrails. Even if there were rails temporarily set up, so that you're not stepping off the side or in a hole, for example. If you're building a house, there is always a hole that you cut out to put stairways in, and stairs don't get built until later on. And those need to be ribboned-off or temporary rails need to be put in place if construction will continue before the proper railing is put in place.

More stuff there — lots of stuff, Mr. Speaker. Now I know others are going to be bringing up stats here in the territory and around Canada and so on. There are a couple that I would like to bring forward. This was according to the International Programme on the Elimination of Child Labour, the ILO. There are 218 million child labourers in the world. This means that 14 percent of children between the ages of five and 17 years are child labourers.

This means that one in seven children around the world is a child labourer. We don't think of those types of numbers at all when we look at our own territory. Sixty-nine percent of child labourers work in agriculture, hunting, forestry, fishing and the agriculture of cotton and cocoa production, for example. Twenty-two percent work in the service industry — retail, restaurants and hotels, transport, finance, business, community and social services. Nine percent work in industry — mining, quarrying, manufacturing, construction and public utilities.

Every year, 22,000 children die in work-related accidents. That's quite a high number, considering the population of the Yukon is just over 30,000. Progress has been made, and the number of child labourers fell globally by 11 percent between 2002 and 2006, and the number of children in hazardous work decreased by 26 percent.

Now, here are some frequently asked questions. I'll quickly read through them and then I want to go back into the Canadian occupational health and safety issue that has been brought forward.

I have some frequently asked questions. Why does child labour exist? Why is child labour a problem? Isn't child labour illegal? Is child labour harmful? How does child labour harm young people? Is child labour necessary for poor families to survive? What can be done about child labour? Should we boycott? How can I take action against child labour?

I could go through the details of every one of these areas if people would like, but I'll just put that to the side for now.

As the motion reads, Mr. Speaker, "urges the Government of Yukon to request the Employment Standards Board, in conjunction with the Yukon Workers' Compensation Health and Safety Board, to: (1) conduct a thorough review and assessment" — what we wanted to do was to ensure that others are talked to. We would like to see parents and those in urban and rural Yukon be part of this review and assessment. Part of the task is to identify the gaps in the current employment standards. I said at the beginning that we in the Official Opposition are not opposed to this motion, but perhaps it could be improved.

I'm sure that the Yukon Party will be in agreement with this amendment.

*Amendment proposed*

**Mr. Fairclough:** I would like to move

THAT Motion No. 542 be amended by inserting immediately after the words "Health and Safety Board" the following: "and the Yukon Human Rights Commission,".

**Speaker:** The amendment as proposed by the Member for Mayo-Tatchun is in order and reads as follows:

THAT Motion No. 542 be amended by inserting immediately after the words "Health and Safety Board" the following: "and the Yukon Human Rights Commission,".

Member for Mayo-Tatchun, you have the floor.

**Mr. Fairclough:** I asked that the Human Rights Commission be included. I know that members opposite want to task the Yukon Workers' Compensation Health and Safety Board and the Employment Standards Board with this review and this assessment. We felt that the Human Rights Commission would add to this review and identify the gaps that are current in the employment standards. There is also the fact that the *Human Rights Act* supersedes all others, and the *Human Rights Act* does talk about the age of those who could be employed and perhaps this motion may be discriminatory toward the age that's being suggested. I've listed off all the different ages within the different provinces. We feel the Human Rights Commission can play an important role in this review, making recommendations as the members opposite like to have.

*Power outage*

**Speaker:** We will recess until the power comes back on.

*Recess*

**Speaker:** I will now call the House to order.

Member for Mayo-Tatchun, you had the floor and you have 17 minutes, 43 seconds left on the amendment. Thank you.

**Mr. Fairclough:** I brought forward the amendment. I'm sure that all members of this House would agree with it. It's not changing the motion dramatically in any way, but providing the Human Rights Commission with an opportunity to



be involved because of a couple of things — because of the act, first of all, and the fact that they would like to be part of any debate of any legislation to ensure that it does conform with the *Human Rights Act*.

That is one reason why I have brought this forward. I am sure that members will see that it's not changing the motion dramatically in any way, but would aid the way it is written. There is also the fact that, under discriminatory practices, age is a prohibited ground. Part of the *Human Rights Act*, under section 9(b), is that there is prohibited discrimination in connection with any aspect of any employment or application for employment. Simply put, that is one of the reasons why we wanted to include the Human Rights Commission and I think that members opposite would agree with the amendment. They shouldn't have a problem with including the Human Rights Commission to work along with the Employment Standards Board and the Yukon Workers' Compensation Health and Safety Board.

In short, I look forward to what others have to say about this amendment coming forward and whether they agree with us in bringing forward this amendment. I do not see that this amendment changes this motion brought forward by the Member for Klondike in any major way, but perhaps improves it to the point of having another set of eyes to make sure the *Human Rights Act* is followed in the development of any legislation that could be coming down the road.

We feel the Human Rights Commission should be involved; I'm sure the government would agree with that but I'll wait to hear what the government side has to say.

**Mr. Cardiff:** Just briefly on the amendment, I don't really have a lot to say about this. I have a lot to say about the motion but, on the amendment itself, just briefly I would say I don't have a problem with the involvement of the Yukon Human Rights Commission.

What I would say, however, is that, given the short time frame and what we know about the Human Rights Commission and their experiences with participating in other processes that have gone on in the past little while, and their ability to do that and the resources that are provided for them to do that, should this motion or amendment succeed, I would hope that the government would provide adequate resources in order for them to participate in the process.

That's all I have to say. Thank you.

**Mr. Inverarity:** I think I'd like to start off by addressing not just the amendment, but also the act as it pertains to the amendment —

**Some Hon. Member:** (Inaudible)

#### Point of order

**Speaker:** On a point of order, go ahead.

**Hon. Mr. Cathers:** Mr. Speaker, the Member for Porter Creek South just stood and indicated an intent to start talking about the act. Members, of course, on an amendment are supposed to talk about that amendment, and to go not only beyond that amendment and beyond the motion being amended into another piece of legislation that was brought forward is

straying well beyond the standard of debate, and I would bring that to your attention for your consideration.

**Speaker:** The Member for Mayo-Tatchun, on the point of order.

**Mr. Fairclough:** I believe that what my colleague was doing was introducing the amendment and how other things pertain to it, so I don't feel he was speaking of the amendment, but perhaps how other information like the *Human Rights Act* — which is part of the Human Rights Commission — may be part of making improvements to it, so I feel that he's fully entitled to make reference to the *Human Rights Act* because the amendment is about including the Human Rights Commission and some of the things that I've explained included the Human Rights Commission.

#### Speaker's ruling

**Speaker:** Any further responses to the point of order?

Hearing none, I feel that the Chair didn't have adequate time to establish whether the Member for Porter Creek South was straying off the topic, but I'll just take this moment to remind the honourable member that we are discussing the amendment to this motion.

Member for Porter Creek South, you have the floor.

**Mr. Inverarity:** Thank you very much. I think clearly the addition of the Yukon Human Rights Commission to this particular motion will stand the motion in very good stead. Having just spent a lengthy period of time — six or eight months now — on the special select committee reviewing it — reviewing the human rights — one of the things that I heard in my travels around the community was the fact there is not enough input into our legislation in general that looks at how it impacts upon the *Human Rights Act*. This particular case is another example of the government coming forward with a motion on the floor to urge the government to request the Employment Standards Board and the Yukon Workers' Compensation Health and Safety Board to conduct a review of suggested legislation.

But I think that the important thing here is that the particular motion doesn't go to the length that it needs to go to address these other broader issues that are out there. The Yukon Human Rights Board looks at a lot of legislation. They look at how it impacts upon things — and my colleague here just a few minutes ago referred to the act and how one of the prohibited grounds is age.

Yet here we're going to go, and we're going to ask Workers' Compensation Health and Safety Board, and we're going to ask the Employment Standards Board to come up with relevant information about how young people should or should not be working within the Yukon. Surely there are safety issues to be concerned about, but on one hand we have one board, the Yukon Human Rights Commission, in this particular case, and the Board of Adjudication saying, "We want to open up. We want young people to be able to go out and do whatever they want. We want them to be able to file complaints." Yet we turn around and now we're looking at restricting the ability of young people to go out and earn a living — to do things within the community and to work.

I know for myself — you know, I started working at a fairly early age; I've mentioned this before. I think we need to look at these kinds of things to see exactly how they relate to other pieces of legislation. Clearly, the Yukon Human Rights Commission has a role to play in determining whether or not this particular motion is even going to be valid. I mean, I could pick out other errors that I think particularly relate to the motion, but by adding the Yukon Human Rights Commission, clearly, we're going to get more eyes on it. And I think that's an important issue at the present moment, to discuss how the Yukon human rights can benefit any type of report that comes out.

One of the other comments that my colleague made was in reference to prohibited grounds. Just to read that, it says under (9) that no person shall discriminate and it talks about offering or providing services, goods or facilities to the public. Then in (2): in conjunction with any aspect of employment or application for employment. That means that if a person is age 10 and wants to seek a job, the Yukon Human Rights Commission is going to stand behind that person to be able to go out and work. In case the members on the opposite side aren't aware of it, the *Yukon Human Rights Act* in fact supersedes every other piece of legislation with the exception, I think, of the *Umbrella Final Agreement*. It has jurisdiction over everything else.

Why would we not want to include them in this discussion? I think it's relevant and important. Beyond anything else, the Yukon Human Rights Commission needs to be at the table. They have certainly expressed that particular concern to the special select committee that is reviewing the act at the present moment.

One of the other things that came up in debate a little bit earlier was a discussion about maybe allowing young people to work subject to their family providing approval and that sort of thing. Well, I've had individuals come to me who are 17, 18 years old who had wanted to work for me in previous lives that I've had. This one lad, I remember, Mr. Speaker —

### Speaker's statement

**Speaker:** Sit down please.

I would draw all members' attention to Standing Order 35, which reads as follows: "When taking part in a debate on an amendment to a motion: (a) the member moving an amendment has the right to speak both to the main question and the amendment in one speech; (b) a member, other than the mover, shall confine debate to the subject of the amendment."

So I understand that we've had a fair amount of latitude here today. The Member for Porter Creek South was starting to move into more anecdotal areas, and I ask the honourable member not to do that. You are speaking to the amendment, please.

**Mr. Inverarity:** I think it is important for us to remember that when we look at all of these motions — in particular this one — the request for having the Yukon Human Rights Commission added to it — I think I've articulated my position fairly well here at the present moment. I think that they have an interest; they've expressed an interest in trying to look at all legislation within government. Not bringing them in early

in this debate is going to be a critical mistake to the overall results of this particular motion. I will save my comments for other aspects of the debate. And so at that point, Mr. Speaker, I commend this question.

**Mr. Mitchell:** I will be very brief, because I look forward to speaking to the motion itself — as amended if the amendment carries — rather than speaking to the amendment for very long. I know there are other members who wish to speak. I just want to say that I believe the Member for Porter Creek South has cogently laid out the reasons why adding the wording regarding the Human Rights Commission being put forward as part of the group to do the review and assessment of the current situation involving the employment of children and young people is very important.

It's important because you want to do something once and not have to do it again. We've seen other examples in this House where we've heard from the Human Rights Commission, we've heard from the Ombudsman/Privacy Commissioner that, in their view, they were not adequately consulted on pieces of legislation and had concerns on that legislation that they felt needed to be addressed.

Should this review and assessment lead to either Bill No. 109, standing in the name of the Member for Mount Lorne, or any other legislation coming forward to address the issue of youth employment, then we want to make sure that we don't have groups coming in at the eleventh hour saying, "We weren't consulted. We have information that's pertinent to this legislation, and we think that we need to pull back from passing the legislation until we have been heard."

What we've seen in the past is that there is not much appetite on the government side for allowing any interested stakeholders, including boards and commissions like the Human Rights Commission or the Ombudsman/Privacy Commissioner to address the issue at that hour. The government, generally speaking, wants to move forward with legislation in the form in which it tables it. If that's going to be the case, then we should make sure — based on the information that the Member for Porter Creek South and the Member for Mayo-Tatchun have put forward — that we dot the i's and cross the t's and if there are particular aspects of youth employment that the Human Rights Commission and indeed the *Human Rights Act* are pertinent to, then we should make sure they have their say during the review and consultation stage. If any other members feel there are other groups or agencies, then so be it, but this one has been identified; it has been well presented very briefly by the Member for Mayo-Tatchun and expanded upon by the Member for Porter Creek South.

I think that if the members opposite are truly interested in making sure we get any legislation that results from a review correct, then they should be supportive of this to make sure that we don't find there are groups telling us at the end of the day that we got it wrong.

With that, I'll leave the time for other members to speak. I look forward to speaking to the original motion.

**Speaker:** On the amendment, are you prepared for the question?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Fentie:** Disagree.

**Hon. Mr. Cathers:** Disagree.

**Hon. Ms. Taylor:** Disagree.

**Hon. Mr. Rouble:** Disagree.

**Hon. Mr. Lang:** Disagree.

**Hon. Ms. Horne:** Disagree.

**Hon. Mr. Hart:** Disagree.

**Mr. Nordick:** Disagree.

**Mr. Mitchell:** Agree.

**Mr. McRobb:** Agree.

**Mr. Elias:** Agree.

**Mr. Fairclough:** Agree.

**Mr. Inverarity:** Agree.

**Mr. Cardiff:** Agree.

**Mr. Edzerza:** Agree.

**Clerk:** Mr. Speaker, the results are seven yea, eight nay.

**Speaker:** The nays have it. I declare the amendment defeated.

*Amendment to Motion No. 542 negatived*

**Speaker:** Is there any debate on the main motion?

**Mr. Cardiff:** In the short time we have left today, I would like to get a few things on record about the motion. I, too, have an amendment that I think will be a friendly amendment.

I think what's important here is we need to recognize the purpose of the motion — the purpose of the legislation that was proposed last week was for the protection of children and youth in the workplace. I think that's important.

Was the bill that was presented last week the solution? It's only one piece of a bigger picture in the solution. There is a great need for education — for adequate education, adequate training, and adequate supervision of youth in the workplace. Some of those questions were raised last week.

I would like to talk about one of the things that I didn't get an opportunity to talk about: why there is a need for this type of legislation and why I'm going to support the amendment. I would like to thank the government, actually, for finally getting it that this is important. This was something that came to my attention a little over 12 months ago through the media and the Federation of Labour. Further on in January, I became more aware of it and started hounding them for more information and I had our researchers working on it.

This is a piece of information that came to my attention since last Wednesday, obviously, or I would have talked about last Wednesday. It is an item called "The Teenage Brain" and it

comes from a few years ago. Many experts would agree that our brains are developing over time.

Many experts would have said awhile back that they are mostly developed by age 10 or 12. Until recently, even experts like Dr. Spock would have agreed with that. They would have considered that the first few years of a child's life were the most important and the experiences that a child had during those years would play a crucial role in defining the kind of person that he or she would ultimately become.

The reality is that the majority of brain development does in fact take place during those early years. There are important developmental changes and scientists are discovering that they are still taking place in a big way through the adolescent years and even into the mid-20s. I think that is relevant in the legislation. How have they been able to do this? They have been using magnetic resonance imaging — MRIs — and they are mapping blood flow to the brain and different areas of the brain that are being activated by exposure to various stimuli.

Over the past decades scientists have started to grasp exactly how distinctive the adolescent brain is and how crucial the years are between 10 and 25 — how crucial they are in terms of its development, and their discoveries have implications not only for parents, educators and the medical community, but also for policy-makers. That's what we're doing here today.

So, as it turns out, these experts weren't entirely wrong. As a matter of fact, the brain is 90 to 95 percent of its adult size by the time a child reaches six, but massive changes continue to take place for at least another 15 years, and they involve not just the familiar grey matter, but another substance that's known as "white matter." I'll make this available for all members later; I'll go back and get copies made because I can see that the Minister of Education is really interested in this, and I think it's a good thing.

So, it's a substance known as "white matter," and it's the nerve tissue through which brain cells communicate — literally, the medium that is used to deliver messages. White matter develops continuously from birth onward, with a slight increase during puberty. In contrast, grey matter, the part of the brain responsible for processing information, or the thinking part, develops quickly during childhood and slows in adolescence with the frontal and temporal lobes the last to mature.

This is the important part: the frontal lobe or more precisely, the prefrontal cortex is the home of the so-called "executive functions": planning, organization, judgement, impulse control and reasoning — the part that should be telling the 16-year-old not to dive off the 30-foot cliff into unknown water. So it's about being able to make judgements and we're talking about our young people here and being able to make good judgements in the workplace and to be guided. Hence, yes, we need supervision; we need training; we need education. But we also need legislation, I believe, in order to protect them.

Because the frontal lobes aren't fully developed, it means there's an appetite for experimentation that doesn't necessarily go along with the capacity to make sound judgements and they don't see into the not-so-distant future. In other words, by their

very natures, teenagers are not especially focused or equipped to assess the consequences of their actions.

That's why they end up in serious problems sometimes, either being injured or making bad decisions or not being able to say no when they're asked to do something that's either unsafe or inappropriate. That's why there needs to be some guidance and that's what the purpose was of the legislation that was presented, the *Young Worker Protection Act*. That's why we need that.

Yes, some teenagers do slide through adolescence relatively unscathed. There is no doubt that adolescents in the throes of hormone surges and brain development are extremely vulnerable to making poor choices, to mental health problems, and to even death or injury is what the experts are saying. Developing brains often can't handle organizational problems. They have more trouble making social, political and moral judgements. They have to be reminded of potential consequences and carefully directed toward risks that aren't quite so risky.

Developing adults need appropriate amounts of independence, freedom and responsibility and, I would argue, guidance, training, education and supervision in the workplace. That's the purpose behind the bill that was presented last week and I believe that it is the purpose behind this motion. I can support the motion, but I would like to move a friendly amendment. In some respects, this addresses what I just spoke about — how a young person's adolescent brain develops. It actually gives me some insight into some of the things I did when I was a youth and some of the things that I probably could have used a bit more guidance on when I made decisions. I think everyone in this Legislature can relate to that. We need to involve youth in the discussion about the formation of this legislation.

So I agree with the fact that we do need to conduct a thorough review and assessment of the situation involving the employment of children and young people. I think we do need to ensure their protection from hazardous environments, substances and occupations. I would argue that we don't want to see exploitation either. We do need to identify the gaps.

*Amendment proposed*

**Mr. Cardiff:** I move

THAT Motion No. 542 be amended by deleting from clause 2 the phrase "including consultations with parents and employers" and replacing it with the phrase "by conducting consultations with parents, employers, youth and labour organizations using Bill No. 109, *Young Worker Protection Act*, as a discussion document".

**Speaker:** The amendment is in order and reads as follows:

THAT Motion No. 542 be amended by deleting from clause 2 the phrase "including consultations with parents and employers" and replacing it with the phrase "by conducting consultations with parents, employers, youth and labour organizations, using Bill No. 109, *Young Worker Protection Act*, as a discussion document".

Member for Mount Lorne, you have the floor. On the amendment please.

**Mr. Cardiff:** I'll be brief in my comments regarding this. I could go on about all of the discussion that took place last week around Bill No. 109. I think the important thing here is that this is a very important issue to us here in the Legislature. I think it's a very important issue for our children and for our grandchildren to ensure that workplaces are safe and free of exploitation and that we have sound, solid rules around that employment so they are protected, that the rules are well known — both for the young people in the workplace and for the employers who are employing them.

I stress it is about that employer/employee relationship. That's what the legislation that's referred to in this amendment was directed at. It's not about contracting with some young person to mow your lawn or shovel your driveway — that's a contract "for" a service; it's not a contract "of" service. There's no employee/employer relationship when you hire some young person off the street to shovel your driveway. That's just like contracting. It's about that employee/employer relationship.

There's a power relationship there as well. I think that power relationship is what I was talking about earlier in the development of a young person's brain. Even up to the age of 25 — when you read the information that was provided — they're not in a position to make those sound judgements. I think that's one of the reasons why we need to have some legislation to guide what the rules are in those relationships and to ensure that our children are safe — health, safety — and that they're free from exploitation and are treated fairly in the workplace.

So, with that, I have nothing further to add. I look forward to — I hope — the passage of this amendment and the passage of the motion as well, so that we can get on with the process and look forward to the report to come in the spring sitting of the Legislative Assembly.

**Mr. Nordick:** On the amendment, the government side agrees with this amendment. But I'd like to say one positive thing with bringing forward an amendment in less than two hours — it does provide us with time to debate the motion itself.

**Mr. McRobb:** We, too, are in support of this amendment. We think it adds some constructive information to the consultation. I would further add that perhaps the *Hansard* from the afternoon of November 5, when the bill was debated, would also be beneficial to those involved in the consultations.

**Speaker:** Are you prepared for the question on the amendment?

*Amendment to Motion No. 542 agreed to*

**Speaker:** Is there any further debate on the main motion as amended?

**Mr. Edzerza:** Mr. Speaker, I took note of some of the comments that the Member for Klondike made at the beginning when presenting this motion, and one thing he did mention was that the bill presented last week was an unworkable bill. I find

that sort of out of context a little bit, because I think it wasn't even given a chance. Most of the members didn't even get to talk to it. I tend to believe that that probably wasn't the real reason, because Bill No. 59 is a piece of legislation that the government has before the House today for debate. It also appears to be unworkable, and I say this, Mr. Speaker, because there was a lot of public opposition to the passing of Bill No. 59, *Forest Resources Act*, but the government has refused to delay it until the spring sitting. So, Mr. Speaker —

### Speaker's statement

**Speaker:** Please speak to Motion No. 542 as amended. The Member for McIntyre-Takhini has the floor.

**Mr. Edzerza:** Mr. Speaker, I misunderstood then, because I thought the amendment already cleared the House and we were speaking to the original motion.

**Speaker:** No.

**Mr. Edzerza:** Okay. Then, Mr. Speaker, I'll leave that area, but I do want to just put on record the importance of legislation such as this to be implemented. Speaking of personal experiences, I believe I was probably 10 years old when I first went to work in the logging camp in B.C. I was working on the green chain piling lumber not knowing the amount of risk I was taking by lifting these heavy boards and moving them around at such a young age. We did work eight hours a day.

At the age of 13, I was employed loading six-by-six railroad ties on to a highboy truck. The truck hauled 600 of them. Again, I was just going ahead and picking up these heavy ties and working, not knowing the risk I was taking. This proved to be somewhat of a problem for me in future years, because I ended up crushing a vertebrae at the bottom of my spine, not knowing or realizing that all this kind of lifting could have been very destructive. I did not know at the time that I could have been disabled for all of my adult life just because I chose to continue on loading that truck for, I might add, very minimal pay. At the time, we were getting about 50 cents an hour to load those ties.

Again, I cannot stress enough how important it is to put this type of legislation in place. I don't think that things are that much different today. I think it's the nature of the beast that, if someone can get away with putting a young person to work and paying minimum wage, I think there's still that possibility out there.

I know that one of the biggest concerns I have with legislation not being in place is the simple fact — as I mentioned earlier — that young people don't know and don't realize just how much risk they're taking when they automatically jump at every job and every chance to earn a few dollars.

In conclusion, I just want to say that I support the fact that there should be legislation to regulate employment of young people. Why? To protect our future. It's okay to learn how to work. It's okay to learn the value of independence. It's okay to learn how to earn a living. It's okay to work. You get exercise and earn money. What is not okay is to take the risk of serious

injury at a young age, which could jeopardize one from having a long, productive and healthy life.

For all of the reasons I've spoken about, I do support legislation to be developed, and as fast as possible, because I think — I certainly hope that this isn't going to be another case where the Yukon Party will work the issue and it will become an election promise in three years.

**Speaker:** Member for Klondike on the main motion, as amended. If the member now speaks, he will close debate. Does any other member wish to be heard?

Member for Porter Creek South, please.

**Mr. Inverarity:** I'd like to take this opportunity, first of all, to express some concerns: considering the majority the Yukon Party has in this House, they haven't gotten up to support their Member for Klondike in this motion. It's very, very important, I think. It's an excellent motion to come forth. I do have some questions or some issues that I'd like to bring forward regarding this particular motion.

In fact, I would like to commend my colleague from the third party here on his amendment. I was going to suggest — not an amendment, but I was going to bring to task the particular issue on item (2) that we were dealing with where the motion brought forward discussion about bringing parents and employers in, but the people with whom this particular act would affect were not included in the motion at all — and, of course, that is youth. I would like to thank the member for beautiful Mount Lorne for bringing forth that amendment and I'm glad that the House supported it.

The point I'm trying to make here is that there are some other issues with regard to this motion that I find to be somewhat — I'm going to take a little bit of criticism for. We have seen this now in three previous motions in this House, dating back as far as 1992, Mr. Speaker. Again, this one now is the fourth. It actually deals with item number (3) and I'll just read it so that everybody is aware, "present a report on their findings to the Yukon Legislative Assembly within the first 10 days of the next sitting."

I have been confronted with this particular problem twice now in the last year within this House where the government brings forward motions and they set a time limit that is an unknown time limit. No one knows when the tenth day of the next sitting is going to be. I am currently sitting with the Member for Mount Lorne and the Minister of Justice on a committee and we are confronted with one that is 15 days into the next sitting.

We had no idea when that was going to be, when the motion was brought forward, so we're working to some time limits that are, quite frankly, fictitious. They are out there. How does anybody conduct work that way? Surely in any business, if someone sits down and says that they want them to give them a report, but they are not going to tell them when it's due, that alone is something that is, quite frankly, ludicrous. For the record, the motions that I'm referring to are: Motion No. 374, which is currently before this House; Motion No. 143, which goes back to the bill on anti-smoking; and Motion No. 7, which

goes back to December 6, 1992. One would think that after that long, we would have —

**Some Hon. Member:** (Inaudible)

#### Point of order

**Speaker:** Order please. On a point of order, the Government House Leader.

**Hon. Mr. Cathers:** Mr. Speaker, the Member for Porter Creek South is talking about many motions other than this one, including one dating back to 1992. He has clearly strayed very far off the topic and has forgotten the Standing Orders requiring him to talk about the topic in what I can only assume is a desire to filibuster.

**Speaker:** Order please. No, no. Order please. On the point of order, the Leader of the Official Opposition.

**Mr. Mitchell:** I was going to raise another point of order, Mr. Speaker.

**Speaker:** Before the member raises another point of order, Government House Leader, every member has a right to stand up and speak to any issues in this House in their allotted period of time within our Standing Orders. And of course the mention of a filibuster is not appropriate. I ask the honourable member not to do that.

Now, with regard to the point of order, it seems to me that

Oh, Member for Klouane on the point of order.

**Mr. McRobb:** On the point of order, Mr. Speaker, the Member for Porter Creek South was merely giving examples of previous consultations related to other bills that made the point he was making about his concern about consultation on this bill with the open timelines, and in my opinion that has been permissible in the past.

#### Speaker's ruling

**Speaker:** On the point of order, there is no point of order. I was following the connection that the honourable member was making. You have the floor.

**Mr. Inverarity:** Thank you, Mr. Speaker, it's nice to know that — well, I'm going to move on just from that particular issue. I think I'll leave that motion, or that bit of discussion. I wouldn't want to cause discord in this House, Mr. Speaker, God forbid. But it does raise the point that I'm talking about, which is that I believe that the motion has some flaws in it, and I think that it's time that this House addressed some of these issues regarding motions that are coming forward. As I said, I fully support the motion; the problem is that they could be written a lot better. And I think that, as we get going on this, there is another particular item that is not addressed in this motion.

One I have been confronted with twice now in the past year is a budget. There is no mention of who pays for this particular report that we're going to get on some unknown date in the future.

Going back to the motion, I think that if someone is going to bring forward a particular motion, some of these issues should be addressed in the motion: Where? How much money is this going to cost? We're going to ask two supposedly arm's-length boards to actually go out and spend their own money on

this particular report. Or, is it going to come out of the Legislative Assembly's budget, as with the current bill that I'm working on regarding the report on the Select Committee on Human Rights?

I think that these kinds of issues need to be clarified within the body of any motion presented in this particular House. This motion could stand — I think that the amendments that have come forward today are good amendments, but, again, we don't know who is going to pay for it, and we don't know when it's going to be due. Those are sort of fundamental things that, within any corporation, you would want to have, if you're going to go out and spend somebody else's money.

I think at that point, Mr. Speaker, I could go on with a number of other youth issues regarding this motion. Junior Achievement provides youth-oriented programs that get young people into business. How is this motion, or how are the reports going to affect those kinds of programs in the Yukon?

I think at this point I will sit down and let someone else have some words.

**Mr. Mitchell:** I will not take up too much of the House's time as many points have been made today. I think it's important that we get to a vote on this motion. I'll thank the Member for Klondike, the mover of the motion, for bringing it forward. I think the motion is generally constructive. It has been improved by the Member for Mount Lorne, I think, by talking about being sure that we add "youth" and "organized labour" with his amendment.

I do think that it's interesting that it is also now going back to the original bill that the Member for Mount Lorne had brought forward last week as a consultation document. I support that, because last week, when we were debating that bill, I said at the time that I felt it would be worthwhile to go into a consultation process on this bill, because we needed to hear from parents, employers and families.

I left out organized labour and I think that was an oversight, and I appreciate the fact that it has now been added to it. I think that we had hoped a week ago that Bill No. 109 would make it into Committee of the Whole where we could have had good and detailed discussion of the bill and then had it gone out to public consultation as was recommended by the sponsor of the bill, the Member for Mount Lorne, and we seconded that as a good idea, then it would have had whatever improvements might have come out of the Committee process.

The government chose not to allow that to happen. They chose to shut down debate on the bill and then afterwards realized that was not being seen as a very democratic thing to do by not only members of this House but by the general public. There has been a bit of turnaround. We don't see too many of them on the part of this government and its Premier. I am encouraged to see that they would actually like to have public consultation on an issue that is important to Yukoners. We spoke last week of the issues that revolve around youth employment and young people working and the dangers.

I think that was the reason that the Member for Mount Lorne brought forward his bill: the concern about the safety of young workers. I believe that that is what the Member for

Klondike is trying to get at by bringing this forward again as a motion, realizing that we didn't get to continue and complete debate on the bill.

I do share the concerns of my colleague, the Member for Porter Creek South, that we have assigned something to an indeterminate time in the future because we have given whomever does this consultation and review on behalf of the Employment Standards Board and the Workers' Compensation Health and Safety Board — and apparently not the Human Rights Commission — a deadline that could be the beginning of March, the end of March or, as we saw a number of years ago, 10 days after April 17. They will have to work to the unknown deadline and hopefully get their work done sooner rather than later.

I think that, at the end of the day, although there were concerns I had about some of the details about Bill No. 109, those concerns will be addressed by bringing it out as a part of the consultation document.

One concern that I've had expressed to me revolves around Yukon families with experience in home-schooling children, in particular in rural Yukon. I bring that forward because I don't think we'll have time for other members to do so.

Some of the other things that do concern me from the aspect of having been an employer — and certainly I have been an employer with an excellent safety record — I am concerned about some of the details that revolve around what's practical and what's not practical for employers, in terms of short periods of employment. In the case of Bill No. 109, it had to do with the two-hour maximum on a day when school meets. So I'm encouraged that with that being the consultation document, we'll hear back from employers, families and young workers as to whether it should be three hours instead of two, or what it should be, because I can envision people having to hire a young worker from 4:00 p.m. to 6:00 p.m., another from 6:00 p.m. to 8:00 p.m., and another from 8:00 p.m. to 10:00 p.m. on a particular day and that's not very practical.

However, some of the other questions I had about the original bill, which will now be part of this consultation, have been answered for me by conversations with the Member for Mount Lorne, who assured me that some of the issues I raised were covered in the bill. There may be others that have not been.

I think that the process would be a good one. One thing I do think is important is that there was a request or suggestions regarding Bill No. 109 that, perhaps, there be a select committee go forward. It looks to me that in this case what is being suggested is that it is actually the Employment Standards Board and the Yukon Workers' Compensation Health and Safety Board, rather than a select committee. Although there are other groups that we think should be included like the Human Rights Commission — perhaps the Department of Education would be pertinent in terms of the implications on young people working, how that affects their education, the time away from school work and at the same time how it contributes to their education in terms of practical experience — I hope that the government will consider expanding the list beyond the wording of the motion. There isn't time to amend it; it would counterproductive.

But I hope the government will go forward with an open mind when they do encourage — I guess all they can do is urge or request the Employment Standards Board and the Yukon Workers' Compensation Health and Safety Board to do this because as the government has so often told us, the Workers' Compensation Health and Safety Board is an arm's-length organization and the government can't control what they will do. They can only put in the request. But, perhaps —

**Some Hon. Member:** (Inaudible)

**Mr. Mitchell:** Do I have the floor, Mr. Speaker? Thank you.

I think that the government obviously has a close working relationship with board members and will no doubt be able to convince them of the merits of doing this.

I think that the Premier is indicating that he would like time to speak to this motion, and no doubt he'll rise to his feet so he can properly read into the record all of his pertinent comments when I sit down; however, I think that, at the end of the day, having seen the statistics on injuries of young workers in Yukon and across Canada and around the world, if we can do something to improve their safety, then this will not have been a wasted Wednesday but rather it will have been productive, and for that reason we will support this motion as amended. Thank you.

**Speaker:** If the Member for Klondike speaks, he'll close debate. Does any other member wish to be heard?

**Mr. Nordick:** I appreciate most of the comments brought forward today. There is one I do have to clarify for the record here. I'd like to draw everybody's attention to page 31, under Standing Orders. Section 61(1), especially for the members of the Liberal Party: "It is not lawful for the Assembly to adopt or pass any vote, resolution, address or bill for the appropriation" — I am not sure if that's what the Member for Porter Creek South was talking about, but I'm going to continue on — "of any part of the public revenue of Yukon, or of any tax or impost, to any purpose that has not been first recommended to the Assembly by the message of the Commissioner in the Session in which such vote, resolution..." —

**Some Hon. Member:** Point of order.

#### Point of order

**Speaker:** Point of order.

**Mr. McRobb:** On the point of order, Mr. Speaker, if a member is going to raise a point of order about the House rules, we would like the opportunity to respond. For him to use it as part of his speech should not be allowed.

#### Speaker's ruling

**Speaker:** There is no point of order. Member for Klondike, you have the floor.

**Mr. Nordick:** I was just trying to clear the record for the members of the Liberal Party. I will continue on: — "session in which such vote, resolution, address or bill be proposed."

The Member for Porter Creek South expressed the Liberal Party's opinion that we should not follow the Standing Orders, or even the law, with that.

### Unparliamentary language

**Speaker:** Order please. The honourable member knows full well that that is an inappropriate comment. You have the floor.

**Mr. Nordick:** Thank you, Mr. Speaker. On that note, I appreciate the members opposite's comments. I appreciate the friendly amendment from the New Democratic Party and I expect the motion, as amended, will pass unanimously.

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Fentie:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Rouble:** Agree.

**Hon. Mr. Lang:** Agree.

**Hon. Ms. Horne:** Agree.

**Hon. Mr. Hart:** Agree.

**Mr. Nordick:** Agree.

**Mr. Mitchell:** Agree.

**Mr. McRobb:** Agree.

**Mr. Elias:** Agree.

**Mr. Inverarity:** Agree.

**Mr. Cardiff:** Agree.

**Mr. Edzerza:** Agree.

**Clerk:** Mr. Speaker, the results are 14 yeas, nil nays.

**Speaker:** The yeas have it. I declare the motion, as amended, carried.

*Motion No. 542 agreed to as amended*

**Hon. Mr. Cathers:** Seeing the time, I move that the House do now adjourn.

**Speaker:** It has been moved by the Government House Leader that the House do now adjourn.

*Motion agreed to*

**Speaker:** This House now stands adjourned until 1:00 p.m. tomorrow.

*The House adjourned at 5:27 p.m.*