

**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, December 10, 2009 — 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 of a change that has been made to the Order Paper. Motion No. 870, standing in the name of the Leader of the Official Opposition, has been removed from the Order Paper as it is similar to Motion No. 932, which the House adopted, as amended, yesterday.

DAILY ROUTINE

Speaker: We will proceed at this time with the Order Paper.

Tributes.

TRIBUTES

In recognition of International Human Rights Day

Hon. Ms. Horne: I rise today to pay tribute to Human Rights Day. Human Rights Day is observed by the international community through the United Nations every year on December 10. This date commemorates the day in 1948 when the United Nations General Assembly adopted the *Universal Declaration of Human Rights*.

The theme for Human Rights Day 2009 is, “Embrace diversity, end discrimination”. The focus on non-discrimination by the United Nations will continue throughout 2010. It can be difficult for those who are not discriminated against to comprehend the suffering and humiliation that discrimination imposes on others. To that end, I urge Yukoners to resolve to take lasting action to end discrimination in Yukon.

This government continues to take steps to prevent discrimination in the territory. We have worked closely with Yukoners to modernize our human rights legislation. The Select Committee on Human Rights, an all-party committee, consulted with Yukoners last year to find out what they wanted to see in a new *Human Rights Act*. Phase 1 of the amendments to this act were passed by this government last spring. I am pleased to announce that the amendments are proclaimed and will be enforced, starting today.

Also coming into force today are the associated amendments to the regulations. Following consultation with the Yukon Human Rights Commission, we have moved quickly to finalize phase 1.

We are now beginning work on phase 2, which will deal with the more complex recommendations of the Select Committee on Human Rights. As I stated in the House earlier this week, the Department of Justice has been directed to research and consult on the recommendations that deal with structure, process, roles and responsibilities of the Yukon human rights framework. The department is to provide a report on its recommendations by December 2010. Following this, we will

consider how best to move forward on the remaining recommendations.

Prohibiting racial discrimination is a fundamental principle of the *Human Rights Act*. The act says it is discrimination to treat any individual or group unfavourably on any of the following grounds: ancestry, including colour and race; national origin; or ethnic or linguistic background or origin. This is grounded in our culture as Canadians and as Yukoners.

I urge all Yukoners to think about this grounding principle of the Yukon *Human Rights Act*, of the United Nations and of the countries around the world, and how it ensures our freedom from racial and other forms of discrimination every day.

I also urge all Yukoners to treat each other equally no matter their ethnicity or religion.

Günilschish.

Mr. Inverarity: Mr. Speaker, I rise today on behalf of the Official Opposition to pay tribute to International Human Rights Day. Today, December 10, 2009, is the 61st anniversary of the acceptance by the UN General Assembly of the *Universal Declaration of Human Rights*. The international Human Rights Day’s theme for 2009 is, “Embrace diversity, end discrimination”.

Discrimination lies at the root of many of the world’s most pressing human rights problems and no country is immune from this scourge. In Canada, there existed very little in the way of anti-discrimination legislation prior to World War II. This was due in large part to the dominant political and social culture of the time. The Second World War was a pivotal event in the evolution of human rights legislation in Canada.

Events such as the Holocaust, wartime internment of Canadian Japanese and Canada’s signing of the United Nations *Universal Declaration of Human Rights* served as a catalyst for human rights awareness. International Human Rights Day represents an invaluable opportunity to reflect on the persistent human rights challenges worldwide.

We need to intensify efforts to combat discrimination and exclusion which continue to impair the rights, dignity and access to justice of millions of individuals worldwide. These individuals still face discrimination on the basis of their race, religion, language and sex. The realization of all human rights as well as civil and political rights is hampered by discrimination. All too often when faced with prejudice and discrimination, political leaders, governments and ordinary citizens remain silent or complacent.

In accordance with the international human rights law we also have an obligation to take individual and collective measures to reduce greenhouse gas emissions and their adverse impact. A human-rights-based approach to climate change can be a useful tool to complement international efforts aimed at tracking adverse effects of global warming and in preparing for and adapting to its inevitable impact. A weak outcome in the forthcoming climate change negotiations threatens to infringe upon human rights.

We pay tribute today to the extraordinary vision of the declaration’s originally drafters and to the many human rights

defenders around the world who struggle to make their vision a reality.

We also commend and recognize the hard work done by the Yukon Human Rights Commission, who I see are here today, and the Human Rights panel of adjudicators, in defending the rights of many Yukoners.

We must all strive to promote discrimination-free societies and a world of equal treatment for all. We must accept and embrace our diversities. We must confront human rights violations wherever and whenever they occur to ensure that human rights prevail. Each of us must do our part. We can make the difference.

Mr. Cardiff: I rise on behalf of the New Democrat caucus to pay tribute to Human Rights Day, observed each year on December 10. This day is to commemorate the United Nations' adoption in 1948 of the *Universal Declaration of Human Rights*. This important declaration was the first international instrument to detail universal human rights and fundamental freedoms. The principles in the declaration have been written into the constitutions of 90 countries across the world, including Canada.

The United Nations *Universal Declaration of Human Rights* says that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.

There are basic rights and freedoms to which we are all entitled as human beings because they are written into our Constitution. Through our Bill of Rights, there is legal as well as moral consideration when rights are in question. One of the most basic human rights is the right to life. Supporting that right are the rights to safe and adequate water, food, the right to health and adequate housing. All of these will be adversely affected by climate change with the increasing frequency of extreme weather events, rising sea levels, droughts, increasing water shortage and the spread of tropical and other diseases.

Climate change is set to hit hardest the very poorest of the world's countries. The United Nations Human Rights Council has adopted a resolution that states that climate change poses an immediate and far-reaching threat to people and communities around the world and it asks the UN High Commissioner to study the relationship between climate change and human rights.

Because of the roles women play in many societies, they are likely to be more severely affected than men by climate change. They are overrepresented in the agricultural industry and the forest sector and often bear the responsibility of gathering food, water and fuel, which require greater effort during climatic disturbances.

Indigenous peoples are especially affected by the adverse effects of climate change. Traditional ways of life that are closely associated with the land and the natural resources will be greatly altered. We have already noticed the effect that climate change has had on the north, and it makes First Nations and Inuit populations here particularly vulnerable. Their traditional ways and the animals that they live with are very much

in danger. The Office of the High Commissioner for Human Rights is working diligently to implement the *United Nations Declaration on the Rights of Indigenous Peoples*. Canada, unfortunately, has yet to sign this declaration. It is imperative that we urge the signing and the implementation of this important declaration if we are serious about the effects that climate change will have on our lives.

In remembrance of Irv Harper

Mr. Cardiff: I rise on behalf of the members of the Legislative Assembly to pay tribute to Irv Harper, who was a dedicated medical responder and chief medic with Marsh Lake emergency medical services.

Irv came to the Yukon in 1990 and he left us this fall. He was born in 1945 in Minnesota, and in his early twenties Irv enlisted in the army to go to Vietnam. He was not keen on the war and said that he joined only because he would have been drafted anyway, and he thought that by enlisting he might have more of a chance of staying out of the conflict zones. Unfortunately, that was not the case. He had helped out as a medic trainer for high school football, so the army immediately made him into a combat medic and he was often in the line of fire and an actual target.

A friend of Irv's said that Vietnam shaped his whole life and that he was physically hurt and traumatized by the experience. He suffered several injuries in Vietnam that plagued him his whole life.

Vietnam also shaped his politics. He moved to Canada, and when he became a Canadian citizen he burned his U.S. passport. He was very vocal against American foreign policy in Central America and other parts of the world, and he was critical of the U.S. approach to private health care. He was passionate about social justice. Irv experienced pain more than most — the psychological and physical trauma of war, a broken back from a car accident at age 19, and a complicated family life. Irv did not have it very easy.

We are reminded of Irv when we read the Nigerian author, Ben Okri, who wrote: "The most authentic thing about us is our capacity to create, to overcome, to endure, to transform, to love and to be greater than our suffering."

Despite his pain and suffering, Irv dedicated himself to giving health to his neighbours and to strangers alike. Irv put a huge amount of effort into the rural ambulance service at Marsh Lake and to running the community wellness clinic out of the community centre, even when he wasn't well. A friend said that when Irv arrived in the community, Marsh Lake really had nothing except a van and a medical bag. Today, Irv's legacy is there for all to see in the improvements in equipment, better training, and the competence and confidence of the responders whom he trained and worked with.

He was very caring toward new volunteers, always backing them up and encouraging them to improve and take on new challenges in emergency medicine. Irv's colleagues praised him for having an extremely good bedside manner. He was passionate and genuine in the care of his patients. He was selfless, always putting the needs of his patients above himself.

There's a brief story that will illustrate that. There was a call that came in on a radio. It was a motor vehicle accident and

Irv immediately responded to the call. He was ready to go. When they got there, Irv had to apologize to his fellow responders because he couldn't kneel down. As it turns out, just prior to the call coming in, he'd actually cut himself pretty badly on the leg with a chainsaw. When the call was finished, Irv and a few of the responders went back to his house and Irv ended up giving them instructions on how to sew up his wound, but he put the call ahead of himself.

Irv was a strong defender of the Marsh Lake community and could be quite vocal when he thought his community was getting short shrift. He was worried about the effects of extra obligations and liabilities for emergency workers, and training, recruiting and retaining volunteers. He was concerned about what he saw as increasing bureaucratization of emergency medicine.

Irv believed profoundly in democracy and that people needed to be involved in the community. He voted in every election and he was highly critical of what he called "pretenders" — those who say they represent people but act with ambivalence toward them and feign involvement in community.

Irv leaves behind his sons, Saul, John and Hugh, and a community at Marsh Lake that is much stronger because of the time that he spent there. I'd like to take the opportunity to thank all the people who contributed their thoughts to writing this tribute.

Thank you.

Hon. Mr. Rouble: Mr. Speaker, I rise also to pay tribute to Irv Harper who passed away suddenly this past September. Irv was truly a leader in emergency medical services in our community. It was something that he was very dedicated to and certainly very passionate about. He had learned many of his skills through the Vietnam war and also in his time as an ophthalmic surgical assistant, and his care and dedication to helping others was prevalent on every call that he attended. He was instrumental in ensuring that Marsh Lake EMS received important equipment upgrades, and he was also tireless in his efforts to train and prepare others. Irv was also a pretty neat character in our community, and he will be sorely missed.

One time while playing poker with him, he explained that he had built an early computer in the '70s and had programmed it to play poker and to calculate the odds. It was then that I realized that he was adept at more than medicine but also technology and computers, and I found very quickly that it was just cheaper to buy refreshments than to play poker with him.

He certainly has made an impression on the community. His commitment and dedication to emergency medical services will have a legacy, and we in the community will all surely miss him.

Speaker: Are there any further tributes?

INTRODUCTION OF VISITORS

Hon. Ms. Horne: It is with great pleasure that I rise today to introduce to the Yukon Legislature Human Rights Commission members and Panel of Adjudicator members, Rick Goodfellow, Melissa Atkinson, Max Rispin, Jean-Sébastien

Blais, Heather MacFadgen, Colleen Harrington and Lynne Pigeage.

Please join me in welcoming them as representatives of the Human Rights Commission and the panel of adjudicators.

Applause

Mr. Hardy: Of course, I would like to welcome the members of the Human Rights Commission.

As well, I'd like to introduce and ask the Assembly to help me welcome Alex Furlong of Yukon Federation of Labour, Lorelee Kesler of Yukon Employees Union, and Laurie Butterworth of the Yukon Employees Union.

Applause

Mr. Mitchell: I would also like to introduce today a long-time educator, who taught and was principal for many years in Atlin, B.C., a friend of mine — who also taught both of my children, on a personal note — and now a long-time Yukon resident in semi-retirement, Mr. Mel Rippell. I ask everyone to provide a warm Yukon welcome.

Applause

Speaker: Is there any further introduction of visitors? Returns or documents for tabling.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Taylor: I have for tabling the 2008-09 annual report of the Yukon Arts Centre, as well as the 2008-09 annual report of the Yukon Heritage Resources Board.

Speaker: Are there any further returns or documents for tabling?

Are there reports of committees?

REPORTS OF COMMITTEES

Mr. Mitchell: I have for presentation the third report of the Standing Committee on Public Accounts.

Speaker: Thank you. Are there any further 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 today of the following motion:

THAT this House urges the Government of Yukon to call Ray Hayes, the chair of the Yukon Development Corporation Board of Directors, and David Morrison, chief executive officer of the Yukon Development Corporation and president and chief executive officer of Yukon Energy Corporation, to appear as witnesses in Committee of the Whole from 3:30 p.m. to 5:30 pm on Monday, December 14, 2009, to discuss matters relating to the Yukon Development Corporation and the Yukon Energy Corporation.

Mr. Inverarity: I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to deliver on a Yukon Party platform promise to ensure that the 141st meridian is recognized as the offshore northern boundary between Yukon and the State of Alaska.

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

THAT this House urges the Yukon government to review income and taxation rates of all Yukon citizens relating the data to the fact Canada had the fifth most unequal income distribution in all the OECD countries in 2007, and to the fact that there's a gap between the richest 20 percent of citizens who spent seven times more than the poorest 20 percent, in order to:

- (1) alleviate unequal income distribution;
 - (2) stimulate the economy;
 - (3) reduce the gap between the rich and poor in the Yukon;
- and
- (4) lower the rate of child poverty.

I also give notice of the following motion:

THAT this House is of the opinion that the members of the Yukon delegation to the COP15 meetings on climate change in Copenhagen, Denmark should urge the Government of Canada attending these international negotiations to decisively address climate change and support greenhouse gas emission reductions that are aggressive enough to have a substantial impact globally, nationally and locally.

Mr. Cathers: I rise today to give notice of the following motion:

THAT this House urges the Yukon government to recognize the success of, and continued need for, the health human resources strategy currently funded through the territorial health access fund by continuing to support this strategy after the expiry of the territorial access fund agreement with Canada.

I also give notice of the following motion:

THAT this House urges the convenor of the Standing Committee on Statutory Instruments to call a meeting of the committee without further delay, and encourages all members of the committee to work to ensure it fulfills its function as established by the Standing Orders of the Yukon Legislative Assembly.

Speaker: Thank you. Are there any further notices of motion?

Hearing none, is there a statement by a minister?

Hearing none, that brings us to Question Period.

QUESTION PERIOD

Question re: Tourism trends

Mr. Inverarity: I have a question for the Minister of Tourism. I noted earlier in the week that the number of visitors to the Yukon has declined over the last two years. The minister responded that as far as she could see everything was fine and that she didn't plan on doing any major changes on how we

market the Yukon. A longer term look at these numbers is also a cause for concern. Going back as far as the early 1990s, the number of tourists visiting Yukon has more or less remained stagnant. It has been around 300,000 annually. At the same time, the amount of money being spent by the Government of Yukon has doubled.

Is this minister concerned about this pattern?

Hon. Ms. Taylor: One thing that we endeavoured to do upon being re-elected was to actually reinstate the Department of Tourism and Culture, very much reflecting upon the very importance of tourism and culture as economic quality of life that we enjoy here in Yukon.

The second thing that we did was we went to work with the tourism industry on strategic marketing initiatives, building on the successes and certainly building on some of the challenges before us. We have seen a decline in visitation over the last couple of years but so have other jurisdictions in this country and certainly all jurisdiction in this world as a result of the overall economic downturn.

What we have in fact done is gone to work with industry, again building upon successes that we have seen — increases in the Canadian market. That is why we are increasing our investments in the Canadian market. Mr. Speaker, we have also seen increases in our overseas market, so that is in fact why we are going to work on increasing dollars in overseas marketing when it comes to winter tourism and tourism marketing initiatives.

We are building upon product development, we are building upon media relations and we are building upon investments in our own website. These have all been identified as priorities by the tourism industry.

Mr. Inverarity: Well, Mr. Speaker, if we go back 15 years, the number of visitors has remained pretty much stagnant at about 300,000 per year. Over the same time, the government has spent more and more money on tourism. This should be a cause for concern for the minister. Any time you spend more and more money and don't produce better results, perhaps we should be concerned. Over this period of time, visitation from Canada has remained the same at about 60,000 visitors per year. Visitors from U.S. have been around 200,000 to 230,000 per year and from the rest of the world, we've seen numbers in the 20,000 to 30,000 range. Yet the amount of money being spent has gone from \$5 million per year to over \$10 million per year.

Is the minister satisfied with this lack of progress?

Hon. Ms. Taylor: What this minister is satisfied with is the strong working relationship that we have developed and been able to nurture with the tourism industry over the last number of years through the Tourism Industry Association of Yukon Senior Marketing Committee comprised of industry members who hold expertise in marketing. These individuals are the ones who work with the Department of Tourism year in and year out, every day at that, in developing, implementing and evaluating all our tourism marketing strategies and initiatives.

I have full confidence in their abilities to certainly work with the Yukon government, but also work with the Canadian

Tourism Commission to build on our successes such as the 13-percent increase that we have seen in Canadian visitation this year alone as of the end of September.

We are also building upon successes we have seen in overseas marketing specific to the German-speaking tourism market. We're also building upon key identified initiatives that have been identified as priorities by industry, again through product development, funding for the Winter Olympics — which is coming and will be a huge opportunity for the Yukon and all of Canada.

Mr. Inverarity: The number of visitors to the Yukon has basically remained unchanged for the last 15 years. This is in spite of more and more money being spent. I have for filing two graphs here that illustrate both the dollars spent versus the number of visitors to the Yukon over the past 15 years.

One of the ways to determine if you are getting a good bang for your buck on any marketing expenditure is to evaluate the programs when they are done. We know the department does some of this, and so does the industry. We know, for example, there was \$5 million spent in 2007 on the marketing campaign for the Canada Winter Games. This was split between the three territories and Canada.

My question is, what impact did the spending have on our visitor numbers and can the minister release any evaluation that was done on the effectiveness of this spending and/or any other evaluation done on any of our marketing programs?

Hon. Ms. Taylor: I really look forward to clipping the member opposite's comments on the tourism industry's evaluation implementation and development of tourism marketing programs, as has been identified by our Senior Marketing Committee. Again, I remind the member opposite that these are comprised of tourism marketing officials who are actually housed within the tourism industry throughout the Yukon.

What are we doing? We are working with our Senior Marketing Committee and the Tourism Industry Association of the Yukon to continually assess the relevancy and accuracy of our strategy. In fact, we just issued our recent tourism report card document that we actually issue every year alongside our annual tourism marketing plan that is developed in collaboration with industry. I'd be happy to provide the member opposite a copy of those.

As well, we provide conversion marketing studies that are actually independently conducted by other professionals in the industry. We are working more closely and strategizing more than ever with our key stakeholders — for example, Wilderness Tourism Association, the Yukon Convention Bureau, First Nations Tourism Association, Klondike Visitors Association, Yukon Quest, Yukon Sourdough Rendezvous, and the list goes on.

Question re: Hunting along road corridors

Mr. Fairclough: I have a question for the Minister of Environment. Last week, the Yukon Party put forward a motion that would ban discharging a firearm within road corridors. While we support site-specific restrictions in places such as the Alaska Highway, the Annie Lake Road and the Dempster Highway, we don't support the Member for Klondike's plan for

a territory-wide on every road in the Yukon and Yukoners won't support it either.

While the MLA for Klondike was busy advocating for this change, government biologists were out overseeing an annual bison hunt, and the first phase of the hunt took place exclusively on highway corridors — only highway corridors, Mr. Speaker. The experts in the minister's department were encouraging Yukoners to shoot bison in highway corridors. They don't support the ban either. The Yukon Fish and Wildlife Management Board doesn't support it either. They wrote to the minister recently. Will the minister table that letter?

Hon. Mr. Lang: In addressing the member opposite, the issue we had on the floor here was an issue of safety on our highways. That was the issue. The motion was based on us going out and talking to Yukoners about safety on our highways. It isn't a hunting issue; it's a safety issue.

Mr. Fairclough: I think the minister ought to talk with the Minister of Environment about this.

Now, the MLA for Klondike wants to ban hunting in Yukon road corridors. The minister's own official doesn't support this idea. They just supervised a fall bison hunt that restricted hunting to highway corridors, and we hope that the minister supports her own officials and the work they just did.

We know the Yukon Fish and Wildlife Management Board doesn't think much of the minister's plan either. They have already looked at the issue and talked to Yukoners about it. There was little support for it. They wrote to the minister recently and reminded her of their findings. Does the minister support her official, who just sanctioned hunting bison in road corridors? Does she support the Fish and Wildlife Management Board? Or does she support her colleague from Dawson?

Hon. Ms. Taylor: I very much support the work of the Department of Environment. Furthermore, I very much support the work — the good work — of the many partners involved in bison management, elk management and many other species that are valued in Yukon. That is part of the adaptive framework in managing that particular species of wildlife, and we're talking about bison. We are working to implement that.

My colleague, the Member for Klondike, was referring to the safety issue. It's not about hunting; it's about safety of highway corridors. Unfortunately, we will never know, because we will not be taking that out for consultation because the members opposite did not see it as fruitful or productive — going out for consultation and actually asking Yukoners what their opinions were on safety within our highway corridors.

Just to be very clear, we support the adaptive management framework that has been built with First Nations, renewable resource councils and many other partners in the management of elk and bison.

Mr. Fairclough: We said that government should do the consultation. I don't know what the minister is saying. Her own department is advocating hunting in highway corridors. During the debate on the MLA for Klondike's motion, the MLA for McIntyre-Takhini made some interesting statements on roadside hunting. He said, and I quote: "When we have cow moose shot on the road steady, you know every cow moose

loss is actually getting rid of a lot of moose.” The only people who are allowed to shoot cow moose in the Yukon are First Nation people.

One of the minister’s colleagues said First Nation people are routinely shooting cow moose on our highways — “steady” he said. This simply isn’t the case. A lot of First Nations are upset and angry with what the MLA for McIntyre-Takhini is alleging.

The minister’s department collects information about moose hunting every year. Does she have any documentation to back up her colleague’s statement or does she agree with the statements?

Speaker’s statement

Speaker: Order please. Before the honourable member answers, I would like to remind the members that the purpose of Oral Question Period is to seek information from Cabinet ministers about government policy and government administration. The actions of a private member are not matters of government policy or administration. Furthermore, a private member has no opportunity during Oral Question Period to respond to statements made about him or her. I would therefore ask the members to focus their questions, and preambles to their questions, on government policy and administration and not on the actions of the private member.

The Minister of Environment has the floor.

Hon. Ms. Taylor: Thank you, Mr. Speaker, for attempting to focus the debate. Mr. Speaker —

Some Hon. Member: (Inaudible)

Speaker’s statement

Speaker: The Chair doesn’t require any additional comments. I make a ruling and that is it. There is no comment on it.

Hon. Ms. Taylor: Mr. Speaker, one of the primary responsibilities of the Department of Environment and the Government of Yukon is developing and implementing management plans that support biological diversity and ensure the conservation and sustainable use of fish and wildlife, habitat and water resources. Mr. Speaker, in support of this objective, we have actually increased funding for fish and wildlife inventories in support of wildlife management plans. Mr. Speaker, this additional funding has enabled more and more species to be assessed, including distribution and behaviours.

We’re not only better informing our wildlife management decisions, but we’re also monitoring the impacts of climate change on Yukon’s environment when the member opposite is so very interested in policy matters.

Mr. Speaker, it has also enabled biologists to conduct things such as composition and count of the Porcupine caribou herd. It has enabled biologists to conduct a muskrat survey, for example, in the Old Crow Flats for the first time in over 20 years, all of which is linked to the north Yukon wildlife management plan.

Mr. Speaker, this government is very much engaged with communities, First Nations, renewable resource councils, the

Fish and Wildlife Management Board, on not only the inventories, but community, fish and wildlife management plans and, of course, the continued collection of data to update our work.

Question re: Workers’ Compensation Health and Safety Board assessment rates

Mr. Cardiff: Mr. Speaker, the Whitehorse Chamber of Commerce recently released a report that says that our system of workers’ compensation is unsustainable. The chamber says that the assessment rates are too high and that is the number one issue facing business in the Yukon. The chamber would like to see the Yukon workers’ compensation system join with British Columbia’s. Can the minister tell us whether he has read the chamber’s report and its recommendations? And what is their position on the issue of merging with British Columbia?

Hon. Mr. Hart: Yes, we reviewed the information provided by the Whitehorse Chamber of Commerce and we’ve made an assessment through the Workers’ Compensation Health and Safety Board with regard to the information that is provided. I look forward, quite frankly, to the discussion later on this afternoon from the department with regard to responding to most of the questions in that file.

Mr. Cardiff: Well, it’s not a new position for the chamber. They’ve been calling for a merger with British Columbia for many years and they’ve put out research suggesting that having B.C. run our compensation system would be good for both workers and employers, but we know it wouldn’t be good for most of the staff at the Yukon Workers’ Compensation Health and Safety Board. There doesn’t appear to be much worry on the part of the chamber. It’d be the loss of some 50 to 60 jobs in our local economy here.

Has the government done an analysis or is it considering doing an analysis of the pros and cons of having B.C. run our Workers’ Compensation Health and Safety Board system?

Hon. Mr. Hart: If the member opposite remembers, the Yukon used to be attached to another provincial jurisdiction in the past. We were under that process for some time. It was, surprisingly, the chamber of commerce who said we’ve got to come to the north and get the Yukon flavour.

Well, we did that, and we plan to support it. A consultation was done on the workers’ compensation review previously. It was endorsed by this House, we endorsed that as a government, and we’re here to support the Workers’ Compensation Health and Safety Board.

Mr. Cardiff: We’re going to get to that a little bit later. There is an expression: “Look before you leap.” The chamber has made some interesting points and no doubt they are very effective in advocating for the interest of their members. They also think that having B.C. take over our workers’ compensation system would be good for workers. I doubt they’ve studied the report on the B.C. system, entitled *Insult to Injury*, put out by the B.C. Federation of Labour. I’ll file copies of that in the Legislature today.

The B.C. Federation of Labour says that changes to the workers’ compensation system have resulted in massive cost savings for employers, but at a profound cost to injured workers. Lower rates for employers in B.C. have been achieved

through the effective elimination of loss of earnings, pensions, and the virtual elimination of vocational rehabilitation services. The rehabilitation budget was slashed from \$130 million to \$3 million.

Before even entertaining —

Speaker: Ask the question, please.

Mr. Cardiff: Will the government commit to analyzing the situation in B.C. and consulting with Yukon workers?

Hon. Mr. Hart: I'm not going to consult with anybody. I mentioned previously in my discussions that we're very happy with the Workers' Compensation Health and Safety Board and as I also mentioned, this House has unanimously passed the changes to the *Workers' Compensation Act*, again, in consultation with the Whitehorse Chamber of Commerce, the Yukon Chamber of Commerce and all the stakeholders in question with regard to assistance to workers and employers throughout the Yukon. It was agreed to by employers and Yukoners and we plan to stay there.

Question re: *Workers' Compensation Act*

Mr. Cardiff: I'm encouraged by the minister's answers to the previous question.

Over a year and a half ago, though, this House unanimously passed that new legislation. Section 41 says that the employers' obligation to reemploy comes into force on the day to be set by Cabinet.

It has been a year and a half since the *Workers' Compensation Act* was passed and there has been no date established for when section 41 comes into force. Under section 41 of the act, if an injured worker has had a continuous employment relationship with the employer for at least a year, the employer is obligated to offer a job to the worker at comparable earnings.

Section 41 hasn't been proclaimed. Why is it not in effect?

Hon. Mr. Hart: Mr. Speaker, I will have to get back to the member opposite on that particular question because I am unaware of that particular spot. I am sure that I can get back to him and advise him of the situation.

Mr. Cardiff: The whole stakeholder consultation about obligation to re-employ was agreed to by all stakeholders. It is just foot-dragging — that is why we don't see any progress.

We are still waiting for action, as well, on the protection of young workers and this was an issue that was identified a long time ago. We had a consultation and we have a code of conduct, but there still aren't regulations that will set age limits and levels of supervision for young workers. Why has progress on protecting young workers been so slow with this government?

Hon. Mr. Hart: If the member opposite will remember, we went out on the motion and we consulted with Yukoners. They came back unanimously saying a code of conduct was something we should concentrate on as a priority to protect young workers and we have done that, Mr. Speaker. We brought that process into place and that is going to take effect in January of this upcoming year.

In addition, they have identified issues and we feel that we have a reasonable consensus on where we can provide some age restrictions in certain fields of work, and we plan to do that. We'll do that in conjunction with Employment Standards

Board and that process is underway. We hope to bring those through early in the next year.

Mr. Cardiff: The reality is that the consultation recommended there be some form of minimum age for employment and some age restrictions, depending on which industry children were working on — levels of supervision. This is about the protection of young people in the workplace. This is to prevent injury and death of young people in the workplace, and putting it off for another year is not going to prevent injuries or save children from dying in the workplace.

Will the minister please commit today to make it a priority to come forward early in the new year with regulations around minimum-age supervision and minimum ages in certain industries?

Hon. Mr. Hart: I've already made that indication for him. The department will be working with the Employment Standards Board on bringing forth the sectors that we have agreement on.

Based on the consultation, we can provide minimum-age requirements for young workers in the workplace for their protection, to address the issue and be aware of what Yukoners told us during that consultation. We will follow through with that process and, as I said, we plan to do it early in the new year.

Question re: YEC/YDC witnesses before Committee of the Whole

Mr. Mitchell: Every fall the chair and president of the Yukon Development Corporation and Yukon Energy Corporation appear in this House. Yukon Energy is a public corporation accountable to Yukoners, and having the chair and president appear in the House ensures it is being managed in the public interest. Yukoners have never before been so interested in what's going on at Yukon Energy.

Last summer they learned about the Premier's secret negotiations to create a new energy company that would be managed by a private company and not on behalf of Yukoners. This fall, YDC and YEC haven't been called to appear in this House. The Premier hasn't made the invitation and so, once again, Yukoners are being kept in the dark about their public utility.

Why hasn't the Premier called the chair and president of the Energy Corporation and Development Corporation to appear in this House?

Hon. Mr. Fentie: How short our memories are. The Leader of the Official Opposition, representative of the Third Party and I discussed this very matter.

Clearly, the member knows full well what the content of those discussions was that I committed to discuss with the new chair — this issue of appearing before the House at this time under the circumstances of being newly appointed with new board members, with a tremendous amount of work before them in terms of orientation and other matters. This is about bringing witnesses before this House in a manner that allows for constructive discussion and debate. I have informed the member that I would take his views under advisement and discuss again with the chair the possibility. I have had those dis-

cussions and will bring the boards before the House in the spring.

Mr. Mitchell: Mr. Speaker, that is not good enough; that is not nearly good enough. That will mean these officials will never have appeared in this House in 2009 to be asked and to answer questions from members of this Assembly.

Yukoners are beginning to wonder if the Premier doesn't want the chair and the president of the Energy Corporation to speak because he doesn't want Yukoners to hear what they might have to say. Maybe the Premier is concerned that they won't have the same story as the one that he has been telling Yukoners. The Premier has been trying for months to convince Yukoners he wasn't actually up to anything with Yukon Energy, despite documented calls, documented meetings and even an internal joint position paper laying out what the Premier wanted done with the new privately managed energy company he was proposing.

This is a hard story to back up, and that's why Yukoners haven't heard from the chair and president in this House. Why is the Premier afraid to call them to appear, when in every other year the president and chair have appeared?

Speaker's statement

Speaker: Before the Hon. Premier answers, it has always been a guiding principle of this Legislative Assembly that all members are honourable, and the Leader of the Official Opposition is coming very, very close to imputing motives. I didn't want to interrupt when he was speaking; however, this is going to lead to discord, and if the member is a recipient of it, the Chair is not going to stand in line.

The Hon. Premier has the floor.

Hon. Mr. Fentie: Mr. Speaker, it is a hard story to back up and, unfortunately, it's the Leader of the Official Opposition's story. Now, the member has stated that this issue of witnesses appearing before the House is a big problem for the member opposite. Let me remind the Leader of the Official Opposition that he is the chair of the Public Accounts Committee and he will have these very witnesses brought before the committee. It was a motion that was presented in this House, and the member knows full well there is ample opportunity for the members of the Public Accounts Committee to have these discussions with the Energy Corporation board and its representatives.

So, yes, Mr. Speaker, it is a hard story to back up. Unfortunately, it's the Leader of the Official Opposition's story.

Question re: Yukon Housing Corporation financial accountability

Mr. Mitchell: We have more questions for the minister responsible for the Yukon Housing Corporation. The Auditor General of Canada issues a report to the Yukon Legislative Assembly when the auditor is satisfied that the government's consolidated financial statements present fairly, in all material respects, the financial position of the government. The Auditor General of Canada refuses to issue such a report when the auditor is unable to obtain reasonable assurance whether the financial statements are free of material misstatement or not. In this

case, the answer is "not". The Auditor General of Canada has withheld the auditor's report this year.

The minister responsible revealed yesterday that this was due to, and I quote: "...a wide variety of reasons." I'll ask the minister to provide a list and elaborate. What are these reasons?

Hon. Mr. Kenyon: For the Leader of the Official Opposition, the answers were outlined yesterday, but assuming he hasn't had a chance to read the Blues, there was a delay in completing the audit, and the Auditor General of Canada was not able to issue that opinion. The Office of the Auditor General indicated that there are no issues with the consolidated financial statements except for the portion that relates to the Yukon Housing Corporation, for which the Auditor General requires more time to finalize the audit.

The Office of the Auditor General chose not to sign off on the consolidated financial statements until they have had a chance to look at the Yukon Housing Corporation. The financial statements are now completed. They have been in the hands of the Auditor General for some time now and we await the Auditor General's report — who has duties right across Canada and obviously we're in the queue to have her consideration.

Mr. Mitchell: Let me assure the minister that we have been reading the Blues and listening. The first thing this minister said was that it was a simple matter of Yukon Housing Corporation restating the finances. Then it was the Auditor General who was holding up the process. Yesterday the minister said the Auditor General's report was delayed for a wide variety of reasons that are directly related to the Yukon Housing Corporation.

For the record, the Yukon Housing Corporation has not filed its annual report in the consolidated financial statements for the last two years. Yukon Housing Corporation's consolidated financial statements were conspicuously missing from the public accounts last year as well, and I'll file the relevant page to remind the minister while he's reading the Blues.

My question for the minister is this: where are the 2008 consolidated financial statements from the Yukon Housing Corporation? Why are they still not yet public?

Hon. Mr. Kenyon: As I said before, the financial statements of the Housing Corporation are complete and they've been submitted to the Auditor General. It is a matter of the Auditor General's office completing their work. That is to say the Auditor General of Canada is still in the process of conducting its audit, and they have all of the documentation. The Auditor General of Canada has not advised when they will be finished. This audit is one of many, obviously, that is within the Office of the Auditor General — and for those at home and I am assuming the member opposite isn't aware of this — provinces have their own auditing functions, but in the territories we are served by the Auditor General. This is why the Auditor General is involved with this.

The completion of the audit of the Yukon Housing Corporation's financial statements is the only outstanding item with all of the financial records of the Yukon. Again, the Auditor General has no issues with the consolidated financial state-

ments except for that portion that they are reviewing now, and it has been in their hands for some time.

Mr. Mitchell: Let me see if I am hearing this minister correctly. He is two years late filing his homework assignment and it is the teacher's fault for not grading it yet.

Now, Mr. Speaker, the Housing Corporation has not been reporting its finances for two years. This year, as a result, the Auditor General withheld her report from the consolidated statements. This is done when the Auditor General is unable to obtain reasonable assurance that the financial statements are free of material misstatement.

The minister responsible keeps floating a wide variety of excuses for delivering incomplete financial statements, but he hasn't yet disclosed the facts of what's wrong with them. Yukoners are listening. What does this minister have to say today? The Yukon Housing Corporation cannot satisfy the Auditor General of Canada that its books are in order. What is the real issue with the Housing Corporation? The auditor has identified show-stopping problems with the government's financial reporting and, I guess, for the Premier who's poised to get up, what are they?

Hon. Mr. Kenyon: As I outlined the other day, the government has split the Yukon Housing Corporation from the Community Services department and disbanded the shared services unit, and a stand-alone department was created during this process. This was very beneficial to everyone, because we found the Housing Corporation was on the short end in terms of resources.

The financial unit of the Housing Corporation is being rebuilt. The Department of Finance has provided expertise to complete the financial statements, and the Department of Finance is providing financial stewardship to the Housing Corporation as that goes along.

All documents are now, and have been for some time, in the hands of the Auditor General. I have complete confidence in the employees and the finance people within the Yukon Housing Corporation, unlike the member opposite, who chooses to put the blame on to the department.

Again, I think those within the department who have worked so hard in bringing this together and working with the Auditor General, in terms of identifying what accounting system is necessary to go through this transition — I have complete confidence in them in doing that. I'm very concerned that, obviously, the same people are going to be looking at the Leader of the Official Liberal Opposition and have a pretty good idea of what he thinks of them.

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

ORDERS OF THE DAY

GOVERNMENT MOTIONS

Motion No. 954

Clerk: Motion No. 954, standing in the name of the Hon. Ms. Horne.

Speaker: It is moved by the Minister of Justice that the Yukon Legislative Assembly, pursuant to section 17(1) of the *Human Rights Act*, appoint Gloria Baldwin Schultz and Jean-Sébastien Blais as members of the Yukon Human Rights Commission for terms of three years, effective December 12, 2009.

Hon. Ms. Horne: It gives me great pleasure to rise today in the House and recommend the appointments of Gloria Baldwin Schultz and Jean-Sébastien Blais as members of the Human Rights Commission, as mandated under section 17(1) of the *Human Rights Act*, for terms of three years, effective December 12, 2009.

Mr. Speaker, Gloria Baldwin Schultz is a registered marriage and family therapist who has worked in the communities of Whitehorse and Dawson City for the past 10 years. She is currently a private practitioner in the Family Solutions Counselling Centre in Whitehorse. Her professional background includes a bachelor of arts in sociology and psychology from University of Ottawa and a master's degree in pastoral studies, majoring in marriage and family counselling from St. Paul University in Ottawa, Ontario. Ms. Baldwin-Schultz has extensive experience in providing clinical counselling to families and children, providing youth and family therapy, conducting training workshops and supervising staff and clinics. She has experience working with First Nations' health programs, the CARE program, Kwanlin Dun health and wellness department, and Health Canada's Aboriginal Healing Foundation, as well as many other organizations. She is a member of the Registry of Marriage and Family Therapists, the American Association of Marriage and Family Therapy, and the BC Association of Clinical Counsellors and has undertaken extensive training in her field. She will bring her past experience and a strong commitment to human rights to the commission.

Mr. Speaker, Jean-Sébastien Blais moved to Yukon upon meeting and marrying a woman born in Yukon. They now live in Riverdale and are expecting their first child. Mr. Blais' professional background includes a bachelor of theology from Dominican University College in Ottawa, Ontario, a certificate in political science from the University of Montreal, and a master's degree in political science from Laval University in Quebec City, Quebec.

Before relocating to Whitehorse, Mr. Blais was employed as a service agent with the National Gallery of Canada, a researcher with the Institute of Public Administration of Canada, a teacher of French language and a guest broadcaster with Société Radio-Canada. He is currently active as a volunteer with the Whitehorse Food Bank, Toastmasters Club and Yukon branch of the Institute of Public Administration of Canada. His other volunteer activities include the Quebec Region Permanent Youth Commission; speaker and researcher for the national symposium on Canadian culture; member of the Canadian Club; volunteer with Centro Comunitario Oscar Arnulfo Romero in Nicaragua; an assistant coordinator of the Social Justice Conference of the Quebec Museum of Civilization.

He will bring his past experience, facility in the French language and his strong commitment to human rights to the

commission. Mr. Speaker, I believe that Gloria Balwin Schultz and Jean-Sébastien Blais are amply qualified to sit as members of the Human Rights Commission. I am proud to recommend their appointments to the House and ask the Legislature for unanimous support to appoint these highly qualified and respected citizens of Yukon to the Human Rights Commission of Yukon.

Mr. Mitchell: Mr. Speaker, the Human Rights Commission is an extremely important organization that exists to ensure that Yukoners do not suffer discrimination for reasons of race, religion, sexual orientation or differing abilities. The Official Opposition would just like to thank these individuals who have stepped forward on behalf of their fellow Yukoners, and we wish them well in the good work that they undertake.

Mr. Hardy: On behalf of the NDP, we also would like to thank the people who have allowed their names to stand and we believe that they will be contributing a lot to the fabric of human rights within the Yukon Territory. I look forward to seeing their participation on the Human Rights Commission.

I look forward to seeing their participation on the Human Rights Commission.

Motion No. 954 agreed to

Motion No. 955

Clerk: Motion No. 955, standing in the name of the Hon. Ms. Horne.

Speaker: It is moved by the Minister of Justice

THAT the Yukon Legislative Assembly, pursuant to section 22(2) of the *Human Rights Act*, appoint Sue Bogle, Renzo Ordonez and Max Rispin as members of the panel of adjudicators for terms of three years effective December 12, 2009.

Hon. Ms. Horne: It does give me great pleasure to recommend the appointments of Sue Bogle, Renzo Ordonez and Max Rispin as members to the panel of adjudicators as mandated under the *Human Rights Act*, section 22(2) for terms of three years effective December 12, 2009.

I am pleased to inform the House that the appointments of these members will increase the membership of the panel from six to eight members. Sue Bogle is a member of the Yukon Law Society, having been called to the bar in Yukon in 1992. Her professional background includes a bachelor of arts and history and political science from McGill University in Montreal, Quebec and a bachelor of law from Queens University in Kingston, Ontario. She has been employed as a Crown counsel with the federal Department of Justice in Whitehorse for the past 13 years. She is currently on leave to look after her three young sons. She is an active community member and is well known for her running prowess in the sports community. Ms. Bogle has extensive experience in legal matters and has a strong commitment to the *Canadian Charter of Rights and Freedoms*. She will bring her legal experience and a strong commitment to human rights to the panel.

Renzo Ordonez has previously served two terms on the panel. His professional background includes a bachelor of arts and teacher education from Guatemala Teachers College and a

bachelor of arts in political science from the University of San Carlos in Guatemala City, Guatemala. He attended Yukon College and obtained a supported living worker diploma and is currently employed as a supported living worker. He has experience in counselling and provides consultation for the family violence prevention unit and the Yukon Review Board.

He is an active community member and has extensive experience coaching youth soccer. He will bring his past experience and his strong commitment to human rights to the panel.

Max Rispin is a long-time northerner, having lived in the Northwest Territories, Nunavut and Yukon. His professional background includes a teacher's degree from Wellington Teachers College and Victoria University in New Zealand. After immigrating to Canada, Mr. Rispin was employed as a teacher and principal before becoming the emergency measures coordinator for the Northwest Territories.

He is currently a member of the Health and Social Services Council, Crime Stoppers Yukon, Chair of the Yukon branch executive committee of St. John Ambulance, and northern national vice-president of the Association of Public Service Alliance Retirees. He has gained valuable experience in his role as a member on the Human Rights Commission. Mr. Rispin will bring his past experience and a strong commitment to human rights to the panel.

I believe that Sue Bogle, Renzo Ordonez and Max Rispin are amply qualified to sit as members of the panel of adjudicators. I am proud to ask the Legislature for unanimous assent to these appointments.

Mr. Mitchell: The panel of adjudicators does challenging work. The Justice minister approached us and provided the reasons why the government felt it was important to expand the panel of adjudicators to eight persons. The minister also noted the benefits to the panel of having a lawyer serving on the panel, and we in the Official Opposition are very pleased to see such a distinguished group stepping forward to serve their fellow Yukoners, and we wish them well with their deliberations.

Mr. Hardy: I'll add the NDP's support for the names mentioned for the panel. We also recognize the importance of expanding the panel to ensure there's a more timely hearing of the issues, as well as a broader cross-section of people from the Yukon Territory to represent a different variety of ideas and values.

We welcome the new people and look forward to seeing the work they do.

Motion No. 955 agreed to

Motion No. 960

Clerk: Motion No. 960, standing in the name of the Hon. Mr. Hart.

Speaker: It is moved by the Minister of Health and Social Services

THAT the Yukon Legislative Assembly, pursuant to section 4(1) of the *Child and Youth Advocate Act*, recommend that the Commissioner in Executive Council appoint Andrew Nie-

man as the Child and Youth Advocate for Yukon for a term of five years, effective December 10, 2009.

Hon. Mr. Hart: I am very pleased to rise in the House today to speak to this motion and to appoint Andrew Nieman as Yukon's first child and youth advocate. I'm pleased to do so and I'm proud of what our government has done in the area of children and family services. I'll briefly review the context of the development of the child and youth advocate role, as well as give some background on the informed development.

The *Child and Youth Advocate Act* was initiated with the passing of the *Child and Family Services Act* in the spring of 2008. The *Child and Youth Advocate Act* establishes the office of the child and youth advocate as an officer of the Legislative Assembly and is a made-in-Yukon model. The advocate will use a child-centred approach.

First Nations input is incorporated in the *Child and Youth Advocate Act*, particularly in the principles section. The legislation also provides for communication with First Nations for child or youth issues.

The advocate's primary role is to support and assist the child or youth in accessing designated services. The advocate will ensure the views and interests for the child or youth are considered.

With today's motion we are fulfilling our commitment to establish the child and youth advocate in the Yukon.

The act also provides that the advocate may review and provide advice on systemic or policy issues with respect to a designated service that affects the public interest that comes to the advocate's attention while assisting an individual child or youth.

A minister or the Legislative Assembly may also refer a specific issue relating to the provision of a designated service to a child or youth to the advocate for review and report. The act contains administrative provisions regarding the office of the advocate, including financial provisions and reporting requirements.

Mr. Speaker, this is a brief overview that summarizes the work that was done by many parties on this very important matter. I would like to thank all the officials from the First Nations, the Yukon government, as well as the many stakeholders who provided input during the consultation period for their efforts in bringing the child and youth advocate legislation and today, the child and youth advocate into office.

I would also like to thank the members of the Official Opposition and the Third Party for their involvement in the selection of the advocate. I urge all members of this House to support the motion to appoint Andrew Nieman as Yukon's first child and youth advocate.

Mr. Mitchell: Mr. Speaker, the child and youth advocate will certainly have very, very important work to do and has an important role to play. We in the Official Opposition expressed some concern when the act was debated about the *Child and Youth Advocate Act* lacking, in some areas, sufficient teeth to fully advocate for children and youth.

However, that act having been passed, we do have great confidence in the abilities of Mr. Nieman, who has worked in every Yukon community, to be a strong and staunch advocate on behalf of those children and youth who need an advocate. We wish him well in the work he has to do and the honour he enjoys in having been chosen as Yukon's first child and youth advocate.

Mr. Hardy: Way to go, Andy. It's great to see you here. It's a great moment, and I want to really thank everyone in the Legislative Assembly and the committee that made the selection. It was an extremely hard selection to make. The qualifications and the people who put their names forward were all very qualified, but it's wonderful to see Andy being the first, the ground-breaker in the Yukon, for the children and for the youth. That's what this is all about. It's for the children and the youth, and I know Andy will do a great job.

Thank you, Andy, for accepting this, and good for everybody in here.

INTRODUCTION OF VISITORS

Speaker: As Speaker of the House, I'd like to say, it's my pleasure — and I'm sure along with that of the Minister of Health and Social Services — that we have Mr. Andy Nieman in the gallery with us today, and I would urge all members to join me in welcoming him.

Applause

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. Ms. Taylor: Agree.

Hon. Mr. Hart: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Mr. Edzerza: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Agree.

Mr. Elias: Agree.

Mr. Fairclough: Agree.

Mr. Inverarity: Agree.

Mr. Hardy: Agree.

Mr. Cardiff: Agree.

Mr. Cathers: Agree.

Clerk: Mr. Speaker, the results are 16 yea, nil nay.

Speaker: The yeas have it. I declare the motion carried.

Motion No. 960 agreed to

Hon. Ms. Taylor: Mr. Speaker, I move that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Speaker: It has been moved by the Government House Leader that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair: Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 17, *Second Appropriation Act, 2009-10*, Department of Environment. Do members wish a brief recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 15 minutes.

Recess

Chair: Order please. Committee of the Whole will now come to order.

Bill No. 17 — *Second Appropriation Act, 2009-10* — continued

Chair: The matter before the Committee is Bill No. 17, *Second Appropriation Act, 2009-10*, Department of Environment. We will now continue with general debate. Ms. Taylor, you have about 12 minutes left.

Department of Environment — *continued*

Hon. Ms. Taylor: Mr. Chair, I believe where we left off was on the topic of climate change and following up on the government's *Climate Change Action Plan* that was launched earlier this year. There have been a number of questions surrounding implementation of the plan itself. Again, as I mentioned before, the action plan is really the result of a significant amount of consultation with many stakeholders over the course of the last couple of years that led to the climate change strategy and the launch of the plan itself, which is based on the four key objective and goals surrounding mitigation, improving our ability to mitigate greenhouse gas emissions, improving our ability to adapt, and establishing Yukon as a northern leader when it comes to climate change research and innovation.

Within this context, there has been a significant amount of progress that has been made over the last couple of years on this front that has occurred within all of the respective departments, as referred to in the action plan. I made reference the other day to the climate change secretariat and we identified around \$600,000 for the climate change secretariat, to be established within the Department of Environment, with the key vision of providing government-wide leadership and overall coordination of the government's response to our action plan itself.

I think they have been working pretty hard. They've been working very diligently with all departments on that front. As I mentioned before, we do have an interdepartmental committee

tasked with looking to review key initiatives outlined in the plan. As I mentioned before, I believe there is a lot more work to be done and we recognize that. The action plan coins a couple of specific time frames when in fact initiatives such as targets are to be conducted.

I think we spoke to this, but there is reference to 2020 being carbon-neutral when it comes to Yukon government internal operations and looking at capping those emissions next year — sometime in 2010 — and then of course reducing further from there with the eventual goal of becoming carbon-neutral.

Likewise, we also have a key target that has been identified in the action plan for 2011 that we would set Yukon-wide emission targets. As I mentioned, the key information associated with meeting those targets is providing or conducting a great amount of research when it comes to providing an inventory of our own emissions in the Government of Yukon — all operations, whether that's a fleet, public infrastructure and so forth — how we conduct business in government, et cetera.

It also entails gathering as part of that exercise, the inventory of baseline data associated with those emissions, knowing exactly where we are in terms of government emissions, being able to cap that and then also being able to report in a verifiable, reportable and accurate method.

I think there was reference not long ago to the Climate Change Registry. The Climate Change Registry is an international mechanism that has provided a lot of support to governments across North America and a number of international corporations. Albeit, it is voluntary, but I believe all jurisdictions in the country, as well as many of the states of the U.S. and the corporations do already report. We want to build upon those successes to come up with protocols, so to speak, that are verifiable. That is a key tenet to capping, reducing and becoming neutral at that.

As we also referred to, there is a significant amount of work being done on the adaptation file. As I have referred to before, even if we were to stop all emissions today worldwide, we would still need to do our work to adapt to climate change, to the changes we're seeing in our environment today and will continue to see.

There are a number of things. Just recently, we were very pleased to be able to help launch the Yukon Research Centre of Excellence, in collaboration with the college and many other stakeholders. This is a means of building upon our research capacity and building upon our knowledge economy.

Of course, this also builds upon the launch of the first northern link in the computer network, called the Canadian Climate Change Scenarios Network. We were able to launch that earlier this year. In fact, it's a computer node, which is a storehouse of technical data, used by researchers to study the impact of climate change and how we as northerners are adapting to climate change. It's important to point out that the Yukon server is part of a global network of sites that provide climate change scenario data. I understand that it is, in fact, the first and only network north of 60 to date.

We were also very pleased to be able to leverage new funding from the Government of Canada to help with the cost of delivering new climate change research to help us look at the

many ways we can adapt in this new world — whether that is supporting the development of climate change scenarios, assessing vulnerability and adaptive capacity of our forests, water resources, ecosystems, as well as completing an inventory in assessment of public infrastructure — our roads to our buildings to providing a blueprint of set priorities to effect change from here.

As we referenced earlier — I believe it was a couple of days ago in debate — we are working on a number of initiatives including our own inventory work on fish and wildlife — which is also critically important in the way which we can and will adapt to climate change. We are working to establish a new animal health program in Yukon — something that was identified in this year's main estimates for the Department of Environment. We are also working with a number of Yukon communities, including the City of Dawson and the City of Whitehorse, in conducting work on community sustainability and adaptation plans. That work is well underway, and they are working with respective community citizens.

Mr. Chair, there's a significant amount of work being done on all fronts. Recently a national report was tabled that refers to adaptation efforts required. Again, in speaking with my northern colleagues from Northwest Territories and Nunavut, it's great to see that others in Canada are starting to notice and recognize the very changes that are occurring in our backyard — for us it's our front yard. We are conducting research assessments and that is going to help us in how we can adapt to changes.

In terms of mitigation, I also just referenced the targets — internally and Yukon wide — but we're also enhancing our work through energy efficiency programs for homeowners — whether that be through the Yukon Housing Corporation — conservation and use of renewable energy. All of this is helping to displace thousands of tonnes of greenhouse gases each year. I referenced earlier the work that's being conducted in providing performance conservation standards on public infrastructure such as Tombstone Interpretive Centre and the Whitehorse Correctional Centre, to name but a few.

The new investments in our recycling initiatives are also helping to divert tonnes of material from entering our landfills. I know Carmacks, for example, is very appreciative of the new funding that has come their way for recycling and enhancing their capacity. They're doing a wonderful job, in collaboration with other communities.

We're providing assistance for transportation of refundables and non-refundables, or providing capacity in terms of direct core funding to over 17 community recycling depots or other investments. I believe this is all helping assist and complements the work that is being done through the solid-waste action plan that was recently launched.

As I mentioned, through Highways and Public Works, we're working on a green procurement policy. We are working on a number of fronts, but I see that my time is up, so I'd be happy to continue with the discussion.

Mr. Fairclough: It's funny, ask a question of the minister and, every time she answers, it takes her 20 minutes.

I don't believe it's an attempt to really give a lot of information to us on this side of the House because it's always a repeat of things she had said in her previous answer. It appears we're not going to get all that far with my questioning on climate change, so I would like to switch up a little bit.

I thank the official of the Department of Environment for being here. This next question, though, is one that's strictly political. Direction was given by the Yukon Party government on actions of what to do, and it's with regard to the motion that was put forward by the Member for Klondike. It is to put together a committee to look at prohibiting the discharging of firearms within a highway corridor.

The minister knows that her own department is advocating that the public go out and discharge firearms within the highway corridor when it comes to hunting bison. I laid that out for the minister today; I didn't get any answers from the minister. I also commented on the Member for McIntyre-Takhini and his comments. I just wanted to know whether or not this particular motion was vetted through the minister and if it was given the green light, because there are some serious matters here. First of all, Yukon Fish and Wildlife Management Board has already dealt with this issue and gone out to public consultation, researched it and looked at the checks and balances. One of those checks and balances is called the *Umbrella Final Agreement* or final agreements. I want to read out a section to the minister and see whether or not she still feels that this motion should go ahead. I know the minister is going to say it is a safety issue. It is about hunting and most people are not target-practising off the side of the road; they are actually out there hunting. We understand you cannot shoot across the highway. That is a given. Those are laws of general application that apply to First Nation people too. But they do have rights and rights are just exactly that — they are rights and privileges and they cannot be taken away. Hunting licences can be taken away but rights cannot. Governments can infringe upon them and perhaps even violate them and perhaps even violate the final agreements.

I'm going to read this section out to the minister opposite and see if she can answer this question about whether or not she felt the direction in which government wanted to go with this motion — that was Motion No. 835 — infringes on aboriginal rights.

It's under section 16.4.2 and I'll read it for the minister so she has an understanding of it, if she hasn't read it before or had an understanding of it. It says: "Yukon Indian People shall have the right to harvest for Subsistence within their Traditional Territory, and with the consent of another Yukon First Nation in that Yukon First Nation's Traditional Territory, all species of Fish and Wildlife for themselves and their families at all seasons of the year and in any numbers on Settlement Land and on Crown Land to which they have a right of access pursuant to 6.2.0, subject only to limitations prescribed pursuant to Settlement Agreements."

If the member opposite would do some research and perhaps ask some of the First Nations that give out permission for other First Nations to harvest in their traditional territories, none of them give permission to harvest cow moose — none of them. So, with this in mind — the minister understands that

section — let me flip to the section of the final agreement again that section 16.4.2 refers to, and that is section 6. I'll read it out for the minister, too, and see what her response is in this regard.

It says, under 6.2.0 Access to Crown Land — and 6.2.1 says: "A Yukon Indian Person has and a Yukon First Nation has a right of access without the consent of Government to enter, cross and stay on Crown Land and to use Crown Land incidental to such access for a reasonable period of time for all non-commercial purposes if", and then the next section below it is 6.2.1.1: "the access is of a casual and insignificant nature; or", and the next section is section 6.2.1.2: "the access is for the purpose of Harvesting Fish and Wildlife in accordance with Chapter 16 - Fish and Wildlife."

Knowing this, why would the Minister of Environment give the green light to have this motion introduced in this House and debated, knowing all this with all the background — knowing that the Fish and Wildlife Management Board has already dealt with this matter?

In all the travels I have done and all the hunting that I have done personally, I have never seen a cow moose harvested on the road — ever. There's a lot of land I do cover, all through the Northern Tutchone area, which is quite large. I've never seen it.

I was so surprised that the Member for McIntyre-Takhini would come up with this as justification for bringing this motion forward as a safety issue. If it was a safety issue and this was a concern to the Minister of Environment, why didn't she relay this to the Fish and Wildlife Management Board, which is a tool the government uses so they can get recommendations back, not only to them but to First Nations. The reason is perhaps that the Fish and Wildlife Management Board already dealt with this and they said so in the letter to the minister. I would like to get the minister's thoughts on this.

Hon. Ms. Taylor: First of all, I don't think anyone should be criticized for bringing forth a motion. That is why we are here as elected members, to put forward issues of importance for debate. I feel it's unfortunate that because the Member for Klondike and other members have spoken to how they feel, and perhaps how their constituents feel, that the Member for Mayo-Tatchun is taking issue with that. That is unfortunate because it is about freedom of speech and it's about putting forward issues of importance to all of us.

You know, we have certainly taken the opportunity to debate significant issues of importance — the *Landlord and Tenant Act*. We also brought forward a motion to discuss the use of cellular devices in terms of going out to all Yukoners for their consultation, for their input and for their feedback.

We have done a number of all-party select committees to review a whole host of initiatives. I say congratulations to each and every person for putting forward motions on the record and for putting them up for debate. I don't think that anyone should be penalized for actually putting that on the floor of the Legislature. I think that the Speaker has already ruled in terms of the Member for McIntyre-Takhini. Unfortunately, in this particular debate this is between the Department of Environment and it also engages with the opposition critic — one of them.

I just wanted to put that on the record because it is important that this is a motion that was brought forward by a member of the government caucus, just like there are many motions put forward — the motion of non-confidence for example, by the Leader of the Official Opposition. You know, it is unfortunate that we had to go through that motion, although that is the choice of the member opposite.

Because of that, I don't think enough time was given to the motion in regard to aboriginal language preservation — the motion that was put forward by the Member for Vuntut Gwitchin. It is what it is and, again, there are reasons for putting forward motions.

It has already been articulated many times by a number of members on the government side that this particular issue is not directed to hunting. It is directed to maintaining safety along the corridors.

Mr. Chair, just because a member opposite puts forward a motion for debate, and the motion, as I seem to recall — I don't unfortunately have it before me but it did call on the formation of an all-party committee to go out to consultation, to seek input and the views of Yukoners. That could entail presentations made by other legislative mechanisms.

The member opposite referred to the Fish and Wildlife Management Board and resource councils. It may be that there are other bodies out there, and either they're *Umbrella Final Agreement*-related or not. It could be a group of individuals; it could be individuals, but it really was to go out and obtain the initial input of Yukoners. I'm not saying that it is the intent to go forward with that; it was to simply put forward the opportunity to hear from Yukoners. It's to broaden, not simply hunting, but safety on our corridors.

Of course I'm very familiar with the provisions of the final agreements — the *Umbrella Final Agreement*. In fact, when we look at the Porcupine caribou herd, for example, the Department of Environment has been working in collaboration with the Porcupine Caribou Management Board in seeking some long-term solutions to the conservation of the Porcupine caribou herd. However, it does not appear that that plan will be put in place in the short term. Interim measures were needed in the short term to address conservation, so one of those tools identified was that of going to bulls only, also mandatory reporting of harvests. That also triggered a number of provisions within the final agreements, because there are a multitude of interests and legislative interests when it comes to the Porcupine caribou herd. Efforts have been made to consult each of the respective parties on that and follow our obligations as set out within each of the agreements.

We very much understand our obligations as set out in the final agreements, but I think that the intent of the motion put forward by the Member for Klondike as part of the government caucus was to engage in a debate. The way the debate unfolded the other day — I can't recall when it was, but fairly recently — it was outright denied by members of the Liberal caucus and that is their prerogative. I am not here to criticize that. It was just a very important opportunity to engage with all Yukoners. That is also respecting, as the member opposite put forward, conservation, public safety, ethical interests as well as aborigi-

nal treaty harvesting rights. We as a public government are very much aware of those obligations to aboriginal governments. I certainly don't penalize the Member for Klondike or any member for coming forward with a suggestion to have the discussion out in the public domain on this issue.

Mr. Chair, I don't know really where to leave it, but I did just want to put that on the public record.

Mr. Fairclough: It would have been nice if the minister could have answered the specific question I had and that was whether or not she felt that the motion that the Yukon Party drafted and presented on the floor of this Legislature infringes on aboriginal rights according to the sections that I read out — chapter 16 and in chapter 6.

I didn't hear the minister say that at all. It's fine for members opposite to bring motions to the floor of this House to direct elected members to do things in committees and so on, but this work has already been done. I know the minister still stands by her word that this is a safety issue. Perhaps she could document all the materials she has that would back that up. There was the question I had today about the Member for McIntyre-Takhini and the number of cow moose he has seen, or government has seen, shot on the highways and road rights-of-way. The only people who hunt cow moose are aboriginal people. I asked the minister today if she had documentation to back that up, and there was no answer.

This is the second opportunity to actually answer the question. The minister has that opportunity as well as to answer the first question I have with regard to chapter 16, section 16.4.2 and chapter 6, about access and the purpose of harvesting fish and wildlife, in accordance with chapter 16 — whether or not she still feels — it sounds like she's still backing up the whole issue of this motion — it is an infringement of aboriginal rights and a violation of the final agreement.

Hon. Ms. Taylor: Maybe I'll just read off the motion that was put forward not long ago. It said:

“THAT a select committee on the prohibition of discharging a firearm within a road corridor be established;

THAT membership of the Committee be comprised of equal representation from the government caucus, the Official Opposition caucus, the Third Party caucus and include the Independent member;

THAT the Premier, Leader of the Official Opposition and the Leader of the Third Party name their respective members to the committee;

THAT the committee conduct public consultations for the purpose of receiving the views and opinions of Yukon residents and prepare a report making recommendations regarding public safety for prohibiting the discharge of a firearm within a road corridor;

THAT the committee report its findings and recommendations in the 2010 fall sitting of the Legislative Assembly;

THAT the committee have the power to seek background information from experts and to be able to call and hear these expert witnesses; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the committee.”

Mr. Chair, nowhere in here did I see in this actual motion that there shall be a prohibition of discharging a firearm within a road corridor. What it does in fact state is that the committee, if it were struck — it doesn't look that way — the committee comprised of all-party representation would go out and conduct public consultations for the purpose of receiving views and opinions of residents and making a report of recommendations regarding public safety.

I don't know. Maybe I'm missing something in the motion here, but again, it's for putting forward the venue for going out to the public. I'm not sure if that would go out to every single community or who in fact those witnesses would be. I would suspect that there would be individuals and associations and perhaps the respective boards that we've referred to already here today.

This is just for going out for consultation. All too often, the government seems to receive criticism from the Official Opposition in terms of not consulting, not doing the homework; in fact, this does speak to that very notion.

It's not committing to do just that. It's for striking a discussion in the name of public safety. I'm not sure what the member opposite is trying to get at. I can only imagine. Again, we're very cognizant when it comes to aboriginal harvesting treaty rights — we're very familiar with that. I just spoke at some length on what we are doing with the Porcupine caribou herd when it comes to taking the initiative to invoke interim measures and adhering to our obligations as set out in the respective final agreements.

I made reference to a number of parties that are privy to the *Porcupine Caribou Management Agreement*.

Mr. Chair, seeing the time, I move that we report progress.

Chair: Ms. Taylor has moved that Committee of the Whole report progress.

Motion agreed to

Chair: Pursuant to section 109 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 16, Committee of the Whole will receive witnesses from the Yukon Workers' Compensation Health and Safety Board. In order to allow the witnesses to take their place in the Chamber, the Committee will now recess and reconvene at 3:30 p.m.

Recess

Chair: Order please. Committee of the Whole will now come to order.

Appearance of witnesses

Chair: Pursuant to section 109 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 16 adopted December 3, 2009, Committee of the Whole will now receive witnesses from the Yukon Workers' Compensation Health and Safety Board. I would ask all members to remember to refer their remarks through the Chair when addressing the witnesses, and I would also ask the witnesses to refer their answers through the Chair while they are responding to the questions.

Mr. Hart, would you please introduce the witnesses?

Witnesses introduced

Hon. Mr. Hart: Mr. Chair, the witnesses appearing before Committee of the Whole today are Craig Tuton, the chair of Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, the president and chief executive officer of Yukon Workers' Compensation Health and Safety Board.

Chair: Before we proceed today, would the witnesses like to make an opening statement?

Mr. Tuton: No, Mr. Chair, we are prepared to wait for questions.

Mr. Fairclough: Mr. Chair, I would like to thank the chair and the president of Workers' Compensation Health and Safety Board for coming forward today as witnesses and appearing in this Assembly to answer a few questions from us and opposition and government side, should they have any questions.

I'll just start off by following up from a question I had from last year and I'll try to be brief in my questioning to our witnesses here today. Last year, I asked the chair about the reported investment losses and I thank the chair for being up front about it. I believe the number that he referred to was some \$18 million in possible losses, and it could be a little higher because of the investment climate there was out there.

I would like to know: has that changed? What do we see as far as the gains or losses in our investments through Workers' Compensation Health and Safety Board? Has Workers' Compensation Health and Safety Board adjusted its targets for budgeting for its return on investments?

Mr. Tuton: Mr. Chair, I thank the member for the question. It's actually a good question; I was happy to hear you ask it because this year is a very good year actually.

We have actually recovered from our \$18-million problem the year previous. The board took a good look at our investment and our policies, and we are reviewing both. We met with our investment managers, and I'm happy to report to you that we fully recovered from that period.

Mr. Fairclough: I thank the chair for that answer to my question; it's good to hear. Last year, people may have been a bit surprised that we did see some losses in the investments. The chair said we have recovered the \$18 million. Are we now making money? If so, what do we forecast for gains as far as the end of this year?

Mr. Tuton: I'm not a real financial forecaster and we haven't made money yet. What we're hopefully doing is taking the slow and positive approach to this and we're actually even at this point.

If one looks at the way the economic situation in Canada is sort of rolling itself out, preparing for next year. I think that we could look forward to some very interesting and positive economic times in the next year. Of course, if that happens, because of our fairly conservative investment policy, we should see some steady growth within the next year.

Mr. Fairclough: My next question is for the president. Yukoners, in essence, trust the Workers' Compensation Health

and Safety Board to protect the Yukon's workforce against workplace injuries. This is proving to be a fairly expensive proposition for some employers. So, I guess, the question that is on so many people's minds is this: what is the Workers' Compensation Health and Safety Board doing to reduce the assessment rates?

Mr. Tuton: Not wanting to step on the president's toes, I think that it would be important for me to respond to that. The issue of rising assessment rates is something that I think concerns all employers in the Yukon. One only has to look at the most recent move afoot by the Whitehorse Chamber of Commerce.

I think that in itself addresses that concern. Really, who in the Yukon doesn't want to pay less for workers' compensation — for that matter, for anything that we buy or purchase? To those people who signed that petition at the Whitehorse Chamber of Commerce, they've accepted the concept as presented and they want to pay less while getting more. You can't blame them for that, nor should anybody, including those Yukoners whose hard work and accomplishments are being overlooked and whose jobs are being threatened by the statements made by the Whitehorse Chamber of Commerce this Christmas season.

It may be that as we look at it, if it looks too good to be true, it probably is. The study on which the chamber has based their comments is riddled with errors in fact, as well as in methodology and it glosses over and fails to mention many key implications. There are many errors in that report — too many of them, in fact, for me to cite every instance here. So let me just confine my comments to a few.

Let me just start by talking a little bit about the economies of scale and how they're in fact a challenge in the Yukon and not really just to do with workers' compensation, but virtually with everything. It is true of our health care facilities, which is why Yukoners who need an MRI or timely treatment by a specialist must be flown to either Alberta or British Columbia. It is also true of our education system, although we choose to educate our children here rather than sending them to boarding school down south. It is true of our government, although we prefer the cost of a democratically elected Legislature over the cost savings of a federally appointed commissioner.

It is even true of the same businesses that appear on that petition. That's why I support their efforts to encourage Yukoners to buy locally rather than taking advantage of economies of scale and buying either over the Internet or in southern jurisdictions.

Economy of scale is really a challenge inherent to living and working in a jurisdiction like Yukon, with a small population. It's a challenge that we at WCB are keenly aware of, and I may have an opportunity later this afternoon to touch on that.

Let me address briefly the study commissioned earlier this year by the Whitehorse Chamber of Commerce in an effort to support a position they began voicing about two years ago. One of the important points the chamber's study has glossed over is the fact that the British Columbia assessment rates they quote are merely base rates and not actual rates.

In other words, there is an additional cost allocated to each employer based upon their claims cost history. Before employ-

ers are to shrug that point off, believing that they have no claims costs, let me point out that some employers who complained most loudly about their assessment rates have been among the worst offenders with regard to claims costs. And some have actually been the main drivers in their industry for those claims costs.

Mr. Chair, employers are signing this petition because the Chamber of Commerce is telling them that everyone except those involved in steel erection would receive decreases; the fact is that many Yukon employers would receive rate increases under the B.C. system. Companies with absolutely no claims cost in the past who are involved with equipment rentals, sign making or installation, sheet metal, soft drinks, underground mining, silviculture, livestock, power plants, power lines, concrete or furniture making, to name just a few, will all face a base rate higher than their current Yukon rate. If they have claims costs, those rates could double again.

In fact, I suggest that any employer who has signed that petition take another look at the B.C. base rate for their industry, and realize that if they had or might have claims costs, those rates would increase by up to 100 percent. For those who still like the idea, they should be aware of another grievous error in the Whitehorse chamber study. That is the assumption that merging with British Columbia — their worker's compensation board is known as WorkSafeBC — is feasible, because, according to the study, it would only add a one-percent increase to the assessment rates that are paid by British Columbian employers. The actual increase to B.C. employers would have to be calculated through a very expensive actuarial review.

Let us accept for the moment the Whitehorse chamber's guesstimate of a one-percent average increase for B.C. employers. Let's be clear: the Whitehorse chamber study asserts that British Columbian employers would be prepared to subsidize Yukon employers, because it would not be an onerous burden on them. Well, I think, we, as Yukoners, only need to consider our own thoughts about our increasing assessment rates in order to subsidize non-Yukon employers. So, I think that that's just purely wishful thinking. In fact, the CEO of WorkSafeBC has stated categorically to us that British Columbia employers will not be asked to subsidize Yukon employers.

There is therefore no possibility whatsoever that B.C. assessment rates would apply to Yukon employers. Instead, WorkSafeBC would set separate rates for Yukon employers based on claims costs and then the costs to administer the system the same as what we've done before. Perhaps the Whitehorse chamber president's hope is that there are efficiencies to be gained by having a larger organization manage the system here through the change in laws. Let's look at that — particularly elements that I'm confident that neither Yukon workers, nor Yukon employers are prepared to live with.

It's important to understand that workers' compensation legislation differs significantly between Yukon and British Columbia. WorkSafeBC could not be expected to manage Yukon legislation on the go-forward basis. After all, that would be more expensive and a cumbersome version of the status quo. Yukoners would need to adopt B.C. legislation in the areas of

workers' compensation and occupational health and safety. In this there would be some cost savings because benefits to Yukon injured workers and to the dependants of those killed on the job would be slashed and I can give you an example.

A long-haul truck driver earning \$80,000 a year is seriously injured and needs time away from work to recover. Under the B.C. system, he would receive 21 percent less in time-loss benefits than he would under the Yukon system. Is that really what we want to do, and are prepared to do, to Yukon workers who are injured on the job?

The president of the Chamber of Commerce has claimed that contracting out to WorkSafeBC would be better for injured workers. They glossed over the slash in benefits and point instead to B.C.'s average time to first payment of 23.1 days. The study they used, that they quoted, states that here in the Yukon the time to first payment is 41 days. But to get that number, they had to go well back into the history books, which is something that I don't quite understand, since only meeting with that chamber some weeks ago. If you look at our website, you'll see the Yukon's average time to first payment in 2009 is actually 19.7 days, which is three and a half days faster than the time to first payment in B.C.

That same president of the chamber alleges that injured B.C. workers have better access to specialists than injured Yukon workers. Again, this is definitely not the case. Injured Yukon workers are sent to wherever the specialist is they need to see. If the waiting list in B.C. is too long, we'll send them to Alberta. One would argue — and I would — that Yukon injured workers actually receive better care than their counterparts in British Columbia.

Unquestionably then, if we look at those, injured workers in Yukon would be much worse off under the B.C. system than they are under Yukon's.

Their approach to occupational health and safety in British Columbia is also much more aggressive than here in the Yukon, where we have tried to take a much more cooperative approach with our employers, willing to work with them than against them. In B.C., for example, the safety officer can issue a fine for up to \$45,000 on the spot for an OH&S violation that did not involve an injury. In the case of a serious workplace injury or fatality, the director of OH&S can issue fines of up to \$500,000 without having to go through the courts.

If a case does go through the courts, a fine for a first offence can reach \$600,000, and for a subsequent offence, it can reach \$1.2 million. Given the track record of some of the companies that work here in Yukon, and the number of serious injuries and fatalities, the revenue from these fines alone would cover a significant portion of our costs of administration. But the other side of that coin — as it covers that cost, it would also force many of these companies out of business.

Another example: all of our Yukon gas stations would be required to install pay-at-the-pump systems because when there is only one attendant working on that gas pump, the B.C. occupational health and safety regulations require customers to pre-pay at the pump. So, I mean, we are willing to look at stiffer fines and more prescriptive regulations if that's what employers

are asking for, but in our consultation process with these employers that has not been what they've been saying.

When it comes to developing sound business cases for those increasing costs and extra positions, I really see very little activity or not very much interest.

It is ironic that I need to remind the Whitehorse chamber that they in fact were one of the instigators of bringing our system back when it was in another jurisdiction in Canada — bringing it back to the Yukon where Yukoners had control of that system, those policies and all of the doings of the board of directors of the Yukon Chamber of Commerce.

The chamber has also stated that Yukon rates should be coming down faster, because employers are doing their part to improve safety, and partially that is true. Many, many Yukon employers have been working to improve the safety and health standards on their work sites and we are seeing a corresponding drop in workplace injuries. Surprisingly, as a result, we have announced that 1,800 out of our just over 2,900 Yukon employers will see rate decreases next year. Too many other Yukon employers, however, have been happy with that status quo and we are seeing the results of that as well. The other 1,200 or so will see rate increases next year because claims costs for their industries are continuing to rise.

While the overall injury rate has been declining, last month saw fewer people working in the Yukon than a year ago, but there were 20 percent more injuries. Expressed as an injury rate, November 2009 saw a 37-percent increase compared to November 2008. Clearly we've got a long way to go.

The chamber also concluded that based on an assertion that Yukon workplaces are now only the fourth most dangerous in the entire country and that injuries here are therefore not a major cost driver. But I remind you that four Yukon workers have died on the job so far this year in occupations that range from mining to bookkeeping. What that translates to is that the odds of being killed on the job here are about one in 4,200. If those odds were the same on winning the 649, there would be a line up to the airport to get those tickets. Yukon assessment rates are consequences of the same thing — of inadequate participation in getting injured workers back on the job.

Bear that in mind. As we've told the chamber many times, the rate for the base cost of the system here is 35 cents per \$100 of payroll. Every other penny is driven by claims cost. We talked a bit about losses. The chamber made comments about WCB losing \$78 million. I want to address that because, actually when I heard that, I gagged. The Whitehorse Chamber of Commerce, through its chamber, knows full well —

Power outage

Chair: Committee of the Whole will recess until the power comes back on.

Recess

Chair: Order please. Committee of the Whole will now come to order. The matter the Committee is dealing with is witnesses from the Workers' Compensation Health and

Safety Board. There was a brief power outage and we will continue on — okay, it wasn't brief, it was about an hour — but we will continue on with statements from the chair of Workers' Compensation Health and Safety Board.

Some Hon. Member: (Inaudible)

Point of order

Chair: On point of order, Mr. Fairclough.

Mr. Fairclough: Much time has gone by with the power outage. I ask that perhaps we continue on with our questioning.

Chair's ruling

Chair: There is no point of order.

Mr. Tuton, you have the floor. You have about three minutes left.

Mr. Tuton: Thank you, I will just simply wrap it up. I wanted to state for the record some differences in the statements regarding the stated loss of \$60 million from Workers' Compensation Health and Safety Board between 2000 and 2007. One could assume that if one only read the bottom line of the financial statements, but if one reads in the record the notes attached, you would see that \$35 million of the \$60 million was subsidies that were provided to employers. About \$20 million was in an act amendment in 2002 for \$20 million and, in fact, \$18 million was unrealized losses in 2005. These losses, as long as no cash needed to be withdrawn — and there wasn't — no investments were sold so they weren't actual losses. And that, Mr. Chair, wraps that up.

Mr. Fairclough: Mr. Chair, I did ask the president this question and the chair answered a question that I didn't really ask, but he did say that this is what Workers' Compensation Health and Safety Board is not doing to reduce assessment rates. I really don't want to go into what the Chamber of Commerce has said or whatnot — it's interesting information that the chair is bringing forward and I'd like to see it.

If there's more, perhaps he can share it with us by e-mailing it to us. I'm interested in what Workers' Compensation Health and Safety Board is doing to reduce assessment rates. One thing that the chair did allude to was the fact that rates should come down in the future when we see safer workplaces, but I'm interested in what else the Workers' Compensation Health and Safety Board is looking at to reduce assessment rates.

Ms. Royle: I guess the first thing that I would like to say in respect to that is that, as the chair said, assessment rates are a consequence. They are an outcome of the number of injuries, and more particularly the cost of those injuries, in the Yukon. What we are doing is working to make Yukon workplaces safer. We have introduced the CHOICES program for employers to reinvest in safety. We have a full slate of health and safety officers in the field who are working on health and safety. We investigate all serious incidents, serious injuries and fatalities to see what we can learn from them to help reduce the number of injuries. We participate with partners to bring awareness to all Yukoners about safe behaviour both at work

and at home, and we will continue those efforts because it's important.

Our injury rate is still far too high. Over 10 percent of the Yukon workforce this year will have reported injuries, and that's far too much. It is declining and we're glad to see that, but there is a long way to go. So we will continue to work in workplaces to reduce the number of injuries.

With respect to the cost of claims, the solution for those who are injured is to prevent disability by early and safe return to work. This House, in 2008, approved a *Workers' Compensation Act*, effective July 1, 2008, and it was fully implemented on July 2, the day after Canada Day of 2008, with all policies, all training, all procedures, and we hit the ground running. We have seen tremendous results in that. We have had improvements in our claim duration, from 80 percent of workers who would have been returned to work or seen their last payment within 90 days in 2008, to 90 percent now in 2009, in November. So those things are happening.

We continue to support return to work. We have a request for proposal out now for training, to continue to make sure that employers know how to do that. Those are the things that really impact assessment rates. Our staff is committed to doing their best to enact legislation, both on the occupational health and safety side and on the workers' compensation side. Internally, we continue to seek efficiencies with respect to how we operate our full-time equivalent staff. However, we will not compromise service to injured workers or to employers in the areas of return to work, or safety.

Assessment rates are coming down; they're coming down because our costs are coming down and that will continue. Our 2009 results — some of which I've just mentioned — there is a 13-percent decrease in the number of claims to date. However, as the chair said earlier, in November, that spiked again and that's worrying. But those numbers are down and our costs are down as well. So we are looking at — and those aren't factored into 2010 rates, because 2010 rates are set in the middle of 2009; therefore, we use a 10-year period prior to that to set rates. We know the results in 2009; we know our investment situation and hopefully at the end of the year it will remain the same. Therefore, we can predict that the average assessment rate in 2011 should go down, all else remaining equal.

The issue of course will be that while the average goes down, in the industries where claim costs continue to go up, we will likely see increases, and for the industries where claims costs go down, we'll see decreases as was the case this year. So we are doing everything that we believe needs to happen. We certainly need workplaces focused on health and safety and on return to work. As long as those things continue to happen, we expect to see the by-product of all that being lower assessment rates.

Mr. Fairclough: I thank the president for that answer. I'd like to ask a few questions about WCB's operational issues, and I'll again direct my question to the president. There was a change last year in workplace injury reporting. Employers are no longer required to report all workplace injuries to WCB. Now, we voiced our concern that this change may result in an artificial reduction in the reported workplace injuries. Can the

president reassure Yukoners that a reduction in the number of reported workplace injuries is the result of improved workplace safety? A related question to that would be, are employers actually experiencing a cost savings as a result of this policy?

Ms. Royle: Well, the change in the policy was made so that employers could focus more on health and safety and more on the internal responsibility within their workplace — so their first-aid reporting, their instant reporting internally which is meant to take care of instances that don't result in a medical aid or a time loss situation. When I talked about a reduction of 13 percent in injuries, year to date in 2009, the reduction is in lost time and medical-aid injuries; it is not from the number on the sign.

We want to make sure we can measure that, yes, there is a decrease happening in workplaces. So the 13-percent decrease is in lost time and medical-aid injuries, and not incidents based on the change in communication to employers.

Yes, I can reassure you that is the case, that we are seeing those decreases in workplaces. Are employers receiving cost savings? I think you would need to talk to employers about that. We are certainly seeing administrative efficiencies internally, because that's several hundred less incident reports we would have to deal with in the run of a year; therefore, we can concentrate more on the adjudication of the lost time and medical-aid claims as they come in through the door — and we're seeing that. As the chair mentioned earlier, our time to first payment now is 19.7 days, which is a dramatic improvement in a very short period of time, and we are seeing that through some of those efforts.

We're seeing administrative efficiencies. For employers in their workplaces, they don't need to complete the WCB forms on those types of injuries, but they still need an incident reporting system, which they're required to have under the *Occupational Health and Safety Act* and regulations, as well as if there's a first-aid record, and so on. They still have to act on an incident. An incident is something that is not causing a doctor's visit or lost time, but it's indicative there's a hazard in the workplace that needs to be addressed. Employers would still need to do that. What they don't need to do is fill out another WCB form.

Mr. Fairclough: I thank the president for those answers too. I would like to move on. I know we are tight for time here.

Workers' Compensation Health and Safety Board has made much ado about the COR certification and last year a contractor who was not COR-certified was awarded a contract for work on the nurses residence that is currently under construction just across the river. At the time that contract was awarded, we were left with unanswered questions about last-minute changes to the COR certification policies. Can the president provide an explanation for these policy exceptions?

Mr. Tuton: I am not actually sure. I think what the question was last year — the way I remember it — is that as we were going forward with our request for proposal, was whether we would be looking for COR-certified or the equivalent of COR certification. The member's question is not factually cor-

rect at all. In fact, the contractor who has the contract to do the hospital job is COR-certified and has been for a long time.

Mr. Fairclough: As I understand, they were not COR-certified at the time of the awarding of the contract. I'd like to thank the member for that explanation and move on a bit.

The Yukon Federation of Labour has previously been facilitating workplace training courses on behalf of Workers' Compensation Health and Safety Board. This has changed and Workers' Compensation Health and Safety Board has now tendered an RFP for these services. Can the president explain what happened to prompt this change and what is the expected outcome?

Ms. Royle: The Yukon Federation of Labour had applied to the board through the prevention fund, where anybody in any worker organization, any employer organization, individual employers, could apply to that \$5 million prevention fund. The federation did and we were quite happy that we partnered with them on providing return-to-work training for Yukon workers, and employers as well, for a period of time.

The prevention fund money has been all allocated and the decision was made, to be fair to the marketplace, to put the return-to-work training out for request for proposal so that any interested parties could apply. We're in the process of reviewing those responses right now to fairly distribute the type of work that we're doing.

Mr. Fairclough: Workers' Compensation Health and Safety Board has hired fraud investigators to reduce the expense of bogus claims. Can the president clarify how many investigators have been hired and how many people are working on fraud investigations?

Ms. Royle: Yes, we have two investigators. We started with one, and with \$2 million of savings in the first year and approximately \$9 million in potential savings on the investigator's desk with a backlog of claims, we felt the business case was strong to hire a second investigator. But I want to be clear that the investigators do not only work on injured-worker fraud claims. They also deal with employer fraud, potentially, and they are also responsible for the security of our building and deal with issues there, as well as health care provider issues.

So, to date, they have focused on claim fraud because, quite frankly, that's where the largest gains can be had, but it's not their exclusive area. In future savings, it's over \$4.5 million to date, although there was another one last week that will be quite significant savings as well. We can't fully realize all of those in our financials until a two-year appeal window has been exhausted. But, certainly, the work is ongoing and I'm disappointed, quite frankly, to say the amount of work they have to do because it saddens me that there is that much abuse of the system out there among stakeholders, but that's the reality and we have two budgeted for 2010 as well.

Mr. Fairclough: I thank the president for that answer, Mr. Chair. It's interesting. When WCB entered into a data-sharing agreement with the Canada Revenue Agency last year, the president reported at the time that there were some 500 employers registered with Canada Revenue Agency that were not

registered with WCB. Can the president update us on the progress that has been made on this?

Ms. Royle: Yes, certainly. Through that arrangement we've had to go through a lot of those files, and we're continuing to work on that number. We have seen an increase in assessment revenue, just under \$100,000 a year, from that initiative. So certainly it has been worthwhile because we didn't have to pay for that data share with Canada Revenue Agency, so that has been a very good thing for us.

But it has uncovered some other issues with respect to holding companies and directors of holding companies that we're dealing with right now. We may need to look at other solutions on how to deal with a lot of these companies. So we did find some active companies out there that needed to register, but a lot of those companies turned out to be holding companies that were struggling with figuring out how we're going to deal with them, because our act really didn't contemplate this situation.

Mr. Fairclough: Once again, I'd like to thank the president for her answers and I only have a few more questions, and then I'll give the opportunity for the New Democrats to ask some questions.

Something that has been asked before and continues to come up is the Workers' Compensation Health and Safety Board policy of not publishing the names of bad offenders. Now, I use this term to describe employers with excessive workplace injury rates or unacceptable workplace safety practices. It is a few employers, in some cases, that increase assessment rates for everybody else. Can the president tell me if this policy has been reviewed, or perhaps reconsidered, in the last year?

Mr. Tuton: It's one of these issues that, from time to time, the board deals with in discussions, but there has been absolutely no change to that policy and there is none anticipated in the near future.

Mr. Fairclough: I thank the witness for that answer. Now, once again, I would like to hear what WCB is doing to ensure that Yukon employers are not burdened with WCB assessment costs to the point where businesses are no longer commercially viable or are unable to reasonably compete in other jurisdictions. I'd like the chair to answer that question.

Mr. Tuton: As I alluded to earlier, this is an issue that has been at the forefront of the board certainly over the last three years. I could go back to the initiation of the prevention committee, which is a group that is made up of stakeholders from all walks of life in the workers' compensation system, and our stakeholder advisory committee, which is a committee we rely on to provide us with advice as we move forward, making changes to policies, et cetera. They have been a very good source of information to us as we move forward with our strategic planning, which is something we're moving ahead with very quickly. Our stakeholders have been asked to play a role in that strategic planning process that will take place very quickly.

As I said earlier, with our occupational health and safety, rather than choosing the heavy-handed approach of enforcement and fines, we have chosen to deal with it from an educa-

tion point of view and to work with employers to help them in whatever way we can to help make their workplaces healthier and safer.

We do continue to support the Northern Safety Network Yukon, which is a very worthwhile organization that is providing, among other things, COR certification and small business COR to all our employers. I can assure you all that our number one priority is exactly the same as it is with employers and that is to find solutions to help continue to reduce the assessment costs straight across the board. I am happy to say that in just a few short years since that prevention committee and since that fund was established, we are seeing results and 1,800 of our 2,900 plus employers are seeing rate reductions.

Mr. Fairclough: I have one more quick question and then I will turn it over to the New Democrats. It is in regard to the fact that the Workers' Compensation Health and Safety Board was called in to investigate some of the government buildings for mould. I would like to know which buildings the Workers' Compensation Health and Safety Board is looking at and what is the Workers' Compensation Health and Safety Board doing to ensure that government makes improvements to ensure that their buildings are safe to work in.

Ms. Royle: That is a difficult question to answer, because we certainly help employers who ask and we go in to do reviews of indoor air quality and so on.

I'm not at liberty to provide a list of buildings; however people in those buildings would know that we were there. We do require anybody we inspect to have a remediation plan if that in fact is necessary. In some cases it isn't necessary. When we do the testing, we find the levels are within acceptable national standards and there is no remediation required; otherwise we have to have a remediation plan and then we do follow-up on that plan to ensure it happens. That's all I could say about that.

Mr. Fairclough: There's only about a half hour left and I'm going to turn it over to the New Democrats for their questions. Unfortunately, we've run out of time here and the power outage dealt that to us. I'd like to thank the president and chair for their comments and I'd like to turn it over to the NDP.

Mr. Cardiff: I'd like to thank the officials — the president and the chair — for their attendance today and for the people in attendance in the gallery as well and those listening in on the radio or on the computer. I recognize we're short on time here and I'm going to try to ask the questions that I consider the most important.

The president mentioned — there were questions about the investigators. What I'd like to know is, are all claims being investigated or being reviewed? Are all of the long-term claims being reviewed if they are on long-term disability, or being investigated by these investigators? If you can provide statistics on how many of the claims have been reviewed and those injured workers who have had their benefits either cancelled or reduced.

Ms. Royle: No, we did not do like a *carte blanche* investigation on long-term claimants. There would have to be a reason for us to go in and look at something — so there is a discrepancy. Perhaps there is a doctor who has indicated some-

thing might not be right. So there would have to be a cause. We do not go in just on a hunt, so I don't have — on that basis, because we didn't do that type of review. We took the referrals as we got them, but there had to be cause for an investigation to happen, not just a random review of everybody on the system. So that didn't happen.

Mr. Cardiff: If there are statistics available and they can be provided, it would be helpful in the future to know how many investigations have happened. I'd be interested in knowing how many claimants who were on long-term disability or are receiving long-term benefits have either had their claims reduced or denied. That leads to the next question: when this happens — if a claimant has been investigated and basically cut off of their benefits — how do you proceed from there? What is their avenue — is there an avenue of appeal?

Ms. Royle: After an investigation, what happens is our investigator will do the report and it will then go to another decision-maker to determine. So the investigator doesn't determine whether a file will close or not; there is another set of eyes that reviews that and then a decision is made. If it's to terminate the worker's benefits, then under the act, that worker can immediately choose to proceed directly to the Workers' Compensation Appeal Tribunal for a review. They could go through the internal process if they would like to, but they don't have to. They can skip directly because obviously it's a serious situation — their income is affected — and then they would go. In many cases, upon presentation of the evidence, the worker has chosen to close their own claim.

But they certainly could appeal and the workers' advocate office is also available to assist them in that appeal process should they request it.

Mr. Cardiff: That leads me to a question about the workers' advocate office and then I will return. The workers' advocate office has changed. It is my understanding now that there is a manager who does not advocate — that by his job description, he is not an advocate. There is one advocate and one admin person in that office. Previously, there were at least two advocates in the office. It's also my understanding that their budget is slated to be cut by some \$80,000 to \$100,000. I am just wondering — with the investigations that are going on, if anything, I would think that this would increase the traffic in the workers' advocate office and if there is a reduction in the workers' advocate office's ability to provide service to injured workers — I am just trying to figure out what their rationale for that is and how something like that could occur.

Mr. Tuton: The board has been looking at the workers' advocate office over the last number of years, and the legislation in the past required the Department of Justice, which oversees the workers' advocate office, and the Workers' Compensation Health and Safety Board, who provides the funding — the Department of Justice would provide a budget to the Workers' Compensation Health and Safety Board, and the Workers' Compensation Health and Safety Board accept that budget. That is not a proper use of workers' compensation funds — without the board having ability to review the budget, to be able to determine whether, in fact, the dollars are being spent properly and in the right direction, and we're getting

value for that dollar. The board determined over the last few years that the number of claims and the duties in the workers' advocate office were being reduced gradually over a period of years, and it was determined that we would be able to operate that office with a lower budget, and therefore approved a lower budget this year.

Mr. Cardiff: I thank the chair for that answer. I find it a little hard to believe — it's my understanding that the workers' advocate should be arm's length from the Workers' Compensation Health and Safety Board. It's not unlike the conversation we were having in the Department of Justice about funding for the Human Rights Commission and the fact that it needs to be arm's length and there needs to be an appearance of no conflict. I'm not sure what this requires, but from my perspective, with all due respect, I don't believe that the board should have the right to control the budget of something that should be arm's length.

What I would like to ask — in your earlier remarks, you talked about the consequences of moving to the British Columbia system and having them administer our system here. You talked about occupational health and safety in a more rigid approach, whereas we're taking a more cooperative approach. A couple of things — I asked for statistics around the injured worker investigations.

I would be interested in knowing at some future date, by legislative return or whatever, how many cases of worker fraud there have been and how many cases of employer fraud there have been. If we're using these investigations and there are cost-savings involved, it's my belief that a cooperative approach with employers around making workplaces safe is a good approach to a certain point. So I'm just wondering why we don't take — it doesn't have to be the rigid approach that is taken in British Columbia. But if increased claims costs are encouraging employers to create safer workplaces, I think that increased enforcement of occupational health and safety regulations would also reduce injuries in the workplace. That would be an incentive for employers to have safer workplaces and that, in turn, could bring down claims costs and reduce injury rates and thereby assessments as well.

Mr. Tuton: Thank you for the question. It's not that I disagree with you because, in fact, I agree with you wholeheartedly.

My comments around taking the approach from an educational perspective and a working-with perspective with the employers are certainly, in our opinion, the first steps. In fact, we have increased our ability to fine, not only employers, but also supervisors and also workers when they're not wearing their personal protective equipment, or in fact if an employer has not provided that personal protective equipment to a worker — then they're fined. So that is something that is new. In fact, we also have the ability to fine employers when they fail to turn in their employer injury report. So we are doing it and we have every intention of continuing along that road. So as we move forward in our consultative process to try to educate employers on the benefits of having safe and healthier workplaces, where we fail in that area, we will certainly be coming forward with our ability to increase or add fines to that process. I think that

employers have respected that and I think that they have a better understanding of how we collectively choose to move forward because of that.

Mr. Cardiff: Thank you, Mr. Chair. I'd like to ask a couple of questions about occupational disease.

Occupational disease is caused by workplace conditions. It is the working conditions and can be things like asbestosis and there can be repetitive stress syndrome, post-traumatic stress syndrome and those types of injuries or diseases. I am just wondering — I would like to know how many claims there have been and how many clients or active claims the board currently has for disabilities because of occupational disease. The other thing that ties into this, I think, is education of injured workers or retirees around occupational disease and their rights under the act to access benefits because they may be affected by an occupational disease. What type of work is the board doing in that regard?

Ms. Royle: The biggest occupational disease that we deal with at the board — that has traditionally been, and continues to be — is hearing loss. To that end, we changed our policy three years ago, with respect to hearing loss, and conducted a hearing clinic and did some of the education that the member was talking about. So, those types of things happen.

We're working with the firefighters on looking at occupational cancer among their group, and looking at a Yukon solution to those issues, so that we have those. Unfortunately, with many occupational diseases, they don't manifest themselves until after the worker has left the workforce. Therefore, there's not lost-time benefit to be paid. So, with respect to numbers of workers on the system, it would be very, very low. I could probably count on two hands the number who would be on wage loss, because the hearing loss claims, like I said, are typically medical aid only. There are a couple of exceptions, but typically we have not seen the occupational disease claims in Yukon that other jurisdictions have seen. So, we're constantly watching that to see if there's something coming that we don't know about. So, we keep an eye on that as well.

There is definitely an education need. We're actually working with a recent PTSD claimant to do education in the workplace around hazard assessment for workers who are at high risk for PTSD. So, we just talked to that individual this week, and are planning that for the new year. So, education, as the member mentioned, is key. I guess, because of our size, or — I'm not sure what the factors are, but we certainly do not deal with the occupational diseases except for hearing loss, which is quite high here, that the other boards do.

Mr. Cardiff: I know there is a lot of work going on around education. Actually, I've got one more pitch to make to the board, as well as the minister. I made this pitch earlier today to the minister in Question Period. You talk about return-to-work programs and the fact that early return to work can bring down those claims costs and bring down the assessment rates. This might be something that the chamber might be interested in as well, if they were listening.

You mentioned that the act was passed in its entirety in July 2008, I believe it was — or came into force. The exception to that is section 41, which is the employer's obligation to re-

employ. It would make sense to me that, after 18 months now, it was supposed to come into force at a date to be determined by the Commissioner in Executive Council, which is Cabinet.

If this were to come into force, do you believe that it would bring down claims costs as well? Because it kind of promotes that whole early return to work — and if it does that, it would make sense for the government to proclaim section 41 and thereby allow the claims costs to be reduced.

Ms. Royle: I agree 100 percent, which is why that section was put into the legislation. I think there were legitimate reasons for not introducing it at the time, but I believe that those have been addressed through the changes to the *Human Rights Act*. We've just been waiting for that to be proclaimed to put forward section 41, which basically requires employers who have 20 or more workers — for a worker who has more than one year of employment with them — that employer has to take that worker back.

Will that reduce claims costs? I absolutely believe it will and we're certainly looking forward to it. We have it all in our work plans for next year and the paperwork is ready to go as soon as we're ready to deal with that. I think that'll be of great benefit to Yukon workers and to employers and to assessment rates.

Mr. Cardiff: I'd like to thank the president for that response and I trust that the government was listening and we will see some action on that front in the near future.

I'd like to ask the witnesses what programs are currently available. As you know, we worked on the young worker protection and I appreciate the work that has been done around the code of conduct or code of practice in the workplace for young people. But I still believe regulations need to be attached to the *Employment Standards Act* or the *Occupational Health and Safety Act*, whatever that might be, to have a minimum working age and especially regulations around certain industries that are more dangerous than others. I believe this is one of the most dangerous jurisdictions.

You cited four deaths in the workplace this year and really, injury rates aren't declining at the rate that we'd like to see. If our children are at risk, it makes sense to me that we're going to limit their ability to work in certain industries at certain ages and that we would also provide for better supervision.

The chair mentioned the situation in British Columbia where even at service stations, if you are there by yourself, you have to pay at the pump if there is only one employee on. It is about those levels of supervision for our young workers. Do you know what work is currently being undertaken around those regulations and how soon we might see regulations come into force in this area?

Ms. Royle: Yes, I certainly am aware of that work because the board has taken a lead in that area. With Motion No. 542 from this House last year, we did consultation with employers and parents and youth themselves, and that code of practice was put into place. I think it is really important not to underestimate the value of that code of practice, because it certainly provides the standard that employers are expected to meet. If they do not meet that standard, they have to prove to our occupational health and safety officers that they have

something in place that meets or exceeds that standard. It provides the bar out there for supervision of young workers and so on.

With respect to minimum ages, we are working toward minimum ages in eight different industries, as well as looking at working alone.

We are working with the Employment Standards Board so we can make changes to both the employment standards regulations and the *Occupational Health and Safety Act*. We want to make sure those pieces of legislation go hand in glove. We do not want to have contradictory pieces of legislation out there, so we're working with them on that.

We've begun looking at potential drafting for that. We have our staff who are looking at how that will fit in, how we will deal with grandfathering, if we do — for example, 16 was the recommended age in the construction industry; we could have a 14-year-old in Yukon with three years' experience. How do we deal with that? Those are the types of implementation issues we're planning to deal with.

We are aiming for implementation January 1, 2011, but that will depend on the logistics of flowing through this process. The consultation has been completed; employers, youth and parents have spoken. We know what the results are and we believe we can move forward on minimum-age legislation for those high-risk industries. Those industries do encompass the bulk of the youth who are working in the territory. Then we'll work with the Department of Education, as well, because they have apprenticeship programs we want to make sure are factored into this equation and we don't negatively impact those apprenticeship programs that are working very well for our youth, especially in the trades area.

All those things are on the go. We have a team working on it and moving forward.

Mr. Cardiff: I thank the president for that answer. I'm encouraged that there is work being done. I guess the part that concerns me is that we have to wait yet another year for this to come into force, and therefore it's our children, our grandchildren who are at risk. I'm not sure what can be done to expedite the process. If the government were willing to try and expedite the process, I certainly would encourage that to happen.

I have one question. I'd like to go back to the inspections and enforcement issue. We now have four, I believe it is, occupational health and safety inspectors who are inspecting work sites. I'm just wondering how many inspections they do. Are they on a complaint-driven basis, or are they going out and inspecting unannounced, basically on a drop-in basis, inspecting workplaces, making recommendations? Are they writing up employees and employers, and are there any penalties being handed out?

Ms. Royle: Absolutely. We have a full slate of safety officers, as you noted. Certainly, they do respond to complaints, but more so, their time is spent with serious injuries and fatalities. As I said earlier, unfortunately, we've had four fatalities this year, and there are a number of serious injuries as well that just by fate or by luck were not fatalities. So they are doing those investigations.

They deal with right-to-refuse unsafe work situations as well. They do planned inspections and they do unannounced inspections. So we've run the full gamut of those things. We are targeting the most at-risk industries, based on the industries with the highest assessment rates, the highest number of injuries, the highest claims costs and so on. They are often the ones we get the complaints on as well, so it goes together. So they are out there. I don't have the numbers with me, unfortunately, but I can certainly get them for you with respect to inspections. But they are issuing fines and they are writing orders more than they have ever done.

We're looking at — there are prosecutions outstanding. We have another one that we're looking at. So they are certainly moving forward with enforcement. As I said, our first response is to work with employers with respect to developing their health and safety programs — finding the root causes. But we're doing the full enforcement spectrum.

Mr. Cardiff: I'd like to thank the president for the answer and to say that I look forward to receiving the information. I think in the spirit of the way information is normally provided — if you can provide it as well to the Member for Mayo-Tatchun and the Independent member, it would be appreciated.

I'd like to ask a question about — I'd like to stay on the young worker aspect of it. You mentioned education, training and the code of practice. What type of educational programming is the board engaged in? What type of programming is it supporting around workplace safety and risk-related, trauma-type injuries for young people?

Ms. Royle: Thank you. We have a dedicated resource who is a teacher, actually, who has been graciously enough seconded from the Department of Education to work with us. So she is out in the classrooms with the Planning 10 course. She has been working on curriculum with the Department of Education for grade 8 students and has just recently been successful in getting some more curriculum in there. She's out in the schools on the ground working with teachers, working with students.

We support the SmartRisk program in Yukon high schools. Maybe you recall from earlier this year the great melon splat that the students from Vanier and F.H. Collins put on. We support the efforts of the schools with respect to the SmartRisk program and are constantly working on developing more curriculum to have embedded into the day-to-day curriculum in schools, so we work on that.

We also support Day of Mourning activities in schools through the Federation of Labour — that's their Day of Mourning program, but we certainly want to see more of that in schools so that students recognize the importance of workplace safety.

We keep on moving toward that. Through our prevention fund, we had supported the PARTY program, as well, at the Whitehorse General Hospital, but as I said our prevention fund is depleted. Our resources have been assigned, so we have to see how we make out with that one, but certainly it's a top-of-mind issue for occupational health and safety folks, so much so

that we have dedicated resources assigned to that — actually, 1.2 resources.

Hon. Mr. Hart: There is very little time left and I'd like to also — and I apologize to the member opposite — there's a very important issue out there with regard to the Whitehorse chamber and the petition that's going around.

I would really like to get some detail on this. I think it is a very important issue for those who have been on this issue and I would like to hear a response from the corporation on just exactly where we are with this and what the facts really are.

Mr. Tuton: It is unfortunate that this issue came up when it did and how it did because, as I think I alluded to earlier, it was only a matter of just a few short weeks ago that we as a Workers' Compensation Health and Safety Board sat with the directors of both the Whitehorse chamber and the Yukon chamber to once again listen to some of the issues that they had, both currently and what they saw as issues moving into the future. We had agreed at that time to a process to work together to see if we could come to an understanding collectively, as partners, and to get an understanding of how we could work together.

We offered in our strategic planning process, which is a series that has been ready to start again for the next five years, to have them sit as advisors and to give us some of their thoughts.

As well, I have been, quite frankly, asking the Whitehorse Chamber of Commerce for an opportunity to appear in front of their membership for at least four years, so that I could sit with their membership and discuss some of these issues, some of the facts that are not correct, and to clear the record. I have not been given an opportunity to do that as of yet. I continue to ask for that opportunity, and I will continue to do so as we move into the future, and hopefully, in the new year, I'll be given an opportunity to sit with the chamber and discuss some of these issues.

You know, we all agree that we have to work collectively as hard as we possibly can to bring the rates down. We've all said from the start that the only way that we're going to accomplish that, regardless of where we're administered out of, is to reduce, number one, the injuries, and number two, the cost of those claims. Part of that is our efforts that we have achieved through the act change, which is giving us more abilities to do that. I think that, at the end of the day, though, we will be able to work with both chambers — the Yukon and Whitehorse chambers — and collectively, which is what our goal has always been — collectively — to work with them.

If they have issues — I mean, quite frankly, a lot of these facts that were quoted by the chamber, if they had simply come to us and asked for a discussion, we would have been able to provide this information. It has, in fact, been provided to them on many, many occasions certainly over the last year. It comes as a surprise when some of these facts and figures were quoted, in fact, incorrectly. I welcome the opportunity today, in part at least, to correct for the record some of those.

I think we will look forward to a long and continued relationship with both chambers of commerce and all other stakeholders as we move forward.

Chair: On behalf of Minister Hart and the Committee of the Whole, I'd like to thank Craig Tuton, chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, the president and chief executive officer of the Workers' Compensation Health and Safety Board, for appearing as witnesses. The witnesses may be excused.

Witnesses excused

Chair: Seeing the time, the Chair will rise and report.

Speaker resumes the Chair

Speaker: I will now call the House to order.

May the House have a report from the Chair of Committee of the Whole?

Chair's report

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 17, entitled *Second Appropriation Act, 2009-10*, and directed me to report progress.

Also, pursuant to section 109 of the *Workers' Compensation Act*, and Committee of the Whole Motion No. 16, Craig Tuton, chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appeared as witnesses before Committee of the Whole from 3:30 p.m. to 5:30 p.m.

Speaker: You have heard the report from the Chair of Committee of Whole. Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

The time being 5:30 p.m., this House now stands adjourned until 1:00 p.m. Monday.

The House adjourned at 5:32 p.m.

The following Sessional Papers were tabled December 10, 2009:

09-1-141

Yukon Arts Centre 2008/2009 Annual Report (Taylor)

09-01-142

Yukon Heritage Resources Board April 1, 2008 – March 31, 2009 Annual Report (Taylor)

09-1-143

Public Accounts, Standing Committee on: Third Report (dated December 2009) (Vol. 19) (Mitchell)