

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Tuesday, November 26, 2013 — 1:00 p.m.**

**Speaker:** I will now call the House to order. At this time, we will proceed with prayers.

*Prayers*

## DAILY ROUTINE

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

Tributes.

## TRIBUTES

### In recognition of National Caregivers Month

**Ms. Hanson:** I rise on behalf of all members of the Legislative Assembly to pay tribute to National Caregivers Month. Former U.S. First Lady Rosalynn Carter said, “There are only four kinds of people in this world: those who have been caregivers, those who currently are caregivers, those who will be caregivers, and those who will need caregivers.”

A caregiver is an individual who provides ongoing care and assistance without pay for family members and friends in need of support due to physical, cognitive or mental conditions. The term is sometimes used to mean a family caregiver, an informal caregiver or an unpaid caregiver, to differentiate from providers and other health care professionals who provide care.

We are all touched in some way, but we rarely consider the implications of caregiving. Recent statistics are difficult to come by in Canada. However, in 2012, about 8.1 million — or 28 percent of Canadians — 15 years or older, provided care to a family member or friend with long-term health conditions, disability or aging needs.

The Statistics Canada study *Caregivers in Canada, 2012* examined the psychological, financial and employment consequences of caregiving, with the greatest risk of negative consequences for caregivers of children and spouses, who reported at least five symptoms of psychological distress such as depression, a feeling of isolation and disturbed sleep. Nevertheless, Mr. Speaker, nine in 10 caregivers felt that the experience of providing care was rewarding.

In 2012, 19 percent of caregivers received some form of financial support. Help from family and friends was the most common at 12 percent, followed by government programs at seven percent and the federal tax credit at five percent.

Current estimates for the replacement costs of unpaid care in Canada indicates a significant economic contribution by caregivers with estimates for care providers in 2009 ranging between \$25 billion and \$26 billion a year. At the same time, these caregivers incurred \$80 million annually in out-of-pocket expenses.

Family caregivers who provide care and assistance for spouses, children, parents, friends and other extended family members who are in need of support because of age, debilitating medical conditions, chronic injury, long-term

illness or disability are the invisible backbone of the health and long-term care system in Canada. Caregivers are encouraged to see themselves as a loving professional; as an equal member of the care team. As such, they have a right and a responsibility to learn about the disease or condition and to learn about caring for themselves. Many in this Assembly or those listening will know there are many challenges to being a caregiver. It can be a confusing and challenging world.

I thought I would close this tribute to caregivers by sharing *The Fearless Caregiver Manifesto*. It was written in 1997 by a fellow named Gary Barg who, after the experience of working with his mom in caring for his dying father and then in turn, having to care for his dying mother, formed an organization called “Caregiver.com”.

This manifesto has been used by organizations across North America. So, *The Fearless Caregiver Manifesto*, Mr. Speaker, goes like this:

“I will fearlessly assess my personal strengths and weaknesses, work diligently to bolster my weaknesses and graciously recognize my strengths.

“I will fearlessly make my voice be heard with regard to my loved ones care and be a strong ally to those professional caregivers committed to caring for my loved one and a fearless shield against those not committed to caring for my loved one.

“I will fearlessly not sign or approve anything I do not understand, and will steadfastly request the information I need, until I am satisfied with the explanations.

“I will fearlessly ensure that all of the necessary documents are in place in order for my wishes and my loved ones wishes to be met in case of a medical emergency. These will include Durable Medical Powers of Attorney, Wills, Trusts and Living Wills.

“I will fearlessly learn all I can learn about my loved one’s health care needs and become an integral member of his or her medical care team.

“I will fearlessly seek out other caregivers or care organizations and join an appropriate support group; I realize that there is strength in numbers and will not isolate myself from those who are also caring for their loved ones.

“I will fearlessly care for my physical and emotional health as well as I care for my loved one’s, I will recognize the signs of my own exhaustion and depression, and I will allow myself to take respite breaks and to care for myself on a regular basis.

“I will fearlessly develop a personal support system of friends and family and remember that others also love my loved one and are willing to help if I let them know what they can to support my caregiving.

“I will fearlessly honor my loved one’s wishes, as I know them to be, unless these wishes endanger their health or mine.

“I will fearlessly acknowledge when providing appropriate care for my loved one becomes impossible either because of his or her condition or my own and seek other solutions for my loved one’s caregiving needs.”

In an era when there is more and more pressure put on family and friends to provide care for our loved ones, it’s

important that we know that we have rights and that we stand with our loved ones.

**Speaker:** Are there any further tributes?  
Introduction of visitors.  
Are there any returns or documents for tabling?

### TABLING RETURNS AND DOCUMENTS

**Mr. Barr:** I have for tabling YESAB public notice, project name Ross River Suspension Bridge Demolition Project.

**Speaker:** Are there any other returns or documents for tabling?  
Are there any reports of committees?  
Petitions.

### PETITIONS

#### Petition No. 15 — received

**Clerk:** Mr. Speaker and Honourable Members of the Assembly: I had the honour to review a petition, being Petition No. 15 of the First Session of the 33<sup>rd</sup> Legislative Assembly, as presented by the Member for Mount Lorne-Southern Lakes on November 25, 2013. The petition meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

**Speaker:** Accordingly, I declare Petition No. 15 read and received. Pursuant to Standing Order 67, the Executive Council Office shall provide a response to a petition that has been read and received within eight sitting days of its presentation. Therefore, the Executive Council response to Petition No. 15 shall be provided on or before Monday, December 9, 2013.

Are there any petitions to be presented?  
Are there any bills to be introduced?  
Are there any notices of motions?

### NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to make public, as soon as it receives it from the Yukon Development Corporation, a written workplan that includes details on the financial resources necessary to implement a proposed new hydroelectric dam.

I also rise to give notice of the following motion:

THAT this House urges the Government of Yukon to release its decision on the Peel before the House rises on December 19 so that Yukoners can benefit from open debate on a topic that has not been treated in a transparent manner to date.

**Speaker:** Is there a statement by a minister?  
This brings us to Question Period.

### QUESTION PERIOD

#### Question re: Death at Watson Lake hospital, public investigation of

**Ms. Stick:** Today the CBC reported on two other unexpected deaths of patients at the Watson Lake hospital. The family of Jamie Porter is still wondering why a healthy 20-year-old would die three days after what appeared to be a minor shoulder injury. In the case of Mary Johnny, the coroner talked about a misdiagnosis and lack of proper documentation. Sounds familiar. The minister responsible has not answered many important questions and keeps referring public safety matters back to the Yukon Hospital Corporation. Does the minister responsible believe that Mary Johnny's unexpected death — the second within three months at the Watson Lake hospital where the coroner talks about a misdiagnosis and lack of proper documentation — is deserving of public investigation?

**Hon. Mr. Graham:** I believe that the coroner has a job to do. Within that job description and within the terms of the legislation, the coroner will do the right thing. If she believes that there are unexplained circumstances surrounding any death anywhere in this territory, she will hold a coroner's inquest. I believe that the coroner is independent. She's quasi-judicial, as we've said again and again. She will base her decision on the merits of the case, not on supposition and conjecture brought forward by the opposition.

**Ms. Stick:** What's crystal clear to Yukoners is that the families of Teresa Ann Scheunert, Jamie Porter and Mary Johnny are all seeking answers. They are pointing to legitimate issues of public safety and they are getting neither answers nor support in their queries.

After the family of Teresa Scheunert stated publicly that without legal representation they could not risk the liability of applying to a judge for a judicial review, the minister went on to suggest to the family that they do just that. From a CBC report today, we learned that Mary Johnny's elderly mother is saving from her pension cheque to secure legal representation to get answers. The government has the authority to have a public inquiry called, but refuses to do so.

Why is the Government of Yukon placing this financial burden on families who have lost loved ones at Watson Lake hospital and asking them to do the hard work of learning what happened?

**Hon. Mr. Graham:** We're not placing any burden on families, but what we're trying to do is ensure that the process that is in place is followed. In saying that, as I've said again and again in this Legislature, there is a patient safety examination going on within the Yukon Hospital Corporation for persons who have died within the hospital. The information from that investigation will be shared with the families of the deceased persons. I keep going back to the coroner's office. Let's let the process do its job before we make any decisions with respect to a public inquiry.

We think that the coroner's office has a right to do their job correctly. I know that members of the opposition would interfere with that process, Mr. Speaker, but we're not about

to. We believe that the coroner's office is independent, we believe that the coroner will work within the established guidelines and we will wait until that process has been completed.

**Ms. Stick:** Three deaths — June 2012, August 2012 and February 2013. We've demonstrated to this House that the findings of system failure warrant more than follow-up from the coroner's recommendations to the Hospital Corporation. In the interest of public safety, we have to look into what triggers an autopsy, we have to look at inter-agency cooperation and we have to look at all the policy issues in the original June 14 coroner's report into the death of Ms. Scheunert.

System failure in a publicly owned health care system needs a full public investigation that includes the ability to call independent expert witnesses as well as giving family members standing. It shouldn't be up to them to have to pursue this through the courts. When will the government do the right thing and ensure that there is a public inquiry into the system failures at the hospital?

**Hon. Mr. Graham:** The first thing that we will do as a government is make sure that when we answer questions, we'll try to tell the truth, unlike the opposition, which doesn't do that in asking these questions.

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

### Speaker's statement

**Speaker:** If a member wishes to bring up a point of order, they should rise and get the Speaker's attention.

I also remind members that, according to your own Standing Orders, Standing Order 6(6), when a member is speaking, the other members are to remain quiet, with the exception of when standing to raise a point of order.

Minister of Health and Social Services please continue.

**Hon. Mr. Graham:** The member opposite indicated that three deaths had occurred in the hospital. That's absolutely not true, Mr. Speaker. Two deaths have occurred at the hospital — two unfortunate circumstances. The third, as I understand it, did not even occur at the hospital. It occurred in an ambulance on the way to the hospital, so it's really difficult for the Yukon Hospital Corporation to instigate an investigation into a death that didn't occur within its hospital walls.

Any death in this territory is taken seriously by both this government and by the Yukon Hospital Corporation, and any lessons we can learn from these extremely unfortunate circumstances, we will. As I've said before, any discussion of a public inquiry is held within the government. We will first of all allow the process to be completed, as it should and as it does under the legislation.

### Question re: Coroner's inquests

**Ms. Moorcroft:** Mr. Speaker, my question is about the *Coroners Act* and coroner's inquests, and it is for the Minister of Justice. I hope that the minister's colleagues will allow him to answer the question.

In January 2011, five tenants at 1606 Centennial Street in Porter Creek died of carbon monoxide poisoning as a result of a faulty oil-fired boiler. A coroner's inquest was held more than a year later in February 2012. The family of the deceased was granted standing at the inquest and was able to call Rod Corea as an expert witness. The inquest resulted in recommendations to ensure such a tragedy did not happen again. The ability of the family to call Mr. Corea as an expert was key to ensuring accountability and public safety.

Mr. Speaker, will the Minister of Justice acknowledge that the right of family members of the deceased to have legal standing at an inquest is crucial to a fair coroner's inquest process?

**Hon. Mr. Nixon:** Mr. Speaker, I don't think I can answer the question really any better than the Minister of Health and Social Services. We know that the coroner is a quasi-judicial office and is independent from government. We as a government have expressed our sincere condolences to the families, both in the Watson Lake case and in the Whitehorse cases as well. But we're not going to interfere with the workings of the coroner's office. The coroner is following prescribed and established processes, and we really expect nothing more than that office doing that. We know that the goal of the coroner's office is indeed to provide facts, as the Minister of Health and Social Services has very clearly laid out, and we look forward to those facts and we look forward to the coroner's office doing their job.

**Ms. Moorcroft:** My question for the minister is whether he agrees that family members should have standing at an inquest. The Court of Appeal decision regarding the Silverfox inquest noted that family members of the deceased do not have legal standing under the Yukon *Coroners Act*. In the Yukon, only the coroner and Her Majesty, Crown Counsel representing the coroner, have standing, allowing them to participate in a coroner's inquest.

The purpose of coroner's inquests is to examine the facts when unexplained deaths occur and to make recommendations to prevent similar deaths in future. A coroner's inquest is about accountability. Family members should have standing, the right to legal representation and to timely disclosure of evidence, and the ability to call and to cross-examine witnesses in the inquest process.

Is the Minister of Justice prepared to do his job and to use his authority to enact *Coroners Act* regulations that will allow family members to have standing and the right to legal representation at a coroner's inquest?

**Hon. Mr. Nixon:** Again, I'll reiterate the information that the Minister of Health and Social Services has very clearly outlined on the floor of this Legislature. The coroner's office is a quasi-judicial office and is independent from government.

Mr. Speaker, the function of the Yukon coroners service has been in existence for years and years and years and that basic function has not changed. The coroner needs to ask the five questions. Who died? When? Where? How? By what means?

We as a government respect the coroner's office and their capabilities to make those decisions and we are not going to get involved, as the Minister of Health and Social Services has clearly laid out on the floor of this Legislature. The coroner is following established processes and we respect those processes.

**Ms. Moorcroft:** The Official Opposition respects the principle of an independent coroner's office. That's why we've been calling for a modern *Coroners Act* with more transparent and accountable procedures. I want to know whether this government will do the right thing.

Two weeks ago in this House, the minister said he's concerned that other coroner models, such as the medical examiner model, are potentially too costly. The minister determined this without any consultation with Yukoners. Is the minister prepared to at least improve the existing *Coroners Act* by bringing forward regulations before another coroner's inquest is conducted — to set out procedures that ensure the rights of family members of the deceased to request a coroner's inquest, to have legal standing and representation at that inquest and to call and cross-examine witnesses?

**Hon. Mr. Nixon:** I'll refer back to my colleague, the Minister of Health and Social Services, who has very clearly laid out the expectations of the coroner's office on the floor of this Legislature.

The coroners service has developed a process for the investigation of unexpected deaths that is uniquely suited to our territory. It's founded in the Yukon *Coroners Act* and in common law. Our coroner follows the law. The goal of the coroner's report is to provide facts. We know that. The Minister of Health and Social Services has very clearly laid that out.

The coroner is a quasi-judicial office and is independent from government. We're not going to interfere with the workings of that office. The coroner is following established processes. We respect the work and the office of the coroner.

#### **Question re: Capital project expenditures**

**Mr. Silver:** So far this sitting, I've been asking several questions about the government wasting taxpayers' money on capital projects. The community hospitals in Dawson and Watson Lake and F.H. Collins school are examples of this. We have seen millions of dollars mismanaged by the Yukon Party. The extent of this mismanagement is not reserved for just larger projects. There are examples of smaller ones as well.

Back in March 2012 the government announced it was going ahead with replacing the Beaver Creek fire hall. Twenty months later, residents are no closer to seeing this facility built. A tender was put out and then cancelled because all of the bids were higher than the budget the government had set aside. When will this project be retendered?

**Hon. Mr. Cathers:** First of all, I have to again point out the inaccuracies in the Liberal leader's narrative. I know this has been a very traumatic month for him with finding out that the highlight of his political career — his meeting with Justin Trudeau — Mr. Trudeau didn't even remember what

they talked about, that the meeting existed or that the Yukon Liberal Party existed.

The member is quite simply, absolutely wrong again. In fact, we continue to manage projects in a financially responsible manner and the Beaver Creek fire hall is being designed by architects to ensure that it meets the project envelope.

**Mr. Silver:** I'd like to commend the minister for his excellent job representing his constituents.

The government was very keen to take credit for this project, highlighting it in its budget speech in 2012 and again this year. Unfortunately for residents of Beaver Creek, the government was too busy promoting themselves to actually set proper budgets for the project. As a result of this mismanagement, the budgets all came in well over what was set aside. More importantly, the residents of Beaver Creek are left to manage with an outdated building for another year or so while this government tries to get its act together.

We've seen this pattern being repeated time and time again. The Auditor General of Canada has criticized this government repeatedly for poor handling of taxpayers' money. Similar to situations at F.H. Collins, contractors put time and money into bidding on a project only to see it cancelled.

Can the Premier explain why the government can't seem to get a handle on capital project spending?

**Hon. Mr. Istchenko:** I have to disagree with the member opposite. I'm pretty sure we have a good handle on capital projects when a capital project like the Beaver Creek fire hall, which is in the Kluane riding — and I have assured the residents of Beaver Creek that they will be getting a fire hall — comes in at 50-percent higher than the estimated cost. Our consultant is receiving and reviewing the design as we speak and we look forward to getting that project out into the new year. It's important that we be fiscally responsible. You heard it from us on this side of the House.

When it comes to the member opposite's questions on contracts, I just want to talk a little bit about contracts: the Destruction Bay roof replacement or the Ross River arena, maybe the Selkirk Elementary School roof — actually that was underbudget — Porter Creek Secondary School roof was also underbudget. How about Betty's Haven? I can go on and on about good contracting and good fiscal responsibility.

**Mr. Silver:** We would hope that a government would have a handle on capital spending, so of course there are going to be some projects they can list, but there are some major problems here. Yukoners are well aware of this government's inability to manage the taxpayers' money. The decision to scrap the F.H. Collins school design has resulted in at least \$6 million of taxpayers' money being lost.

Yukoners heard this week that the cost of the expansion of the Whitehorse General Hospital would be between \$60 million and \$65 million. This is despite assurances from the government that it would only be \$50 million. In the budget speech this spring the government said the budget for the new facility in Beaver Creek would be \$3.6 million.

My question is, when the government tenders this project for the second time, will the budget be the same as \$3.6 million or will it actually be lower?

**Hon. Mr. Pasloski:** It's always interesting to listen to the Liberals talk about project management and about overspending. We know what the Liberals would have done if they were in government with this Beaver Creek project or F.H. Collins. They would have just built it, regardless of what the cost was. How do I know that? Because I know when the Liberals were in power they were borrowing money just to pay wages.

I don't think we will be listening to or taking advice from the Liberal Party when it comes to the fiscal management of projects or the fiscal management of the government. Since this government has —

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

**Hon. Mr. Pasloski:** Do I have the floor, Mr. Speaker?

**Speaker:** Yes.

**Hon. Mr. Pasloski:** Thanks.

Since this government has come into power after consecutive NDP and Liberal governments, we have seen a growing economy; we have seen us out of the red and into the black. We have had consecutive years of a surplus in our budget and ever-growing net financial resources. This is one of only two jurisdictions that have money in the bank — the envy of the rest of the country.

When it comes to a project like Beaver Creek, which was almost 50-percent overbudget, you're right that we are going to look at it again, Mr. Speaker. We are responsible for looking after taxpayers' money and that's precisely what we're going to do.

#### **Question re: Homelessness**

**Ms. White:** Yesterday I asked if the minister responsible for Yukon Housing Corporation knew how many homeless people live in the Yukon, but he did not answer. I asked the minister responsible if 14 beds at the Salvation Army are enough. I asked if the 16 mats, which represent this government's only direct action on homelessness to date, is adequate — but he did not answer.

Repeating the lists of spending on projects targeting the other end of the housing continuum simply is not reducing the number of actual homeless Yukoners. The minister wants to stand by his track record of spending against any government in Canada. For the homeless, comparing track records on ending homelessness would be more meaningful. Edmonton's 10-year plan to end homelessness started in 2009. In the first year, by housing 68 clients, they calculated health care savings of \$2 million. What has this minister's government achieved that compares to Edmonton's result in its first year of its plan to end homelessness?

**Hon. Mr. Cathers:** I appreciate the member's passion for the subject. I think she has the tendency to oversimplify the situation and ignore the significant investments that have been made in strengthening our social safety net. Those include: the Department of Health and Social Services' significant increase to the social assistance rates that was

made; services including additional supportive housing options like Options for Independence; the investments that have been made in the many NGOs that are funded by government, roughly 40 of them funded by Health and Social Services — and some of the increased investments include the investment in Betty's Haven, the increased funding support for all three of Yukon's women's shelters and the investment in the Outreach van.

The list of investments in social housing is a long one and we will continue to do that work. That is part of what is going on today with the symposium on the housing action plan where we are, again, seeking further input from nongovernmental organizations that deal with people who have housing issues. We are seeking input as well from the private sector and we are focusing on building on the good work that has been done to continue to take the next steps that can and should be taken to address housing needs from private home ownership to seniors and of course, having an appropriate social safety net as well.

**Ms. White:** Again, the minister has refused to answer the question.

Inaction on homelessness costs other parts of our system money. Fredericton, New Brunswick used a Housing First approach and collected data from people upon entry into the program and again, one year later. The data showed significant reductions in the use of other social services. Emergency health use declined from 136 nights in hospital to only 17. Justice system interactions shrank from 465 incidents to only 30. Stays in detoxification units were reduced from 98 to 12.

Mr. Speaker, the results suggest that a Housing First approach of providing housing and support represents significant cost-savings in other social services. Is the minister responsible for the Yukon Housing Corporation willing to stand by his government's track record of providing 16 mats to the Salvation Army, compared to the evidence of a 40-percent drop in shelter use in Fredericton, New Brunswick after they initiated a Housing First approach to end homelessness?

**Hon. Mr. Graham:** The member opposite speaks about Housing First as if that was a panacea for all of the ills in the social system and that's simply not correct. We recently started a youth shelter in cooperation with the Skookum Jim Friendship Centre and it has been extremely successful. We have had roughly 20 individuals just in the last little while access that facility.

In addition, we are partnering with the Salvation Army in construction of a new facility here in Whitehorse that will work with homeless people.

We're also talking with a local NGO with respect to the possibility of beginning a housing facility for persons with mental problems.

We are working constantly on housing for homeless individuals in the city of Whitehorse. We aren't going to stop just because we have an action plan being developed in Health and Social Services in cooperation with the Yukon Housing Corporation. We'll continue to work on this problem.

**Ms. White:** It goes to show that a champion can make things happen. I thank the Minister of Health and Social Services for lobbying his caucus for the youth shelter.

So who will be the minister who will champion Housing First? The Minister of Yukon Housing Corporation was right about one thing: homelessness is an issue across the whole country. It is increasing as the economic gap widens between the rich and the poor. Across Canada, governments are getting results with different plans to end homelessness and the Yukon Party government's results with respect to homelessness do not compare favourably.

A Housing First approach saves money by reducing the use of other social services, like hospitals, and the justice system. If this government was truly concerned about fiscal responsibility, they would adopt a Housing First approach. What target is the Yukon Party setting with respect to homelessness? Will this government commit to first determining the actual number of homeless in the Yukon and, second, to ensuring that they are housed within a specific time frame?

**Hon. Mr. Cathers:** I understand the member's passion for this, but she is oversimplifying the situation. Calculating the number of homeless or those who are at risk is something where there are various approaches to calculating. There have been NGOs that have come up with their views and assessments on it.

What we have done is taken a number of steps. Our social assistance rates have been reviewed. We indexed them to address the cost of food based on Agriculture Canada's nutritious food basket approach. We have taken a number of areas, including funding for NGOs that provide supportive services. That includes: funding for the Outreach van, funding for Salvation Army, funding for the Skookum Jim Friendship Centre and the emergency youth centre. There is a very long list of investments by this government, which we will stack up against the record of any government in Canada, in addressing these matters.

The member speaks of a specific approach taken in a specific city. The member is dealing with a specific policy in isolation from understanding the fact that we are affected by things, including where we are in proximity to the rest of Canada and the possibility of people coming here. There are issues that do affect all of these matters. What we are doing is continuing to work with our partners to take the next steps in building on our strong record of investments in these areas.

**Speaker:** Order, please. The member's time has elapsed.

#### **Question re: Ross River suspension bridge**

**Mr. Barr:** After the Yukon Party government announced they would demolish the heritage Ross River suspension bridge, the community of Ross River made it clear they wanted the government to consider other options. A structural engineering consultant said that there are other options — to make urgent repairs to the bridge.

Pressured by the Official Opposition, the government announced it would arrange for an independent engineering

peer review. But recently, a YESAB application was filed by the Yukon government for the demolition of the Ross River bridge. So has the government received the result of its independent engineering review, and if not, why are they moving ahead with the Ross River bridge demolition?

**Hon. Mr. Cathers:** First of all, the member is inaccurate in his assertions. As I pointed out to the member, but he is conveniently failing to reflect, it was based on the request from the Member for Pelly-Nisutlin and the Chief of the Ross River First Nation that a priority was put on looking at other options.

As I have stated unequivocally in the House before, the only reason the demolition of the Ross River bridge is being contemplated is because we have to take the engineering report that we have received seriously. We are waiting for the results of the peer review because there are two conceivable outcomes — one being repair and one take down.

Department staff, concerned about the potential length of the YESAB process, did submit an application to YESAB because winter is the best time to take the bridge down, if indeed that is the option that needs to be done. However, it is premature to seek public views on such an application when neither the public, nor the government have received Dr. Ellis's recommendations, so the YESAB application has been withdrawn.

**Mr. Barr:** Mr. Speaker, after years of government inaction, the government announced in June that they would fix the Ross River suspension bridge. Then in October, they announced they would demolish the bridge. Then earlier this month, they announced an independent engineering peer review. Weeks later, they filed a YESAB application for the demolition of the bridge. The people of Ross River deserve better.

Will the minister commit to making the independent engineering review public and to keep options on the table until the review is complete?

**Hon. Mr. Cathers:** That's exactly what I've committed to before. Again, once we receive the recommendation from Dr. Ellis and his analysis of this, we will be sharing those results with the people of Ross River, including the Ross River First Nation, prior to determining whether the bridge can be repaired or taken down. Again, we have to take the report we received from DNA Engineering seriously and take the safety issues with the bridge that they identified seriously, but that is the only reason that we are even contemplating the possibility of taking down the bridge.

As I explained earlier, staff concerned about the potential length of the YESAB process did submit an application that would address their concern about getting through with an application to potentially demolish the bridge, if that was the option that was chosen. However, as I've stated, it is premature to seek public views when neither the public nor the government has received the Ellis report — the peer review that we committed to — and therefore the application to YESAB has been withdrawn.

**Speaker:** The time for Question Period has elapsed.

**Notice of government private members' business**

**Hon. Mr. Cathers:** Pursuant to Standing Order 14.2(7), I am pleased to identify the items standing in the name of government private members to be called for debate on Wednesday, November 27, 2013. They are Motion No. 531, standing in the name of the Member for Vuntut Gwitchin, and Motion No. 533, standing in the name of the Member for Watson Lake.

**Speaker:** We will now proceed to Orders of the Day.

**ORDERS OF THE DAY**

**Hon. Mr. Cathers:** 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 (Ms. McLeod):** Committee of the Whole will now come to order.

**Motion re appearance of witnesses****Committee of the Whole Motion No. 5**

**Hon. Mr. Cathers:** I move:

THAT Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Joy Waters, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses in Committee of the Whole from 3:30 p.m. to 5:30 p.m. on Tuesday, November 26, 2013, to discuss matters related to the Yukon Workers' Compensation Health and Safety Board.

**Chair:** It has been moved by Mr. Cathers:

THAT Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Joy Waters, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole from 3:30 p.m. to 5:30 p.m. on Tuesday, November 26, 2013, to discuss matters related to the Yukon Workers' Compensation Health and Safety Board.

**Hon. Mr. Cathers:** There isn't a lot to say to this motion. This is a standard annual event, pursuant to the *Workers' Compensation Act*, which we notified House leaders of, and this is a procedural motion to allow the witnesses to appear before the Assembly this afternoon.

*Committee of the Whole Motion No. 5 agreed to*

**Chair:** The further matter before the Committee is Vote 52, Department of Environment, in Bill No. 11, entitled *Second Appropriation Act, 2013-14*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

**Bill No. 11: Second Appropriation Act, 2013-14 — continued**

**Chair:** The matter before the Committee is Vote 52, Department of Environment.

**Department of Environment**

**Hon. Mr. Dixon:** It is a pleasure to rise and speak to the Supplementary No. 1 for 2013-14 for the Department of Environment. I'll be going through some of the details of this particular supplementary and break down some of the spending that you see in the budget this year, but before I do, there are a couple of items I wanted to discuss a bit.

Before I do, there are a couple of items I want to discuss at bit. I have with me today, an assistant deputy minister of Environment, Allan Koprowsky, who is here to provide me with all of the answers to the questions the members will ask me.

I should note as well that the other assistant deputy minister of Environment, Ed van Randen, has recently returned from Warsaw, Poland, where he led the Yukon delegation on the Conference of the Parties 19, related to climate change. He led a delegation of Yukoners that included himself, our Climate Change Secretariat's director and, for the first time ever, a Yukon youth ambassador who represented Yukon in Warsaw and during the discussions and negotiations related to the issues being discussed there.

The youth ambassador, as I said, was accompanied by our ADM and the director of Climate Change Secretariat who mentored him and allowed him to learn about and share the Yukon government's approach to climate change with colleagues from around the world in Warsaw. He also had the opportunity to deepen his knowledge of climate change issues, especially related to international negotiations. He has come back, but when he is back on the Yukon time zone, he will have the opportunity to share that knowledge that he gained with Yukoners here in the territory. I believe the plan for him now is to continue providing what has been a fairly entertaining blog posting of his time in Warsaw and to share his experiences and the knowledge that he gained there with Yukoners in the territory, particularly youth.

He'll be doing some classroom work throughout the territory and he'll be doing some work with the Climate Change Secretariat on educational initiatives. I haven't met with him since his return, but I met with him before he left and I know that he was very excited, so I look forward to hearing about how his experience was in Warsaw and whether or not it was a successful endeavour. This, of course, is the first time we have ever done this — had a youth ambassador represent the Yukon government, and have the Yukon

government pay for a youth to attend the COP negotiations of the UNFCCC.

That is something I wanted to highlight, Madam Chair, before I get into the budget discussions.

Another item that I think is worth noting — and one that has received a significant amount of attention this sitting so far — is our recent passage and assent of the *Animal Health Act*. We continue to implement animal health programs and the animal health unit, and I know that staff in the department are excited about the passage of that particular act, and especially those in the animal health unit are looking forward to implementing that act in due course.

There is a lot of work still to be done — in particular, the development of regulations and subsequent policy and programming to do with that — but I know that staff and I are eager to see that move forward and look forward to updating the House on that work in due course.

I'll turn now to my opening remarks with regard to the supplementary appropriation before us today. The supplementary budget I am presenting today for the Department of Environment would result in an increase of less than five percent over the \$34,528,000 voted to date. Much of this increase is due to salary increases arising from the new collective agreement, which were retroactively applied back to January 1.

This budget is a good example of the wide range of activities undertaken by the department in support of our mandate in taking the lead role in: regulating and enforcing safe standards for air, water and soil; managing human impacts on fish and wildlife; providing quality outdoor recreation opportunities in our parks and campgrounds; addressing the challenges of global climate change; and actively implementing the provisions of First Nation final agreements.

With respect to operation and maintenance expenditures, a total of \$1,188,000 is sought in the general management area. A total of \$41,000 is sought to cover collective agreement and managers' salary increases. In the Corporate Services area, a total of \$201,000 is sought. Over 90 percent of this is for a collective agreement and managers' salary increases — that is \$184,000. A total of \$20,000 is sought for implementing the *Inuvialuit Final Agreement*. Canada provides the Yukon government with just over \$1 million annually to implement federal obligations under the IFA. The additional funds reflect the impact of indexing and will be 100-percent recoverable.

There is also a minor internal transfer to reflect new operational arrangements for managing the "Your Yukon" column that appears every second week in the *Yukon News*. In the environment sustainability area, a total of \$747,000 is sought. More than 60 percent of these funds are for collective agreement in managers' salary increases, a total of \$480,000. Revotes totalling \$34,000 are sought in order to support two projects that weren't completed at year-end in 2012-13. \$155,000 is sought for four wildlife inventory or research projects: a moose survey in the Mayo area, a Southern Lakes bear survey, a survey of the two elk herds and research done

as a part of the bison management plan. I'd like to note that these surveys were delayed due to weather conditions or other unforeseeable circumstances, a situation that arises certainly more than our biologists would like.

I did mention that one of these projects was the Southern Lakes bear survey and I want to provide a little more colour to that program. The population study of grizzly bears in the Southern Lakes region began in 2009 in collaboration with the area's First Nations. The study area covers the important grizzly bear ranges between Tagish Lake and Kusawa Lake, from the Alaska Highway south to the British Columbia border. It is a multi-year study that will provide a solid estimate of population and genetic makeup and information on grizzly bear habitat use, including important den use and foraging areas in this region.

Nutritional status, seasonal movement pattern and an index of annual cub production and survival will also be outcomes of this work. As a primary harvest species and a species that is potentially in decline in the Southern Lakes area, it is important to gather information specific to this population and complete an assessment of population abundance and status. This project is important on an international scale because it helps Yukon meet its obligations under the Convention on International Trade in Endangered Species to manage this species using the best available scientific techniques and information.

Yukon's bear management program impacts Canada's non-detrimental finding by CITES, which means that export of grizzly bears will not adversely affect the wild population. I've spoken previously about this particular study in the House before, and the reason for that is that it's obviously very important to us here in the Whitehorse area, as the area south of Whitehorse is the area of study. It's also one of the programs that I had a chance to tour earlier in our mandate and I appreciated learning much about the way that our carnivore biologists undertake the studies related to this particular species.

The other project that this budget is seeking funding for is the moose survey in the Mayo area. The Mayo area and areas to the north and east have seen significant activity in the past couple of years, and it's important that we have information about important wildlife habitats in this area for assessing potential effects of development.

What exactly we are going to do is an aerial survey to locate moose in an area near Mayo where there is a high level of mineral staking and exploration and a proposed winter road.

The data will be used to map key wintering areas for moose. Knowledge of key areas for moose wintering will provide the basis for recommendations on avoiding impacts or mitigating the impacts of activities in that region. I'm happy to provide more information to members if they do need it on that particular study.

The additional two aspects of this particular funding that I'm discussing now relates to the two elk herds and research done as part of the bison management plan. I tabled the bison management plan in the House earlier this year in our spring

sitting so members should be quite familiar with it. I would note that it is a very successful plan and is one that we're quite proud of — certainly in finding the balance between managing a species that has national implications and, of course, very local implications as well. There are management regimes for bison across the country but I think the bison management plan here in Yukon finds a nice balance between those national considerations as well as local considerations.

Lastly, in the environmental sustainability area, a total of \$75,000 is sought for five projects with all funds 100-percent recoverable. Funding is for the Yukon Conservation Data Centre, a rut count of the Porcupine caribou herd, a Canadian Heritage Rivers project, and a research project involving trout in the Southern Lakes.

In the Environmental Liabilities and Remediation area of the operations and maintenance budget, the Department of Environment seeks a total of \$199,000. Collective agreement salary increases account for \$10,000 or about five percent of that total. Revotes are sought for two remediation projects for a total of \$129,000. The projects involve the Marwell tar pit in Whitehorse and the Swift River highway maintenance camp. Both projects are still undergoing assessment, the vital first step in determining the nature and extent of contamination. From there, the best options for cleanup are determined. New funds are sought for assessment work at four solid-waste or dump sites. A total of \$60,000 is needed to complete phase 1 assessments at Carcross, Deep Creek, Ross River and Tagish.

That's it for operation and maintenance funds at the Department of Environment. As I've noted earlier, the bulk of these changes stem from the new salary increases for union and management members, arising from the new collective agreement.

With respect to capital expenditures, the department is seeking \$472,000 — an increase of about 14 percent over the existing estimate of \$3.43 million. The biggest expenditure is for improvements to capital maintenance and upgrades. A total of \$204,000 is sought for a new roof on the Haines Junction fish and wildlife trailer — which I know the Member for Kluane has indicated to me is certainly deserving of having a new roof.

There are also planning and building repairs for the headquarters building in Whitehorse and septic upgrades for the Mayo district office. About half of these funds are from a revote, with the rest coming from an interdepartmental transfer, which I mentioned earlier.

Revotes totalling \$268,000 are sought for four fairly interesting projects. \$33,000 is to continue the department's ongoing investment in the environment, licence administration and monitoring system. While this work is invisible to most of us, as most IT systems work is, once the new system is complete and implemented, the department will have a central process for supporting licensing, monitoring and enforcement activities. It's certainly my hope that one day this could lead to a possibility of on-line licensing for some activities in the Department of Environment.

A revote of \$50,000 is sought to cover the costs of a new river patrol boat based out of the relatively new Carmacks

district office. I'm sure members can appreciate the important role this equipment plays in monitoring, enforcement and overall safety on the river. This also includes the planning work for replacing the Watson Lake district office that requires a revote of \$126,000.

Finally, a revote of \$59,000 is needed in order for Parks branch staff to continue its work on the planning for the Atlin Lake territorial campground. This supplementary budget is a great snapshot of the many activities that the Department of Environment undertakes in order to support a healthy, sustainable and prosperous Yukon now and into the future.

I would like to conclude my remarks here, Madam Chair, as I see you're indicating my time is almost up, by thanking the staff in the Department of Environment for their dedicated and professional work. I know that they — and I — are certainly committed to environmental stewardship, informed decision-making, working in partnership with other organizations and governments and organizational excellence. I'm happy to commend the department for the work they've put into this particular budget. Seeing that my time has elapsed, I will turn it over to members opposite to ask questions and perhaps I can provide answers throughout the rest of the afternoon.

**Ms. White:** I would like to thank the official for being present in the Assembly this afternoon. I am just going to get right into questions.

Currently in the Yukon, how many campground reserves exist? Out of that number, how many have been staked or otherwise encumbered?

**Hon. Mr. Dixon:** Of course there are a number of campgrounds in the territory already, as well as a number of historical recreational or campground reserves. Some of these date back many, many years and some are more recent, but of course these reserves would have been set aside at the time for either recreational or campground purposes.

I can indicate that there are 30 campground reserves, totalling 28.67 square kilometres throughout the territory. I will be happy to provide the information the member is looking for by indicating which ones have some sort of staking on them and which do not.

The first, Conrad, is in the traditional territory of the Carcross-Tagish First Nation. It is the size of approximately 44 hectares and has no mineral staking. The Atlin Lake campground reserve is in the traditional territory of the Carcross-Tagish First Nation as well as the Taku River Tlingit First Nation. Its approximate size is 112 hectares and it does have two placer claims.

Alligator Lake has a campground reserve. It is in the traditional territory of the Carcross-Tagish First Nation and the Kwanlin Dun First Nation. Its approximate size is 362 hectares and it has no mineral staking. The Carcross Desert is a recreational reserve. It is in the traditional territory of the Carcross-Tagish First Nation. Its size is 65 hectares and has no mineral staking.

The name of this one is Carmacks/Ross River, so I'm not sure if it's in Carmacks or Ross River. It's in the traditional territory of the Little Salmon-Carmacks First Nation. It is 29

hectares in size and has no mineral staking. The Christmas Bay reserve is in the traditional territory of the Champagne and Aishihik First Nations. It is the size of 52 hectares and has no mineral staking.

Cracker Creek is a reserve in the traditional territory of the Champagne and Aishihik First Nations. It's approximately three hectares and has no mineral staking. There's a reserve near Emerald Lake, which is in the Carcross-Tagish First Nation's traditional territory. It's 45 hectares and has no mineral staking. Finlayson Lake is in the Ross River Dena Council's traditional territory. The reserve is about 34 hectares and has no mineral staking. In the Whitehorse area, there is a reserve near Fish Lake in the traditional territory of the Kwanlin Dun First Nation. It's 0.4 hectares and has no mineral staking.

Wolf River, in the Teslin Tlingit Council's traditional territory, is 37 hectares in size and has no mineral staking. Flat Creek is in the traditional territory of the Tr'ondëk Hwëch'in First Nation. It's nine hectares in size and has no mineral staking. Frances River is in the Liard First Nation's traditional territory. It's two hectares in size and has no mineral staking. Hanson Lakes is in the traditional territory of the Na Cho Nyäk Dun. It has an active quartz claim overlain on it and it is north of Mayo. The size of that reserve is 50 hectares.

The Hoole Canyon has a reserve and it is in the traditional territory of the Ross River Dena Council. It's 137 hectares in size and has no mineral staking. Jackfish Lake is in the traditional territory of both the Selkirk First Nation and the Na Cho Nyäk Dun. It's 74 hectares in size and has no mineral staking.

The Lapie Lakes reserve is in the Ross River Dena Council's traditional territory. There is a two-hectare reserve there and has no mineral staking. Little Fox Lake is in the traditional territory of the Kwanlin Dun and Ta'an Kwäch'an. It is 0.5 hectares in size and has no mineral staking.

The Little Salmon River is in the traditional territory of the Little Salmon-Carmacks First Nation. It is two hectares in size and has no mineral staking. There is an additional reserve on the Little Salmon River that is eight hectares in size and also has no mineral staking. Louise Lake, which I recently learned is better known as Jackson Lake, is in the Kwanlin Dun's traditional territory. It is seven hectares in size and has no mineral staking. The Magundy River is in the traditional territory of the Little Salmon-Carmacks First Nation. It is two hectares in size and has no mineral staking.

There is a reserve at Marsh Lake, which is in the traditional territory of the Carcross-Tagish First Nation and the Kwanlin Dun First Nation. It is one hectare in size and has no mineral staking. There is a reserve at Mayo Lake, which is in the traditional territory of the Na Cho Nyäk Dun. It is two hectares in size and has no mineral staking. Mendenhall Creek is in the traditional territory of the Champagne and Aishihik First Nations. The size of that reserve is two hectares and it has no mineral staking.

There is a recreational reserve at Millhaven Bay, which is in the traditional territory of the Carcross-Tagish First Nation. It is approximately 1,700 hectares and has no mineral staking.

The Pelly River has a reserve of 42 hectares. It's in the traditional territory of the Ross River Dene Council. It has no mineral staking.

Quiet Lake is in the Quiet Lake parcel C in the traditional territory of the Teslin Tlingit Council First Nation and the Liard First Nation. That's two hectares in size and has no mineral staking. Sulphur Lake is in the traditional territory of the Champagne and Aishihik First Nation. There's a 12-hectare reserve there and it has no mineral staking. The Yukon River near the Lewes River section — there's a reserve of 29.1 hectares which is, of course, in the traditional territory of the Kwanlin Dun and Ta'an Kwäch'an Council and it has no mineral staking.

That's the entire list of campground or recreational reserves that we have in the territory and as I said earlier, in most cases these go back many, many years prior to land claims. Just to reiterate, there are 41 campgrounds in the territory. There are 12 recreational sites. There are 30 reserves that are undeveloped, which I listed. There are three campgrounds with withdrawal orders — the Tombstone Territorial Park, Kusawa and the Takhini River. I believe that answers the member's question about the list of reserves that we have and whether or not they have mineral staking within them.

**Ms. White:** Out of that list, we have the two that have been staked or otherwise encumbered. We have both Atlin Lake and Hanson Lake. I question as to why the government is pursuing Atlin Lake to the level that they are. Have they thought about what kind of mitigation that may require as it has been previously staked?

**Hon. Mr. Dixon:** The reasons why we have identified Atlin Lake as a positive site for the development of a campground in the territory are many. I've mentioned them before in the House, but I'm happy to do so again.

We've noted in our collection of statistics about the usage of campsites and campgrounds in the Yukon that there is a significant demand for one or several new campgrounds in the general vicinity of Whitehorse. What I mean by the general vicinity is an approximately two-hour driving distance from Whitehorse. We note that many of the campgrounds that exist currently are already very well-used. As any person who uses campgrounds in the summertime will attest to, it's very difficult to get a spot at any of these campgrounds on any given weekend. I think the problem is especially acute on long weekends or particularly sunny or nice-weather weekends.

Atlin was identified as a potential area where we could possibly develop a new campground. It was identified many years ago and held in reserve, as have several of the ones that I've listed today. It's an important area as well because of its proximity to the Snafu Lake and Tarfu Lake campgrounds that exist currently.

Both of those campgrounds are very well-used and there are a number of reasons why we might even suggest that they are perhaps overused. First of all, on the actual physical use of those campgrounds, visitors to those campgrounds will note that the terrain isn't particularly conducive to high traffic or high usage. It's an area where damage can occur quite easily,

but because of its proximity to Whitehorse, both of them do get used quite a lot.

As well, there are challenges around the fishing populations and angling populations in both of those lakes. I believe that in the current regulation change proposals, there is a measure being proposed to further restrict angling in those lakes. The reason for that is quite simply that they are used so heavily and perhaps even overfished. So we know that there is pressure in the area — the general vicinity of the Atlin Road — for additional use.

Atlin was identified and as I said before, we're fairly excited about it. It is a big, beautiful lake that is certainly conducive, for geographical reasons, to the development of a campground. We identified in our budget from last year that we would be pursuing the possibility of developing this campground. Since then, we have had a number of discussions in this House about the consultation process that has occurred between the Yukon government and the Taku River Tlingit First Nation.

I would like to discuss that a little bit further. We have had a number of meetings that have occurred with my department and residents in the general area, including the Taku River Tlingit First Nation. As well, officials and I met with the spokesperson of the Taku River Tlingit First Nation earlier this year to discuss it. As I've said before, the Taku River Tlingit First Nation has indicated that, before seeing any activity occur in the area where they have asserted aboriginal rights, they would first like to have a land claim. That is, of course, fully within their right to request.

We've indicated to them that we would be happy to come to the table to negotiate a land claim with them once they have made significant progress with the government where they have their primary claim, which is British Columbia. In order for them to do that, of course, the federal government and the British Columbia government will need to come to the table. I'm not sure of the current position of the federal government in this sense, but of course the B.C. government has their B.C. treaty process, which the federal government does take part in as well. At that point, once they've made significant progress in their primary area of claim, Yukon government will be happy to come to the table and negotiate for the transboundary claim, which includes some areas in the southern Yukon around the Atlin Road area where they have an asserted aboriginal right.

That being said, we feel we can consult with the Taku River Tlingit and do our best to mitigate any impacts of the development of a campground on those asserted rights. In order to do that, we need to have the First Nation indicate to us how we might be able to do that.

We have been in consultation with them on that. I think I'll turn to a letter that was written by the Premier to the spokesperson for the Taku River Tlingit on November 18, only a few short days ago. In that letter, he says: Formal consultations with Taku River Tlingit First Nation on the Atlin Lake campground proposal began with a letter to you on August 20, 2013, from the Deputy Minister of Environment, Kelvin Leary. Since that time, there have been a number of

opportunities for the TRTFN to identify any potential adverse impacts to its asserted aboriginal rights and title stemming from the campground proposal. The matters you raised on September 13 in a meeting with the Minister of Environment, the Taku River Tlingit First Nation's subsequent comments in Yukon's public meetings and its submission to the YESAA assessor regarding the proposed campground are all being given careful consideration as part of Yukon's consultation process. There will also be additional opportunities for TRTFN to comment on the proposed campground in the future.

I do not agree that the campground proposal should be put on hold pending negotiations related to a possible transboundary treaty negotiation between the TRTFN, Canada and Yukon. Yukon's position with respect to all transboundary claims continues to be that the First Nation's primary claim must be substantially resolved before any such discussions may take place. We understand that continues to be Canada's position on transboundary claims as well. Once significant progress has been made in TRTFN's negotiations through the B.C. treaty process, we will be willing to consider entering into discussions regarding TRTFN's transboundary claim in Yukon. Until that time, Yukon will continue to fulfill its obligations to TRTFN through consultation and, when appropriate, mitigation and/or accommodation with respect to potential impacts.

Also in that letter, the Premier offers a subsequent meeting between our officials and the officials of the TRTFN to share perspectives on what an eventual transboundary claim negotiation might look like. Also in that letter, the Premier says, and I quote: "Also, please reconsider my offer to enter into discussions to develop a consultation protocol between TRTFN and Yukon. While a consultation protocol is not necessary in order for Yukon to fulfill its consultation obligations, I am confident that such a protocol would make future consultation processes better for both our governments." Then he indicates the person to contact to discuss the matter further.

We're confident that we can, through consultation, mitigate any impacts that may occur with regard to asserted aboriginal title and rights of the Taku River Tlingit First Nation. We will be taking into consideration what is said and what is determined through the YESAA process.

I did note this morning that YESAB issued its recommendations to us as the decision body and that it suggested that the project could proceed with a number of terms and conditions. Our job now in the process is to take those recommendations, review them, determine the extent and nature of our consultation obligations, and issue a decision document that would then guide us forward. That will be the task for the Yukon government now — to come up with a decision document that outlines a number of responses to the recommendations put forward by YESAB. We'll do that as soon as possible.

It is my hope that we'll be able respond positively to all the recommendations. There are a number of recommendations in that that relate to a range of issues from

fish habitat to security and safety of the campground. I'm confident that we'll be able to respond to those in a decision document very soon.

With that, I think I have explained a little of the rationale as to why we have proceeded with the Atlin Lake area as a potential spot for a new campground, explained a little bit of the process that has gotten us to where we are today, and of course our next steps, which are to issue a decision document and then proceed, depending on what that decision document says. So I hope that answers the member's question.

**Ms. White:** Does the proposed Atlin Lake campground infringe on an existing trapline?

**Hon. Mr. Dixon:** I believe there is a trapping concession in the area and that was considered by YESAB. I haven't read the 105-page report published by YESAB yet, but I would imagine that YESAB would take into consideration the fact that there is a trapping concession in the general area and would probably provide recommendations on how best to proceed if the recommendation was to go forward, which it was. I assume that YESAB considered all possible additional uses of the land and came up with recommendations that they felt were reasonable and within the scope of their legislation.

Of course, trapping is not the only thing they need to consider; there are other users in the area who had comments and concerns. There were a number of people who commented strongly in favour of seeing a campground developed, but there were some who had some questions and concerns and raised them in the YESAA process. Of course, other users in the area include the Bible camp and cabin owners in the general area.

We will endeavour to respond to the recommendations provided by YESAB and, if we decide to move forward and develop the campground, we will do so in a way that will mitigate the impact on any other existing users of the land.

**Ms. White:** To date, has government consulted with the holder of the trapline?

**Hon. Mr. Dixon:** I don't believe that we have contacted the owner of the trapline directly, although any individual — whether they have an ownership right or a usage of the area — has the opportunity and is encouraged to submit their thoughts through the YESAA process. That is what it is intended to do and that is why that process was established and why it is in place. If there were other individuals who had concerns, or other users of the land, I'm sure they would have submitted them through the YESAA process. I believe dozens of Yukoners did so.

**Ms. White:** I know for a fact that the holder of the trapline is interested in having conversations. He also spoke at the Carcross community meeting when officials said that the trapline was not in use. He had assured them that he was out the previous winter, so he is interested in having that conversation.

Right now the Atlin Lake campground has staking on it, it has an existing trapline and the Taku River Tlingit filed a petition yesterday that says they want the Yukon government to cease and desist.

So knowing about Conrad — that it has sandy beaches, it has existing roads, the Carcross-Tagish First Nation are interested in developing it into a campground and there would be an economic spinoff toward the community of Carcross — is the government considering looking toward Conrad in the near future?

**Hon. Mr. Dixon:** The member has listed three concerns related to the claims, the trapline and the Taku River Tlingit's concerns. The first one, the mineral claims — if we do decide to go forward — is something that we can deal with through the development of the campground or the development plan. The first thing would be to try to work with the claims holder to determine their actual plans. If they have no plans of having any activity on their claims any time in the future, then it really isn't a problem. Nonetheless, we could develop the campground in such a manner that allows for some separation between those kinds of activities.

As to the trapping concession, I would note that almost the entire area is within a one-kilometre distance from private residences, including the one across the Atlin road and the Bible camp. Trapping, I believe, according to the *Wildlife Act* and regulations, isn't permitted within a one-kilometre distance of private residences, so any trapping that may have been occurring within a kilometre of a private residence would be in contravention of the *Wildlife Act* and regulations. I'm sure that is not what the person was suggesting when they were saying they were trapping, but if there are other uses of the land, that is the duty of YESAB to consider and provide recommendations to government on whether or not those can be mitigated and, if so, how. Like I said, I haven't read the 105-page YESAB document yet, but I know that it includes a number of recommendations and I'm sure they will relate to those other uses of the land in the area that have potential.

Finally, with regard to the Taku River Tlingit First Nation's concerns — as I said, we have explained the approach there. We are supportive of the First Nation pursuing a land claim, but our experience in the Yukon is that land claims take a very long time to negotiate and implement. They took decades in the case of the Yukon. I don't think it's fair to suggest that we should put on hold every other use of the land in the asserted area until that land claim process is completed. In light of that, we have offered to the Taku River Tlingit First Nation to enter into a consultation protocol to guide our consultations with them over the coming years on any number of issues. That would provide certainty for both Yukon government and the Taku River Tlingit as to how consultation would be undertaken.

They initially responded negatively to that proposal and to the idea that a consultation protocol may be a good measure in the interim of establishing a land claim but, as the Premier indicated in his letter to the Taku River Tlingit, we would hope that they would reconsider that position and that option. We think it's a good idea that we consult with the Taku River Tlingit in a way that they understand and that they're participating in, and the development of a consultation protocol is a way to do that.

With regard to this specific project, we are going to review the recommendations of YESAB. We are going to review our consultation to date with the First Nation and determine whether or not we can move forward with a project that meets all those considerations.

With regard to the Conrad campsite and the characterizations by the member of the sandiness of the beaches, I agree. I think Conrad would be a fantastic campsite at one point and a beautiful spot. It's a rather windy area, but I toured it with my deputy and assistant deputy minister last summer. We drove out — as well as the Atlin campground — we toured them both. I toured that one campground with a different set of officials. Nonetheless, I toured both sites and they are both beautiful. Atlin Lake is a rockier terrain. It has probably a better set-up for boat launches and the fact that Atlin is such a big and beautiful lake. I think Yukoners will be happy to get out and use it more, as the portion that is in the Yukon is exceptionally beautiful.

With that being said, Conrad Lake is an exceptionally beautiful place as well. I would expect that we would be looking at that particular site very soon. It's indicated in the *Carcross-Tagish First Nation Final Agreement* as an area of partnership the Yukon government would have with that First Nation. If we do go down the road of developing Conrad, we would do so in concert with the Carcross-Tagish First Nation.

I don't think it needs to be an either/or proposition. I don't think we need to only do one; I think we can do several. We can take several steps forward on the development of campgrounds in this territory. I would encourage members of this House to recognize that Atlin is an exceptional spot as well and that it's a prime location for an addition to our beautiful network of campgrounds in the territory.

**Ms. White:** To change subjects, can you please elaborate on the water monitoring projects in north Yukon? Is it more than just a flow rate? Is it going to look at mineral content and existing contaminants? When will the work be started? Is it ongoing or does it have an end-date? Will it be carried throughout the year or during particular seasons?

**Hon. Mr. Dixon:** I was pleased to announce earlier this year that we would be increasing the monitoring program for the north Yukon and appreciated the input from my colleague the Member for Vuntut Gwitchin in coming up with an idea for increasing that. As well, we've been doing a lot of work around water monitoring and developing our water monitoring network through the development of the water strategy, and I'll touch on that in a moment.

The member opposite is quite correct that on October 10, we announced that Yukon government would be enhancing our water monitoring program in Yukon's north to improve its overall understanding of water distribution, movement and quality in an area with increasing potential for development. As I said on October 10, the Yukon government established three new hydrometric monitoring stations over the summer to help ensure we have the information we need for good decision-making.

This work supports the draft Yukon water strategy goal of strengthening our understanding of Yukon's surface and

groundwater regimes. One of the new stations is near the mouth of DalGLISH Creek in the Peel Basin. The remaining two are upstream of Old Crow in the Porcupine River Basin. One is on the Eagle River at the Dempster Highway and the other is near the mouth of McParlon Creek. The Eagle River station was installed in partnership with Environment Canada. The new stations complement the five hydrometric stations in place for several decades in the north Yukon area.

Department of Environment will install a groundwater monitoring station next year on the Eagle River. There will also be several water-quality sampling campaigns in the area over the next three years in order to capture seasonal variations in water quality. The government is spending \$147,700 this fiscal year to install and operate the new stations, with a further \$119,000 identified for 2014-15.

Northern Cross Limited has contributed helicopter time and other in-kind services because it is already in the area exploring for oil and natural gas and will find the new data helpful. As I said, the Member for Vuntut Gwitchin had a significant role in encouraging us to undertake this work, and I would like to quote him in saying: "The health of our water systems has always been a top priority in North Yukon and it's great to see our government acting to ensure we maintain the water quality through baseline data collection." He also added — and I quote — that: "The more surface water knowledge we have, the better management decisions we can make. I believe this decision reflects the values that Yukoners hold because water is essential to all aspects of our lives." In addition to working with Northern Cross, the government also invited the First Nation of Na-Cho Nyäk Dun, Vuntut Gwitchin First Nation and Tr'ondëk Hwëch'in First Nation to observe and/or assist its water specialists in the field. Na-Cho Nyäk Dun helped conduct field and baseline sampling in the Peel watershed in 2012 and 2013. The Yukon Department of Environment and Environment Canada together operate 64 hydrometric monitoring stations across the territory to collect information such as water levels and flow rates." Data collected by the new stations will be available on [www.yukonwater.ca](http://www.yukonwater.ca), which is a recent initiative of the Water Resources branch in an effort to better share the data that we collection with Yukoners both in the public and other levels of government.

This work is an excellent example of collaboration between the government and First Nations, as we've offered to have First Nation citizens assist in the collection of the data. It's my hope that the First Nation governments will respond positively to that offer. I think it's a great opportunity for First Nation citizens who have a role in water management to get out on the land and see how the Yukon government conducts itself in terms of the data it collects. I think it will be a great learning experience for anybody who chooses to accept that offer.

The decision to conduct some of this work has been driven in response to increasing interest in the area particularly because of the potential for oil and gas development in the Eagle Plain Basin. The project aims to fill current gaps in our understanding of the recent hydrology and

water quality. The data collected will augment the information provided by the existing long-term water quality and hydrometric monitoring networks that I discussed earlier. Upon completion, as I said, it will add to the body of information we have with regard to water quality and water quantity in the territory.

I should note as well that this is completely consistent with the work that we've done to date on the development of a water strategy for Yukon. As members will know, a practitioners workshop was held in June 2013 with water managers and oil and gas regulators from Yukon and surrounding jurisdictions. The purpose of the workshop was to better understand how Yukon's surrounding jurisdictions manage and monitor surface water as it relates to oil and gas development.

A key message arising from the workshop was the importance of acquiring baseline data. In outbreak groups, potential data collection projects for the Eagle Plains basin were identified. This work, at that workshop in June, helped shape the current water monitoring project.

In both 2012 and 2013, as I said, Na Cho Nyäk Dun citizens helped conduct fieldwork and baseline sampling of the Peel watershed, and we hope that the Vuntut Gwitchin First Nation and the Tr'ondëk Hwëch'in First Nation will respond positively. I should note that this work also aligns with the implementation of the *North Yukon Regional Land Use Plan*. The Yukon government and the Department of Environment play a significant role in implementing that plan.

I'm confident that this new announcement of new programming will assist us in better understanding the water resources in our territory and, in particular, in the Eagle basin, which is of growing importance because of the potential of oil and gas activity in that area.

**Ms. White:** I thank the minister for the assertion that the quality of the water is being tested. Just a quick question then and that will lead to the next one — the five existing monitoring sites — do they have similar mandates to the ones you've just listed off?

**Hon. Mr. Dixon:** I'm not sure exactly which five she's referring to. I think it's the five that currently exist there. I believe they are hydrometric stations that are owned by Environment Canada that we work together to administer through an agreement that we have with Environment Canada — a hydrometric monitoring stations agreement — but I don't believe that there is a mandate for them. She asked what the mandate for each station was — I think the mandate is simply to collect hydrometric data, but I'm not sure — I'd have to look into exactly which five she means.

**Ms. White:** I apologize for the non-clarity. That was five also in the similar area in the north Yukon. Just to go back to water — when we talk about the quality of water, it refers to chemical, physical and biological characteristics of the water. How will decisions be made as to what signature elements will be tested for in the water-quality testing leading up to possible development in the area?

**Hon. Mr. Dixon:** I'm going to turn back to the first question because I have a little more here. The Canada-Yukon

water quality monitoring program is the one we administer with Environment Canada. I wanted to add that the parameters that we measure through that agreement and through that monitoring program are acid/base chemistry, carbon, carbon-nitrogen compounds, major ions, metals, dissolved non-metals, nutrients, organic contaminants, oxygen and pathogens. Most stations are sampled every month, but that depends on access and the ability to actually get up to a site. Sometimes we're limited by weather. I think that perhaps better answers what the member's question was. I have to admit in reading this, I missed the question she just asked, so I'll ask her to maybe ask it again.

**Ms. White:** My question was, how will decisions be made as to what signature elements will be tested for in the water-quality testing in the new water monitoring stations in forward-thinking of possible development in the area?

**Hon. Mr. Dixon:** With regard to the actual science-based explanation of what we are testing for, I can't really answer that in an informed manner right now. As I said earlier, we had a practitioners' workshop earlier this summer where we heard from other jurisdictions as to what they measure. These jurisdictions included Alberta, Northwest Territories, B.C. and Alaska. Each of those jurisdictions have significantly more activity, especially with regard to oil and gas, and they have a lot of history and understanding of what to test for, why to test for things, where to test, and so on.

We naturally would rely on — first of all — what we hear from our experts in the department, in the Water Resources branch. But in areas that they have gaps in their own knowledge or understanding, specifically with regard to the oil and gas industry, we would lean on other jurisdictions and experts from outside Yukon to help us out with understanding some of the things that we don't currently know.

The practitioners' workshop that we held in June was an example of that and was an example of us reaching out to other jurisdictions to better understand what it is they test for in their own jurisdictions and how we can develop a program here. But I would note in a more general sense — in a more comprehensive sense of what we need to test for in the Yukon — that that's part of the reason why we are developing a water strategy to guide us in our decision-making about water monitoring programs and about how we use water and the whole suite of issues that we are all very familiar with in this House as we've reviewed the water strategy.

Now that isn't concluded yet. What I'm sure the strategy will tell us, among other things, is that we need to improve the way and the system for collecting water information. What information we collect and how we collect it I'm sure will be something that the water strategy will take into consideration. But again, as I said, aside from the data or the parameters measured that I listed earlier that we do through the Canada-Yukon Water Quality Monitoring Network, there is not much more I can add. As I said before, through that program we measure acid/base chemistry, carbon, carbon-nitrogen compounds, major ions, metals, dissolved non-metals, nutrients, organic contaminants, oxygen and pathogens. As I

said, most stations are sampled every month, but that depends on weather. I think that's all I can really say about that.

**Ms. White:** I thank the minister for endeavouring to answer that question.

There were 2,000 swans at the Tagish Narrows in April this last year because of the thick ice out at Swan Haven at Marsh Lake. I've asked it before, but what is the status of the Tagish Narrows Habitat Protection Area? What are we doing to ensure this area is protected? Are we looking to put a management plan in place — or when might we be looking to put a management plan in place?

**Hon. Mr. Dixon:** Basically the answer, I think is yes. We would seek to develop a management plan for the Tagish Narrows Habitat Protection Area. It's an area that's identified in the land claim of course with the First Nation. Currently, we're focusing on the planning activities related to the Kusawa Territorial Park and the Agay Mene Territorial Park, but of course, when and if the First Nations identify that as a priority for planning, we would be happy to step up to the plate and undertake that planning.

One thing I would note actually about that, Madam Chair, is related to the status of park planning in general. I have a bit of an explanation to add a little more clarity and correction, I guess you could say, to some of the comments I made in response to the Member for Mount Lorne-Southern Lakes' questions about Agay Mene Territorial Park yesterday. One of the things — I had a chance to review the Blues and I realized that I said that the management committee "is underway and has been operational." That deserves some explanation and correction. I have the letter here that I'll ask a page to deliver to the Member for Mount Lorne-Southern Lakes.

I'll read it here just to put it on the record: "Following your question to me on Monday, November 25, 2013 ..." — on the matter of the Kusawa and Agay Mene parks management planning — "... I would like to take the opportunity to provide you with additional information on the current state of planning for Kusawa and Agay Mene Territorial Parks.

"There is an active Steering Committee developing a management plan for Kusawa Territorial Park in collaboration with Champagne and Aishihik First Nations, Carcross/Tagish First Nation and Kwanlin Dun First Nation. Planning resumed in September 2013. We are looking forward to receiving public input into the planning process and the completion of the draft management plan for Kusawa Territorial Park during 2014-15.

"In response to your question about management planning for the Agay Mene Park I indicated that 'management committee' was 'underway and has been operational.' This comment should be clarified and corrected. The Agay Mene Territorial Park Steering Committee (as opposed to Management Committee) is currently not active at the request of our First Nations partners for reasons of capacity. The planning process has been on-hold since May 2010. It is important to note that the committee members have been appointed and that Yukon government stands ready to resume planning work in collaboration with Carcross/Tagish

First Nation and Teslin Tlingit Council. As I indicated in my response, I remain optimistic that planning will continue and that we will reach a management plan for the Territorial Park.

"Department officials are hopeful that the Terms of Reference used in the planning of Kusawa can be used as a template for Agay Mene when planning resumes for that Territorial Park."

That is one aspect of territorial park planning that I wanted to put on record and to clarify some of the comments I made yesterday. This ties in to the member's question because, as I said, our priorities for developing a management plan come from working with First Nations and, in the case of the Tagish River and Lewes Marsh, planning processes have not been initiated pending decisions by the affected First Nations.

Of course, as I said before, the department is working hard to meet Yukon government's habitat protection area management planning obligations arising from land claims agreements and we will continue to do so as First Nations work with us and suggest different areas for us to focus on.

Planning is underway for the Whitefish wetlands, the first habitat protection area arising from a regional land use plan. Planning is also underway for Pickhandle Lake, and the Ddhaw Ghro plan is in its final stages. Habitat protection areas are one of the ways that the Yukon government can preserve habitat, practise conservation and safeguard traditional First Nation harvesting practices.

In answer to the member's question about the specific management planning for Tagish River, more work is needed, but we need our First Nation planning partners at the table and we'd be happy to undertake that work once it has been identified by First Nations as a priority.

**Ms. White:** My next question is about extended producer responsibility, or EPR. I realize that the Minister of Environment was not the Minister of Environment on October 29, 2009, but I'm just seeking confirmation as to whether or not the Minister of Environment at the time, or the day, was at the Canadian Council of Ministers of the Environment meeting in 2009 — when I ask questions about a specific document as to whether or not the Minister of Environment was there.

**Hon. Mr. Dixon:** I'm not sure where the Minister of Environment was on that particular date, but I do know that, with regard to extended producer responsibility ministerial responsibility, the Canadian Council of Ministers of the Environment endorsed EPR as something that we'd like to see in Canada. What that's going to mean is that each jurisdiction is going to be different. Not every system is going to be identical in every province or territory, but as a general statement I would say that we are supportive and have indicated our support for the CCME's work in this respect and that we'll continue to work toward improving not just how we recycle and use materials in the territory, but how we deal with solid waste across the spectrum.

I won't delve too much into the work of Community Services in this respect and I'll focus as much as I can on Environment Yukon's role, but I do need to note that

Community Services plays the most significant role in the management of our solid waste facilities in the territory.

That being said, Environment Yukon obviously plays an important regulatory role and is advancing a number of projects and policies that will support the potential development of an EPR system in Yukon. One of them is through the proposed amendments to the *Environment Act*.

Earlier this year, we announced that we would be consulting on changes to the *Environment Act*. The *Environment Act* review focuses, as I announced earlier this year, on reducing risks to human health and the environment, advancing sustainable development and improving consistency with Yukon's legislative practices. One of the changes that we're looking at is to allow for industry-led recycling programs, which are a common feature of a solid waste management system pretty much anywhere else in Canada. It's something that is explicitly prohibited by the current iteration of the *Environment Act*.

We're considering how to move forward with EPR. We had several meetings with the recycling industry and municipal stakeholders earlier this year to discuss opportunities to improve the beverage container and designated materials regulations. Our initial assessment is that Yukon's recycling program can be improved and put on a path toward self-sustainability. We intend to bring forward proposals for public review before any changes are made to the regulations. Changes would expand and increase the sustainability of existing recycling programs for a number of different products.

We're considering legislative changes, we're considering regulatory changes and, of course, policy and program changes as well — all with the goal to improving how we deal with solid waste in the territory and all, in a general sense, working toward the commonly agreed-to goal of extended producer responsibility as articulated by the Canadian Council of Ministers of the Environment.

**Ms. White:** I think I'll come back to that when we have more time, as I know we're running down and I'm not sure if we need a pause? Should I ask that we report progress?

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

**Ms. White:** Madam Chair, I move that you report progress.

**Chair:** It has been moved by Ms. White that the Chair report progress on Bill No. 11, entitled *Second Appropriation Act, 2013-14*.

*Motion agreed to*

### Appearance of witnesses

**Chair:** Pursuant to section 102 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 5 adopted earlier today, 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 places in the Chamber, the Committee will now recess and reconvene at 3:30 p.m.

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

### Appearance of witnesses

**Chair:** Pursuant to section 102 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 5, adopted earlier today, 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 witnesses and I would also ask the witnesses to refer their answers through the Chair when they are responding to members of the Committee.

#### *Witnesses introduced*

**Hon. Mr. Graham:** The witnesses appearing before the Committee of the Whole today are Mark Pike, who is the chair of the Yukon Workers' Compensation Health and Safety Board, and Joy Waters, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board.

**Chair:** Would the witnesses like to make opening remarks?

**Mr. Pike:** Yes, I'd like to start. As Mr. Graham has mentioned, my name is Mark Pike and I'm the chair of the board. With me today I have our president and CEO, Joy Waters. First of all, I'd like to thank you for the opportunity to be here today and discuss our 2012 annual report. My joke of the day is you have to be nice to me because I just spent the weekend in Regina, walking around wearing a Hamilton Tiger-Cats uniform, so I don't have much blood left, you know. Those guys aren't very nice to us.

On behalf of the board, I do have a few opening remarks and they will be brief. Next year is the 100<sup>th</sup> anniversary of the WCB system in Canada, founded on the Meredith Principles, and it is often referred to as the "historic compromise."

The board in the Yukon has continued to fulfill its obligations and responsibilities and we've met our legal obligations, as set out in the legislation under which we operate. The board is fully funded and fiscally responsible. We have successes — our return-to-work statistics are good, our assessment rates have gone down for five years in a row — and these are a great credit to all of our partners, which include not only the employees and employers of the Yukon, but the general public, the governments that allow us to operate and our staff, who are just marvelous.

One of our accomplishments as well is, this spring to summer — and I don't have the exact date with me — there will be a workers' memorial dedicated down on the Whitehorse waterfront. We had the groundbreaking in the fall and it is modelled after the temporary one that we use every year for the Day of Mourning, which is stored somewhere inside the building. It should be just a marvellous way to remember why we're here and why what we do is important.

*Recess*

We have successes, and all of our successes have occurred in an economy that has grown from 2,700 registered employers and about \$830 million in assessable payroll in 2008, to over 3,400 employers and over \$1 billion of assessable payroll in 2012. The economy under which we are operating and for which we are responsible for operating the system is growing and we've managed to achieve our successes in sync with that.

If the questions that come up are just general interest, on the very back page — I believe page 56 of our annual report — is a synopsis that sort of gives a really quick view of the statistics of the board and answers lots of questions you might have at a glance without getting too far into the report.

Our goal, as set out in our strategic plan — and you will see that everywhere we operate — is zero; zero injuries and zero disabilities. The board will continue its best efforts to strive toward that goal.

With that, I'd like to turn it over to Joy if she has anything that she would like to add — sorry, turn it back to Madam Chair.

**Ms. Waters:** I have no further comments, thank you.

**Ms. Hanson:** Madam Chair, I join you in welcoming the guests from the Yukon Workers' Compensation Health and Safety Board. I hope that they will be okay with my just referring to them as WCB, because the other is very lengthy and I trip over it every time. So it will be WCB from me this afternoon if that is okay with you, Madam Chair, and with our guests.

The Official Opposition welcomes the opportunity to follow up on matters — to hear from the board on the current initiatives and some of the work that is reflected both in the 2012 annual report and initiatives this current year, as well as the opportunity to follow up on matters that were raised when the witnesses last appeared before this Committee on December 6, 2012. At that time, we touched on issues that were raised in the WCB annual report and in the strategic plan for 2012-16, which is still current. I anticipate revisiting some of those topics for updates on progress and will want to address matters from the 2012 Auditor General's status report.

The *2012-16 Strategic Plan* stated in its environmental scan that the board forecast for the next five years — so that period of time of 2012-16 — "...increased activity in the highest risk sectors — construction and mining." The scan noted that the Workers' Compensation Health and Safety Board would have to manage their resources, programs and services in this commodity-based boom economy — what they called it, in quotes — and that they needed to be prepared to adapt to a bust economy. I don't think — and I hope nobody would want to believe — that we're at a bust level, but we would be interested in the board's views and description of changes in economic drivers in Yukon over the past two or three years since that strategic plan was developed and how that is reflected in the work and the demands placed on the Workers' Compensation Health and Safety Board.

I will get my tongue working after sitting and writing all afternoon — so thank you.

**Chair:** If the witnesses would just indicate to me which of you will be responding.

**Ms. Waters:** So, in terms of the past couple of years — primarily the last year, or the current year — we are seeing a slowdown. But, certainly, last year the economy was very strong and that generated high revenues for the fund and we are in a strong financial position. This year, we have taken a cautious approach because we are aware that there is a stabilizing of the economy, but I wouldn't suggest it's a downturn. The rates are always taken into consideration with what the economic environment is like. The board is very good at taking a prudent, cautious approach to setting the rates and factoring in what the forecast for the economy is going to be in the future.

**Ms. Hanson:** Another area that was noted in the environmental scan — there was some discussion about the opportunities and challenges that the board had noted. They identified that they saw an opportunity to assist developing employers to ensure assessment and return to work and occupational health and safety programs are established and integrated.

That was with respect to working with the opportunities around both First Nation governments and First Nation development corporations. It was noted that First Nation governments are not under the territory's *Occupational Health and Safety Act*, but their development corporations are. There was an identification of some work that was being done — or attempted to be done — by the Workers' Compensation Health and Safety Board with respect to addressing jurisdictional issues primarily with the federal government.

I was wondering if the witnesses could report on progress that has been made in addressing those jurisdictional issues that were identified by the board last year. I raise this because when you think about the significance of First Nation governments as employers, they do represent, as of July this year, approximately 1,500 to 1,600 positions staffed by First Nation governments and their corporations. They are a significant employment force in the territory.

**Ms. Waters:** Yes, we have made progress in that way. We have followed up with First Nations and it was the recommendation of the chiefs that we should undertake to meet with each individual First Nation to talk about the kinds of things that Occupational Health and Safety has to offer — WCB has to offer — and, in fact, what we're feeling is that the greatest progress can be made with us developing that relationship with each individual First Nation. That is where our focus is going to be in the coming year.

**Ms. Hanson:** I commend the board for that work because I think it really is an important move forward. If we look across the country, I don't think that could be reported with a similar kind of progress, so that's very good.

Another issue that has been the subject of much discussion in this Assembly and with witnesses from the board over the years is minimum-age regulations and young worker protection. I know when I was preparing for today's session, I went through notes from the last few years. I noted comments from my late colleague, Steve Cardiff, who was

passionately frustrated — and I use those two words together — by what he saw as a collective lack of will to take decisive action on this matter.

I noted in 2010 that Mr. Cardiff referenced the consultation that had already taken place on issues with respect to young workers, and he raised the question of draft minimum-age restrictions when the witnesses from the Workers' Compensation Health and Safety Board were in front of this Assembly. That was three years ago.

I was happy to see in the 2012 annual report that the board completed young and new worker, and minimum-age regulations. The report says, "These regulations will be submitted to the Yukon Government for consideration in 2013." My question is this: were these regulations provided to the Yukon government? We're almost to the end of 2013, so I'm asking if they have been provided. When were they provided? What can the board report with respect to the acceptance or adoption of the young and new worker and minimum-age regulations?

Can the witnesses tell us the trajectory of injuries reported by young workers and new workers over the past two years? Is it an increasing trajectory? If so, to what do they attribute the increase? If it's not, similarly, what would they attribute the decreases to, if there is a decrease in reported injuries of young and new workers?

**Hon. Mr. Graham:** I believe that the witnesses have already answered part of the question, and that was that, on October 31, the board of directors did approve new regulations concerning minimum-age and young and new worker regulations. They were forwarded to the government on October 31, 2012, and these regulations are currently moving through the process. I don't think the witnesses are equipped to answer any questions with respect to how quickly they'll move through the process within the government or not. They transmitted them to us on October 31, 2012, and it now is the government's responsibility to enact the said regulations if they so decide.

**Chair:** I'm going to allow the witnesses an opportunity to weigh in on this.

**Mr. Pike:** I'm just going to mention that in one of the questions that was asked — in our report on page 9 it sets out the number of claims by age group for the last five years. You can look at that to see where the claims are. From a board perspective, which is where my comments are always coming from, we're really cognizant of the fact that there are more and more younger workers and that perhaps they are not always as cognizant of their rights and responsibilities with respect to safety and we are encouraging our administration, in conjunction with us, to come up with programs to make that better.

**Ms. Hanson:** I appreciate the fact the minister said that these draft regulations were provided on October 31, 2012. I just want to confirm it was 2012 and not 2013. I see a nod across the way so I'll move on.

We had a lot of discussion in this Assembly and also in discussion with witnesses last December, so I wanted to get an update. There was a fair amount of discussion about the fly-

in/fly-out nature of employees and the implications for both those employees, the employer and the Workers' Compensation Health and Safety Board.

They noted on an internal level the difficulty sometimes of determining the number of investigators to hire. It was interesting, Madam Chair, if you will recall that there weren't just the issues with respect to being solely statistical. It was actually the difficulties for WCB as an organization being able to recruit and retain employees because of one of the facts that we all share in this territory, in this city, and that is the high cost of housing. I was hoping to get from the Workers' Compensation Board whether or not that is still a factor, whether or not they've had any difficulties of recruiting and retention, or if that has been passed.

On an operational level, the issue of return-to-work scenarios: when workers return home to another jurisdiction, in some cases it was noted that it could possibly be another country. I'm wondering if WCB has had to deal with those scenarios and if they could just give us a bit of an update on the current status of the issues associated with fly-in/fly-out workers.

**Ms. Waters:** There are a couple of questions I heard in that. Hopefully I'll get them all, but if I don't, please let me know.

In terms of our own staffing and whether there have been issues in hiring and retaining, there haven't been. That isn't an issue that we are facing.

In terms of our experience with fly-in/fly-out, it's actually primarily Canadian fly-in/fly-out. Certainly, in the mining sector that is the most prevalent place where we see the fly-in/fly-out happening. One of the things that we are experiencing — and in fact, all WCBs across Canada who utilize fly-in/fly-out are experiencing this — is that when those workers are injured, we have higher durations with them. We're working together to develop strategies where we can help one another, in terms of compensation boards, to assist in the case management of a worker from Yukon who goes back to his home to recover in the east coast. So we are working together to try and coordinate our services that way.

It is a challenge. It is affecting duration, so that's one thing we've got our eye on. I think there was a third aspect to your question or — there was a third aspect to the question.

**Ms. Hanson:** I really think it was an aspect of the cross-jurisdictional — and while I'm standing I'll just keep on. The witnesses last year had mentioned that there were difficulties dealing outside of the jurisdiction of the Yukon, so if I'm understanding correctly, we were looking at establishing a memorandum of understanding or something that will allow the Yukon Workers' Compensation Health and Safety Board to delegate another WCB to do case management to ensure that the management of the return to work is being facilitated by the WCB of another jurisdiction?

**Ms. Waters:** I'm not aware of us actually formalizing it. It's just a matter of practice and how we're conducting ourselves in doing our work. I actually sit as the executive sponsor on the compensation and benefits committee of the AWCBC, which is the national committee

comprised of all the WCBs across Canada. It is through that route that we are continually talking about it and certainly our director of claimant services is in touch with her colleagues to follow up on these services.

**Ms. Hanson:** Before I move off this subject, if the witness could let us know the number of cases that we are dealing with, maybe as a number and/or percentage of the active claims in the Yukon that actually are outside of the Yukon — the individuals don't reside in the Yukon?

**Ms. Waters:** I don't have that information. I would have to follow up with that.

**Ms. Hanson:** I'd appreciate that if we could get that at a future date.

I would just like to go on to another subject area. Again, this is still following up on issues that we discussed last year and that remain current this year. There have been developments on a number of them, I think, since last December. Last December, we talked about — again, we've seen some work on this as recently as July with the issue of a press release with respect to temporary foreign workers, the July 24 press release from the Government of Yukon.

As I understand it, there are — and I stand to be corrected, so that's why I say as I understand it — several streams of temporary foreign worker-type programs. Most are administered by the federal government. When I say temporary foreign worker, I'm not using the specific nomenclature that we use when we say temporary foreign workers under the guise of the program that we — there are other programs besides the one that the Department of Education Advanced Education branch administers. Again, it's my understanding that Yukon, through that department and branch, administers an annex on temporary foreign workers.

We heard from the minister this year that there is a limit of 50 foreign workers per employer under that program. The idea of this is to make sure that there is responsiveness to the needs of employers, because some employers' needs are seasonal or temporary. So I understand that with this program there is a memorandum of understanding between Workers' Compensation Health and Safety Board and the Department of Education. As I understand it, one part includes WCB as part of the temporary foreign worker application process, which enables the WCB to ensure that the employer has all that is needed to keep workers safe and further, as part of later inspections, the WCB is allowed to ask about payment and treatment for workers.

I just want to clarify that the understanding I have is correct and then I have a few questions about that. So, the annex is intended to be a pilot — at least the way I understand it when I look at this press release. It's a one-year pilot and there could be expansions to other streams of temporary foreign worker programs. I want to know if the WCB witnesses can confirm that the annex program that most Yukoners will be familiar with is the only temporary foreign worker program in the territory. That would be my first question.

**Ms. Waters:** I believe it is the only program and certainly it would be — if there were other programs, it would be through the Department of Education, Advanced Education that would coordinate it. They would probably be the best ones to confirm that.

I can speak to the MOU that we do have with the Department of Education. Since it has been put into effect, we have had one request to basically activate that agreement and so we have gone and checked out the work site — it came from the retail sector — to ensure that they had safe work practices in place and we are doing what we have committed to do in terms of follow-up. I mean, it's still early days.

The other thing I can say in regard to temporary foreign workers — I believe in the past it has been noted that we had concerns with the way the program was structured in that when a foreign worker came to Canada, the permit was just specifically for that workplace and to do that job. Through the negotiations that the Department of Education have had with the federal government, that has been lifted and in fact the workers — if they get injured, things can happen to their permit which will enable them to stay. At WCB, we're in fact seeing those temporary foreign workers who are getting injured coming to us, which is a good thing. It's not good that they are getting injured, but it is good that they are staying in Yukon and they can go through our system. We're finding that what's very helpful is the language line and we haven't been encountering any issues to date.

**Ms. Hanson:** Thank you, Madam Chair. That last point is an important one and I just wanted to come back to that in a second because it was an issue that was raised by witnesses last year — concerned that it could be the issue of language and cultural differences.

One of the questions I would have from the comments made by the witnesses, if there are statistics, first of all, in the number of temporary foreign workers currently in the territory and comparative data with respect to workplace injuries for temporary foreign workers — basically data on the injury rate for temporary foreign workers.

One of the concerns that had been raised during the discussions last December was a potential concern about the ability of individuals to understand the language of the workplace — to be literate in English, which is the language of the workplace in the Yukon, in terms of technical — or directions with respect to the use of machinery and that stuff. What assurances does Workers' Compensation have with respect to complaints — or not to necessarily to ensure that the workplace — for workers, regardless of place of origin — that they understand what the requirements of the job are and that the employer is doing what is necessary to make sure that there is a safe work environment. I'll come back to another question with respect to that.

**Ms. Waters:** The first question had to do with data, in terms of whether we had any data. I believe that would probably be the Department of Education that would keep track of that. I would think, in terms of temporary foreign workers — I'm not aware that we have that data, but I can certainly follow up and find out.

In terms of the work that our Occupational Health and Safety branch is doing in terms of going to workplaces to ensure that they are safe workplaces and to do follow up, certainly part of their discussion would be to ensure that language and cultural understandings about safety are not barriers. Again, I haven't heard that that has been raised as an issue.

**Ms. Hanson:** It's interesting because I raised this — there was some work done in Alberta and last year we talked about some Alberta scenarios as well with respect to Fort McMurray and others, but — so in Alberta, as a result of complaints, there was research done by the Alberta Federation of Labour and they found that temporary foreign workers are more likely than Canadians to not receive their full pay from their employers. One of the issues became whether or not — how does the Workers' Compensation Health and Safety Board ensure that there is compliance?

When Alberta had proactive inspections — so it wasn't complaint-driven, but proactive inspection of workplaces — they found that there were problems at more than 50 percent of the sites that were actually visited — I realize that we're talking about scale here — that we're talking thousands in Alberta, as opposed to — I would imagine hundreds, but I don't really know the full number. Maybe that was the question that I missed in terms of the number of foreign workers.

So the question would partly have to do with whether or not we do proactive inspections of workplaces and a sense of whether or not — as the number of temporary foreign workers increases — the board anticipates what plan they would have to ensure those workplaces where temporary foreign workers are working — which, as one anticipates — based on the material that was released by the government in the summertime — that those workplaces will not necessarily be the retail spaces in Whitehorse or in Dawson or Watson. They will potentially be out in the sort of wilderness places.

So how do we ensure that — what plans are in place to ensure that those workplaces and their workplace practices are regularly inspected with respect to the safety of temporary foreign workers?

**Ms. Waters:** That's basically the crux of the agreement between the Occupational Health and Safety branch and the Department of Education — that we do those preliminary inspections of the workplaces to ensure they are safe workplaces and that we commit to doing regular and periodic checks of those workplaces.

We do that for all workplaces, but our eye is on the ball when it comes to those locations where temporary foreign workers are. Right now I'm aware that they are mainly in things like the retail service sector. I'm not aware of any of the remote locations utilizing them. We will keep our eye on it. If there are some challenges that result, then we would be following up with that.

**Ms. Hanson:** I raise the remote aspect of it because one of the areas suggested was with respect to mining activities. I do recall — I think it was in the annual report — I'm not sure what the exact language is, but for want of

another word, there were reports of “disciplinary” action taken against — I want to say Mount Skookum — anyway, employers where there were foreign workers. We can come back to that at a later date, because I'm getting a visual clue that we're not on the same page with respect to that, so maybe I'll just move on.

I'd like to go back to the annual report. I note that there is an interesting observation on page 2. With respect to the message from the board, reference was made to “Psychological injuries and illnesses have gained prominence as a workplace hazard, and the Canadian Standards Association will release guidelines in early 2013.”

My question is, have these guidelines been released and what are the implications for the Workers' Compensation Board? Is stress or other psychological injuries or illnesses included in WCB coverage?

**Ms. Waters:** These standards set out the steps organizations can take to promote psychological health and safety in the workplace. The standards are complex and the document itself is a complex document that outlines a staged approach to the promotion of psychological health and safety at work.

At WCB, we're currently in the process of having our staff trained in these standards, and next year our prevention committee, made up of employer and worker representatives, have indicated they would like this topic to be the focus of discussion and education at their annual Workplace Solutions workshop, because there's no doubt that mental health in the workplace is becoming an increased challenge.

Employers have told us that they're experiencing increased issues and they would like assistance in knowing how to respond to them.

You asked whether stress was becoming — through these standards — if it changed anything for Yukon in regard to it. It doesn't. We still have the same approach in terms of post-traumatic stress disorder. Stress in and of itself — and through these standards does not become — it has to be more than that, so we still take the same approach.

What we are doing is also — if you're familiar with the disability management program and the functional form — in the past, doctors would just give a slip saying the person requires so many weeks off work. Now what doctors do is give us a slip that tells us what people can do, and that's part of our return-to-work. It's just as important for an injured worker who has a psychological injury to be able to come back as quickly as possible. We've spoken to physicians about this, we've spoken to psychologists about this, and we are starting to also have that aspect of the functional form for psychological issues.

**Ms. Hanson:** I would say, as somebody who has worked a long time in the public service and worked with a variety of people — workplaces do encounter real challenges with people. We know the statistics with respect to mental illness generally and then the implications and impact on small workplaces can be significant. It's good to hear that there is progress being made, first of all in the recognition of the dimensions of this.

I just have a question — when we talk about doctors providing some indication with respect to readiness for return-to-work, is that a general practitioner or can the witnesses describe a bit more? Is this an integrated assessment process that involves others than just GPs before somebody who has issues with respect to stress or mental illness to return back to work?

**Ms. Waters:** I'm hoping I have your question because my speaker doesn't seem to be working. I can't hear you. That's the way it's not working.

**Ms. Hanson:** I was just saying that I was pleased to hear about the movement and changes with respect to the recognition of stress in a workplace, and anybody who has worked in a workplace for a long time recognizes that the impact on a workplace and the individuals who want to return to work and having the ability to accommodate is very important. It's also important to be able to know what form the assessment takes. You mentioned a doctor, so I was asking if we were talking about a general practitioner or a psychologist or if there was an integrated assessment approach to determining the return-to-work readiness.

**Ms. Waters:** We're still in the process of developing the form and we are doing it in conjunction with the experts — the psychologist and Dr. Buchanan, who is considered an expert in this area. I'm not able to answer that question right now.

**Ms. Hanson:** I look forward to having the conversation over the next year when we come back.

On page 5 of the annual report under "New and Revised Policies and Return to Work and Rehabilitation Series", the second point is that as part of the 2012 review, the Workers' Compensation Health and Safety Board made key revisions, and the second one says, "clarified a worker's long-term compensation level is not guaranteed; it is subject to regular labour market reviews and workers must continually try to mitigate losses."

I think that most workers would agree that they would rather be working than be on compensation. Could the witnesses describe how that is implemented and give an example just for the record in terms of explanation and understanding of how that new and revised policy is being implemented.

**Ms. Waters:** This gets into technical information that I would have to get back to the member with.

**Ms. Hanson:** One of the areas we are all very interested in is safety and safety compliance. On page 6 of the annual report, there is a paragraph that says, and I quote: "By far, the majority of fines stemmed from a simple refusal to use appropriate fall arrest. Safety Officers issued 17 fines to companies, supervisors and workers for failing to use this basic safety gear while working at heights in 2012. All were working in Whitehorse."

It just begged the question for me, Madam Chair, having seen situations outside of Whitehorse where I was concerned: how are situations outside of Whitehorse dealt with, with respect to ensuring the use of simple and appropriate fall gear?

**Ms. Waters:** I do not believe that that statement was to suggest that Whitehorse is the only place in which we're looking. Our safety officers go throughout Yukon looking. It happened to be that those cases were all within Whitehorse.

**Ms. Hanson:** Just to confirm then, there were no reported falls outside of Whitehorse and there's a regular inspection of work sites outside to ensure that that kind of safety compliance is there.

**Ms. Waters:** Yes, that is correct.

**Ms. Hanson:** I have to beg the indulgence of the witnesses because I'm sort of going back and forth because my notes cause me to do so. There are so many linked issues when we start looking at the scope of the work that's covered by the compensation board.

When I was looking at the section talking about assessments — these are payroll assessments — one of the things that occurred to me is that, on page 12 — so if they would indulge me. I heard the chair speak about the good financial status of the board and the fact that rates have not seen increases over the last few years and that, in fact, it has been a pretty healthy kind of situation for employers in most sectors, anyway. There are targeted areas where, based on the safety standards — as I understand it and they can correct me if I'm wrong — and based on good performance, then the rates do go down.

One of the other areas — and I guess I use the word "assessment" broadly — has to do with what kind of audits or work-site assessments are done — other than the sort of normal construction-industry kinds of workplaces. It has to do with whether or not WCB conducts audits of other work areas.

I understand that the WCB conducted an audit of school shop and industrial arts facilities some time ago and had identified a number of concerns with respect to the safety of those workplaces. They are combined workplaces and they are also places of education. I'm wondering if the witnesses can tell us whether the concerns identified in the audit of school shop and industrial arts facilities were addressed, how they're addressed, and what follow-up plans there are. More broadly, with respect to schools as a workplace, does the WCB regularly conduct audits or safety assessments of schools as workplaces with respect to safety concerns that might be there?

**Ms. Waters:** In regard to your first question about the results of that safety audit, I would have to get back to the member with that information. In terms of schools having safety inspections, certainly what can trigger an audit to occur is concerns could be expressed from people who work in the workplace.

One of the things we also do is, by our Claims branch and our Occupational Health and Safety branch working very closely together, if Claims are starting to notice that there happens to be a number of injured workers coming in from certain work sites, they will talk to our Occupational Health and Safety branch and suggest that they may want to look into this. Those are the kinds of things that will trigger. Certainly, our safety officers are doing also just the random inspections

and that might bring concerns to their attention that they'll follow up on.

**Ms. Hanson:** I thank the witness for that clarification and I look forward to the follow-up information.

I just want to go back to when I was talking earlier about various aspects or elements of the issue and challenges of returning to work. It's my understanding that there is a program that has been run to facilitate returns to work that is run by the Northern Safety Network Yukon and I was wondering if the witnesses can tell us how many return-to-work courses with how many participants have been successfully run by the Northern Safety Network?

**Ms. Waters:** Yes, the Northern Safety Network has the three-year contract to deliver the return-to-work training. They started this fall and I know that they had a very successful offering of courses in October. I would have to follow up with Northern Safety Network to find out the actual numbers, but it is early days. They got very good feedback from the courses and they have offerings that are being rolled out over the winter months as well. Certainly returning to work is such an important cornerstone to our workers' compensation program and we're very happy to see this training happening and the commitment of employers and workers in establishing return-to-work.

**Ms. Hanson:** I'd just like to ask a question in terms of workplace and workplace culture. With culture, I'm not talking about whether somebody is of the same cultural origin as anybody else in the territory, but the culture of safety is the language that we use.

There were some really interesting exchanges last year when one of the witnesses described some of the challenges to adopting a culture of safety. I recall the story that was presented to us in the Assembly here with respect to worker safety and the building of the Golden Gate Bridge and the challenges that those individuals in the pioneering days of building safety faced. Similarly, there are other safety culture issues that come up and they have to do with the whole issues of language and authority structures within organizations. The witnesses also last year — we had lots of good metaphors or examples, you'll recall, Madam Chair — referenced the airline industry and the cultural reluctance to speak to safety concerns across authority lines.

Language, styles of learning, age and experience of workers are all factors that I think the Workers' Compensation Health and Safety Board deals with in bringing about a culture of safety in all workplaces. One of the witnesses last year used as an example the culture in hospitals and I quote: "...in Canadian hospitals, part of what has to happen is instruction in how to stand up and challenge and say this just isn't right" — even though health care workers have been trained from the beginning that questioning practices can be seen as being disrespectful. Regarding this question of building a culture of safety in institutions that have historically had very structured lines of authority, I'm wondering if the witnesses have comments on this today.

I know that last year, we had the example of a hospital culture that has become an example in this territory. Has the

WCB looked into training about a culture of safety in Yukon hospitals? I'll leave it at that.

**Ms. Waters:** I know that our Occupational Health and Safety branch has been involved with the Yukon Hospital Corporation in terms of discussions around safety and conducting a safety audit, so I know those discussions have been positive and they are working on that.

**Ms. Hanson:** I would hope that would continue. Further on issues of employer culture — I can't recall where I was looking on the website, but I believe it's true that administrative penalties are listed that record the names of companies, the infractions and the fines. I'm wondering if the witnesses have any comment on publicizing this information. When you publicize the names of entities that are fined for health and safety infractions, does it have any noticeable impact with respect to decreasing the number of infractions? Is it seen as a positive punitive matter?

**Mr. Pike:** We discussed that issue at the board level and we're sensitive to the privacy concerns of the current world, but we felt the issue of the culture of safety — the issue of trying to ensure that people come home at night to their families — overrode that and so, at the board level, we said we can live with that. Maybe there are better options, but we can live with that.

**Ms. Hanson:** Thank you to the witness for that. Is there any impact or does it have a positive impact on offenders? I don't know what the correct word is, but if somebody has been named and shamed, do they change their behaviour?

**Ms. Waters:** I know that we post on our website when there are infractions. I'm not aware that we actually post the names. But in terms of the actual serving of a fine, we are finding that they are effective. They do play a deterrent effect. People do not want to be fined. So it's in the serving of the fine itself, not necessarily the naming on the website, that has the effect.

## INTRODUCTION OF VISITORS

**Ms. Hanson:** Before I go on, Madam Chair, I would like to ask the members present to welcome to the Legislative Assembly Betty Sutton and Paul Warner, residents of Spruce Hill, and a guest.

*Applause*

**Ms. Hanson:** The chair of the Board mentioned — and I was happy to hear him speak to the ceremony that occurred and the plans that are underway right now to have in place a permanent memorial to workers killed or injured on the job.

Those of us who had the chance to be there for the groundbreaking were very happy to see this happening. It has been awhile, and we hope that we will all see and be there for the opening of it — the completion of it — in June of next year.

My question has two parts. What financial contribution did the Workers' Compensation Health and Safety Board make toward this memorial and, secondly, are any efforts

being made to alert Yukoners who have had family members die in work-related incidents about this memorial project? Will there be a way for their loved ones to be memorialized?

**Mr. Pike:** We have had that discussion and I believe — and I stand to be corrected — but we have, or will be, putting out a notice asking any Yukon family, any Yukon connection, to let us know if they have somebody. We have fairly detailed records, so we think we probably have that, but we are planning on putting it out there to make sure that we don't inadvertently miss anybody.

I will let Joy speak to our contribution. I think I know the number, but I should let her answer that question because it's more her area.

**Ms. Waters:** Yes, the Workers' Compensation board of directors agreed to a contribution of \$125,000. This is a partnership with the Yukon Federation of Labour, both labour and employers. It's broader than that. It's the labour community and the employer community and everyone is working together in having this memorial be in place for next June. I believe the inaugural unveiling is going to be the anniversary of the Elsa mine disaster, I believe. Yes, there is a plan for being able to memorialize workers who have died.

**Ms. Hanson:** When I saw the date, it didn't strike me — that'll be quite important.

I'd like to turn now to a few questions that I have with respect to matters that were raised in the status report of the Auditor General of Canada to the Yukon Legislative Assembly in 2012. There was a follow-up audit. The Auditor General had audited workers' compensation, I think, in 2002 and then went back in a number of years later and then did this follow-up audit to the audit that had been completed and found that, as with the other Yukon departments and agencies, there had been progress made.

I want to come to focus on a number of areas that both the Auditor General and the Workers' Compensation Health and Safety Board noted in 2012 in which there was still work to be done. In the Auditor General's report, the Auditor General wrote in their follow-up audit the Workers' Compensation Health and Safety Board had used data from several years to generate a list of high-risk employers and that they had contacted 102 of 104 high-risk employers and, of those, only 44 had occupational health and safety programs in place. This was, I would note, a slight improvement from 2002, when only 15 of 90 had occupational health and safety programs in place.

The board was asked by the Public Accounts Committee to provide more information on the nature of efforts that would be undertaken to ensure that, by 2016, the number of employers achieving a certificate of recognition or equivalent would rise from that 44 to 250. The committee was pleased to see that there had been some movement in response and the Workers' Compensation Health and Safety Board noted that there were 121 companies that had achieved COR or equivalent status, and there was another 22 that had been issued a temporary letter of certification by the Northern Safety Network.

My question is, what is the current baseline against which they will judge their achievements with respect to having occupational health and safety programs in place, and what's the current number?

A year and a half ago, about 121 companies had some recognized Occupational Health and Safety programs in place. So what is the current status of that in the Yukon? Because we heard earlier this afternoon that the number of employers has increased dramatically, so that baseline against which we're assessing the number of employers establishing workplace safety through Occupational Health and Safety programs must also be going up. We don't want to be using static data. We don't want to be doing a snapshot, because in 2002 it was this number of employees, and in 2008 — what is the current number that we're targeting to have Occupational Health and Safety programs? How are we doing?

**Ms. Waters:** I can report that as of this third quarter, we have 133 businesses that are either COR-certified, SECOR or the equivalent, depending on size. There are a number of strategies. I can also say that the commitment through the strategic plan and our performance measurements are that we will be at 250 by 2016. Programs that we put in place to encourage workers to consider COR and SECOR include things like the CHOICES program.

This year we have an agreement with the Yukon Chamber of Commerce and we have an employer advisor who is working very actively, especially in the communities, meeting with employers and talking about the value of COR certification and, in fact, went through the SECOR program himself in order to speak to business people based on his own experience.

Likewise, we are working with both NSNY and the employer advisor to look at ways we can make COR more accessible and affordable.

**Ms. Hanson:** Thanks for the response to that. The Auditor General also noted that, "In 2007, the YWCHSB ordered the Government of Yukon — Yukon's largest employer, with 4,150 employees" — and I'm reading from the actual report, paragraph 79 — "representing 21 percent of the total employed labour force — to have its safety management practices audited. Based on the results of that audit, the government was ordered in August 2008 to implement a comprehensive safety management system. An action plan outlined in the audit report noted that it would take up to two years to implement its recommendations." So as of 2012, "The government still had not complied with this order." It was noted by the Auditor General that, "The government has still not complied with this order. The YWCHSB continues to monitor the government's progress, and it has also seconded staff to the Public Service Commission to assist with this task."

The Auditor General did note that two areas of the Government of Yukon are COR-certified — the Workers' Compensation Health and Safety Board itself and the Transportation and Maintenance branch of the department of Highways and Public Works. The Workers' Compensation Health and Safety Board, in response to questions that were

raised about this — because this was noted in the status report from the Auditor General in 2012 — in response to questions the Public Accounts Committee had raised about that, they talked about the work that they had been doing with the ongoing working relationship with Corporate Health and Safety at the Public Service Commission and that there had been progress made with introducing an accountability framework that establishes the roles and responsibility for health and safety management in governments. The systems are in place from the work that the Workers' Compensation Health and Safety Board has done with the Government of Yukon. They went on to say that the Public Service Commission has satisfied the corporate requirements, putting these systems in place. They're established, are in order and are now working with departments to develop safety management systems.

They're quite gentle in their language, I would suggest; they say that PSC and the departments are moving forward with safety management system development.

They did, however, say in July of 2013, "Departments and branches that are not moving forward are being identified and targeted in the same manner as the high-risk employers in industry. With these departments, we are taking a much more focused enforcement stance that can include inspection, investigation, safety audits, monitoring performance and, where appropriate, sanctions for non-compliance. These tools are designed to motivate the departments toward meeting their requirements under the *Occupational Health and Safety Act*. We also offered these departments our consultation services."

My question to the board is, what progress has been made with those branches that have been identified and targeted in the same manner as a high-risk employer and what progress has been made with respect to ensuring — or can they say what progress has been made with respect to how many departments and branches of the Government of Yukon other than the Transportation and Maintenance branch of Highways and Public Works meet those Occupational Health and Safety requirements under the act?

**Ms. Waters:** I will have to get back to the member with that information. I don't have that information available.

**Ms. Hanson:** I appreciate getting that information so that we'll have it for the record. Thank you.

In response to another observation from the Public Accounts Committee, there were a number of general comments made by the Workers' Compensation Health and Safety Board.

One of the comments they made that I think is important for the record is that — and I quote: "Additional conditions that could assist in reducing injuries in Yukon would include a thorough review of the *Occupational Health and Safety Act* (the "Act") and regulations. The act and some of the regulations are 30 years old and in need of updating. A review and update would provide an opportunity to clarify requirements and improve some of the standards to meet modern workplace requirements."

So that was in response to observations made by both the Auditor General in 2007 and 2012 and then comments made

by the Workers' Compensation Health and Safety Board in July 2013.

My question is this: can the witnesses tell us if they have had any direction or feedback from government with respect to a thorough review of the *Occupational Health and Safety Act* and regulations since those comments were made in July 2013?

**Ms. Waters:** This year, our organization has been undertaking a review of both the *Occupational Health and Safety Act* and the *Workers' Compensation Act*. We'll be taking our recommendations based on those reviews to our board of directors for consideration. There hasn't been a bringing forward of information to the government. We're in the process of putting the information together.

**Ms. Hanson:** I just have one last question and then I will turn it to my colleague from the Klondike. It's just more of a scenario. Often we, as MLAs, get questions that are more like casework than they are policy issues. It's a scenario that I find difficult and didn't understand, and the individual wasn't able to find an answer on their own. Maybe the witnesses can help me.

If an individual is injured on the job, gets medical treatment and files a workers' compensation claim, and it's determined that they've been injured at work, but then the injury is further compounded by the medical treatment they receive, does the Workers' Compensation Health and Safety Board assist that employee? They have two injuries now. They have an injury that has been caused at work — a fall or broken bone. Then, if something occurs in the medical process that compounds the injury — because that employee wants to get back to work but they have been further injured — it would seem to me that Workers' Compensation would have an interest in being a party to that individual's claim against the medical injury that they have also received.

What's the Workers' Compensation position on that? Is the doctor considered an employee or a worker, as well as the employee in that situation?

**Ms. Waters:** What you're offering is very hypothetical and I would have to say that it depends.

It really depends on the facts of the case. I would feel uncomfortable giving a response based on that. I would have to know what the details are. Certainly we would be guided by policy. One of the policies that came into effect last year would be a policy that would guide that review, and that's the reoccurrence of injury. But there could be other policies that would be used as well.

I'd really recommend that the individual you're referring to speak to somebody at WCB. The manager of Claimant Services would be a good place to start. If they're already involved with the system, their case manager would be a good place to start.

**Mr. Silver:** Thank you very much to the witnesses for being here today. It's much appreciated.

I'm going to start with a question and please forgive me if I'm wrong on this. I'm just wondering what the status is of the current chair of the board. The chair's appointment did expire on November 4, 2013, I believe, and I have not seen an order-

in-council confirming an extension. To my knowledge, it has not been reviewed by the standing committee yet. Is it supposed to go through that process? What is the status?

**Mr. Pike:** Maybe I should defer to the minister on that question.

**Hon. Mr. Graham:** I'm not certain either. I know that the chair's appointment was due, that I signed the order-in-council and perhaps neglected to send it along at the correct time but, as far as I'm aware, there has been a temporary extension until such time as it goes through as an order-in-council appointment.

**Mr. Silver:** I appreciate the answer to that question.

A few of my questions are going to be based on the last time that the WCB stood as witnesses, and a few of them are more specific to new issues. Here's an example of a newer issue. There was an investigation sometime this year into the problems of the mould at the wastewater treatment facility in Dawson City. Was there a report produced? Is that investigation completed? I'll leave it there.

**Ms. Waters:** We've completed our investigation and taken action against the company. The company has an appeal period to dispute our findings. That period has not expired so I can't discuss the details but, once it has, more information will be provided on our website.

**Mr. Silver:** That's good to know. Can we inquire as to when that expiration date is going to happen?

**Ms. Waters:** I believe the appeal period is coming up in December, but I'll have to get back to the member with that information.

**Mr. Silver:** When the witnesses get back to us, there are other questions as far as cost that I'm sure we'll get out of the report. I'll leave it at that. It's good to know there will be some information coming pretty soon.

We are almost to the 2013 fiscal year for the corporation and we did get the report and the financial statements — the 2012 annual report. Do the witnesses have an idea of the assessable payroll for 2013, ballpark? Basically, will it be higher or lower than last year?

**Mr. Pike:** I'm not sure that we have the number, as it's kind of a moving target as you go through the year — where employers report to us — and there could be employers who haven't reported yet. So I'm not sure we have a number that I could give you with any confidence.

**Mr. Silver:** I appreciate the answer from the witness. I do have a question on the compensation fund, page 23 of the annual report. 2011 numbers for net investment income was just under \$6 million, and then we see a substantial increase in 2012 to roughly \$13.5 million. Could the witnesses comment on the jump?

**Mr. Pike:** I give a huge amount of credit to my staff and the investment advisors we use. They've done just a marvellous job in the current economy of handling our investments. I believe in 2012 our rate of return was 8.9 percent, which we invested in very, very low-risk investments and securities. From my perspective, that's a marvellous rate of return, and again, that is a huge credit to our investment advisors and our staff at WCB who manage that process.

**Mr. Silver:** Thank you, Madam Chair, and if the witness can give me the phone number of his investors that would be great.

I do have a question from last year regarding penalties. Last year I asked, and I am quoting, "Moving on to the annual report, on page 14" and I quote the report, "In 2011, penalties in the amount of \$501,000 were issued to employers who did not meet the required timelines for registering with YWCHSB, filing their annual employer payroll return and/or for not paying their assessment premiums."

Madam Chair, this money is used to offset further assessment rate calculations through allocations to investment revenues. The question was: how many businesses does this represent and how widespread was this particular problem? The answer that I received from that was, and I quote "Looking at it, it is an amalgamated figure that is spit out at the long end of a chain and we are beginning the process of work back to answer those exact same questions. Once we arrive at that, we'll be happy to share it with you." That information wasn't provided yet. In the 2012 report, the figure is \$495,000, so not much progress has been made on that front. So, do we now know how many businesses this represents, and how widespread this particular problem is?

**Ms. Waters:** Was there a commitment to follow up with information? I believe we have copies of that.

**Hon. Mr. Graham:** I have copies of a reply I received from Yukon Workers' Compensation Health and Safety Board and I'd be happy to distribute it at the present time to all members.

**Mr. Silver:** Thank you to the minister for providing that information.

Another follow-up question — last year, I asked, and I quote, "Does the board report the outcome of claims? For example, the return to pre-accident employer and work, return to the same work with a different employer, return to another type of work, workers requiring retraining and the outcome of that training. How does WCB measure success in terms of an injured worker?" The answer I received was that the return-to-work figure is the most important one and that is about 98 percent. I'm just wondering, has there been any change with that number?

**Ms. Waters:** Yes, certainly a goal of ours is to return workers at a rate of up to 98 percent, but that is our performance measure and we're working toward that. We basically keep an accountability score card which has 30 performance measures and approximately 11 of those are in the claims area and we look at thresholds for having workers return to work.

At 360 days, we're looking for 98 percent of workers to have returned to work. There are still a small number and unfortunately, compared to last year, it is getting a little bigger, but we work on an individual basis — through vocational rehab — for finding appropriate work for people who cannot return to their original work.

**Mr. Silver:** Thank you for the answer from the witness. I asked last year about the effects that WCB sees with many Yukoners losing their family doctors. Workers have been

experiencing difficulties in getting their medical appointments to assist in recovery because of the burden put on these few doctors who are left and the clinics don't have time to be following the worker through their claim. Is there any plan to assist the workers in finding and getting doctors to assist them overcoming the effects of the shortage of doctors? Does the chair have an update on this particular issue?

**Mr. Pike:** I'm stepping a little bit past the bounds of the chair, but certainly as a board we assist every injured worker in getting immediate medical attention. I do not believe we would ever condone an injured worker, for lack of a better word, floundering around trying to find appropriate medical help. From the board's point of view, we're absolutely committed to mitigating that injury and getting the injured person back to work. So I'm speaking from the board perspective in that we would not be able to live with that. For the specifics, maybe I should turn it over to Joy, if there is anything you want to add to that.

**Ms. Waters:** I am not aware of this particular issue in terms of workers having difficulty finding doctors. I'm not aware of it being an issue. Following the comments last year, we did talk about whether this was something that we were seeing, but no.

**Mr. Silver:** I believe I have one more question left for the witnesses.

In the *Yukon News*, Tuesday, February 5, 2013, there was an article that "The Yukon Workers' Health and Safety Compensation Board is trying to recover \$600,000 in overpayments from a former worker who is accused of giving the board misleading information."

Can the chair provide an update on this case and has any of the money been recovered?

**Ms. Waters:** I can say that we are working on recovering the funds. I don't have a figure that I can report on. I do know that it's an ongoing case.

**Chair:** Does any other member have questions for the witnesses?

**Hon. Mr. Graham:** If there are no other questions, on behalf of the Committee of the Whole I'd like to take the opportunity to thank Mark Pike, who is the chair of the Yukon Workers' Compensation Health and Safety Board, and Joy Waters, who is the president of that same organization, for appearing as witnesses today. Thank you very much on behalf of all of us.

**Chair:** Thank you, Mr. Graham. The witnesses are now excused.

*Witnesses excused*

**Hon. Mr. Cathers:** This is quite unusual. I think this is the first time we've had witnesses leave half an hour early, but I'd like to thank them for appearing and, in light of that, I'd ask for input from the opposition House leaders. We can either adjourn the House early or go into Public Service Commission in Committee of the Whole on Bill No. 11.

**Mr. Silver:** If the House could maybe give us five minutes and I can speak with the Official Opposition House Leader and we can determine.

**Chair:** Committee of the Whole will recess for five minutes.

*Recess*

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

### **Bill No. 11: *Second Appropriation Act, 2013-14* — continued**

**Chair:** We're going to begin debate on Vote 10, Public Service Commission, in Bill No. 11, entitled *Second Appropriation Act, 2013-14*.

#### **Public Service Commission**

**Hon. Mr. Dixon:** It's a pleasure to rise to speak to the Public Service Commission's supplementary budget for 2013-14. This being my first budget discussion in the Public Service Commission, I'd like to take the opportunity to thank the Premier for adding the Public Service Commission to my portfolio in the Cabinet shuffle that occurred earlier this year, and for the opportunity to serve in this additional capacity. I'd also like to thank the previous minister responsible for the Public Service Commission for her sage guidance and wisdom in passing on some of these key files to me. She is an inspiration to all of us.

Thank you for this opportunity to speak to the House about the Public Service Commission's supplementary budget for the 2013-14 fiscal year. I have a few short remarks to make and then I'll pass it on to members opposite for questions.

The Public Service Commission acts as the employer on behalf of the Yukon government under the *Public Service Act*. The department provides human resource direction, advice and support services to Yukon government's departments and employees. This supplementary budget will increase the Public Service Commission's 2013-14 budget by \$2,211,000 to \$41.5 million. This reflects the total increase of 5.62 percent from the 2013-14 main estimates.

There are several matters reflected in this increase, including the incorporation of new actuarial estimates, the one-time costs of moving to a new benefit provider, and pay increases.

I will now provide an overview of the Public Service Commission's 2013-14 supplementary budget. The main increase is in the employee future benefits budget, which is the largest line item in Public Service Commission's budget. This amount is determined by actuarial review of the estimated future obligations due to government employees when they leave or retire. It reflects a variety of factors such as life expectancy, age of the workforce and length of service.

This spring, the Public Service Commission conducted a full actuarial review of our employee future benefit liabilities. The required adjustments are reflected here. The actuarial review identified the need to increase our budget for leave and termination benefits. The total increase is \$1.108 million. As well, there is an additional \$1.177 million included here to

cover ongoing increases for extended health and life insurance for retirees.

This budget also contains an adjustment to the pension buy-back costs, aligning it with our actual costs from prior years. When an employee buys back pension from an eligible period of previous service, this budget covers the portion paid by the employer. After analysis based on previous years, we reduced our budget for pension buy-backs at \$885,000. The total amount budgeted for employee future benefits has increased by \$1.4 million. This budget item now totals \$20.847 million.

Another increase in the supplementary budget is a one-time cost of \$350,000 to support the government's transition to a new benefits carrier, Great-West Life. For several years, employee group insurance benefits were provided through Sun Life. In the spring of 2013, the Public Service Commission conducted a tendering process to ensure our current needs were reflected in our benefit provider contract.

Great-West Life was the successful bidder, scoring well on client service, their progressive approach to disability management and for their competitive rates. Both the employer and employee overall costs for benefits will be reduced under the new provider.

The transition to Great-West Life took place on November 1, 2013. The one-time budget increase supported the planning and preparation required for the transition, including managing the transfer of data, integrating into the provider's new systems and extensive communications to employees.

This budget also contains adjustments to cover pay increases based on negotiated amounts in the collective agreement with the Yukon Employees Union as well as merit increases for managers. There is an ongoing increase of \$254,000 to cover salary increases going forward as well as a one-time allotment of \$167,000 to cover performance awards in 2013.

The total additional budget related to pay increases is \$461,000 for the department. The supplementary budget also reflects a minor internal reorganization.

The administration of the biennial Yukon government employee engagement survey has been moved to a new branch. This involved the transfer of a position to provide statistical information and research support as well as core program funding.

I know that there is a great interest in some of the work that we are doing in the Public Service Commission outside of the budget that is currently before the Legislature, including work we've done to date around whistle-blower protection or public interest of wrongdoing disclosure, which I'm sure we'll have a chance to discuss as well. I know that we should be able to provide answers for the members in the remaining time we have today.

With that, I cede the floor to the members opposite for questions that I hope I'm able to respond to.

**Ms. Hanson:** I'd like to congratulate the minister on his appointment as minister responsible for the Public Service Commission. I think that we all recognize the absolute central

place that the Public Service Commission has in the integrity of a service that is provided to Yukoners by the public servants, the people we delegate as members of this Legislative Assembly, to carry out the legislated responsibilities and activities that are provided for in all of their acts and legislation that this Assembly mandates them to do. The very central function of the Public Service Commission in providing leadership to the public service can't be underestimated.

I think that the minister has taken on an admirable challenge. I think the good thing is that he has remarkable people working throughout the public service. The elements are there.

I believe, Madam Chair, it has been some time since the Legislative Assembly has actually talked about and reviewed the Public Service Commission. The minister is correct. We do have a number of questions because there are a lot of good things, I believe, that have been occurring within the public service and within the Public Service Commission. I would distinguish the two. There are also a number of challenges.

I thank the officials for the briefing that they provided to the opposition parties in preparation for the budget debate on the supplementary estimates and for the information that they provided to help us have context for the requested increases in the supplementary estimates, as well as a bit of background on a number of the activities that the Public Service Commission has undertaken over the last year to make progress with respect to a number of the challenges that are inherent in any central agency as it works in partnership with departments across government — to ensure that we have a culture that is not only supportive of our public servants, but that also challenges them to do the best they can with respect to the work they are charged to do on behalf of all of us as citizens of this territory.

We will want to speak to the minister with respect to some of the challenges that are identified on the demographics — what we're doing as a government with respect to youth recruitment and retention. Some of the changes that are inherent with establishing a respectful workplace — and I say that, not just in the context of the organizational structure that is called respectful workplace, but also creating a culture of respect. That is certainly part of what the minister referred to as questions that he can anticipate with respect to progress on whistle-blower protection legislation, which is imperative for ensuring not just the respectful environment that all employees should have the assurance of working within, but also the safety of that workplace.

I will be asking questions with respect to the issues of the Yukon audit bureau's audit of the Public Service Commission. I'm afraid I may have caught the minister off-guard five or six days ago when I asked him a question about that audit. I didn't intend to do that. I did want, and I do want, to raise the audit because I think that the audit has some very important findings, and I have no doubt that they will be followed up on.

The minister has competent senior public servants and managers who are charged with those obligations but, as minister, he is also charged with the obligation and the

responsibility of being aware of what the findings of the audit are and directing the kind of actions that will remedy those findings.

One of the key elements of an effective public service is the whole notion of transparency — ensuring that the processes that we use to both bring in new public servants and promote those public servants are transparent, that they stand the test of challenge and that they are based on merit. Those are not hollow words. They are words that have a long history and they form a very key part of the contract that is implicit for public servants who serve, based on their demonstrated merit for the positions that they occupy. They serve without bias and without prejudice; they are not political appointments.

We owe it to our public servants to make sure that we create an environment so they know that when staffing of positions occurs there is a competitive staffing process and that any staffing processes that we have in place in the Yukon — and I mean this in all positions, not just the indeterminate positions, but term, auxiliary on-call and casual — all meet the test of merit and they meet the tests of fairness and transparency

Madam Chair, seeing the time, I move that you report progress.

**Chair:** It has been moved by Ms. Hanson that the Chair report progress on Bill No. 11, entitled *Second Appropriation Act 2013-14*.

*Motion agreed to*

**Hon. Mr. Cathers:** Madam Chair, I move that the Speaker do now resume the Chair.

**Chair:** It has been moved by Mr. Cathers that the Speaker do now resume the Chair.

*Motion agreed to*

*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**

**Ms. McLeod:** Mr. Speaker, Committee of the Whole has considered Bill No. 11, entitled *Second Appropriation Act, 2013-14*, and directed me to report progress.

Also, pursuant to section 102 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 5, Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Joy Waters, 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 5:00 p.m.

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

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.

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

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

*Motion agreed to*

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

*The House adjourned at 5:26 p.m.*

### **The following document was filed November 26, 2013:**

33-1-69

Yukon Workers' Compensation Health and Safety Board responses to Committee of the Whole questions, letter re (dated December 18, 2012) from Joy Waters, President/Chief Executive Officer, Yukon Workers' Compensation Health and Safety Board, to Hon. Doug Graham, Minister Responsible for the Yukon Workers' Compensation Health and Safety Board (Graham)