



Yukon Legislative Assembly

Number 236

1st Session

33rd Legislature

HANSARD

Monday, November 23, 2015 — 1:00 p.m.

Speaker: The Honourable David Laxton

YUKON LEGISLATIVE ASSEMBLY

SPEAKER — Hon. David Laxton, MLA, Porter Creek Centre

DEPUTY SPEAKER — Patti McLeod, MLA, Watson Lake

CABINET MINISTERS

NAME CONSTITUENCY PORTFOLIO

Hon. Darrell Pasloski	Mountainview	Premier Minister responsible for Finance; Executive Council Office
Hon. Elaine Taylor	Whitehorse West	Deputy Premier Minister responsible for Tourism and Culture; Women's Directorate; French Language Services Directorate
Hon. Brad Cathers	Lake Laberge	Minister responsible for Justice; Yukon Development Corporation/ Yukon Energy Corporation
Hon. Doug Graham	Porter Creek North	Minister responsible for Education
Hon. Scott Kent	Riverdale North	Minister responsible for Energy, Mines and Resources; Highways and Public Works
Hon. Currie Dixon	Copperbelt North	Minister responsible for Community Services; Public Service Commission
Hon. Wade Istchenko	Kluane	Minister responsible for Environment
Hon. Mike Nixon	Porter Creek South	Minister responsible for Health and Social Services; Workers' Compensation Health and Safety Board
Hon. Stacey Hassard	Pelly-Nisutlin	Minister responsible for Economic Development; Yukon Housing Corporation; Yukon Liquor Corporation

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Yukon Party

Darius Elias	Government House Leader Vuntut Gwitchin
Hon. David Laxton	Porter Creek Centre
Patti McLeod	Watson Lake

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New Democratic Party

Elizabeth Hanson	Leader of the Official Opposition Whitehorse Centre
Jan Stick	Official Opposition House Leader Riverdale South
Kevin Barr	Mount Lorne-Southern Lakes
Lois Moorcroft	Copperbelt South
Jim Tredger	Mayo-Tatchun
Kate White	Takhini-Kopper King

Liberal Party

Sandy Silver	Leader of the Third Party Klondike
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**Yukon Legislative Assembly
Whitehorse, Yukon
Monday, November 23, 2015 — 1:00 p.m.**

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

Prayers

Withdrawal of motions

Speaker: Before we proceed with the Order Paper, the Chair wishes to inform the House of changes which have been made to the Order Paper: Motion No. 96, standing in the name of the Member for Vuntut Gwitchin; Motion No. 417, standing in the name of the Member for Watson Lake; Motion No. 522, standing in the name of the Member for Copperbelt South; and Motion No. 820, standing in the name of the Hon. Premier have been removed from the Order Paper as they are now outdated.

DAILY ROUTINE

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

Tributes.

Introduction of visitors.

INTRODUCTION OF VISITORS

Ms. Hanson: Thank you, Mr. Speaker. I would ask all members of the House to join me in welcoming to the visitors' gallery an individual who is no stranger to the Yukon and his fiancée. I would like us to welcome Jim Brohman who is a long-time representative of the Public Service Alliance of Canada and I am sure he has sat across from the table and maybe at the same table on both sides with members opposite and on this side as well. Karen Clarke is his fiancée.

Jim is up in the Yukon at this time to celebrate the 50th anniversary of the 1965 formation of the Yukon Employees Union this past weekend. Welcome, Jim and Karen.

Applause

Speaker: Are there any returns or documents for tabling?

Are there any reports of committees?

REPORTS OF COMMITTEES

Hon. Mr. Hassard: I have for presentation the 19th report of the Standing Committee on Appointments to Major Government Boards and Committees.

Speaker: Are there any further reports of committees to be presented?

Petitions.

PETITIONS

Petition No. 22 — received

Clerk: Mr. Speaker and honourable members of the Assembly: I have had the honour to review a petition, being

Petition No. 22 of the First Session of the 33rd Legislative Assembly, as presented by the Member for Mayo-Tatchun on November 19, 2015.

Petition No. 22 meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

Speaker: Accordingly, I declare Petition No. 22 read and received. Pursuant to Standing Order 67, the Executive Council 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. 22 shall be provided on or before December 3, 2015.

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

Ms. Hanson: I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to:

(1) study US energy producer Lone Pine's \$250-million North American Free Trade Agreement challenge of Quebec's ban on fracking;

(2) evaluate the possibility of private companies using free trade agreements to challenge Yukon environmental regulations;

(3) report publicly its analysis of how Yukon will retain regulatory authority over fracking in the territory in light of the protection mechanisms for foreign investment in both NAFTA and the foreign investment promotion and protection agreement Canada recently signed with China.

Ms. White: I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to:

(1) provide an update on Yukon government greenhouse gas emissions before the COP21 conference;

(2) ensure accurate reporting of greenhouse gas emissions for all sectors; and

(3) commit to annual public reporting of Yukon's total greenhouse gas emissions.

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

THAT this House urges the Government of Yukon to work with community stakeholders and First Nation governments to modernize the *Dog Act* to empower unincorporated Yukon communities to resolve issues arising from the act.

Ms. Stick: Thank you, Mr. Speaker. I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to implement a continuum of health and housing options to support Yukoners to age in place safely and with dignity by:

(1) halting all work on the proposed Whistle Bend continuing care facility until such time as meaningful consultations provide evidence of a need for this facility, including its size, location and model of care;

(2) engaging in meaningful consultation with Yukon seniors, elders, their families and communities throughout Yukon;

(3) engaging in meaningful consultation with Yukon health care professionals; and

(4) working in collaboration with Yukon people, health care professionals and supportive housing experts on all future continuing care projects and initiatives.

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

THAT this House urges the Government of Yukon, given the continuing problems with the Keno City community well, to explore whether or not a new well is needed.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to post the 2015 fall capital update to its website.

Speaker: Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Robert Campbell Highway improvements

Ms. Hanson: Thank you, Mr. Speaker. When the Wolverine mine went into creditor protection early this year, many Yukoners were asking how much money the mine has cost Yukon taxpayers. The Minister of Highways and Public Works has denied that improvements to the Robert Campbell Highway were solely to benefit the Wolverine mine. An access to information request for the functional plan for the current Robert Campbell improvements show the only reason for the upgrades were for the Wolverine mine. In fact, the title of the feasibility study is — and I quote: “Measures required in response to development of Wolverine property.”

This government has spent millions of dollars on these improvements to support the failed mine. Does the minister acknowledge that the millions of dollars in improvements made to the south Campbell Highway from 0 to 185 kilometres were made primarily to benefit Yukon Zinc?

Hon. Mr. Kent: Thank you very much, Mr. Speaker. There are a number of individuals and industries that are affected by those improvements to the south Robert Campbell Highway. There are tremendous tourism opportunities in that area. Of course we have a number of residents who travel between Watson Lake and the communities of Ross River, Faro and perhaps Carmacks or even further north, using that particular stretch of road.

Mr. Speaker, investments in infrastructure are important to support a number of industries. There are multiple mineral projects within that corridor as well that are supported by these continued investments. Our government is committed to continuing to invest in infrastructure projects, whether it's on the south Campbell or any of the other highways that we manage here in the territory. We do manage approximately 5,000 kilometres of maintained highway and we continually

look to stretch our dollars and use our transportation budget to ensure that we spend money to upgrade them for the benefit of industry, our residents, and our visitors.

Ms. Hanson: Thanks, Mr. Speaker.

The report points out that existing highway traffic was no different and that the upgrades were required to support year-round industrial trucking. The study states that — quote: “All of the expenditures identified above are made necessary by the development of a single mining project. Before the Yukon Government commits to make a major investment in highway improvements, there must be a clear commitment for the development of the mine”. At the same time, the feasibility study projected \$45.8 million in capital needs. The report is clear that the decision to make the improvements was based solely on the construction of the Wolverine mine.

Does the minister think that zero dollars in royalties, millions in unpaid bills to Yukon businesses and the environmental liabilities left behind are worth the tens of millions of dollars spent by the Yukon Party government to help this failed venture?

Hon. Mr. Kent: Thank you very much, Mr. Speaker, and I, along with the Minister of Community Services, had the opportunity to travel to Watson Lake on Friday and meet with the Chamber of Commerce and certainly that organization sees these types of investments as good for that community. Those are investments in highways, not only for the benefit of residents and visitors, as well as industrial clients, but they also provide jobs and opportunities for local residents during that construction phase. Those are important jobs that exist throughout the territory, so I'm sure the members of the Watson Lake community will be interested to hear the Leader of the Official Opposition's comments with respect to infrastructure upgrades in the southeast Yukon.

Mr. Speaker, again, the Wolverine mine is but one potential project that is in that area. We have recent activity at the Kudz Ze Kayah property, which is just north of the Wolverine mine and of course the Selwyn property is also seeing activity, which would require improvements to that road.

Mr. Speaker, when it comes to highways, we look to improve them for all types of travellers, whether it's industrial or residential or visitor traffic. The south Campbell Highway is certainly a road that has benefited from the investments made by this government and previous Yukon Party governments.

Ms. Hanson: It's true, Mr. Speaker, that some Yukoners may use that road, but let's stop pretending that the decision to improve the highway was made for any other reason than supporting Yukon Zinc's Wolverine operations.

This feasibility study has no indication that the government conducted any analysis on the return on investment for these capital improvements. Infrastructure spending is essential for development, but it has to be done in an intelligent, evidence-based and non-political manner.

The Wolverine mine cost Yukon businesses millions, produced no royalties and, in its last year, less than 30 percent of the employees were Yukoners. In addition, this government

has spent tens of millions of dollars. In most other jurisdictions, a solid business case is necessary before government invests in infrastructure.

Can the minister provide Yukoners with the rationale for the expense of \$45 million from kilometre 0 to 185 on the Robert Campbell Highway?

Hon. Mr. Kent: Thank you very much, Mr. Speaker. As I've mentioned previously, investing in infrastructure is something that is very important to this government. We invest over \$60 million in our transportation infrastructure, including highways like the south Robert Campbell. Again, it is to the benefit of, not only industrial clients, but also residents and visitors. We're proud of the transportation network that we have in the territory and, as I mentioned in my previous response, I'm sure the residents of Watson Lake, Ross River, Faro and Carmacks will be interested to hear the Leader of the Official Opposition criticizing improvements to infrastructure in southeast Yukon.

That is an important road network that we have in the southeast, and it is used by many individuals, whether they are industrial clients or residents or visitors, as I said. We'll continue to make investments in Yukon infrastructure and we'll continue to make the necessary improvements that we can to the road network to ensure that we can have economic development opportunities for Yukoners, both now and in the future.

The other individuals, Mr. Speaker, who will be interested to hear comments made by the Leader of the NDP are those local road builders who have benefited from the contracts that have been awarded on that stretch of highway. Many important summer jobs — many students have put their way through university based on the wages that they earn working on these jobs. These are important contracts to improve our infrastructure and provide economic benefit to Yukoners.

Question re: Continuing care facilities

Ms. Stick: Thank you, Mr. Speaker.

In September the Yukon NDP did what this government was not willing to do. We invited all Yukoners to a conversation about the future of continuing care in the Yukon. Nearly a hundred Yukoners came out, a panel of experts spoke, and person after person stood to express frustration with this government and the process it is following to build a large continuing care facility in Whistle Bend. Their concerns were echoed again last month at the public presentation hosted by the Whistle Bend facilities director, when the public asked for meaningful consultation with decision-makers, including the minister and the Premier.

Mr. Speaker, meaningful consultation relies on listening. When will this government ask Yukoners what they need to safely age in place?

Hon. Mr. Nixon: In addressing the member opposite, this government has certainly put its money where its mouth is. There were two needs assessments conducted. Through those needs assessments, we quickly understood that there was a growing need — and, into the future, there will be a

growing need — to provide a higher level of care for seniors in a facility such as Copper Ridge Place. That put forth a business case — in working with Highways and Public Works site assessments — and the desire to build a 150-bed facility in Whistle Bend. We are excited about this project. We have talked to many seniors; they are excited about this project. This is something that we're looking forward to the completion of and, in the meantime, we'll continue to work with our stakeholders, have those dialogues and are excited to see the potential design come out in the next couple of months.

Ms. Stick: Thank you, Mr. Speaker. Time and again, Yukoners are asking: Where are our voices in this decision? Where is the public consultation? Whether it's at a public town hall or in the grocery aisle, we hear Yukoners saying that they want and deserve a voice in this decision process.

Continuing care is a deeply personal experience for seniors, for elders and their families. We must keep patients and their families at the centre of this planning. Instead, this government decided the size and the location of the proposed Whistle Bend facility and put it out to tender with no public consultation.

Is this what the minister considers to be meaningful consultation with Yukoners?

Hon. Mr. Nixon: Thank you, Mr. Speaker. In addressing the member opposite, we have certainly taken many opportunities to reach out to Yukoners, to our stakeholders, to those who are informed of these services. We've partnered with Partnerships BC in having them provide us with valuable information on the needs of people who are aging and the design, services and programs that would be provided in such a facility.

We've certainly seen this government, over the last decade, invest fairly heavily in home care so those seniors can stay aging in place until they reach a point in time where that level of care is to a higher acuity and they need to move into a long-term care facility.

We've seen a number of seniors have to move into the hospital. That's not a situation that we necessarily like to see and it's far more expensive, but we are looking forward to working with our partner, Highways and Public Works, and the successful proponent in the design of this continuing care facility.

We know that it's going to address issues like palliative care, dementia, mental health services and so on, but again, we continue to have dialogue with stakeholders and we'll continue that dialogue as we move forward.

Ms. Stick: Thank you, Mr. Speaker. How about working with partners like citizens, elders, seniors, and their families across the Yukon? One of the most powerful moments of the September town hall was when a former director of Copper Ridge spoke. She said that the first time she heard of the continuing care Whistle Bend complex was through an e-mail. The former president of the Yukon Medical Association asked her if this model was one she would recommend or support, and her answer was an unequivocal "No."

It's not just those at the town hall who believe the Whistle Bend facility is too large; 80 percent of Yukoners who recently completed an ElderActive survey agree that smaller facilities are preferable. Health professionals and Yukoners are questioning the size and location of the Whistle Bend facility.

Can this government produce evidence that it consulted with Yukon health care professionals, seniors, elders and their families before releasing the final report on the new Whitehorse —

Speaker: Order, please.

Minister of Health and Social Services, please.

Hon. Mr. Nixon: Thank you, Mr. Speaker.

Mr. Speaker, in addressing the member opposite, I believe that this government has been very proactive in completing the two needs assessments and the business case that supports the future need and pressures that the Department of Health and Social Services, particularly Continuing Care, will have. We've invested heavily in home care to ensure that seniors can stay in their homes longer but, as I indicated in my second response, there's a point in time when the acuity level is so high for those seniors that they cannot remain in their own homes — that we have facilities like this in place.

We are looking forward to the 150-bed facility that is slated to be constructed in Whistle Bend. I certainly appreciate the assistance from the Minister of Highways and Public Works and his department in the procurement stage and the RFP stage, but this is a project that we are excited about moving forward. This is a project that we do believe we have been proactive on, and we continue to have dialogue with Yukoners and Yukon stakeholders on the best way to move this project forward.

Question re: Energy projects

Mr. Silver: Yukoners are well aware that for many years the Yukon Party government explored the privatization of our energy future.

The government had plans to sell our public utility to Alberta, and the former minister, who is now the minister again, was in full support of it until it was leaked to the public. Luckily the plan never came to fruition.

Now, years later, the government is once again looking into the future with its next generation hydro project. Like so many other politically driven projects that this government tackles, it's also now delayed. A spokesperson said this summer that a business case that was supposed to be delivered by the end of this year will in fact not be ready. It has recently been announced that it will be released in early 2016.

Why has this project, like so many others, been delayed?

Hon. Mr. Cathers: First of all, I would remind the member that his preamble was, of course, quite inaccurate. Members need only refer to news articles from 2009, but I will not dwell on the past.

We are focused on the future, and that is why the next generation work that is being done is in fact looking at options

for the Yukon government, for First Nation governments and all Yukon citizens to consider in building our hydro future.

Yes, the report has been slightly delayed, but it will still occur and there will be a technical workshop in late November that will provide the Yukon public with more information about the good work that the Yukon Development Corporation and their consultants have been doing in exploring the opportunities for next generation hydro.

Mr. Silver: The reality is that the government hasn't stuck to its schedule and/or their budget, and we see that time and time again. Here is another example.

The Yukon Party government spent valuable time and resources trying to sell our public hydro asset to Alberta. It's important to mention that because the minister was smack in the middle of it. All this time was lost when we should have been planning for the future, but instead we were planning on selling our future.

The big hydro project was announced with great fanfare and has been followed up with some major delays. This is supposed to be a priority but, over the summer months, word quickly leaked out that the project was now several months behind schedule and there is no explanation from the government for it.

Will the minister just admit that the heavy lifting and the big decisions on this project will be left to the next government?

Hon. Mr. Cathers: I'm not going to dignify the Liberal spin that the member has put on the past with this. I will remind Yukoners, if they're interested in what occurred back in 2009, that they can explore the articles about it online.

We're focused on the future. In fact, we have strengthened, through the protocol for the first time — previous governments did not clearly stipulate, as we have, in the protocol to Yukon Development Corporation that no sale of hydro assets is to occur or any significant portion of the assets, but that doesn't prevent them from doing capital maintenance on that.

We have strongly invested in the public hydro system — over \$100 million in the Mayo B project alone, plus the investment in the Aishihik third turbine, which has significantly added to Yukon's hydro system. Under our watch, we have exceeded the target that was set out in the 2009 energy strategy for increasing renewable energy on the Yukon grid as well as connecting both grids.

We will continue to invest in that public hydro system. Yes, the next generation hydro work is slightly behind schedule, but in fact excellent work is being done by the board of Yukon Development Corporation, by the staff of Yukon Development Corporation and by the consultants. It is all about helping Yukoners plan for the future, but planning for a hydro project, even at rapid speed, takes 10 years; a fact that the member simply does not seem to be aware of, or chooses to ignore.

Mr. Silver: Thank you, Mr. Speaker. It is worth noting that the government has let go of not one, but two deputies in charge of this project. Also, while this one-off project is going on, the Energy Corporation also announced a review of its

own 20-year resource plan. Talk about no coordination between projects.

The delay in the new dam project means that big decisions are going to be left to the next generation. Now that's obvious, and I believe that this was always the plan for this public relations exercise. The government wants to look busy on this issue, but doesn't have the support it needs to go ahead, nor is the money in place to build it.

Can the minister tell Yukoners how much money has been spent so far on this public relations exercise?

Hon. Mr. Cathers: If Yukoners were to rely on the information from the Leader of the Liberal Party, they would have a very distorted view of reality. In fact, contrary to what the member has said, this is planning work. That planning work is not unique to Yukon, but the planning work for a hydro project, even at rapid speed, is a long-term initiative, but if we never begin, we will never be in a position to make those investments.

We were able to pursue federal investment in Mayo B because the planning work had been done by previous generations of Yukoners and, in fact, exactly what we are doing with next generation hydro is doing the planning that together will help us determine the best projects to meet the Yukon's hydro needs 30 and 50 years from now. We are proud of the work that is being done. Yes, the reporting is slightly behind schedule, but for a project of this scope and for the type of process and planning that has not been done for quite some time, I am pleased with the work that is being done by Yukon Development Corporation and their board, and as the member knows, the chair and president of Yukon Development Corporation and the chair and president of Yukon Energy Corporation will appear before this House later this Sitting for their annual appearance in front of the Legislative Assembly. I'm proud of the excellent work that they have done over the last four years in investing in Yukon's hydro system and in strengthening the financial accountability.

Question re: Mine abandonment plans

Mr. Tredger: In 2003, the devolution transfer agreement came into force. It lays out how Yukon and the federal government would split responsibility for the cleanup of Yukon's historic mines — our type 2 sites. Keno, Clinton Creek, Mount Nansen, Faro and now the Ketz River mine are the most notable. Yukon government has provided the money and is responsible for developing closure plans for these mines.

Since 2003, Yukon government has received over \$238 million for work at abandoned mine sites and yet there are no finalized closure plans in place. Even more concerning, some sites have operated for years on an emergency basis with no water licence.

When can Yukoners expect to see finalized closure plans for these abandoned mines?

Hon. Mr. Kent: When it comes to assessment and abandoned mines, the member opposite listed many of them. Clinton Creek, Faro, the Ketz River mine and Mount Nansen

are among those that we are working on to develop closure plans.

Work continues on that. As he mentioned, there are no final plans developed yet, but we continue to invest dollars and work with our partners, the Government of Canada and the affected First Nations to ensure that we can get to a place where final closure plans are indeed arrived at.

It's worth noting that the mine at Keno, the Elsa mine and the properties that form United Keno Hills' mine — that work is being done by the private sector and they are advancing very quickly. My understanding is that they plan on being into YESAA very soon with their remediation plan for that district.

Again, work continues on all sites and we continue to invest in that alongside our partners, whether it's the private sector, as is the case at the Keno site, or working with the Government of Canada and First Nations at other sites throughout the territory.

Mr. Tredger: Spending \$238 million on remediation should be a good news story. When it comes to the liabilities from abandoned type 2 mines, Faro dwarfs the others.

Last year the Faro mine remediation project was budgeted at \$35 million. This year it is anticipated that Yukon will spend another \$34 million of federal dollars on Faro's remediation, and what do we have to show for that money? There is still no finalized closure plan for Faro, and it is unclear if the mine site has even been stabilized to an appropriate level.

After 12 years, what does Yukon have to show for the millions of dollars spent on the Faro remediation project, and when can we expect a final permanent closure plan?

Hon. Mr. Kent: With respect to Faro, the member opposite is correct. It's quite a complex site with respect to the care and maintenance as well as developing the final closure plan. Work continues with consultants, the Assessment and Abandoned Mines branch of Yukon government, and the Government of Canada. We are about to close a contract — I believe in early December — on the next care and maintenance contract. Tlicho enterprises out of Yellowknife has been doing that work. Some of the complications that have emerged in the last year include some water quality challenges in the north fork of Rose Creek. That may translate into the construction of a new dam and diversion system worth a substantial amount of dollars in the next three to five years.

We see that it's a very dynamic situation — a complex situation at Faro — and staff at Assessment and Abandoned Mines are doing a good job working with the partners at the Government of Canada to ensure that not only do we take care of the care and maintenance responsibilities but also build toward that long-term closure plan and remediation for the Faro site.

Mr. Tredger: It is understandable that there will be obstacles when it comes to remediating the biggest toxic site in Yukon. What is not understandable is the lack of transparency around this remediation project. The minister seems unable to answer important questions about the closure plans. The mandated steering committee has not been

involved. The Faro mine remediation project's website has been down for weeks. The only publicly available water quality data is on the Yukon Conservation Society's website.

The lack of a finalized closure plan for Faro is troubling, but the lack of government transparency on millions of dollars spent is worse.

Will the minister ensure that the process is accountable and that the public has access to all data and reports on the Faro mine remediation project?

Hon. Mr. Kent: Thank you very much, Mr. Speaker. I thank the member opposite for the question.

With respect to the specifics that he asked, I will engage with department officials and ensure that information — any information that is allowed to be made publicly available is done so. I'll work to rectify the situation that he has identified.

Again, Mr. Speaker, when it comes to the Faro mine complex in particular — obviously a very complicated site with a number of different aspects that emerge on a daily, weekly or even monthly basis. There are some issues with respect to the north fork of Rose Creek that I mentioned. There are other issues when it comes to that site.

Again, though, there has been quite a substantial amount of work done, whether it's engineering work — we have a new water treatment plant in place that the MLA for Pelly-Nisutlin and I visited last year. Again, while the member opposite would have Yukoners believe that nothing is happening on the site, there is significant investment being made on care and maintenance, as well as treating the water and ensuring that we protect human health and the environment.

Question re: Homelessness

Ms. White: Thank you, Mr. Speaker. Last night was a crisp and clear evening, and the world looked beautiful with the freshly fallen snow. Mr. Speaker, Yukon's homeless population also noticed the freezing temperatures and the new snow, but without the security of knowing where they would sleep last night. Last week, Yukon students asked how the Government of Yukon will help those who are homeless. The minister said — and I quote: "The number of Yukoners who are homeless is unknown..."

Mr. Speaker, the government is committed to spending tens of millions of public dollars on a new facility that will have 25 emergency beds. If the government doesn't know the number of homeless in the territory, how do they know that 25 emergency beds will be enough?

Hon. Mr. Nixon: Thank you, Mr. Speaker.

Mr. Speaker, addressing the member opposite, as I indicated last week, homelessness is a challenge that is faced by every jurisdiction across Canada. Certainly Yukon is no exception. We are working very hard and have made significant investments through Yukon Housing Corporation, through Health and Social Services and through Highways and Public Works in addressing this issue. We do move forward with programs such as the Salvation Army, such as the mental health housing on Fourth Avenue, such as the St. Elias group home, and with the investments that we're making

in partnership with the Salvation Army — as the member indicated. These are all very important projects that certainly address homelessness in the territory. But the member, in quoting me, is quite right — we simply don't know the number of homeless people in the territory. I don't know what the member opposite expects us to do. Perhaps nothing is better than something in their view, but we'll continue to make those investments, we'll continue to have partnerships, and we'll continue to address the homelessness in the territory.

Ms. White: Thank you, Mr. Speaker.

Other jurisdictions have left Yukon in the dust in their fight against homelessness. What I would like to see is the government put the money where their mouth is. Over 100 homeless Yukoners, Mr. Speaker — that's the most informed number we have today, and that was based on studies conducted a number of years ago by non-government agencies.

The government may be spending millions of public dollars on the issue of homelessness now, but it's doing so without accurate data and without even looking and addressing the root causes of homelessness. There are success stories from across the country that we could apply here to eliminate homelessness.

Mr. Speaker, accurate data must serve as a baseline from which reasonable targets can be set and by which progress can be tracked.

Mr. Speaker, will the government commit to collecting data and reliable statistics so it can measure its progress in tackling homelessness in Yukon?

Hon. Mr. Hassard: Thank you, Mr. Speaker. Of course, homelessness is definitely an important issue for this government and we're always looking at things — looking at options and looking at better ways to provide services and to help people throughout the Yukon, no matter where they live in this great territory.

This government continues to make investments throughout the housing continuum and we continue to work in partnership with NGOs, First Nations and any non-government organization. I believe a good example of this was just a few short weeks ago, when we made an announcement with the Ta'an Kwäch'än about an investment in affordable housing with the First Nation.

So Mr. Speaker, I believe that this government has been working hard on this file and we will continue to work hard on this file for Yukoners.

Ms. White: Thank you, Mr. Speaker. This is the fifth Fall Sitting in a row that I have asked the government about adequate shelter for Yukon's homeless. Apart from the as-yet-unbuilt Centre of Hope, the sum total of this government's direct impact on homeless Yukoners is 10 mats to make sleeping on the floor that much more comfortable.

The government has been spawning housing committees but, to this date, and despite its deep pockets, it has not generated reliable data so that it can make information-based plans to end homelessness in the territory. It's late in the process of a multi-million dollar investment for the minister to

not know the number of emergency beds it should build for homeless Yukoners.

Mr. Speaker, what will the minister do if the reliable data about the number of homeless Yukoners shows that the promised 25 emergency beds are insufficient to meet the real need? Will he promise more beds or will the government purchase more mats for the floor?

Hon. Mr. Hassard: Thank you, Mr. Speaker. Of course, the Salvation Army is one of the organizations that this government continues to work with on this housing file, and we will continue to work with the Salvation Army, as well as working with all other organizations in the Yukon.

Mr. Speaker, we've invested over \$100 million in the past few years — this Yukon Party government — in housing throughout the Yukon. We continue to work hard for Yukoners and continue to work with all of our partners throughout the Yukon on the housing file.

As I mentioned, the partnership with the Ta'an Kwäch'än is just the latest example of how this government is committed to working for Yukoners on the housing continuum.

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

ORDERS OF THE DAY

Mr. Elias: 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. The matter before the Committee is general debate on Vote 8, Department of Justice, in Bill No. 20, entitled *Second Appropriation Act, 2015-16*.

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. 20: *Second Appropriation Act, 2015-16* — continued

Chair: The matter before the Committee is general debate on Vote 8, Department of Justice, in Bill No. 20, entitled *Second Appropriation Act, 2015-16*.

Department of Justice

Hon. Mr. Cathers: It's a pleasure to rise here this afternoon in debate on the supplementary budget for the Department of Justice. In my introductory remarks, I will not go on at great length, but I would like to first of all introduce the officials here with me today: Tom Ulyett, deputy minister of Justice, and Verena Hardtke, the director of Finance for the Department of Justice. I would like to thank them for joining me here today and ask all members to join me in welcoming them here to the Assembly today.

In this supplementary budget, we are making some adjustments to what was originally requested in the beginning of the fiscal year. That includes some relatively minor changes, including the adjustments to areas such as management services. We have a relatively small dollar amount adjustment but a very important investment, which is a budget transfer of \$32,000 to the Women's Directorate in order to fund an agreement for continuing the A Safe Place program run by the Victoria Faulkner Women's Centre. This is a partnership between the Department of Justice and the Women's Directorate.

We also have an increase of \$270,000 in ongoing funding of \$442,000 for a transfer payment agreement to match the estimated cost of operation at the Yukon Legal Services Society, which provides legal aid.

With that, we have provided greater ongoing certainty about meeting their annual needs of roughly \$2.1 million through stable, ongoing funding. Another investment includes the investment that we have made in partnership with the Women's Directorate for support for Skookum Jim in housing the women's legal advocate, which, as members know, was one of the last outstanding action items identified in *Sharing Common Ground — Review of Yukon's Police Force*, and through that agreement we have provided the ability — again in partnership with the Women's Directorate — for that contract to be made and a person hired with the purpose of helping women who are navigating the legal system to better understand their rights.

In other areas, the Department of Justice continues to work with our justice system partners to make Yukon's dynamic community safer and healthier and when conflict does arise, to ensure Yukoners have support as they navigate a fair and accessible justice system. We continue to work with partners on a path of continuous improvement, and that means adapting, modernizing, and investing in the justice system and those who support it.

As I noted, the budget before the Assembly today has not changed significantly since the last time I addressed its contents in the spring. It keeps the Department of Justice on course to continue to provide high-quality and cost-effective justice services.

In highlighting some of the key areas where the Department of Justice is investing in infrastructure projects, a few others of these include access to justice programs, modernizing legislation and regulation and community safety initiatives. The Department of Justice is making strategic

investments in infrastructure and I would like to provide the Assembly updates on a few of the large initiatives in that area.

Significant progress has been made on moving the RCMP operational communications centre and public safety answering point to the emergency response centre at the top of Two Mile Hill. This is a joint initiative of the departments of Justice, Community Services, Highways and Public Works and the RCMP. It also involves the support of Northwestel for making those communication changes. It will serve as the central integrated hub for taking and transferring 911 calls to the appropriate agency — fire, ambulance or police — and it is also a significant improvement over the space that the RCMP are currently using in their headquarters, which is not well-designed for the purpose of a call centre. This will be a space that is well-designed and has more modern infrastructure, including better computer terminals and a system that is set up to meet their needs.

The retrofits to the emergency response centre have been largely made, and work on other critical items, such as fibre optic and electronic cabling, stabilized power supply, and radio operator workstations is either done or is well underway. The project has taken slightly longer than originally envisioned due to some delays on equipment and procurement that are received through the RCMP centrally, including specialized desks that took longer to receive than originally anticipated, but we look forward to seeing that completed and the RCMP moving into the new centre in the ERC early in the new year, which we expect will occur in January, rather than December as we had previously been hoping.

Madam Chair, you will recall as well that the 2015-16 operation and maintenance budget allotted \$733,000 for five additional telecommunication operators and the capital budget provided \$334,000 to support the move. That project work is continuing, and the cost, I understand, is still expected to come in at the target costs.

As I mentioned, the move of the emergency response centre was originally expected to occur late in this calendar year but it's expected now to occur in January 2016.

Provision of basic 911 service to all Yukon communities is also on track and is expected to be in place in the summer of 2016, as we had indicated previously.

Another infrastructure investment project that is underway is the construction of a new RCMP detachment in Faro. We are in the final stages, I believe, of completing the tendering phase.

The budget notes a one-time \$1.97-million decrease in the Faro detachment budget as a result of substantive construction work moving to the 2016-17 fiscal year. This project is done in partnership with the federal government as part of the *Territorial Police Service Agreement*, which is a 20-year agreement that includes commitments to partnering with the RCMP on maintaining policing infrastructure in the territory, including cost sharing the costs of new detachments and living quarters.

The new detachment in Faro will help meet the needs of the community of Faro and the surrounding area, and the intention is that the design can be replicated and modified for

other detachment projects in Yukon in small communities during future years.

As well, building maintenance renovations and space upgrades at the law centre and law courts building continue from 2014-15, and this includes capital funding to complete energy system upgrades, to install a new cooling system and to improve roof safety. It has been identified that energy upgrades are expected to yield a \$90,000-per-year saving in energy costs and reduce the building's greenhouse gas emissions by 198 tonnes per year. This budget allocates one-time funding of \$185,000 as a revote to continue the work on exhaust fan adjustments, lighting upgrades, heat recovery and general systems recommissioning.

The work to replace the 30-year-old temperature cooling system in the law courts and law centre — also known as the chiller — and that being the cooling system, not the building — began in last February and is expected to be complete in this fiscal period. I would note that is largely prompted by the request of staff as well as the judiciary for investments in that area because the previous system was not doing a very effective job at keeping the building cool and, if memory serves, resulted in a trial being delayed due to the judge and others finding the temperature in that area too hot to carry on their work, so funding of \$176,000 for that project is reflected in the budget.

The budget also notes a revote of \$11,000, plus an additional \$1,000 to complete the fall arrests tie-off point project, which was postponed in April due to snow buildup on the roof. That term is referring to work that Occupational Health and Safety required be done for people working on the ground, off the ground or on the roof for their safety. Similarly, due to snow, work on the structural assessment of the atrium ceiling in the law centre law courts was moved to April and therefore the \$25,000 cost has been reflected in this fiscal year.

As the last infrastructure update, I would like to highlight that the multi-year project to replace the outdated court registry information system with the new integrated database system — the justice enterprise information network or JEIN — is progressing and this e-government project is one of the components of government modernizing to meet the needs of today's society, including in the area of administrative justice to help provide high-quality justice services, improve access to courts and corrections information and move away from entirely paper-based systems and outdated computer systems to a more modern, more integrated computer platform. The ability to store, retrieve and share records is expected to create synergy among offices, and data entry production of court documents and the creation of statistics and reports are expected to be streamlined as a result of that initiative.

I should note that the Victim Services JEIN module which has already been put into place has improved the workflow and efficiency of their operations and has enabled the team to better meet clients' needs as they navigate the legal system. Launched in August 2012, the system currently has approximately 20 users in three communities and approximately 2,000 files in the system. It allows workers to

provide fast, efficient and consistent information and services to clients at various stages along their justice path. Prior to JEIN, all of the files in Victim Services were paper files, which made it very difficult for Victim Services' workers to collaborate, especially dealing between Whitehorse and remote communities. Of course it added to the time involved in working on any given file. Now when a client calls from Dawson City or Watson Lake, the Whitehorse office has the most up-to-date information available and vice versa of course.

This is particularly important when court matters from the communities are heard in Whitehorse and both the rural office and the Whitehorse office need the ability to manage files and support victims. For example, workers can note requests for testimonial aids and add key pieces of information that ensure a victim receives appropriate supports and updates at various points in a case. JEIN has also improved how Victim Services accesses and reports unit statistics. Seeing the module in action in Victim Services, we know the potential benefits of JEIN and the department is working diligently to expand this to other branches, but as with all of these database development projects and computer projects, it does take time to develop and to implement.

In this budget, Court Services is requesting a one-time funding of \$93,000 — \$37,000 of which is a revote — to continue to work on the criminal courts module of JEIN.

As I mentioned earlier, we continue to demonstrate our willingness to work with and support the good work done by Yukon Legal Services Society to fund the legal aid program, with consideration of the fiscal realities and by providing additional one-time funding of \$270,000 and a core budget increase of \$442,000 in this year and in future years. We've provided that longer-term certainty and also, I would note, responded to a specific request that has been made by Legal Services Society, including at a meeting that I had the opportunity to have with them earlier this year where they identified this concern and I committed to doing what I could to provide them with that long-term fiscal certainty.

This brings Legal Aid's core funding for this year up to approximately \$2.26 million for the 2015-16 fiscal year, \$864,000 of which we receive from Canada under the access to justice services agreement. I would like to thank the society and their staff for the good work that they do in making legal aid available to Yukoners in times of need.

In other areas, the Family Law Information Centre continues, in part with the support of Justice Canada, to offer family law information, publications and self-help guides for separating or divorcing families and couples in transition, to help with interjurisdictional support orders, to provide administrative service to adjust eligible parties' child support amounts and to help preparing and notarizing family court forms and providing referrals to other organizations and other agencies.

The Family Law Information Centre also offers a series of free workshops and legal education events across the territory on family law topics, including how to manage the impacts of separation and divorce on children, how to build

communication and conflict management skills, and how to create parenting plans.

Also, as I mentioned earlier, to meet the specific needs of women navigating the legal system, Justice and Women's Directorate announced this year our partnership and \$281,000 in funding for a three-year pilot project for a women's legal advocate position, which is being hosted by the Skookum Jim Friendship Centre. I would like to thank the minister responsible for the Women's Directorate for her leadership in this important area and note that the Department of Justice and I are happy to be involved and to help financially support the provision of this important role.

We hope that this position will strengthen existing services and ensure that women have culturally relevant and timely access to information when making decisions that have legal implications. The initiative will also provide legal system training for service providers working with women, help victims of crime get access to initial legal consultation and increase collaboration with agencies.

In another area related to access to justice, I would like to also provide an update on the FASD — fetal alcohol spectrum disorder — prevalence study. Much work has been done since Yukon hosted the Path to Justice: Access to Justice for Individuals with Fetal Alcohol Spectrum Conference in 2008. Since that time, we have remained active at the national level to play a leading role in discussions on the challenges that FASD presents the justice system.

How to address the needs of offenders with FASD is complex and challenging. The Yukon has been engaged in partnerships, training and initiatives like the very successful Community Wellness Court and a complex needs pilot project in order to help us better understand and respond to the needs of offenders with FASD and other complex needs.

By conducting the FASD prevalence study, we have demonstrated a significant commitment to helping develop a better understanding of the offender population in the Yukon. Although there were some challenges in getting enough participants at the start, since participation was voluntary, the study has met its modified goal of fully assessing 75 participants in order to assess the prevalence of FASD in the prison population. The study is now entering its final evaluation phase, with the University of British Columbia inputting the data and the study's principal investigator examining the findings. The final research report is expected to be completed and shared in 2016, and we look forward to seeing how these findings will contribute to the ongoing work to make the justice system better suited to individuals with FASD, cognitive impairments and other wellness issues.

I would note, as members will no doubt recall, that this is just one of the investments that the Yukon government has made through various departments in addressing the needs of people with fetal alcohol spectrum disorder, and that includes work done by the Department of Health and Social Services, such as the increase we made a number of years ago to the annual budget for Fetal Alcohol Syndrome Society Yukon — the support we provide them — and the work that is being

done with Options for Independence to provide supportive housing for persons with FASD in Yukon.

Madam Chair, I believe that you're signalling me that the time for my introductory remarks has reached an end, so I will sit down and look forward to questions from members opposite.

Ms. Moorcroft: I would also like, as the minister did, to welcome the officials to the Legislature and thank them for the briefing on the supplementary estimates in the Department of Justice.

The minister provided some information related to the increase in Legal Services. I know that some of that went to an increase to legal aid. I wanted the minister to provide more details on what other ongoing increases were supported to that Legal Services budget increase. On legal costs, I would also like the minister to report how much this government has spent in the last five years on court cases over land use planning and aboriginal rights and title — specifically with regard to the two Ross River Dena Council cases — one being the duty to consult on hunting and outfitting, and the other being on the class 1 mining construction.

Also related to legal costs, does the Government of Yukon prepare for incoming legal action that has not yet made it to the courts? Has the government set aside any money for upcoming court battles related to Bill S-6 and could the minister also provide us an up-to-date total of the Outside court costs for the Peel legal battles? One of the other questions that we have asked the minister on Legal Services is: What is the cost of legal support in-house from the Department of Justice's own lawyers on those legal cases?

I think that summarizes most of the questions that I have in relation to legal costs, and I'll let the minister respond to them and then move on.

Hon. Mr. Cathers: On the questions of legal aid funding — I'm not sure I quite caught all of the member's questions. I'll attempt to respond, and if I haven't addressed her question about legal aid funding then please let me know.

The typically expected annual costs and what we have done with the numbers I mentioned, is that we've committed to increasing the previous base budget for the Legal Services Society to a total of \$2.139 million for this fiscal year due to some high-cost court cases. I think the member knows the type that are being referred to, such as murders or other serious crimes, for which there can be higher costs and have not been historically been included in the annual budget, but rather have been addressed when those unpredictable volume increases occur. That portion is \$150,000 for this year, and another time-limited increase of \$120,000 is related to current operational needs. That is again with Legal Services Society or Legal Aid and has been increased to a little over \$2.1 million as their base budget going forward, which is our current understanding of their anticipated needs.

In the area of court costs, I don't have some of the information that the member requested at my fingertips. I would encourage her to ask questions about court costs related to individual departments when those departments are up for debate.

I would note that — as I believe the Premier and the Minister of Energy, Mines and Resources have noted — when the court process related to the Peel case in particular is wrapped up, all of those costs will be released. I believe that the costs for the Outside legal counsel for the first stage of the trial were — if the member will bear with me a moment — just over \$53,000; \$53,271 was billed by Hunter Litigation. I would note for the member that, comparatively, this is a significant amount less than what was spent on designing a website for consultation with Yukoners during the process.

A few other points that I had in my initial remarks, which I did not have a chance to mention, include the fact that other things that we're doing within this supplementary budget or continuing support for include the land titles modernization project — which as members know resulted in the tabling and passage and proclamation of the *Land Titles Act, 2015* this fall — work of course continues, as we've discussed previously, on the development of the regulations for the *Land Titles Act, 2015*, with the intention of bringing those in next year. Madam Chair, I believe I said that already, so I won't repeat it.

In other areas within the department, we are working to address community safety issues and the needs of Yukoners in a variety of ways, including through partnerships with Yukon First Nations, the Royal Canadian Mounted Police, non-governmental organizations and agencies, and Yukon citizens.

I would like to share some examples of initiatives that are helping to build on the good work that has been done to date. This summer, the government, along with community partners, created the Community Safety Committee to continue the working relationship developed during the Sharing Common Ground initiative. Core committee members include the Department of Justice, the Department of Community Services, Health and Social Services, and the Women's Directorate, along with the Council of Yukon First Nations, Kwanlin Dün First Nation, the Association of Yukon Communities, the Yukon RCMP and the Yukon women's coalition.

The Community Safety Committee brings a broad spectrum of service providers together in order to improve inter-agency communication and to find integrated responses to policing in community safety issues that are complex issues that require broad community-driven responses. While in the early stages, committee meetings have started and will be held three times per year. The committee is co-chaired by the Department of Justice's public safety and investigations director, and the first rotating co-chair role is held by the Council of Yukon First Nations justice manager. We look forward to seeing this group evolve and put forward innovative solutions to community safety and social justice issues.

Secondly, the safer communities and neighbourhoods unit, also known as SCAN, has been responding to and investigating illegal activities that have been reported that are adversely affecting communities. The SCAN unit has had a significant effect on disrupting illegal activity on properties. There have been close to 650 complaints received by the

SCAN office since its inception. From January to September of this year, the safer communities and neighbourhoods unit received and investigated 42 complaints of illegal activity and took action through landlord-supported evictions, formal warnings, and one community safety order.

Success can be attributed to the unit's engagement and through the cooperation protocols put in place to promote work with First Nation governments, community associations and housing agencies. Currently communication protocols are signed with five Yukon First Nation governments. As I mentioned briefly at the start of my introductory remarks, the funding that we brought in for A Safe Place, a program offered through the Victoria Faulkner Women's Centre, continues to help ensure that they're able to provide this valuable program and we are pleased to support it in partnership with the Women's Directorate.

A Safe Place provides low-barrier, non-judgmental programming for vulnerable and disadvantaged women and their children on weekend evenings when other services in Whitehorse are often limited. It is a place to be in the company of other women, eat a warm, nutritious meal, and access supports and referrals for individual needs. This year, as I mentioned, we provided financial support — \$39,000 from Justice and the Women's Directorate, the majority of which we were pleased to provide from the Department of Justice funds, in addition to \$50,000 from the prevention of violence against aboriginal women fund, which helps the ongoing operation of A Safe Place program.

As mentioned, the funding is provided through the Women's Directorate, but this supplementary budget provides for a one-time budget transfer of \$32,000 to the Women's Directorate to help support this program. Again I would like to thank the minister responsible for the Women's Directorate for her leadership on this file, and thank all members of the Yukon women's community for the work that they do, particularly those who work at and volunteer at partner agencies for the help they provide in providing services to Yukon women in a time of need. Without the work of those volunteers and the many other non-governmental organizations and volunteers across the territory, the work that is done by government would not be nearly as successful as it is in helping Yukoners in time of need. We truly do, as a society, benefit significantly from the excellent work that is done by NGOs across this territory and their many dedicated volunteers.

Ms. Moorcroft: I would like to thank the minister for acknowledging the contributions of Yukon women's groups and note that, as the minister mentioned in his introductory remarks, the government is funding the provision of a pilot project to have a Yukon women's advocate, which is being offered out of the Skookum Jim Friendship Centre.

The minister mentioned that there was a \$281,000 expenditure for that. I would just like to ask the minister if he can confirm that this expenditure is committed for each of the next two years, for a full three-year funding cycle as the pilot project.

To follow up on that question — depending on the report on the work that's done, is there a plan to continue it?

Hon. Mr. Cathers: The total amount for that — I'll just repeat again for the Member for Copperbelt South — is \$281,000 in funding committed over a three-year period. The transfer payment for the 2015-16 fiscal year is then \$95,000 for that; the \$281,000 is the total over that time period.

The member will also notice that there's a little more provided in the first fiscal year, due to some issues like renovations and training. This is in response to the work that was done by the *Sharing Common Ground* report and the *Gaps, Needs and Options: Legal Advocacy for Yukon Women* report done in 2014 by the Yukon Advisory Council on Women's Issues in collaboration with the Women's Directorate and the Department of Justice, which hired a contractor to define and research the scope on options for legal advocacy for women in the Yukon and, after two phases of research and feedback from stakeholders, the final report on that was completed in June 2014. It defined the concept of a legal advocate for women, identified service gaps related to women's legal needs for an advocate, and explored options for service delivery.

The gaps that report identified included gaps related to legal advocacy services not being well understood by service providers working with women. It identified that the effectiveness of the referral process can be compromised when those services are not well-understood. It identified that the service providers require access to legal information to better serve and/or advocate for their clients. It identified that there was a disparity in service delivery between women living in Whitehorse and those living in rural communities. It identified that Yukon aboriginal women require culturally relevant services and identified that there are gaps in the type of services offered by the Legal Services Society in some cases, such as civil law issues arising from domestic violence, among others.

The report also noted that women need more information early in the process about what their legal options are and what the consequences are of choices that are available when they are complainants in sexual assault and/or domestic violence issues.

That is the lead-up to this. I would like to again thank all of those who have participated in developing this for their excellent work in making this happen. To the member's specific question, the funding is \$281,000 in total over a three-year period. It is my hope that if the project proves to be successful it will be continued. As the member is familiar, I'm sure, it's quite common within the Yukon government to begin initiatives such as this — using the Community Wellness Court as another successful example — on a pilot project basis to allow and somewhat structurally compel government to review the effectiveness at the end of it, determining if it should be continued and thus having the opportunity to determine if adjustments should be made, whether those are changes in scope, enhancements, increases, reductions, et cetera in what that initiative is doing. Yes, this is a three-year pilot project, but certainly it is my hope that it

will be a successful pilot project and, at the end of it, will be continued in some form to serve the needs of Yukon women.

Ms. Moorcroft: I would like to return to a couple of questions related to funding for legal costs. On the Commission scolaire and the French school — two weeks ago the Minister of Education tabled the cost of fighting the Commission scolaire francophone du Yukon at \$3 million for three court cases. Now the minister has just asked me to defer to the department that participated in the court case, but I would like to ask the minister if he is able to place a dollar value on work that was done by in-house counsel from the Department of Justice? Was there any, and what is the amount of that work?

Hon. Mr. Cathers: I would just like to recap for the member, and also for others who may be listening or reading and may not recall, the history of the court action between Commission scolaire francophone du Yukon and the Yukon government.

It began in 2009 when CSFY sued the Yukon government for allegedly failing to meet obligations under section 23 of the *Canadian Charter of Rights and Freedoms*. At that point, the Yukon did appeal the court decision made by Judge Ouellette to the court of appeal. The court of appeal found and agreed with Yukon that the judge in the original case had been biased, and then CSFY further appealed that decision to the Supreme Court of Canada, which upheld the court of appeal's ruling. That, of course, was a very expensive process, as the Minister of Education noted.

What has been done and what is being done at the moment is that the Minister of Education and his department have been working at avoiding court action if possible. The Deputy Minister of Education is co-chairing, along with the director of CSFY, a settlement committee, which is attempting to resolve as many outstanding issues as possible.

I'm not going to comment further on that. I just wanted to lay out that record for those who may not recall the history of that file and note that good work is being done by the Minister of Education and his department to strengthen the relationship with CSFY and to attempt to avoid further court action by reaching agreements in any areas that they are able to do so. I commend them for that collaborative that is being done.

Ms. Moorcroft: Just to wrap up on the questions to do with the legal aid funding, there are supplementary amounts that the minister read into the record. When I asked the minister about this in the spring, he indicated that, because there was an accumulated surplus in the Legal Services Society, the government did not in the main estimates have the full \$2.139 million that they had indicated they would fund Legal Services Society for, recognizing that this is their approximate annual cost and recognizing and accepting a core budget increase.

The question I want to the minister to clarify now is: What is the total value of the amount — with the supplementary budget — going to the Legal Services Society, and how much of that is over and above their core budget for high-cost cases?

Hon. Mr. Cathers: Again to recap, a one-time increase of \$270,000 and an ongoing increase of \$442,000 are allocated to Legal Services Society in the 2015-16 supplementary budget, and \$150,000 of that one-time increase is to fund high-cost court cases scheduled during the 2015-16 fiscal year. The remaining increase of \$120,000 is required to meet current operational needs. That brings legal aid's funding for 2015-16 to \$2.259 million. The base budget has been increased by \$442,000 from its previous level for 2016-17 and subsequent years, for a total of \$2.139 million.

This is again our understanding of their current needs. I would like to note, as I mentioned before, that I did have the opportunity early in my time as Minister of Justice to meet with the Yukon Legal Services Society and they brought this concern to my attention. They asked for assistance and certainty in their ongoing funding, and I committed to doing what I could to provide them with a budget that addressed their needs and that they were comfortable with for the future.

We understood that to be a projected budget of \$2.1 million annually. While there is, of course, the possibility that those needs would grow, I believe we're addressing their needs and, based on the letter that I received from the Legal Services Society after we provided that increase, they certainly seemed to be satisfied with the increase to the budget of \$2.1 million. They expressed their appreciation to me for listening to their requests and giving them greater confidence than they had before.

If there are issues of cost pressures that come up in the future, I will certainly endeavour, as will staff at the Department of Justice, to work with Yukon Legal Services Society to understand those cost pressures and to work with them on ensuring that they have an appropriate budget to address the needs within their area, and that they're able to continue to do the excellent work they do in providing legal aid to Yukon citizens in need of it.

Ms. Moorcroft: The Legal Services budget was \$7.5 million in the main estimates, and there is a \$712,000 increase. The minister has explained the increase that is going to the Legal Services Society for the legal aid budget. What are the other additional expenditures in Legal Services, absent the amounts that are being allocated to legal aid?

Hon. Mr. Cathers: Thank you, Madam Chair. I don't have that exact information right at my fingertips. I do have it with me somewhere here, but if I could — with some of the specific items and line items, it would be easier if the member would ask me during the line-by-line review where we're in a better position to not have to be flipping back and forth between pages for information. But certainly the majority of that cost increase between the 2015-16 mains and Supplementary No. 1 was due to the increased funding for the Legal Services Society, and of course the increase I'm talking about is on the line item for Legal Services.

Ms. Moorcroft: Thank you, Madam Chair. In his opening remarks, the minister referred to the \$398,000 increase in capital for building maintenance, renovations and space. That was initially estimated at \$436,000. So it's a significant increase. The minister spoke about that being to

fund energy retrofits for the law court building. I would like to ask the minister if he could indicate whether more work was identified or what some of those increases were for. I would also like the minister to report on how many of the contracts to do the work on building maintenance, renovations and space were issued to local contractors.

Hon. Mr. Cathers: I don't actually have a list of the contractors here with me that projects went to. I understand that the only one that my deputy minister recalls off the top of his head is that the chiller replacement project — that the contract went to Wildstone construction. With the other specific ones — the roof upgrades, tie-off points, energy upgrades and structural assessment — I believe it was a local engineer that was contracted, but I don't have that information right in front of me. With the others, I don't have that information that the member asked about — who received those contracts — but I do remind the member that through competitive projects, I do attempt to structure contracts so that they can be bid on by local contractors and that they can have an opportunity to successfully get them, but the Yukon, as with other jurisdictions, does have a requirement for allowing competitive bids.

As has been the case in the past, a company can also locate a branch office in a jurisdiction to be considered a local company. So to some extent, the efforts that some would argue for to screen companies more specifically — there is actually a fairly easy way around it, and that's to file and register as a company within the jurisdiction they wish to bid in. Our efforts are to ensure that contracts — to the extent that they can be — are structured in a way that they're open for competitive bids, including Yukoners who choose to bid on them. I'll leave more specific questions regarding procurement to the Minister of Highways and Public Works, as his department is responsible for the procurement office and, as the member knows, handles much of that for government as part of its role as an agency that serves other departments.

Ms. Moorcroft: I will again encourage the minister to make efforts to make it easier for local contractors to bid on projects. I do hear that there are sometimes challenges associated with that, and we could certainly follow up with the Highways and Public Works minister and the Economic Development minister when it comes to renegotiating the *Agreement on Internal Trade*.

The minister didn't answer the question I had asked related to the building maintenance increase. There was an increase of \$398,000 from an initial \$436,000. The minister spoke to what would be done, but my question was: Was there more work needed? Why was the increase necessary?

Hon. Mr. Cathers: As I had actually provided that information in my remarks, I thought the member was asking a different question. Just in case I wasn't clear enough — as I obviously wasn't in my remarks to explain it to the Member for Copperbelt South — the increased amounts in this area for capital relate to management services — information technology equipment and systems and building maintenance, renovations and space. Those are all revotes related to those

items. There's a \$37,000 revote and \$6,000 supplementary funding for the court register information system replacement with the justice enterprise information network.

There is a revote related to the annual amount of \$11,000 plus \$1,000 supplementary funding to continue work on the fall arrest tie-down project. The majority of those items that the member is looking at are revotes. That also includes the amount that I mentioned for the chiller replacement, for the energy upgrades and for the structural assessment project.

Ms. Moorcroft: The Faro RCMP detachment has a decrease, which the minister explained is due to a delay — that the tendering documents are almost ready to go out and that the construction will occur later. The minister also spoke about the fact that this project could serve as a model for building new detachments in other communities. I understand that the Faro detachment is a three-person detachment. The minister made reference to there being residences included as part of the new Faro RCMP detachment. Can the minister provide a bit more detail on that? Are there two residences plus office space there? Is there a hope of making savings? If those plans were used for another project in future years, how much of a savings might be anticipated because of the work already done to the planning?

Hon. Mr. Cathers: The member must have misheard me or is relying on another note, because residences are not part of the Faro RCMP detachment. It is just a detachment.

I believe she was asking how much money would be saved in future projects by having the ability to re-use the design. That is hard to predict exactly, because it depends on what year a new project is done. Simply put, if the government has the ability to reuse a design — whatever portion of a project is designed; engineering or architectural — and is specific to coming up with a concept and a new architectural design, then it is obviously work that we don't have to do again. We can just adapt a model to where it is used. Examples of where that has been used successfully within the territory include the work that has been done by Yukon Housing Corporation to use a standard model for some of the six-plex seniors units, which have been built in communities under our watch.

Members will be familiar with a school design that was commonly used and shared for elementary schools such as — relying from memory — Hidden Valley School. I believe the Ross River School and Mayo all used a very similar design. The value of using a common design, although it does mean less money for those in the architectural business, does save the government money and you don't have to start with a blank sheet of paper in coming up with a design for a building that works.

Also, I would offer the editorial comment on that — it strikes me that if you have a design that has been found to work well and is functional, coming up with something new could be characterized as reinventing the wheel and perhaps losing successful elements that work within a functional design. That's the reason for attempting to move to a design that usable and adaptable in other jurisdictions.

Ms. Moorcroft: Thank you, Madam Chair, and I thank the minister for that response. I did mishear his introductory remarks. I thought that he had made a reference to residential accommodations as part of that project, but I misheard there.

I would like to move on and ask the Minister of Justice a question related to the Truth and Reconciliation Commission's interim report that was issued a short while ago. Can the minister tell us what the Department of Justice has identified as measures that it can take to implement the calls to action that were made by the Truth and Reconciliation Commission?

Hon. Mr. Cathers: While some elements of the government's response will be announced in the future, work has been done in responding — doing our part in responding — to the Truth and Reconciliation Commission's report, which was released this spring. We appreciate the statements and stories that Yukoners shared with the Truth and Reconciliation Commission and acknowledge that Yukon First Nation people in the Yukon and their descendants continue to be affected by the impacts of the Indian residential school system.

Significant strides have been made toward some of the commission's calls to action already in the Yukon by the Yukon government and First Nations, and those include — although some of them predate, of course, the report — the negotiation of final and self-government agreements, development of school curricula on residential schools and involvement of First Nation governments in child welfare issues. I would note that in that area, the *Child and Family Services Act*, which I tabled as then Minister of Health and Social Services back a number of years ago, certainly seems to have gone a long way in improving the relationship in those specific child welfare areas, including changing the structure from what it was previously so that, in those rare instances when a child can't continue with the parents, if children are placed for adoption, priority is given first to family members and, secondly, to their community, including cultural community, to attempt to avoid some of the mistakes that have been made in the past that have caused people to grow up distanced from their heritage, from their communities and from their family.

It should be noted that the report this spring — there is additional work — I believe the Truth and Reconciliation Commission's final report is expected in mid-December so that will help us identify what steps can and should be taken next in partnership with First Nations.

The Premier, in September, wrote to all 14 First Nations chiefs, inviting them to meet with ministers to discuss the Truth and Reconciliation Commission's report and, again, we look forward to continuing to work with Yukon First Nations in determining what steps can and should be taken next in this area.

Ms. Moorcroft: Yes, the government has spoken about a report that deputy ministers had prepared in response to the Truth and Reconciliation Commission's initial calls to action. The government also indicated that the report was first being

made available to the chiefs and that the government would be then providing information to the public.

I would like to ask the minister whether Justice is a lead department in that initiative, and when will the minister be accountable to the public by providing that information to the Legislature?

Hon. Mr. Cathers: The Executive Council Office is the lead department in this area so I would encourage the Member for Copperbelt South to ask the Premier more questions specifically to Yukon government responding in this area. I'm not in a position right now to announce timelines. The next steps' work is ongoing and I will defer those questions to the Premier as the lead minister on this file. The Department of Justice is of course one of the departments very much involved in reviewing the report and providing advice on possible responses and actions that we can take, but ECO is the lead department.

Ms. Moorcroft: All right, I will leave that for now then and turn to the issue of fetal alcohol spectrum disorder.

The new federal government has committed to introducing changes in the *Criminal Code* to reflect the unique needs of inmates who have FASD.

In the spring of 2014, this Assembly debated a motion that supported those kinds of changes to the federal act and that would also have urged the government to make changes to the Yukon *Corrections Act* similar to federal changes. The motion was amended to take out the language referring to making changes to the Yukon *Corrections Act*. Has the government considered — as work has proceeded on the FASD prevalence study — whether they will make amendments to the Yukon's *Corrections Act* in order to better meet the needs of individuals with FASD and to accommodate FASD as a disability in the Yukon corrections system?

I have more questions on that, but I see the minister has a response to make, so I'll let him. I'll just leave it at the one question and then follow up.

Hon. Mr. Cathers: In fact, we look forward to hearing from the new federal government regarding exactly how they intend to fulfill the commitments they've made in this area and remain supportive of the concept. I should note for the member that, of course, regarding any criminal matters covered by the *Criminal Code* rather than by our legislation, there have been significant steps taken to improve the services that we're providing to Yukoners within Whitehorse Correctional Centre.

As the member and I have discussed previously, much good work has been done, but we recognize that more work is necessary in this area. Efforts are made to provide offenders with access to the appropriate programming to help them be rehabilitated to address issues with their life that may be causing them to slip into offending and to help them become whole or healthier people who hopefully avoid re-contact with the correctional system.

At this point in time, I believe it would be premature to determine whether changes should be made to Yukon's *Corrections Act*. I won't rule out the possibility of that at some point in the future. We simply are focusing on

improving the programming that we provide. There has been excellent work done within the Department of Justice on things such as the Community Wellness Court. Within the Correctional Centre itself, there is a client-centred model of case management for individuals with cognitive and mental health issues, including but not limited to FASD. As a result of the medical assignment, clients are provided with individual counselling and appropriate work placements. When assessment and screening tools are completed by medical staff and indicate further assessment is needed, referral is made to the psychologist for further amendments.

Services include: medical assessment upon intake; physician assessments; psychiatric assessments and care; psychological assessments and care; one-on-one counselling, including outside agencies, such as Fetal Alcohol Syndrome Society Yukon, Department of Health and Social Services and other agencies; integrated case management practices that target interventions based on the individual's needs, including collaboration with other services; and the complex needs program pilot project that is underway at WCC, which is aimed at better providing supports to those in need.

Madam Chair, since there are witnesses scheduled to appear from WCB this afternoon, in the interests of time and the fact that the minister responsible plans to move a motion to call those witnesses, I move that you report progress.

Chair: It has been moved by Mr. Cathers that the Chair report progress.

Motion agreed to

Motion re appearance of witnesses

Committee of the Whole Motion No. 11

Hon. Mr. Nixon: I move:

THAT from 3:30 p.m. to 5:30 p.m. on Monday, November 23, 2015, 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 to discuss matters relating to the Yukon Workers' Compensation Health and Safety Board.

Chair: It has been moved by Mr. Nixon:

THAT from 3:30 p.m. to 5:30 p.m. on Monday, November 23, 2015, 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 to discuss matters relating to the Yukon Workers' Compensation Health and Safety Board.

Hon. Mr. Nixon: Certainly I will be brief. This is common practice to bring the corporations in from time to time. I certainly look forward to hearing questions and answers pertaining to the Yukon Workers' Compensation Health and Safety Board, but I certainly commend this motion to the House.

Committee of the Whole Motion No. 11 agreed to

Chair: Pursuant to Committee of the Whole Motion No. 11, 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.

Recess

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

Appearance of witnesses

Chair: Pursuant to Committee of the Whole Motion No. 11, adopted on this day, Committee of the Whole will now receive witnesses from the Yukon Workers' Compensation Health and Safety Board. I would ask that all members remember to refer their remarks through the Chair when addressing the witnesses, and I would also ask the witnesses to refer their answers through the Chair when they are responding to the members of the Committee.

Mr. Nixon, I believe you will introduce the witnesses.

Witnesses introduced

Hon. Mr. Nixon: The witnesses appearing before Committee of the Whole today are 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.

I would like to take this opportunity to thank both of them for working with me over the last number of months in my new role as minister responsible and I certainly look forward to information that is passed through the House this afternoon. Welcome to both of you and thank you.

Chair: When the witnesses are going to address the question, would you just indicate who will be responding, so that I can ensure your mic is turned on?

Would the witnesses like to make any opening remarks?

Mr. Pike: Thank you, Madam Chair.

As was mentioned, my name is Mark Pike and I'm chair of the board, and I have with me Joy Waters, who is our president and CEO. I would like to thank you for inviting us here today and for the opportunity to discuss our 2014 annual report. The goal of our organization as set out in our strategic plan is to prevent disability.

The year that we're here to discuss — 2014 — was a year of ups and downs for us. While the numbers and rate of accepted claims and our lost-time rate have remained relatively stable, five workers died as a result of workplace incidents and that is way, way too high. While you're looking at our report, on page 16, right at the very back, there is a snapshot of statistics of what occurred in the year. It is actually quite useful in terms of looking at how things have gone. That is really all I wanted to start with and I will just pass it over to Joy — is there anything you would like to add?

That being the case, Madam Chair, we'll open it up for questions and comments.

Ms. Hanson: I too would join in welcoming the witnesses to the Legislative Assembly this afternoon. In particular, it's good to see Ms. Waters back in these Chambers. I thank the witnesses for their brevity at the outset; it allows us to perhaps move through more quickly.

As Mr. Pike indicated, the 2014 year at a glance is very helpful in terms of that synopsis of the trends for WCB — and I will use WCB, rather than YWCHSB, if people will let me do that. I just wanted to comment that it was interesting to see that, although the number of workers has gone down over the last year — I mean it's a noticeable decrease — the number of open claims isn't commensurate with the number of decreases — the open claims and then the actual claims. We also see an increase in accepted claims.

What I would like to do is ask the witnesses if they could just speak to the nature of those statistics found in the first four lines of the trends in terms of the fact that we have a decrease in the number of workers, but in fact we have an increase in the number of claims, including the number of lost-time claims.

Ms. Waters: In terms of getting more background and the kind of claims that are represented there, I would suggest turning to page 9 of the annual report where it shows how claims break down according to the types of claims they are — by event or exposure — and that gives you a sense of what we're seeing more of and what we're seeing less of.

There are also, on page 11, statistics that talk about how those accepted claims are according to occupation groups, so again you can see the categories where the number of claims are either increasing or decreasing.

Ms. Hanson: I suppose I should have said at the outset — in the interest of full disclosure, I have been and still am a client of the Yukon Workers' Compensation Health and Safety Board due to an incident, a fall, while on the job in Old Crow this last spring. Adhesive capsulitis — there you go.

I am familiar with some of the intake procedures and all that kind of stuff, so I will be coming back to some of the questions later on — not with respect to my claim, but I just want to make a full disclosure. I'm not trying to hide the fact that I have that relationship with the WCB.

We're talking about the nature of the claims and, as I had mentioned at the outset, the increase in the number of accepted claims. One area where there has been an increase — with respect to page 9 — and I was going to come to this later on but I'll go to it now — is in the incidence of exposure to harmful substances or environments.

If the witnesses could just expand upon that a bit in terms of what kinds of workplaces those would be — and, when we talk about harmful substances or environments, if they could tell us a little bit more about what's behind those statistics — what kind of workplaces are we talking about?

Ms. Waters: To provide the member with that kind of detail, I will have to get back to her. I'm not familiar with that level of detail.

Ms. Hanson: I guess what we will be looking for in terms of that information is the nature of the industry sectors

that would lend themselves to exposure to harmful substances or exposure to environments that could cause injury.

There is a doubling in the number of transportation accidents that are reported in terms of accepted claims by event in this past year, and that's the most significant in terms of proportional increase. I guess the question I have is: Is there any correlation between that statistic and — one of the questions we always ask is with respect to young workers' safety. Is there correlation between the increase in transportation accidents and the age of those involved?

Ms. Waters: Again, we would have to do some analysis on that to provide that response. We will have to follow up.

Ms. Hanson: I just want to make a note and I will come back to this in a bit, but there is a third increase in the permanent impairment awards that are identified in the statistics in the "Year at a Glance". That does relate to the comments of the chair at the outset with respect to one of the goals being to prevent disabilities. That increase can be a bit worrisome.

One of the areas that I did touch on was with respect to the specific question on the traffic accidents, but I just would like to know if the witnesses have noticed that there has been a concerted effort over the last few years — and I think there's some reference to it in the annual report, and I think there are two separate programs that deal with young worker safety. If the witnesses could just provide the members of the Legislative Assembly with a bit of information on the young worker safety focus and their perception of what the trajectory of young and new workers has been over the last year or two? If there has been an amelioration or a decline in the number of young workers involved in reported injuries in the workplace, I would be interested in hearing what they would attribute that to.

Ms. Waters: Yes. If you actually compare the statistics from 2012, 2013 and 2014, there is a slight decrease in young worker claims. Part of that, we hope, can be attributed to the focus that we are putting on reaching out to young workers. We have two safety officers who are specifically geared to go and speak with young workers, starting right at the elementary school stage — elementary, high school, college.

We make a concerted effort and we doubled the number of staff on that in the last year. This past year, there has been a social marketing event aimed at young workers, called the Safety IQ, where we use social media to engage young people to think and act in terms of safety. We've had a lot of data transmitted through that, and we're still in the stage of taking a look at that data and what it's telling us about young workers. We are using some of that data to help formulate our social marketing strategy for next year, which again will be aimed at young workers.

One of the things that we are learning about young workers is the importance of conversation. I don't know if you recall this, but this past year we had a young worker who was unfortunately severely burned in a workplace accident — Curtis Weber. He came up and we took him into the schools

to speak to young people. It made quite an impression on young people.

One of the things he shared was: I was in the workplace and they were talking about how to move a piece of equipment, and I felt I knew how to do it, but because I was a young worker, I didn't speak up.

In retrospect, he wished he had spoken up because he probably knew better than the more experienced workers what should have been done.

One of the things that we are going to be aiming to do is really start that conversation and work at giving young workers the confidence to speak up and at least have the conversation about safety and to expect safety in the workplace.

Ms. Hanson: I thank the witness for that, and for reminding us of that young worker's story and also the impact that he had here.

I wanted to just touch on one policy in particular and something that's related to it. There is a new policy that came into effect in July 2014 — EA-14 coverage for workers outside Yukon. My question first of all is: What triggered the need for this policy? As a board, what's the critical mass that needs to be there in terms of incidents before a new policy like this is developed? Can the witnesses give us a rough idea of the number of the workers covered — 22,000 or 21,000 who are covered in 2014 who might have been affected by this coverage for workers outside Yukon?

Mr. Pike: At the board level, I just want to make one comment, and that is that the board was concerned about that policy in terms of managing our risk. Our risk is that if a worker is working outside the Yukon — as Yukoners, we think Outside means Alberta or BC but it could mean some other country in a lot of places. In terms of managing our risks, we as a board are saying that we need to know where you're going, what you're going to be doing and what kind of regime you are going to work under so that we can manage that risk as opposed to it just being wide open.

For the board, it wasn't that we had a huge number of those types of incidents or claims there, but we were looking, from risk management, saying that's important to us to manage our risk.

Ms. Waters: I can give an anecdotal example.

When we were discussing this particular policy with our stakeholders and talked about wanting to manage risk, a couple of the stakeholders looked at each other and said, "We sent one of our employees to Columbia, South America. Yes, there is a risk."

That's the kind of thing that we are just asking employers to think about in terms of making those decisions. You just don't think about that sometimes — when you send your employees, especially outside of Canada — in terms of where safety standards are different and risk is different. That's the kind of thing that we're trying to capture.

In terms of actual numbers of people who have been affected by this policy, I can look into whether we would have that information to provide.

Ms. Hanson: Thank you, Madam Chair and I appreciate the response.

Does this policy have along with it an increased premium for the coverage that's provided to somebody who's working in Columbia, for example, under the aegis of a Yukon employer?

Ms. Waters: Not specifically. That would be a matter of us saying: "The coverage that you're provided through Yukon does not cover that kind of trip". Now in many cases, if an employer is looking at sending some of their workers to another place, many of those jurisdictions require them to get coverage where they're going — say, for example, to the United States. They are required to by laws there and that's part of this policy as well — to encourage employers to realize that the onus is on them to check with the jurisdiction where their workers are going to find out what their requirements are, and generally it is to buy coverage for the duration that their employees are down there.

Ms. Hanson: In 2014, the Occupational Health and Safety penalties went up by more than 15 over the period in 2013. So there were 37 penalties for Occupational Health and Safety infractions in 2014. What is the trend in 2015 — and just for the record, is there a type of infraction that seems to be more resistant to being dealt with by employers and/or employees?

Ms. Waters: I do have that information. I just have to take a second to find it.

In terms of actual numbers, the trend is actually about the same, but in terms of the kinds, I would have to get back to the member with that information.

Ms. Hanson: Thank you, Madam Chair and I would appreciate that information when the witness can provide it.

The *Workers' Compensation Act* has contemplated a comprehensive review. The section of the act says a review would occur after 2013. I know it's not the job of the board to deal with this, but I'm wondering what prep work, if any, the board has done in anticipation of this comprehensive review. What areas, or trends, do they see from their experience that they believe should be dealt with in new or updated legislation, once this review at some point in the future is completed?

Mr. Pike: Just a quick comment — we're constantly looking at the operational things that we have to deal with and how that fits with legislation and things that come up and are having discussions with our minister at various times about that. From our point of view, one of the things that would be really great if it comes about is the synchronization of the two acts that we're responsible for enforcing or looking after, which are the *Workers' Compensation Act* and the *Occupational Health and Safety Act*. It would be great if at some point in time, those two — which were passed at different points in time — could be brought together so that they're in sync with each other.

Ms. Hanson: Are there any trends with respect to the kinds of matters that — for example, I think that in 2009 the Legislative Assembly made amendments to the legislation that dealt with presumption for firefighters with respect to cancer.

In a similar vein, are there other trends based on changed dynamics in workplaces or other industries or other knowledge that the WCB has gained that they see as trends that would change the scope of the kinds of coverage or issues or matters that need to be addressed under workers' compensation, based on industry standards or changes in industries in Yukon or accident reporting — not just accidents, but the kinds of issues that people face that make it difficult or impossible for them to fully participate in the workforce.

Ms. Waters: In terms of some of the research that we did in terms of the preparatory work, there is no doubt that the workplace today is a different workplace than was envisioned back in, for example, the 1990s, when the *Occupational Health and Safety Act* was last updated. For example, the focus was more on physical injuries. Now we see more mental health injuries, and that is certainly something in an updating of both acts and the aligning of both acts — not only could we have definitions that are the same, but definitions that I think capture a more modern workplace.

Ms. Hanson: I want to thank the witness for that.

I just want to go back to the annual report. I note that the annual report, the actuarial — there is an independent consultant actuarial firm, which is Morneau Shepell. Could the witnesses tell us how long Morneau Shepell has provided the independent consulting actuarial services?

Mr. Pike: I will briefly talk, because I am going to have to guess a little bit here, because it was before my time that they've been involved and I was first appointed in 2010. I'm going to say that it's probably somewhere in the range of about 10 years that they have been providing that service to us and as well — I don't know whether anybody's looking them up — they provide similar services to other workers' compensation boards across the country.

Ms. Hanson: I want to talk about the Workers' Compensation Health and Safety Board as a workplace as well as a board — because it is a workplace and I have a question about that too — the growth of that. What is the number of employees at the Workers' Compensation Health and Safety Board currently — this fiscal year — and is this an increase from the previous year?

Ms. Waters: I believe the number of employees this year is the same as last year. It is around the 74.5 number.

Mr. Pike: I just have one comment on behalf of the board. The board has always been adamant that we give the — I call it the small-b board — operational and financial guidance that it needs to do its job, but we've also been fairly strong in saying that, just like other businesses in the world, we have to do more with less. If you look at our operational budget, it has remained fairly stable, subject to small inflationary increases every year.

Ms. Hanson: I ask this next question because the WCB is located in my riding, and I can't help but notice the almost-completed addition to the existing Workers' Compensation building. The question has been posed to me: Is there an anticipation of staffing increases as a result of this addition? Who is moving into it? Can the witnesses just confirm what

the projected — and now final — costs for the new addition to the Workers' Compensation building are?

Mr. Pike: I'm happy to talk about the new building. I was involved in it from day one. The board is not building the new building to add a whole bunch of additional people, or employees, or contractors. The existing building was severely overcrowded and, as a board, we were looking at our duty to the board in the next 20 years and said: What is the right thing to do? Should we rent, should we lease, should we take a smaller space and then, two years from now, do something different? What should we do?

We looked at every option you can think of for quite awhile. The addition to the building was the one that we thought was the right thing to do. With that, there are no additional people being hired. There is no additional furniture being purchased. This is taking care of our people now and planning for what is likely to happen in the Yukon over the next 20 years.

Ms. Hanson: Earlier I had asked the question with respect to the actuarial firm that does the work there, and I just wanted to ask the question with respect to the decision to change the employee assistance provider from Nimco and Associates to Morneau Shepell. Did the WCB do their own independent review of the employee assistance program, or did they rely on the 2014 program review of Nimco and Associates conducted by YG? Were WCB employees surveyed as to their satisfaction with the services being provided? This has been an issue just raised again with me this weekend by Yukoners about Outside firms versus local knowledge and local companies.

Ms. Waters: The staff of the Yukon Workers' Compensation Health and Safety Board are Yukon government employees, so we did not do our own independent survey of the service provider. We would have been captured in the overall Yukon government survey. I'm not aware of anything — we didn't participate in any kind of separate survey.

Ms. Hanson: I just raised the question because it's my understanding that, on the same day we were being briefed on the decision to — September 24, at the annual information meeting where we were talking about returning \$10 million to employers. That was the same day that Nimco and Associates, a local supplier of EAP services for many years to the Yukon government — and to WCB, I guess — was informed that they would no longer have this contract and it would be going to a national firm.

I guess I just want to get confirmation that there was nothing in that report, if people have read it, that indicates that service quality was inappropriate or not satisfactory. Were there other issues at play here?

Ms. Waters: I don't know the answer to that. I would imagine you would have to follow up with the Public Service Commission, which would be responsible for that contract.

Ms. Hanson: For the record, that's easier said than done, but I'll keep persisting.

Madam Chair, at the meeting of September 24, I did raise a couple of questions with respect to the incidents, and the

reported incidents, of post-traumatic stress disorder, and so I appreciated getting a letter back from the acting president and CEO shortly thereafter. It provided information that, in 2014, the Workers' Compensation Health and Safety Board had accepted seven claims for post-traumatic stress disorder, or work-related acute stress disorder. I appreciate the fact that the board would find it difficult to be specific about the exact number or reasons that claims were not accepted. I do have a question — and probably several questions — in this area. We have had numerous calls from different parts of the territory on this issue, so it's helpful for us, as members of the Legislative Assembly, to be able to convey in clear and objective ways whatever information that we can glean, in terms of both gaining a better understanding of how this is dealt with by WCB, as well as Yukon government.

I just wanted to go back to the letter. It says — and I'm quoting here: "We can say there are a variety of reasons, in general, that workers' compensation claims are not accepted: the injury is not caused by work or the diagnosis is for a non-work-related condition or disease, among other reasons."

My question, Madam Chair, is: Who makes the determination that the injury is not caused by work?

Ms. Waters: In this case, the person who would make that decision would be a mental health care specialist, a clinical psychologist or a psychiatrist. Those are the people we recognize to make to make the diagnosis of PTSD.

Ms. Hanson: I'll come back to that aspect of it in a moment. I just want to go back and just see if I can make a connection. Does WCB work in conjunction with the Yukon Health, Safety and Disability Management unit with respect to people who, as the witness said, are oftentimes — it is the largest employer in the Yukon, and there's a vast array of employment scenarios that a Yukon employee could find themselves in. If you have an employee who is experiencing various stressors and distress, which is affecting their ability to work, to what extent does WCB work in conjunction with the Yukon Health, Safety and Disability Management unit in terms of the sharing of information to provide a comprehensive plan of care for all claimants?

Ms. Waters: Madam Chair, we would work with the Yukon government disability unit if the claimant was a Yukon government worker. Basically, it would be that unit as sort of a representative of the employer. That would be how we would be working with them on that particular claimant's case.

Ms. Hanson: I thank the witness for that. It makes sense because that's what one would expect, presuming all of the necessary releases are in place. If a claimant is given a post-traumatic stress disorder diagnosis by a registered psychiatrist because they entered the process through the Health, Safety and Disability Management unit — that's where the initial sort of contact happened — and it's determined that the circumstances leading to the diagnosis was a result of workplace-related events, would that suffice in terms of what's necessary for a claim to be accepted by WCB?

Ms. Waters: Madam Chair, if the workplace is a Yukon workplace and there is a diagnosis by a clinical psychologist or psychiatrist, yes, it would be an accepted claim.

Ms. Hanson: Okay. Basically, the kind of stresses — somebody experiencing post-traumatic stress disorder, in particular, but there are other mental health stress-related situations particularly — it's pretty well-accepted that it's not just the individual who is affected. Somebody with PTSD has a whole ripple of people who are involved in this — the family and the workplace.

When making the determination and assessing the diagnosis of PTSD, are others involved in that? Is there outreach to the spouse or to the workplace in terms of ascertaining the conduct in the workplace and the impact of various stressors on the individual in the workplace — or is it solely in the clinical sense that an assessment is made?

Ms. Waters: The question raises for me how important it is for us not just to talk about the client who has been diagnosed with PTSD, but to take a preventive approach. Prevention of mental health issues is a very important thing. While, of course, once a person has been affected to the extent that they have PTSD, it's important to work with them and support them, I think it begs the broader point that we need to prevent it in the first place. I think that given the awareness that is happening in the media and in society in general about the importance of a healthy workplace — not only a physically healthy workplace but a mentally healthy workplace — we can be doing a lot in prevention.

When a person comes to our doors with a claim, if it's a mental health claim, one of the things our caseworkers and adjudicators do is they work closely with our Occupational Health and Safety officers to flag for them workplaces. This happens with a variety of issues, but if there is an opportunity for us to work with employers to identify that there are things happening in the workplace that are causing either mental health distress or physical distress, we will do that, and we have been finding that workplaces and employers are very open to that.

Last year, we sponsored a workplace solutions workshop aimed at employers and the topic, at the request of our employers, was on mental health and helping to foster a healthy workplace and what to do when you have problems. We had over 100 people attend that course.

This year, I noticed the Yukon Chamber of Commerce brought in an expert in this area as well. It is something that employers and workplaces are becoming more mindful of and taking a more preventive approach toward.

I appreciate that, and I think it's really important that this aspect of the interaction around the implications of mental health issues — and, in particular, PTSD — continues to get the focused attention that it requires because, as I said, we are aware of how very difficult it has been for some individuals to work through the system. It's not easy, in the first instance, to address mental health issues, and then to have a situation — or a condition, I guess — that exacerbates that cycle is even more challenging.

Earlier we heard about who makes the determination with respect to whether or not somebody's claim under the Workers' Compensation Health and Safety Board is accepted. Given that the diagnosis of PTSD requires at least — in most instances, as far as I can tell — a thorough assessment by a psychiatrist — and often augmented, from the records I've seen, by a psychologist — has there been any thought given to having a mental health practitioner be the person making the determination regarding whether or not a claim under the legislation and the policies pursuant to that — the person making that decision has that kind of a background rather than a generalist background of a manager within the public service?

Ms. Waters: I'm sorry — I don't know if I completely understood the question.

Ms. Hanson: Thanks, Madam Chair. I'll try it again.

Given that in order to have a claim accepted — a determination made that somebody is suffering from post-traumatic stress disorder — that is going to require a medical assessment and a psychiatric assessment — the determination about whether or not to accept that — the gatekeeper is not somebody who is a mental health worker, or has mental health expertise, is what I'm saying. My question is that, given the changing nature and the more specialized skillset that may be required — whether or not this is something that is a general management function, or a specialized function, in terms of that assessment.

Ms. Waters: All our claims are adjudicated by our adjudicators. They are the ones who are making the decision whether the claim is going to be an accepted claim.

In the case of PTSD, they basically look at the evidence of the case and they are trained through the Foundation of Administrative Justice in terms of decision-making. So they would be our first level of adjudication on a case.

In order for them to look at a PTSD claim, there are two criteria, one being the diagnosis by either a clinical psychologist or a psychiatrist, and also the fact that, in making that diagnosis, it is being attached to a Yukon workplace. In terms of the actual decision, it is a adjudicator who is making that decision based on the evidence of the facts of the case.

Ms. Hanson: I thank the witness for the answer. Could the witness just clarify, in terms of the adjudication process, who actually serve as adjudicators and could she just clarify and confirm the independence of those adjudicators in terms of whether they're arm's length from WCB or if they are employed by WCB?

Ms. Waters: The adjudicators who receive the claims are employees of the Workers' Compensation Health and Safety Board and are part of the claims branch.

Ms. Hanson: I had just a couple of questions with respect to service standards. This has come from, again, several different cross-references of the kind of casework that we get in our office. What service standards does WCB employ with respect to, say, from the time of reporting of an incident and assessment to determine the acceptance of a claim? What's the norm for that process?

Ms. Waters: We have a 14-day standard; however, in saying that, that is based on us receiving all of the information — that is, in us being able to have a worker's report, an employer's report and, in some cases, a physician's report. We work very hard to that 14-day standard, but there are times when it is longer and there are usually reasons for that. Sometimes the reason is that all of the information has not been received. Sometimes it is through backlogs being developed. We work hard to rectify that. If it's our fault, we will work hard to correct it.

Ms. Hanson: That sort of links to my next question, which is about section 19 of the act. It talks about the balance of probabilities and it says that, despite anything contained in this act, when the disputed possibilities are evenly balanced on an issue, the issue shall be resolved in favour of the worker.

How is that implemented? What oversight mechanism is in place in terms of ensuring this? It's good to have the assurance that if it's our fault, then we make good on it, but how do the general public or the workers know that balance of probabilities — how is it given effect, essentially?

Ms. Waters: There are a number of ways. Certainly in receiving a claim, an adjudicator will look at that. One of the things they will do is, if they're weighing the evidence, they will have somebody take a second look at that. It could be their manager; it could be a colleague. In some cases, cases are taken a look at by the director. That would be the initial level.

Within the organization, we also have internal hearing officers. That would be if a worker was not satisfied with the decision, through the support of the Workers' Advocate Office, they may ask for it to be heard by an internal review by a hearing officer. That would be the second level of review.

At that stage, if a claimant is still not happy with the outcome, they have the ability to go to the Workers' Compensation Health and Safety Board Appeal Tribunal to have it reviewed. So those are the different checks and balances in the system to ensure that it gets taken a look at.

Ms. Hanson: I'll come back to that in a minute. I just wanted to ask the witnesses if they're aware — and this is something that was said to us. I can remember it actually coming up in the context when I was sitting up in that gallery before I was elected — my colleague at the time raising a similar question. I just wanted to see if there has been a change here — but it's something that has been said to me recently — so it is a perception that if it came to, on balance, weighing the medical opinion of specialists and doctors, who are not WCB medical consultants, the perception is from workers that the WCB will basically take the word of the WCB medical consultant's opinion over other specialists'.

Is there any veracity to that?

Ms. Waters: There is no policy that says it will go one way or the other. The medical consultant that we have at WCB is there to provide advice, to help interpret medical information that comes forward. In many cases, the medical consultant will make recommendations when maybe it should be seen by an IME, which is an independent medical exam.

So it's all case by case, but the medical consultant is more there for helping interpret medical information.

Ms. Hanson: I just wanted to ask the witnesses if they could explain — because it's not defined, as far as I can see. There is no definition of what exceptional circumstances provisions are in the WCB policy.

Ms. Waters: Yes, there isn't any sort of written down exceptional circumstances. It's open for interpretation and it's done that way deliberately because not all situations are envisioned. The problem with giving definition to an exceptional circumstance is that we end up having it written in stone and then another exceptional circumstance comes along that works outside that. We certainly have an understanding of what that clause is meant to be, but certainly when circumstances come up that are exceptional, again it's all done on a case-by-case basis.

Ms. Hanson: I guess I raise that in the context of again of section 19 around the balance of probabilities. I guess I'm looking for a bit of a sense of what measures the WCB takes to ensure that to the extent possible, all policies are made known to injured workers so as to avoid the perception that, for example, it's like a catch-22. If they don't know that there is a possibility that there is an exceptional circumstance policy that might apply to them, they may simply roll over and say, "Okay, it's too bad I'm not going to qualify for anything." Do you have to be unusually persistent in order to have an exceptional circumstance provision? Do you have to force the system to make them aware that this is a possibility — an option to address the circumstances that they're dealing with? How much onus is particularly on an injured worker to be dealing with this at a time when they're not feeling the power, so the power balance can be perceived to be out of sync?

I'm just asking the question in terms of section 19, where the emphasis is in ensuring that we're resolving matters in the favour of the worker, given that the old sort of contractual arrangement that was entered into here was that once they're in this system, even though they don't consciously know that they've made this bargain, they can't individually go sue somebody because they're part of a system that is going to do this on their behalf. But if they don't know, how do we ensure that the worker is getting the best bet — the best deal possible? How do we ensure that they know that every effort is being made to give life to section 19?

Ms. Waters: It's hard to respond hypothetically. Certainly the adjudicators are using the policies — and by the way, all our policies are on our website so they are available to workers and employers, so the transparency is there in terms of what the policies are. Also, I think with that kind of thing, while certainly our adjudicators and case managers have positive and open relationships with the workers, if the worker feels the need for a stronger advocate, certainly that's the role of the Workers' Advocate Office — to help identify those things.

There is no doubt that, in terms of making decisions, there is evidence and there is the weighing of evidence and, in some cases, it's open to interpretation. That's why there are

different levels of appeal that can be used to assess what should be taken into consideration.

Ms. Hanson: I thank the witness for that response. I just made a note to myself that the chair made a comment that the goal really was to prevent disability. It's my understanding that there are, in fact, WCB policies for permanent impairment, but not with respect to permanent disability. There is a difference. As I understand it, impairments are physical conditions — like, if you have a broken back, it's pretty much gone and can be diagnosed. A doctor would give you that diagnosis. But with disabilities, there is a range of disabilities that we may have. I have a minor disability for a period of time because I have a shoulder injury that makes it difficult to do certain things, but it's not a permanent impairment; it's a short-term disability.

Although the determination of whether or not somebody has a permanent disability — it is going to take somebody who has — my minor disability was also assessed, in addition to being assessed by the manager. But if you have a more permanent one, is the practice to have the determination of whether or not somebody has a permanent disability based on medical evidence or based on the assessment vocationally — like, you can work in this kind of setting, but you can't work in that? How is that assessment made when it moves from a short-term injury to a permanent disability that is going to drastically reduce one's ability to be functioning in a workplace?

Ms. Waters: I will have to get back to the member on that.

Ms. Hanson: When the chair of the Yukon Hospital Corporation was here last week, my colleague raised a few questions with respect to MRIs. That has triggered within me a question with respect to the Workers' Compensation Health and Safety Board's travel budget for sending clients outside of the territory.

We would like to know how many trips were made outside of the territory to specialists paid for by WCB. Is that number increasing or decreasing?

Ms. Waters: I will have to get back to the member with that information.

Ms. Hanson: I also was curious as to how many clients the Workers' Compensation Health and Safety Board sends Outside for MRIs and, again, the attendant cost. Last week we asked the question whether or not the Hospital Corporation had investigated or considered entering into some sort of a fee-for-service arrangement with WCB for the provision of MRI services. We now have the MRI in the Yukon and, in many jurisdictions, the MRIs are not used on a 9-to-5 basis but are, in fact, used as much as you can because of the — partly it's the shelf-life of the equipment, and partly it's to maximize the significant expenditure on a piece of infrastructure like that.

Has WCB negotiated a deal with the Yukon Hospital Corporation to conduct MRIs? Is it the case that the majority of your MRIs are conducted at the Whitehorse General Hospital or are the majority still conducted outside of the territory?

Ms. Waters: I will have to get back to the member with that information.

Ms. Hanson: I appreciate that the detail of that would be — because of numbers off the top of one's head. But I'm curious about the notion of exploring the partnership of a service provider in-territory, as opposed to outside the territory — so that we can make best use from a Yukon point of view, and it may be another employment opportunity. Has the WCB been in discussions with the Hospital Corporation at all on this matter?

Ms. Waters: As you probably know, I've been away for awhile, so it is not something that has been mentioned to me, but I can certainly look into that.

Ms. Hanson: I appreciate both aspects of the response. It just seems that there's an opportunity there that would be good to seize upon — not that I hold any ill will to Air North and I want to see them get as much travel from the Government of Yukon or Workers' Compensation Health and Safety Board as possible, but if it's possible to minimize the disruption to people's lives and have that service provided here, and make better use of a very expensive diagnostic tool here, then I would encourage the board to do so.

I just wanted to go back — and I'll then turn it over to the Member for Klondike because I need to put my head around what questions I may have missed, and I'm sure he has many.

At the September 24 meeting, the headliner event of that day was the return to employers of the \$10 million. For the record, and because this is news for all of us this year — and for future legislators — I wanted to get the basis or the background for this because I thought the board did a good job of explaining how this comes about.

If the board or the chair could explain what the requirements are before the board makes the decision to make that kind of extraordinary return of the \$10 million — and the process that the board goes through in terms of other options that are considered and ensuring how it goes about in terms of the risk assessment. One of the things said at that meeting was — ensuring that employers are paying for the true cost of the system and the acknowledgement that this is going to be paid out, but then we're going to see, over time, the rates going back up.

Does the WCB anticipate continued strong reserve growth fund? What are the factors that it takes into consideration when it makes a decision like it announced on September 24 — in that would be the elements of the risk analysis that was performed by the board.

Mr. Pike: I will start just with a couple of little pieces of background.

Under the act, we're required to be 100-percent funded. That is not an option. That is not something that the board can play with, change, or adjust. Our board has decided that we should have a cushion in there. We have a policy that says that we want to be in the range of 121- to 129-percent funded at all times, giving some wiggle room — keeping in mind that "funded" means we have investments that are subject to the vagaries of the stock market and what happens on a given day. You wouldn't want to be overreacting. We've said that is an

adequate cushion for us to ensure that all injured workers will get the treatment, care and benefits that they are entitled to over the entire period that they should be receiving that.

What has happened is that our board has been incredibly successful on a couple fronts. One is in terms of employers and employees buying into reducing injuries and reducing disabilities. Our costs there have gone down. Our investments have performed incredibly well. We have a system and a policy — that is called our funding policy — built in to attempt to return back to that range of 121 to 129 percent, and that involved every year giving money back, reducing the rates. What was happening was we were so successful that it wasn't working. We were still growing. You can look at our annual reports over the time that I've been the chair, and my staff — the people involved with the investments, the employers and the employees — our surplus would continue to grow and grow and grow.

The board looked at all kinds of options about how to get back to what we felt was the right place to be. That's back to that 121 to 129 percent. The range of things we talked about is so open-ended that I can probably list things for a long, long time, but we talked about everything.

What we decided to do — and this was in consultation with employees and employer groups talking about what is the right thing to do — was to make a distribution to employers of the \$10 million. That's not the end of what we're going to do. That's not the only thing we're going to do, but that's what the board decided to do at that point in time.

One of the questions that the member asked about was: What was the risk assessment? The board certainly feels that we are adequately covered by not having 100 percent but in fact having somewhere in the range of 121 to 129 percent of our actuarial liability set aside at all times.

Ms. Hanson: That just triggered a couple more questions. If you take it from the point of view of a worker who hears that there is this money going back and you've been struggling to get what you believe is compensation — and the act talks about adequate compensation, but it doesn't define adequate compensation. The witnesses can correct me if I'm wrong, but it's my understanding that the act does guarantee adequate compensation but doesn't define it anywhere.

Absent this definition, how does the board address the perception that workers may have that, as they struggle either when they see their claims reduced or they see themselves struggling to get their claim even accepted, the balance — again going back to the section 19 — is there, that it is intended to be, as part of that bargain that goes back to whenever it was with — we've talked about this in the Legislature before. When the Canadian compensation system was set up many years ago, the balance of probabilities being with the worker and not with accruing more money in the investment account — so what kind of assurances can we give workers if we don't even have a definition of adequacy?

Mr. Pike: I will just deal with a couple of things in there. One is — and certainly from the board's point of view we, irrespective of the rebates, have no interest in not ensuring

that every worker who is ever hurt gets the compensation, the medical treatment and everything to which they are entitled and to which they deserve, which is legislated.

Unlike what you may think about as a normal insurance company, we have no interest in not paying out what's legally entitled to people and we have no interest in having money in our reserves that — you know, I don't get rewarded for that. We have no interest in having money in our reserves that we don't need.

I have to be careful here, because I don't have this thing sitting in front of me. I think we have one of the highest levels of benefit in Canada in terms of what injured workers are paid. I think we might be behind the NWT, but I stand to be corrected if I missed somebody in there. Our level of benefit is fairly high. I believe it's actually legislated — it's not our choice. We haven't made that; the legislators have decided what that level of benefit should be.

As a board, again, we are absolutely committed to treating employees right and to having safety programs and to making sure they're adequately cared for and preventing disability. The amount of money that our organization requires to do that — the board will commit to that every single day.

I don't know if I've answered all of the member's questions.

Ms. Hanson: I'm going back to, again, the implicit contract in terms of workers' compensation that we are covered as employees and then, should there be a — so if there's a situation that arises that's more serious than most of us deal with, but there's an action against a third party or the employer, what's the hierarchy in terms of settlement? If I get workers' compensation payments and the Workers' Compensation Health and Safety Board — I can't sue, because that's the agreement that I've made and that we've made in the contract. So when the Workers' Compensation Health and Safety Board takes action to recover — in terms of, there's some liability here, is there a portion of that — if there's a settlement ultimately — and gosh knows that court cases probably take forever; that's my experience — is the individual, the injured worker, sort of like a creditor? Are they at the head of the line or are they at the back of the line after WCB in terms of settlement of a claim?

Ms. Waters: I believe that the kinds of cases the member is talking about are what are called subrogated claims, and they're only for certain kinds of subrogated claims — they're only for particular kinds of claims. I will have to get back to the member. I'll have to have our legal person respond to that for us.

Mr. Silver: Thank you, Madam Chair, and thank you to the officials for the Workers' Compensation Health and Safety Board for their appearance today as witnesses. I just want to continue on the refund questions. Most of my questions have been answered, but I just wanted to go over the mechanics of that rebate.

As far as the employers go, are they simply receiving cheques from WCB? How is this money being paid out, if it hasn't already been?

Mr. Pike: The rebate — the board is just in the process of finalizing the exact way that rebate will take place. Again, there are a lot of questions we can ask — it wasn't really simple. The board came up with some overall guiding principles, essentially saying, whoever contributed the money should be the ones who get it back. We will have the details of that out very shortly.

For almost all employers, it will be a cheque. If you're not in good standing with us, or if there are some other issues, you might have to come and talk to us before you get your cheque, but it will be a cheque. It will be an actual cash distribution.

Mr. Silver: I'm going to move on to the Dawson waste-water treatment facility. In the summer of 2013, it was reported that WCB was investigating unsafe work conditions at the waste-water treatment facility up in Dawson. There have been reports of mould in the past, and I was wondering if I could get an update on the working conditions on the site. I'll start with: Does mould continue to be an issue? I know that last fall we were told by witnesses here on the floor of the Legislature — and I quote: "...that ventilation system is too inefficient to take out the moisture." Has this been resolved? Does mould continue to be an issue? I'll start there.

Ms. Waters: I will have to get an update on that and get back with the information.

Mr. Silver: If the witness could also make a commitment to provide information on what part of the facility specifically the mould was a problem in, that would be wonderful.

I'll move out of that building into another building, but I'm going to stick with mould, Madam Chair. Yukon College has been under a work order from Workers' Compensation to fix a leaking roof and a mould problem in the main campus building envelope since early 2014.

The Government of Yukon owns this building and is responsible for the repairs and the remediation. It has been at least 18 months since the order came in from WCB to remediate the building, including the root causes of the mould, which is the leaky roof. Has this order from WCB been complied with, and is the issue resolved? If we could get an update from the witnesses on that, Madam Chair.

Ms. Waters: I do have information on this item. Property Management of the Yukon government has completed design and has tender-ready documents for the recommended mitigation work on the roof. They anticipate the work to be tendered and completed in 2016-17. In the meantime, they have a unit that has a contract in place to ensure that snow removal of the affected roofs is happening throughout the coming winter. We have accepted this schedule for repairs as reasonable, given the scope of the project and the fact that they are actively managing ice and snow buildup to prevent water infiltration between now and the expected completion date. The inspection report due date for completion has been amended to September 21, 2016.

Mr. Silver: I'm going to move on to post-traumatic stress disorder. I know my colleague has spoken about this.

There are still a few questions outstanding here that I want to draw down on.

Madam Chair, when witnesses were here last fall, they said — and I quote: “There’s actually going to be a national meeting in the spring with other workers’ compensation associations. One of the things we’ll be talking about with those jurisdictions that have brought in the legislation is what their reasoning was for it and how it’s impacting the adjudication process.” Could we get an update on the discussion at that meeting?

Ms. Waters: Unfortunately, I was not able to attend that meeting; however, apparently there was discussion, so I will have to follow up on that.

Mr. Silver: It’s an important determination since the last time we discussed post-traumatic stress disorder — lots of questions — we’ve been getting a lot of issues coming forth. We’ve been getting a lot of people that have gone through the WCB process as well and it brings up the question of presumptive legislation versus the current way that we do things in WCB in the Yukon here.

It was mentioned today by the witness that mental health psychologists make the determination as to whether or not an employee has post-traumatic stress disorder, but also whether or not it was work related. That must be extremely hard to do. I was invited to the Association of Yukon Fire Chiefs conference this summer and they had a professional in the field, Mr. Dill, who talked a lot about post-traumatic stress disorder, and one of the things that he brought up was that most people have post-traumatic stress. It’s when it becomes a disorder, that’s the harder thing — it could be a small thing. He talked about one particular person who was a firefighter and kept on going to funerals of the people he wasn’t related to because of his job. He didn’t know these people, but he would feel obligated to go to these funerals if somebody died. The last straw wasn’t necessarily where he got his disorder, but was just basically the last straw.

In making that determination, how difficult is it for the medical professionals to determine that the stress is actually brought on by the workplace?

Ms. Waters: Yes, I don’t know what I can add to that — just that certainly it is a very complex issue, there is no doubt, which I think just reinforces why prevention is so, so important and recognition — having heard people talking about especially men and male-dominated professions where there isn’t the willingness to necessarily recognize that is what is happening. It is a very broad and complex issue.

I’ve lost my thought on what I was going to say.

Mr. Silver: I totally agree. We’re wondering ourselves where presumptive would be successful in the Yukon compared to currently — or even where it wouldn’t necessarily help.

I do know that in Manitoba there was a stakeholder’s consultation and in the documentation from that — and I will read directly from this. They say, “Why is a presumption being considered?” — as they look to changing the rules in Manitoba.

I’m quoting here from that document: “Psychological injuries, including PTSD, are already compensable under the Act. However, it is sometimes difficult to establish a causal link between workplace incidents and PTSD which can result in delay and inconsistency in adjudication. A presumption would speed up claim adjudication providing quicker access to treatment.” That was from the Workers Compensation Board of Manitoba stakeholder consultation document.

It does beg the question of a presumption allowing for at least movement before — as they mentioned in the document quite a few times, before they can prove — they move down this road if they can do the contrary of this. If the contrary is proven, then of course they would stop down the road — if the post-traumatic stress disorder didn’t come from an occupational circumstance.

If the witnesses can comment on whether or not they believe presumption would speed up the process here in the Yukon — and, on the side of prevention, I couldn’t agree more — prevention being extremely important. As the witnesses have mentioned already, the Yukon Chamber of Commerce is taking a preventive approach and so is the Association of Yukon Fire Chiefs. One of the recommendations from the professionals who were presenting at their annual general meeting was, if you have a psychologist who is making the determinations, how closely associated are they to the preventive measures and to the actual working conditions of the firefighters or the EMS? Do they take ride-alongs, for example? Has WCB encouraged those doctors and those professionals in the field to get to know the culture?

Like the witness mentioned, it is a blue shield stoic culture of the initial responders. It is hard to talk about these feelings and these emotions. It would be nice to have more of a continuation or at least a cooperation between those who are diagnosing and actually an understanding of the workplace conditions and hazards, those types of things.

I’ll stop there; it’s a lot to digest.

Ms. Waters: A couple of things I can comment on is the fact that, while most jurisdictions only recognize PTSD related to one traumatic event, Yukon is unique in that we also recognize that PTSD can be the result of gradual onset — sort of things building up — which we feel really does make our policy on psychological disorders a very robust one and allows us — and again, we still have to get that clinical diagnosis, but even jurisdictions that have presumption also require a mental health specialist giving a diagnosis. So we are responding probably just as effectively.

The other thing is, statistics don’t tell the whole story. We have cases where injured workers come to us for another presenting problem, not PTSD, and it’s through the work that our case managers are doing with injured workers that they’re recognizing that there is something else here, and they are referring those injured workers to get the help.

From that, there might be a diagnosis of PTSD, which again wasn’t the presenting problem when they first came, so that’s why it’s very hard to just look at numbers. You have to look — it’s a multi-dimensional issue, that’s for sure.

Mr. Silver: I totally agree and, as Jeff Dill told the firefighters this summer, it's not just one case, prevention being the most important part of the situation.

What is happening in other jurisdictions — I forget the actual name, but I think it's special management teams or something along those lines — where, whether it's firefighters or EMS or even nurses — it doesn't really matter what the field is — you work in tandem with WCB, you work in tandem with the psychiatrists who are doing the diagnosis, and you have special teams that keep an eye on their coworkers. They know these people personally and they have a better insight into what their regular behaviours are and when things get not-so-regular any more.

Is there an appetite here locally for WCB to work with associations — nursing associations, EMS, paraprofessionals, firefighters — to build these teams and then to allow for their input to be crucial in the determination, through a diagnosis? Because again, if you have a person from the medical fraternity — whether it's a mental health professional, like my colleague was talking about, or a psychiatrist — knowing what the culture is like and knowing what the triggers are and just knowing who the people are and being able to talk to the co-workers to determine, "Yes, we really think that there is something going on here," I think that's really, really important.

So are there conversations currently with, let's say, any of those associations mentioned? Is there any direction from the government to review this legislation and ensure that we're doing all that we possibly can for post-traumatic stress disorder?

Ms. Waters: The member asked if there is work that we're collaborating on. Yes, there is. We have an occupational therapist on staff and she has been asked — I know — by Community Services with their EMS to work with them on developing that strong support and really aiming at prevention, so there is work.

Whether she has been approached by other groups, I don't know, but I can get back to the member with information on that.

Ms. Hanson: I just have a couple other questions that came to mind when the Member for Klondike was speaking. He raised the issue of air quality and that jogged my memory, because I had also raised the question of air quality and workplaces in the spring of 2014. That commenced a series of exchanges between me and the president and CEO of Workers' Compensation Health and Safety Board. That was with respect to the air quality at Closeleigh Manor.

We had asked WCB to review the Closeleigh Manor ventilation system report of March 2014 and provide a response to the identified concerns, given that there were two workplaces located in Closeleigh Manor.

Then we continued our exchange of correspondence — regular pen pals that we are. In October, I wrote back in response to the July 31 letter. At that time, the WCB individual had identified that air-quality issues are primarily related to the heating system and this individual was going to do a re-inspection of the two workplaces in the fall, including

the air sampling, to assess the effectiveness of the repairs of the heating and ventilation system.

That was in the beginning of October that year, on October 16, 2014. There was supposed to be a re-inspection and air sampling at the end of November of that year. It was said in the letter that WCB would provide us with the outcome of the air-quality assessment, once it was completed. Was that air-quality assessment completed for Closeleigh Manor from the workplace point of view? I apologize if it has been sent, but we just couldn't find it in our records. Could WCB provide that to us?

Ms. Waters: I'll have to get back to the member on that. That would have been something that occurred while I was away.

Ms. Hanson: I appreciate that. I appreciate that it's just one of those ones that just sort of goes on — Closeleigh Manor.

I just want to go back — my colleague from Klondike, in his line of questioning with respect to post-traumatic stress disorder, had raised a number of really good questions. Toward the latter part of that, a response from the witness talked about work that was done with the occupational therapist, Community Services and the emergency-service providers. The question I have is from an occupational health and safety perspective. I'm going back to the annual report, which says that one of the things WCB tracks is the kind of workplace injuries and the incidence of them by employer. Does WCB track the incidence, by employer, of PTSD diagnoses or incidences of mental health or mental health distress in the workplace, as a means of identifying where targeted prevention programming might be most useful, in terms of reducing the impact of stress-related incidents in the workplace?

I'm looking at the Whitehorse Correctional Centre — is that an employer that is tracked? Community Services? The Yukon Hospital Corporation? Most of the ones that possibly have a higher incidence of — could be critical incidents or stressful interactions.

Does WCB track those incidents of time lost to mental health issues, time lost to issues related to PTSD? How does that inform? Is there any place where one can see which workplaces are facing the highest — not the highest number, because numbers don't really mean anything — if you look at it from a qualitative point of view where there's any incidence of these issues occurring and how that informs the decisions of the WCB around its programming vis-à-vis those workplaces?

Ms. Waters: When claims come in, there are conversations that occur between our claims staff and our Occupational Health and Safety staff. When they see increased incidence of things in a particular workplace, they will have a conversation with our occupational health and safety therapist to look at a way we can approach the employer to work on things that we're becoming aware of. That kind of work is being done, but I would really stress that it's important to recognize that the possibility is there in those kinds of workplaces, so it's not just WCB that can help alert.

We can help alert employers, but to try to take that preventive approach and say that the kind of work we do is prone to causing mental distress if we don't manage it properly — so it's broader than just us. We can do our part, but I think, as employers and as workers, we all have to take responsibility and look at putting some prevention in place.

Ms. Hanson: As the questions have gone on, the witnesses have provided some comments that just triggered a question that I thought about asking earlier.

There was a comment made that some situations, particularly when we're dealing with mental health issues — there can be a gradual buildup over time. It may not just be a critical incident that triggers PTSD; it could be a series that have a cumulative impact.

The question I have, given the nature of Canada and our mobility rights under the Charter — if you start a career today in Whitehorse, you may go to Ecum Secum and come back to the Yukon, but at some point you may present with a serious debilitating condition. Is there an attribution? Like, if I'm here and I've been living here for a number of years, what does it take to become a Yukon worker and have what I present to the Yukon Workers' Compensation Health and Safety Board accepted as something that I'm going to be assessed as a Yukon worker, as not trying to figure out. Did I get some aspect of my challenge — mental health challenge or PTSD — when I was living someplace else in some other part of my career?

Maybe not everybody in this room, but certainly there are a number of people in the Yukon who have lived different places and worked in different workplaces that all have a cumulative impact on who we are today. Is there any attribution factor?

Ms. Waters: Just for clarification, is the member specifically talking about the case of PTSD in terms of the cumulative effects?

Ms. Hanson: Yes — I'll use that. In some places there's a presumptive aspect to that, and I understand from the policies that it is here too — so yes.

Ms. Waters: I am not aware that we have had a situation such as that, so I'm not sure. I know in other kinds of worker injuries where a worker has worked somewhere else and here, there is an apportioning, but I'm not aware of an actual PTSD situation.

Mr. Pike: Madam Chair, I would just add a point — and Joy can correct me if I say something incorrectly here — but all the workers' compensation boards in Canada have what we call the IJA, Interjurisdictional Agreement. If a worker is diagnosed in the Yukon — in other words, they were working here at the time something happened — we would adjudicate them here. We would deal with them here. It is then up to us whether we could go to one of the other provinces and get that province to pay for part of it, but they are, in fact, a Yukon injured worker.

Ms. Hanson: This is my last question. I just want to confirm something. The onus is on the WCB and not the worker then, in that case, pursuant to this agreement — the

Interjurisdictional Agreement. The WCB would determine and negotiate with another jurisdiction if necessary.

Some Hon. Member: (Inaudible)

Ms. Hanson: Right; thanks.

Mr. Tredger: I welcome the officials too — a long afternoon. I have just a couple of questions around education. A number of years ago, the YTA and the Department of Education realized that there were a number of injuries occurring within our professional education — for teaching teachers — and they are making a considered effort to report injuries and incidents of violence, both on the playground and within the classrooms.

Do the witnesses know if the number of injuries reported in our schools has increased over the last three or four years?

Ms. Waters: I am not aware. If you look in the annual report, education gets clustered. The way we keep statistics, they get clustered in with other occupation groups. So if you're talking about injuries to workers versus just — you're not including children in that as well? No; just workers. The statistics we keep clusters education with social services, Yukon government services, so we don't have the discrete numbers for education.

Mr. Tredger: Yes, I was referring to teachers and educational assistants. There is concern that there was underreporting because of the thought that, because it was a school, it was a safe place, and if there was a violent incident, certainly the adult felt that they might be in charge, or responsible.

Another question around schools would be the air quality in our schools. There are a large number of individuals in our buildings and they are older buildings. Many of them have been sealed up or renovated to increase their efficiency, but that has led to air quality concerns in a number of schools.

Does the Workers' Compensation Health and Safety Board conduct regular inspections of the schools, and what process would the witness suggest that staff follow if they have concerns?

Ms. Waters: We would respond to a request — so if teachers had a concern about air quality, they could get in touch with us to have that checked — although I would imagine that you talk first to your principal, because the principal could access resources to have it checked into, but if there was a concern that it was having an impact on staff within the school, then certainly they can get in touch with us on that matter.

Mr. Tredger: I thank the witness for that answer.

A number of years ago, the Workers' Compensation Health and Safety Board had our shop facilities inspected throughout the territory. There were some issues that were raised. Are the guests aware of whether or not the issues were resolved or whether they continue to be outstanding?

Ms. Waters: As far as I understand, all the concerns have been resolved.

Mr. Tredger: Thanks again for that answer. I know there were concerns around the maintenance of the equipment, the ventilation and the storage of chemicals. Has the Workers' Compensation Health and Safety Board conducted any recent

inspections and is that report made available to school councils?

Ms. Waters: I would have to get back to the member with that information.

Mr. Tredger: I know I've talked to teachers and they've also raised concerns about the science lab, particularly around ventilation and maintenance of equipment around the shops and many of our kitchen areas, which are widely used. It's important for the safety of our students, as well as our staff, that the safety be maintained.

Those are all the questions I have. Thank you.

Chair: Would either of the witnesses care to respond to that?

Some Hon. Member: (Inaudible)

Hon. Mr. Nixon: On behalf of Committee of the Whole, I would like to thank our witnesses, Mark Pike, the chair of the Yukon Workers' Compensation Health and Safety Board, and, of course, Joy Waters, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, for appearing as witnesses today and answering questions from the members opposite. Thank you both.

Witnesses excused

Mr. Elias: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Mr. Elias 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. 20, entitled *Second Appropriation Act, 2015-16*, and directed me to report progress.

Also, pursuant to Committee of the Whole Motion No. 11, witnesses appeared before Committee of the Whole from 3:30 p.m. to 5:30 p.m. today to discuss matters related to the Yukon Workers' Compensation Health and Safety Board.

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.

Mr. Elias: 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 5:23 p.m.

The following sessional paper was tabled November 23, 2015:

33-1-179

Standing Committee on Appointments to Major Government Boards and Committees Nineteenth Report
(November 23, 2015) (Hassard)