



# Yukon Legislative Assembly

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34<sup>th</sup> Legislature

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## HANSARD

Tuesday, November 19, 2019 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

# YUKON LEGISLATIVE ASSEMBLY

## 2019 Fall Sitting

**SPEAKER — Hon. Nils Clarke, MLA, Riverdale North**  
**DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Don Hutton, MLA, Mayo-Tatchun**  
**DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Ted Adel, MLA, Copperbelt North**

### CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
<b>Hon. Sandy Silver</b>	Klondike	Premier Minister of the Executive Council Office; Finance
<b>Hon. Ranj Pillai</b>	Porter Creek South	Deputy Premier Minister of Energy, Mines and Resources; Economic Development; Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation
<b>Hon. Tracy-Anne McPhee</b>	Riverdale South	Government House Leader Minister of Education; Justice
<b>Hon. John Streicker</b>	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
<b>Hon. Pauline Frost</b>	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
<b>Hon. Richard Mostyn</b>	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
<b>Hon. Jeanie Dendys</b>	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

### GOVERNMENT PRIVATE MEMBERS

#### Yukon Liberal Party

<b>Ted Adel</b>	Copperbelt North
<b>Paolo Gallina</b>	Porter Creek Centre
<b>Don Hutton</b>	Mayo-Tatchun

### OFFICIAL OPPOSITION

#### Yukon Party

<b>Stacey Hassard</b>	Leader of the Official Opposition Pelly-Nisutlin	<b>Scott Kent</b>	Official Opposition House Leader Copperbelt South
<b>Brad Cathers</b>	Lake Laberge	<b>Patti McLeod</b>	Watson Lake
<b>Wade Istchenko</b>	Kluane	<b>Geraldine Van Bibber</b>	Porter Creek North

### THIRD PARTY

#### New Democratic Party

<b>Kate White</b>	Leader of the Third Party Third Party House Leader Takhini-Kopper King
<b>Liz Hanson</b>	Whitehorse Centre

### LEGISLATIVE STAFF

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Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
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**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Tuesday, November 19, 2019 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

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

Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Mr. Pillai:** Mr. Speaker, we have a couple of individuals who are here for our tributes this afternoon for Geoscience Week. I would like to welcome Anne Turner, who is the president of Yukon Women in Mining; also Wendy Tayler, owner of Alkan Air and also a board member for Yukon Women in Mining; and Jennifer Walters is also here with us today from Energy, Mines and Resources.

*Applause*

**Mr. Hassard:** I will ask all members to join me in welcoming a gentleman to the Assembly this afternoon — I imagine that he is here for the Community Safety Award tribute — Mr. John Gullison.

*Applause*

**Hon. Ms. McPhee:** I would like to introduce and welcome a number of guests who are here today for one of the tributes: Mr. John Gullison, who is a Corrections officer — he has already been introduced; Ms. Laura Scott, who is with the Department of Justice; Constable Francis Caron; Claire Desmarais, from the Mount Lorne Volunteer Fire Department; Corporal Cam Long and retired police service dog Crash; and we are expecting Constable Candice MacEachen as well. Thank you very much for being here.

*Applause*

**Hon. Ms. Frost:** I would ask my colleagues to please help me in welcoming members from the Yukon Housing Corporation. We have here: Sarah Murray, communications analyst; Jan Slipetz, community housing officer; Philip Oberg, project manager; and Juergen Korn, research and policy development project manager from Yukon Housing Corporation.

Welcome.

*Applause*

**Speaker:** Tributes.

## TRIBUTES

### In recognition of National Community Safety and Crime Prevention Month

**Hon. Ms. McPhee:** I rise today on behalf of the Yukon Liberal government to pay tribute to National Community Safety and Crime Prevention Month.

Many Yukoners and organizations are playing an important role in building safer, stronger communities, and today is a great opportunity to recognize their contributions. Last May, I had the privilege of presenting 13 Yukoners, two groups, and a four-legged hero with Yukon Community Safety Awards. The award recipients were recognized for their innovative community safety initiatives and efforts, including supporting victims of crime, providing excellence in emergency and first response, ongoing volunteerism, and commitments to community policing.

The 2019 individual award recipients were: Constable Francis Caron, who received the first responder award for his outstanding service in rescuing two individuals who were in the water in Miles Canyon near the footbridge.

Also recipients: Claire Desmarais, who received a volunteer award for volunteering with the Mount Lorne Volunteer Fire Department since its inception in 1996 — an incredible 23 years of service; Darlene Hutton, who received a volunteer award for her many volunteer efforts in the community of Mayo, including serving on the Mayo ambulance group as the supervisor since 2012; Constable Amy Handrahan, who received a Yukon Policing Award for her avid volunteer efforts in Watson Lake that range from baking for community events to working with the local elementary and high schools on initiatives to benefit youth; Charlotte Hrenchuk, who received the Services to Victims Award for her decades of advocacy and research focused on issues related to women and girls in the north and improving responses for victims of crime and vulnerable people; another recipient was Constable Candice MacEachen, who received the Mentor for Yukon Youth Award for her ongoing dedication and commitment to training and mentoring girls hockey teams of various ages; James Smarch, who received the Lifetime Contribution to Community Safety Award for his significant contributions to the development of the Teslin Fire Department as a member and chief; and last but not least, police service dog Crash, a loyal companion and deserving recipient who was supported by handler Corporal Cam Long, who has retired after a noteworthy career with the RCMP — that's Crash, not Corporal Long.

In addition to the individual awards, Mr. Speaker, the awards for outstanding projects or group contributions to community safety went to Ingrid Wilcox, Craig Cameron, and John Gullison for their exceptional work at Whitehorse Correctional Centre with the gardening program; and lastly, the Teslin RCMP detachment — Corporal Jeff Myke, Constable Jason Pradolini, and Constable Travis Draper for their outstanding involvement in the community, especially their work with children and youth.

Mr. Speaker, the recipients of these awards demonstrate the highest level of commitment to community safety and make

an extraordinary difference in the lives of Yukoners. All of this work is truly inspiring and deserves our admiration and thanks.

In closing and in recognition of National Community Safety and Crime Prevention Month, I wish to express my appreciation to our partner governments, the RCMP, organizations, and volunteers that play an important part in building safe communities. Keeping our communities safe is all of our responsibility.

*Applause*

**Ms. Van Bibber:** I rise on behalf of the Yukon Party Official Opposition to pay tribute to the recipients of the 2019 Community Safety Awards. These awards recognize individuals who have gone the extra mile to contribute to making our communities a safer place.

We are fortunate to have an incredible network of volunteers in the Yukon, each of whom holds a passion and dedication for what they do for others.

Each year since 2012, we recognize citizens for their innovative safety initiatives including: restorative justice, research and activism, youth outreach and support, excellence in emergency and first response, volunteerism, and community policing. Wow — I think we've covered everything in those categories. Reading the accolades and the backgrounds of these award recipients proves that we have many Yukoners who rightly deserve to be applauded.

The Exceptional Program Award to the Whitehorse Correctional Centre Gardening Program gives inmates an ability to learn skills and lessen stress and provides a safe healing space — and as an added bonus, provides fruit and veggies to the Whitehorse Food Bank.

I won't repeat each name, as it has been done by the minister; however, I recognize and thank the award winners for two Volunteer Awards, three Yukon Policing Awards, a First Responder Award, a Mentor for Yukon Youth Award, a Services to Victims Award, and we acknowledge their amazing contributions.

Our retired police service dog named Crash who is in our midst today was also awarded for a Yukon Policing Award. How wonderful that we don't forget our canine workers and friends. Thank you, Crash, for your career of search and rescue and other duties — oh, yeah — and his handler, Corporal Cam Long.

Lastly, we honour a Lifetime Contribution to Community Safety Award to James Smarch, chief of the Teslin Fire Department. This is for his continued work to ensure better training, support, and fire awareness in his community.

I would also like to note that November also happens to be crime prevention month. We have so many individuals and groups working in our communities every day by providing community safety and making Yukon the most wonderful place to live. Let's keep vigilant and help where we can.

Thank you and congratulations to all those we are saluting today for all the work you continue to do for our territory and for the knowledge you pass to others. Thank you.

*Applause*

**Ms. White:** I understand where Crash is coming from — I mean, politics — it's an interesting thing.

The Yukon NDP add our voice to the chorus of congratulations being offered to the 2019 Community Safety Award winners. Part of being a great volunteer and community member is loving what you're doing — finding something that you are passionate about or something that inspires you and then filling a need in your community. This year, as we heard, 13 Yukoners, one program and, of course, Crash, the newly retired police service dog, were recognized and honoured for their efforts to prevent crime and foster community safety.

Thank you to each and every one of you for the positive impact and the role that you play in your respective communities and fields. Whatever your reason for volunteering and giving back to your community, we know that you have helped to transform the world around you, so thank you.

*Applause*

**Speaker:** Are there any further tributes?

### **In recognition of 2019 Yukon Geoscience Forum awards**

**Hon. Mr. Pillai:** I rise on behalf of the Yukon Liberal government to pay tribute to the many award winners recognized at the 47<sup>th</sup> annual Geoscience Forum that is wrapping up today.

First, the Leckie Award celebrates excellence in environmental stewardship, outstanding social responsibility, and innovation in mining practice. These awards were created as a homage to the late Robert E. Leckie, a Mayo mining inspector who was dedicated to mine site reclamation. The Leckie Award for responsible and innovative exploration in mining practices went to two-time nominee John Alton. He is deserving of this award because his innovations have sustained the ecosystem in and around waterways associated with his mining operations, and his work has inspired sustainable mining practices in other miners. This work includes well-constructed and stable structures, continuous topsoil spreading, contouring, rock armouring, and bouldering groupings. He told us that, over the course of his 39-year career, he was self-motivated to reach the high standard of reclamation and innovation as he went beyond the required level of restoration. His motto was, "We would like to leave our site better than when we started." He is truly a worthy recipient of this award.

The Leckie Award for excellence in environmental stewardship in placer mining went to Moonlight mining. The Dago Hill claim block on Hunker Creek is located 19 kilometres south of Dawson City. They have done a commendable job reclaiming not only their own mined land, but also land in the area previously mined by others. Moonlight has stabilized hill walls, stockpiled vegetation mats, created ponds, and encouraged root growth on the bench claims' terrain. Owner Kyle Bruce has made every effort to cover his claims and previously unreclaimed areas with vegetation mats and in situ material. He also added freshwater ponds, which encourage wildlife and waterfowl, and contoured sloping to help return the landscape to a more natural state. I sincerely

appreciate Moonlight's dedication to responsible placer mining and progressive reclamation.

The Yukon Chamber of Mines awarded their community award to Na-Cho Nyäk Dun Development Corporation. They are recognized for their efforts on business development and continuing to grow their services and supply the mining sector in Yukon and the Yukon in general.

They have been instrumental in creating joint ventures and arrangements with many Yukon businesses, and many Yukon businesses have enabled them to be active in the mining industry in Yukon. Companies such as Underhill Geomatics Ltd. Have benefited greatly from working with Na-Cho Nyäk Dun Development Corporation.

Greg Finnegan, Andrijana Djokic, and Hector Campbell from Na-Cho Nyäk Dun Development Corporation were specifically applauded for their work.

Yukon Chamber of Mines awarded their member of the year award to Al Doherty. Al Doherty has been an active industry leader and advocate since the 1980s. He was valued for both his prospecting skills and mineral and industry knowledge. He has served as president of the Yukon Chamber of Mines and was a member of the board for many years and on the board of the Yukon Mine Training Association. He's a champion of industry interests on many different initiatives.

Yukon Chamber of Mines also partnered with the Yukon First Nation Chamber of Commerce to present the First Nation mining award to Tr'ondëk Hwëch'in. They are recognized for their excellent efforts and contribution of resources, working closely with Newmont Goldcorp's Coffee mine project team for over three years to develop a socially and environmentally responsible mining project.

Working closely with Tr'ondëk Hwëch'in, Newmont Goldcorp added additional monitoring stations and studies to their project plan. By providing opportunities to mining companies to partner on a variety of initiatives such as the Klondike River salmon sonar and restoration program, Tr'ondëk Hwëch'in is helping to advance responsible mining in Yukon.

The Yukon Prospectors Association presented their prospector of the year award to Carl Schulze. In 1990, Carl discovered the Sugar Gold Vein in northern Ontario, which entered production a short 28 years later and still produces to this day. The mine is expected to produce over a million ounces of gold. Carl arrived in Yukon in 1992 and has been very active as a volunteer in the community, including several stints as president of the Yukon Chamber of Mines.

In 1997, he discovered the Harlan and Cache Creek occurrence in the South MacMillan River, and in 2006, he discovered the Amadeus zone in Sonora Gulch. In 2012-2015, he discovered and co-discovered the Mars and Callisto zones in the Einerson Lake area — just 20 years of amazing work.

Finally, Julia Lane was recognized by the Yukon Women in Mining as their 2019 champion. Julia Lane's accomplishments during her brilliant career had a big impact on Yukon projects and people. She was an amazing advocate for Yukon Women in Mining. She stood out as a role model not through any specific intention, but by embodying what it means

to be professional, passionate, and dedicated. While Julia was known and respected in Canada and the global mining industry as a rising star, she will also be remembered for her kindness and enthusiasm. Yukon and Canada's mineral industry have suffered an enormous loss this year, and she will be greatly missed by many. Julia is the champion who we all hope to be.

Mr. Speaker, I ask the honourable members of this House to join me in acknowledging the substantial efforts by mining companies, operators, First Nations, and scientists who go beyond the typical call of duty to responsibly support, inspire, and sustain their sector's operations. They are role models and ambassadors for this industry.

*Applause*

**Ms. McLeod:** I rise on behalf of the Yukon Party Official Opposition to pay tribute to this year's Geoscience Forum and Tradeshow — which took place this year between November 16 and today — and to the Chamber of Mines and all those involved for once again pulling off an incredible event in celebration of Yukon's responsible and successful mining industry.

The Geoscience Forum and Tradeshow provides the opportunity for governments, miners, geologists, and anyone involved in the industry to connect, promote their contributions to mining, and take in a variety of presentations and updates from key players across the industry.

I would also like to mention that the family day was a great success once again and is quickly becoming one of the most highly anticipated events for kids in the community, especially for those collecting the gold that they find in their pan each year.

We would like to congratulate a few deserving individuals who received awards last night during the Chamber of Mines awards banquet for their work and dedication to the mining industry here in the Yukon.

Our congratulations to the recipients of the 2019 Robert E. Leckie Award, Kyle Bruce and Moonlight Mining, and John Alton. The Yukon Prospectors Association 2019 Prospector of the Year Award went to Carl Schulze — and our congratulations to Carl; this is well-deserved for all his work. Julia Lane was recognized for the 2019 Kate Carmack Women in Mining Award. Recognized for the Yukon Chamber of Mines Member Award was Al Doherty and, for the Community Award, the First Nation of Na-Cho Nyäk Dun. Recognized for the inaugural First Nations in Mining Award, presented by the Yukon Chamber of Mines and the First Nation Chamber of Commerce, was the Tr'ondëk Hwëch'in First Nation.

Thank you and congratulations to all award winners for your contributions. It is not easy to put together a convention of this magnitude, and our thanks go out to all those involved in its organization and to the sponsors as, without you, the Geoscience Forum would not be possible. We hope that everyone who had a chance to attend the 47<sup>th</sup> Geoscience Forum this year had a great time and went away with new connections and new ideas.

**Ms. White:** I rise on behalf of the Yukon NDP to tribute the hard work done by the folks who organized, prepared, executed, and attended the 47<sup>th</sup> Annual Geoscience Forum and Trade Show. The Yukon Geoscience Forum and Trade Show continues to be an opportunity to celebrate relationships and build partnerships while keeping up to date on trends and industry best practices. This conference continues to bring folks from across industry — from prospectors to dreamers, junior mining companies, to those companies who are actively mining and producing and all shades in between.

Mr. Speaker, people involved in all aspects of the mining community — from exploration geologists to expeditors, pilots to underground miners, camp cooks to mining engineers, equipment operators to environmental monitors — all come to the job because of their love of adventure and the challenge that working remotely offers. No matter what role is played, there is a love of the experience, because you can't work this hard without loving what you do.

It is not just a job; it is a lifestyle choice. The successes of others are always celebrated within the industry, and last night's awards ceremony was a chance for folks and organizations to be recognized by their peers for outstanding work and achievement in their field. We have heard a great deal about the winners, but we would also like to offer our congratulations to last night's winners: Al Doherty, the Na-Cho Nyäk Dun Development Corporation, the Tr'ondëk Hwëch'in First Nation, Carl Schulze, John Alton, Kyle Bruce with Moonlight Mining, and of course we are confident that Julia Lane's family, friends, and colleagues will treasure the industry recognition of Ms. Lane being awarded the Kate Carmack Women in Mining Award.

So, Mr. Speaker, we offer our congratulations and thank you to all of those who participated in this year's 47<sup>th</sup> Annual Geoscience Forum.

### In recognition of Radon Action Month

**Hon. Ms. Frost:** I rise today to pay tribute to Radon Action Month. During November, governments and organizations across Canada urge citizens to test their homes for radon gas and to take action to protect themselves if their homes test high.

This year, the Government of Yukon has partnered with the Yukon Lung Association and the Public Service Alliance of Canada, with support from Health Canada, to urge Yukoners to take action on radon. It is so important for Yukoners to test their homes for radon. It is estimated that a non-smoker exposed to high levels of radon over a lifetime has a one in 20 chance of developing lung cancer. This increases to one in three for a smoker exposed to high levels of radon over a lifetime.

Radon can be present anywhere in Yukon, and the only way to know if your home has radon in it is for it to be tested. Testing for radon in your home is simple. Test kits are a little bit smaller than a hockey puck and sit quietly in your home for at least three months, after which you send it to the lab for analysis.

Health Canada guidelines for radon in homes is that, if a home has 200 becquerels of radon per cubic metre or higher,

plan to remediate your home. The higher the concentration of radon, the sooner that you should undertake remedial measures.

The Yukon Lung Association is providing a \$10 subsidy on test kits sold at Home Hardware in Whitehorse to lower the price for Yukoners. The Yukon Housing Corporation, in partnership with the Yukon Lung Association, is offering a limited offer of test kits for free in Yukon Housing Corporation's offices for residents living in rural Yukon communities without ready access to Home Hardware.

If your home has radon levels over 200 becquerels per cubic metre, you can contact one of the radon mitigation specialists in Yukon to figure out the best course of action to lower the levels in your home. Radon mitigation can usually be completed for small, similar costs as other common home repairs.

It is important to restate that the only way to know if you have high levels of radon in your home is to test for it. As a government, we take this very seriously, particularly with the impacts that radon can have on one's health. We are continuing to support daycares and day homes to test for radon this winter.

Thank you to our partners who help promote radon awareness and radon action. I just want to give a shout-out and an acknowledgement to the incredible staff at Yukon Housing Corporation for doing such a great job in promoting awareness and for their mitigation efforts across the Yukon.

**Ms. Van Bibber:** I rise on behalf of the Yukon Party Official Opposition and the Third Party to recognize November as Radon Action Month.

Radon is an invisible radioactive gas. This gas comes from a natural breakdown of uranium in soil and rocks. Radon decays quickly and releases tiny radioactive particles. You cannot see it, smell it, or taste it. Radon typically seeps into basements through cracks in the foundation or drainpipes or other openings around the base of your home. Unfortunately, it is found in many homes, although often at levels that are not considered to be dangerous. But, depending on the area and home construction, there is a chance that homes are at a risk of elevated levels which, over time, can lead to lung cancer in many individuals.

Radon exposure is the number one cause of lung cancer in non-smokers and accounts for 16 percent of lung cancer deaths each year in Canada. With long-term exposure, the radon gas attacks the cells of the lung's lining.

Over the past 25 years, tests show that the concentration of radon in Yukon homes is among the highest in Canada. Most recently, tests have shown elevated levels of radon in subdivisions just south of Whitehorse. Whitehorse Copper, Pineridge, Wolf Creek, Spruce Hill, and Cowley Creek have all shown radon levels above the guidelines of Health Canada.

The best time to begin radon testing is in the colder months and when we are in a more enclosed environment. That is the reason why Canada says that November is a good month to recognize Radon Action Month. To encourage people to get a radon test kit and do their due diligence in their homes, the test kit gives very good instructions and is easy to use. Put the simple device in a low spot in your basement. After a three-

month period, mail it off in a self-addressed envelope. Then you wait for results. I know — I waited with bated breath just as if I was waiting for a medical result. Thankfully, our home came back clear.

I urge all Yukoners to ensure their home is or has been tested to ensure radon levels are within acceptable limits. As the cold is here and homeowners have plenty of time to complete the three-month testing, there is no excuse. A test kit can be picked up for those living in rural communities at the Yukon Housing Corporation offices. For Whitehorse residents, kits are available for purchase at Home Hardware. If there needs to be mitigation work done, it could include crack sealing and the installation of a fan system to prevent soil gases from entering the home.

So, Yukoners, look into the effects of radon, pick up a test kit for your home, and sleep peacefully knowing that radon is not in your home or knowing that you are able to address the issue for the good of your and your family's health.

**Speaker:** Tabling returns and documents.

### TABLING RETURNS AND DOCUMENTS

**Speaker:** The Chair has for tabling the Yukon Human Rights Commission 2017-18 annual report and financial statements for the year ended March 31, 2018, which is tabled pursuant to section 18 of the *Human Rights Act*.

Are there any further returns or documents for tabling?

**Hon. Mr. Silver:** I have for tabling a letter to the Hon. Caroline Cochrane, Premier of the Northwest Territories, and the Hon. Joe Savikataaq, the Premier of Nunavut, from me concerning CBC's recently announced decision to eliminate regional AM news broadcasts.

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

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

### NOTICES OF MOTIONS

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

THAT this House urges the premiers of all three northern territories to write a joint letter to the president and chief executive officer of the Canadian Broadcasting Corporation — CBC — and the federal minister requesting that CBC reconsider the decision to eliminate the English language morning news based in Iqaluit and Whitehorse in favour of a pan-northern newscast broadcast out of Yellowknife to ensure that:

(1) the programming provided by CBC reflects Canada and its regions to national and regional audiences while serving the special needs of those regions as stated in the 1991 *Broadcasting Act*; and

(2) consideration is given to the distinct cultural and regional differences that exist across the north between three separate and distinct territories that comprise 40 percent of Canada's land mass.

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

THAT this House urges the Government of Canada to restore funding to CBC, Canada's public broadcaster, in order to restore services in the north; and

THAT this House directs the Speaker of the Yukon Legislative Assembly to convey the decision of this House to the federal Minister of Canadian Heritage, the Speaker of the Legislative Assembly of the Northwest Territories, and the Speaker of the Legislative Assembly of Nunavut.

**Ms. Van Bibber:** I rise to give notice of the following motion:

THAT this House urges Yukon's Member of Parliament to write to the federal Minister of Canadian Heritage and the Canadian Broadcasting Corporation to ask that the decision to end Yukon-specific radio newscasts be reversed.

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

THAT this House urges the Canadian Broadcasting Corporation to recognize the importance of local radio programming in the north, including newscasts, by:

(1) cancelling its plan to centralize all morning newscasts for the Yukon, NWT, and Nunavut out of Yellowknife;

(2) ensuring that its news reporting across the north has sufficient resources to cover locally relevant news in each territory; and

(3) in future, prioritizing local news coverage in the 39 percent of Canada's land area which the Yukon, NWT, and Nunavut together account for ahead of urban-centric programming.

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

Is there a statement by a minister?

This then brings us to Question Period.

### QUESTION PERIOD

#### Question re: Aviation investment strategy

**Mr. Hassard:** So, the Liberal government is currently developing a plan to guide future investment in the aviation system, called "Yukon's Flight Path: Aviation Investment Strategy". As part of this, the government has contracted Stantec to consult with industry on their priorities going forward. One of the sections of the consultation document is entitled "Revenue Generation". In it, they ask those being consulted if they support the Government of Yukon bringing in an airport improvement fee — otherwise known as an "airport tax".

So, despite the fact that the Liberals have claimed that they have no desire to bring in an airport tax, here we have the government's own contractor out consulting on the Liberals'

airport strategy specifically asking people if they would support an airport tax.

Can the minister explain why the Liberal government is consulting on whether or not to bring in an airport tax?

**Hon. Mr. Mostyn:** I am really happy to be talking about the Flight Path project this afternoon, because after 25 years with no aviation act, we brought that in, and now we are looking at trying to set the direction for aviation in the territory for the next decade or so. Our government has made significant investments over the past few years, including upgrades to equipment and facilities, and a comprehensive multi-year investment plan will make sure that we are meeting the Yukon's current and future aviation system needs.

Engagements to gather input on how we should prioritize future investments began the week of November 12, starting with targeted engagement with aviation stakeholders. We will broaden the engagement to include communities, governments, and other airport users. A 90-day public survey will be launched on November 20 on [engageyukon.ca](http://engageyukon.ca). Stakeholder feedback will help inform a strategy that combines safety, efficiency, stakeholder needs, and operational requirements for Yukon aviation.

I have said publicly, Mr. Speaker, that we are not going to bring any aviation fees in, and I stand by that. But we are going to talk to industry and see exactly what they feel the landscape looks like, as far as aviation, for the total spectrum of the aviation community.

**Mr. Hassard:** It is interesting, because right there on page 10 of the Liberal government's own consultation document on the future of aviation in the territory — I will quote directly from this document — for the future of our airports — from question 12: "Yukon government should collect Airport Improvement Fees". It then gives you the options from "strongly agree" all the way to "disagree". As we know, airport improvement fees are just another way of saying "airport tax". You don't ask a question in a consultation unless it is something that you are considering doing. If the government is truly ruling out an airport tax, then will the minister ask the government contractor to remove this question from the consultation document?

**Hon. Mr. Mostyn:** I have to disagree with the Leader of the Official Opposition on this point and his intonation in that question. It was: "Should the government impose fees?" not "Should the government..." — so he put the stress on the wrong syllable.

We are asking the aviation industry what we should do, if we should — and we are going to gather that information and consider it. The investment strategy that we are developing will focus on Yukon's aviation industry for the period of 2020 to 2030, and there are no plans to increase aviation user fees at this time. However, it is important to examine our fee structure to determine its role in the development of the aviation system.

Our government has made significant investments in aviation over the past few years, including upgrades to equipment and facilities. We have spent almost \$40 million on aviation this year. That investment is bearing dividends. We are seeing Air North flying more. Mayo has just been certified.

Those investments pay real dividends, and I am proud of the work that Highways and Public Works has done on behalf of our aviation system.

**Mr. Hassard:** Either you want an airport tax or you don't, and if you don't, then you shouldn't be wasting money and time in consulting on whether or not to bring one in.

Will the minister agree to tell their contractor to remove this question from their consultation on an airport tax? If they won't, we can only assume that the Liberals are planning on bringing this in.

**Hon. Mr. Mostyn:** This is the pattern that we are seeing from the Official Opposition. They are making an awful lot of assumptions. We know what assumptions do, Mr. Speaker. Our government has made significant investments in aviation over the past few years, including upgrades to equipment and facilities. We are going to continue to make those investments, because we are seeing real-world benefits to this. We are seeing Air North flying to more places. We are seeing more investment. We are seeing Air Canada investing, and we are seeing Air North investing. We are seeing our airports certified in Mayo. We are currently seeking a certification in Dawson, and word will be coming back on that fairly soon, I hope, Mr. Speaker.

There is all sorts of work in progress to improve the way that our communities throughout the territory are connected to Whitehorse and to the rest of the world. That is coming through the diligence that the Department of Highways and Public Works is putting into this file. It is coming through the passage of our new airport legislation. All of these pieces, Mr. Speaker, are bearing fruit for the territory. I am very happy with the work that we are doing on the aviation file.

#### **Question re: Government of Yukon website**

**Mr. Kent:** I have some questions for the Premier today on one of his favourite vanity projects: the new [yukon.ca](http://yukon.ca) website and his nationally ridiculed new logo.

In the February 2018 news release, the Premier claimed that they would spend \$250,000 for the planning, design, development, and assessments of the [yukon.ca](http://yukon.ca) website. In an internal memo from the Information Resources Management Committee — the IRMC — the employees have requested an additional \$288,000 for content migration and web development. That is more than double the original budget. Obviously, concerns that this project has gone way overbudget and is quickly turning into a boondoggle are reflected in this memo.

Can the Premier tell us how much has been spent to date on his new website?

**Hon. Mr. Silver:** It is interesting to listen to the member opposite accuse the department of boondoggling.

Anyway, since launching this site in February 2018, there have been over 650,000 visits to [yukon.ca](http://yukon.ca) and over two million page views. We have gathered nearly 3,000 feedback forms since the launch, and we can continue to adjust content in response. Our goal is obviously to shut down all parts of the old website, and we are on track to do that by the end of 2020.



In 2018-19, if the members opposite care to listen, we spent \$200,000 on continuing the development and improvement of yukon.ca. This builds on the quarter of a million dollars that we spent in the 2017-18 fiscal year on planning, on design, on development, and on assessment of the website. So far in the 2019-20 fiscal year, we have committed \$100,000 to continuing to develop yukon.ca.

**Mr. Kent:** Just to be clear, this is the Premier's boondoggle. It has nothing to do with the officials. This was his decision and the decision of the Liberal government to proceed with a new website.

That same news release in 2018 bragged that, at \$75,000 for ongoing annual maintenance, this was approximately half the cost of the current platform. Can the Premier tell us how much is being spent on ongoing annual maintenance and support for the new website, and how much is currently being spent on maintaining the old website?

**Hon. Mr. Silver:** Again, once we have completed the transition from the old to the new website, that ongoing maintenance will cost \$75,000 a year — half of what the old website cost to maintain, so that's a cost-savings there.

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

**Hon. Mr. Silver:** If members opposite care to listen to the response as opposed to talking off-mic as we answer the questions — again, this doesn't include staff time, and that is, of course, being rolled into the overall budget of the department.

On that as well, the member talked about visual identity. The visual identity is based on the Larger than Life logo, which external research and internal review showed that there was attachment to. That total cost process — just to be open and accountable as well — for development of the visual identity was just under \$124,000. Again, Mr. Speaker, that old logo was very old — 35 years old — and we had no other tools or templates to create a unified, professional look, and so that is, of course, what we did.

Again, I'm happy with the new changes of the visual identity and also of the website, yukon.ca. Any opportunity for us to promote the new website is a great opportunity.

**Mr. Kent:** It's starting to sound like the Liberals have blown through the original budget, they need up to another \$288,000 to continue the work, and there's no end in sight.

Meanwhile, people asking for improvements to medical travel are told, "Too bad, so sad" — interesting priorities by the Liberals — but this flawed website has left taxpayers holding the bag.

What have been the total costs to government through all government departments for content migration, development, and set-up for the new website? When will that work be complete?

**Hon. Mr. Silver:** I believe that I just outlined our costs to date.

Mr. Speaker, yukon.ca improves access to our government information and the means by which we can continue expanding the online services that we provide for Yukoners.

The new website has been designed to meet today's standards for privacy, security, accessibility, and also compatibility on other mobile devices as well.

When it comes to our visual identity, our visual identity is about improving the delivery of services and communication more effectively with the public. Again, this visual identity is about more than just a logo, Mr. Speaker. It gives us the tools and the templates for us to save significant time and money across government.

#### **Question re: Grizzly bear conservation plan**

**Ms. White:** This fall, the Yukon government released a conservation plan for grizzly bears in Yukon. While the plan sets out a number of action areas for managing Yukon's grizzly bear populations, it highlights the continued challenge of protecting and managing a species without reliable data. According to the plan, current grizzly bear management practices are based on numbers derived from a model developed in the 1980s and 1990s that gave an understanding of how many grizzly bears could be supported in various regions of Yukon. The conservation plan highlights the need for more accurate grizzly bear data and concedes that current numbers may be outdated.

Mr. Speaker, I was only a pre-teen when we did our last grizzly bear population model, and this government prides itself on evidence-based decision-making, and the evidence used is coming up on 30 years old. There is a good chance that our models are outdated.

What is the minister's plan for getting a more accurate picture of the overall number of grizzly bears in Yukon, their density, and geographic distribution?

**Hon. Ms. Frost:** With respect to the grizzly bear conservation plan and the implementation of that plan, I just wanted to note that, just this past weekend actually, the renewable resources councils were meeting in Dawson City. Part of the plan was to talk about conservation management on many fronts — moose management, caribou management, grizzly management — and a little bit around trapping concessions.

The important information that we acquire when we look at co-management that derives specifically from the elements of the self-government agreement — it is imperative that we have accurate numbers — absolutely. What the member is suggesting is that we acquire current numbers. Consistently, they ask for scientific data and analysis.

Well, Mr. Speaker, I can say that the plan provides a road map on how we can ensure grizzly bear populations remain healthy and viable throughout their natural range. So, we have a multitude of responsibilities, and we take that very seriously. We will continue to manage the 6,000 to 7,000 grizzly bears in the Yukon that we have identified as the current numbers.

**Ms. White:** The plan also highlights that we need current and accurate data, which we don't currently have. It is promising that the Yukon government is taking action to protect grizzly bear populations. There are a number of good recommendations contained in the plan, including measures to increase public respect and awareness, reduce habitat impact

and loss, foster safe bear viewing, and improve knowledge and data collection. What the plan seems to lack are timelines that set out specific targets for implementation and a breakdown of how the plan will be funded.

We know that, in 2006, the Department of Environment budgeted zero dollars for data collection on bears and that this data collection, at the time, was of a critical nature. At the time, it was estimated that the cost to meet the demand for accurate data collection on bears would cost \$230,000, and that was over 13 years ago.

Mr. Speaker, how much money has the government set aside for the implementation of the grizzly bear conservation plan, and when can Yukoners expect to see firm timelines put in place?

**Hon. Ms. Frost:** To recap, when we speak about management and conservation measures and when we look at grizzly bears specifically — the grizzly bear management plan was triggered and of course the consultation and engagement happened through the Fish and Wildlife Management Board and the cross-Yukon engagement took effect following protocols. It is very important that we look at all of our networks, and that means the stakeholder groups that are directly affected by grizzly bear management — the self-governing First Nations, which include the RRCs, the Fish and Wildlife Management Board, and the Inuvialuit. It is imperative that we look at various wildlife organizations and of course look at the agencies that we have to work with — recognizing that of course we need accurate data if we see a crisis at hand.

As I understand it, the grizzly bear management plan and the guidelines that affect the grizzly bear management plan — of course, the data acquired or received indicates that the grizzly bear population is healthy at 6,000 to 7,000 grizzly bears. That is across the Yukon — 6,000 to 7,000.

**Ms. White:** The plan also says that is a guess — it is a guess that we have that many bears. What I was looking for was numbers, money, and timelines, Mr. Speaker. One of the biggest holes in Yukon's wildlife management framework is a lack of a Yukon species at risk act. The grizzly bear conservation plan notes that the federal *Species at Risk Act* classifies grizzly bears as a species of special concern. While the federal legislation does provide some coverage for species at risk in Yukon, the federal government is responsible for only eight percent of Yukon's land mass. We don't know how grizzly bears would be classified under Yukon-specific species at risk act because we don't have one.

Last spring, the Minister of Environment announced that the Department of Environment is currently working to develop a Yukon species at risk act to satisfy the commitment that it made in 1996 when it signed the *Accord for the Protection of Species at Risk*. It was mentioned again in this government's most recent throne speech.

It has been a quarter of a century since the Yukon committed to developing our own species at risk legislation and Yukoners are wondering when it's coming.

Mr. Speaker, when can Yukoners expect this government to finally table species at risk legislation?

**Hon. Ms. Frost:** I would like to thank the member opposite for the question.

A couple of things — one, we started from grizzly bear management. We certainly want to look at the effects of the conservation plan as we implement and take into consideration accurate data. Now, knowing that we collect data by doing our surveys, we also have to keep in mind that it's imperative that we take into consideration local traditional knowledge and working with our trappers and hunters so that we know specific areas of concern.

When we look at the *Species at Risk Act*, we have the status of the endangered wildlife in Canada as regulated by Canada. We know that we have a priority and I said we would continue to work toward our own policies, specifically to address species at risk and we will continue to do that in good faith.

We will track all species of significant concern and integrate that into existing measures. We did that very successfully in the Peel plan with the boreal caribou. We defined a species that is of concern and we worked with our partners to integrate — and we will continue to do that should these issues come to our attention. I'm happy to say that the department is doing a really great job in terms of recovery strategies for barren ground caribou.

#### Question re: Radon testing

**Ms. Van Bibber:** In a July 29, 2019, letter from the Deputy Minister of Health and Social Services to the Public Accounts committee, he states that all Health and Social Services 24-hour facilities, health centres, staff housing, and some office spaces have been tested for radon. He goes on to state that the remainder of the office spaces will be tested this winter; however, he fails to mention which and how many Health and Social Services office spaces are being tested for radon this winter.

Can the minister tell us how many Health and Social Services office spaces are being tested for radon this winter? Which ones?

**Hon. Ms. Frost:** We have a number of units that we're responsible for through Health and Social Services, and that includes our daycare centres and our family homes.

With all of the units that are owned by the Government of Yukon, we work with Yukon Housing Corporation and we work with Highways and Public Works to address and test for radon levels in all of our homes.

With respect to the specific numbers, I don't have that in front of me, but I will endeavour to get that back.

**Ms. Van Bibber:** In the same letter from the deputy minister, he says that most of the Health and Social Services sites identified have radon levels above the Health Canada upper limit and that they have been remediated. The key word there is "most", so there are still some left to be remediated. The deputy minister goes on to state in a letter that remaining sites will be remediated within two years. Can the minister tell us which Health and Social Services facilities with elevated radon levels are still awaiting remediation and which facilities those are?

**Hon. Ms. Frost:** As indicated, I'm not able to get the specific locations, but what I can say is that — I noted in my opening tribute that it was to look at the radon in our various facilities. We look at the health and safety, of course, of our children who are in licensed daycare centres, but we also look at our program areas, recognizing that we have a number of units, perhaps, where that level might be a bit high. We want to ensure that we mitigate those, and that means working with our partners, so we are addressing that.

As I indicated, I do not have the specific numbers in front of me, but I will endeavour to get that. I'm not sure — if the member opposite can give more information on specific sites, I might be able to respond. At the moment, I do not have that technical information in front of me, but I will endeavour to get it back.

**Ms. Van Bibber:** Can the minister at least tell us if any of the Health and Social Services facilities with elevated radon levels are in a location that Yukoners live in, such as a long-term care facility?

**Hon. Ms. Frost:** Naturally, all of us in this Legislative Assembly would be concerned if we see elevated — as I indicated in the earlier presentation. If we see elevated levels of radon within units that we are responsible for, we will endeavour to take immediate measures to remediate the challenges that are before us. We have done that on a lot of units already through our home repair programs and through our support programs.

We are working with our partners at Highways and Public Works — through all of the buildings that they own — so we will continue to do that good work.

I want to assure the members opposite that, given that November is Radon Awareness Month, there are heightened anxieties across Yukon, and we will endeavour to do the education campaign, but we will also ensure that we look at remediating all of the facilities that have higher than 200 becquerels per cubic metre. We know that, with between 200 and 600 becquerels per cubic metre, we have two years in which to mitigate. We will try to work within that timeline and, of course, act as quickly as we can.

I said that I would endeavour to get the information, and I will do that.

#### **Question re: Pharmacist regulations**

**Ms. McLeod:** In August of this year, the new pharmacist regulations came into effect. The regulations broaden the scope of work allowed by pharmacists to include extending, altering, and substituting prescriptions in some cases and administering things such as the flu shot.

There is one problem, though. While the regulations are in effect, there is no mechanism in place to implement the expanded scope of practice allowed by the regulations. Yukoners are having trouble finding family doctors, and there is a shortage of nurses in Yukon.

This puts added stress on doctors and the emergency room. Pharmacists are in a position to alleviate some of this pressure by extending existing prescriptions and saving health care costs by reducing unnecessary visits to the ER or clinics.

Can the minister tell us what the government is doing to ensure mechanisms are in place to allow pharmacists to bill the government for their expanded scope of practice?

**Hon. Mr. Streicker:** I thank the member opposite for this question about pharmacists. Indeed, the initiative around pharmacists and pharmacies has been desired and ongoing for some time. We did bring in new regulations for pharmacists under the *Health Professions Act*. This has expanded their scope of practice for pharmacists to better serve all Yukoners. Pharmacists can now adapt prescriptions, extend prescriptions, access and use lab results related to prescriptions, and administer injections. Rural permit holders in communities can continue to practice under the regime with a balance that ensures convenience and stronger protections for patients.

I think that the work that pharmacists are doing around the territory is great. They came to us. They said they could do more. We worked with them to expand their scope.

I am sure that the Minister of Health and Social Services will talk about the technical billing details, but just to note for all Yukoners, pharmacists are now able to do more, and we are really happy about that initiative.

**Ms. McLeod:** Regarding the new pharmacist regulations, there will be negative impacts on rural Yukon. The new regulations put new restrictions on rural permit holders. This means that someone from Watson Lake who gets a prescription in Whitehorse will only be allowed to fill this prescription in Whitehorse. They will not be allowed to wait until they get back to Watson Lake to fill that prescription and get it from their local pharmacist. This will hurt rural Yukoners and reduce their access to health care.

The Minister of Community Services knew of these concerns, as they were raised directly with him by rural permit holders. He seems to have ignored them entirely. Can the minister explain why they designed the regulations this way?

**Hon. Mr. Streicker:** Mr. Speaker, I will just repeat the last part of my last response. As I stated in my last response, rural permit holders in communities can continue to practice under the regime with a balance that ensures convenience and stronger protections for patients. We are certainly not ignoring rural permit holders. In fact, I will thank our rural permit holder from Watson Lake who just stepped forward to be on our pharmacy advisory committee.

The deputy minister and I did sit down in Watson Lake, and we had this conversation with them about their concerns. We are looking to resolve all of their concerns. We are developing guidelines around reasonability of markup, recognizing the cost to operate in rural communities, and we are looking at draft policies to confirm how the rural permit holders may co-sign the prescription, acknowledging knowledge of the drug in order to dispense, et cetera.

Mr. Speaker, we are working closely to try to find solutions for our rural permit holders while also balancing the need to ensure protection for all patients across the Yukon.

**Ms. McLeod:** I am going to ask a question of the Minister of Health and Social Services, since the Minister of Community Services kind of punted this away.

Can the Minister of Health and Social Services tell us today what the government is doing to ensure that mechanisms are in place to allow pharmacists to bill the government for their expanded scope of practice?

**Hon. Ms. Frost:** What I can confirm is that we are working with the Yukon Medical Association. Of course, we are working through the technical details for payment with the pharmacists, and we have these proposed changes for the new year. I am working very closely — when we look at legislative changes, we work with Community Services, of course, on legislative adjustments, and it is imperative that, as we go ahead, we meet with the Pharmacists Association, and we are doing that. We are working to implement the regulations — working in good faith.

Just yesterday, I met with the territorial and provincial ministers responsible for pharmaceuticals across Canada to speak about the federal legislation, but also looking at discussions around collaborative approaches to reduce costs for pharmaceuticals and trying to better understand how we collectively will work together to fill some of the gaps and improve our drug management system in the Yukon and across the country.

We are looking forward to further discussions. We have another meeting coming up in January, but in the meanwhile, we will continue to work here in the Yukon with our Pharmacists Association.

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

**Ms. White:** Pursuant to Standing Order 14.3, and notwithstanding Standing Order 27(1), I request the unanimous consent of the House to identify, under Standing Order 14.2(3), Motion No. 116 regarding reductions to the CBC North service, notice of which the Member for Whitehorse Centre gave earlier today without one clear day's notice.

#### Unanimous consent re identifying Motion No. 116

**Speaker:** The Leader of the Third Party has, pursuant to Standing Order 14.3, and notwithstanding Standing Order 27(1), requested the unanimous consent of the House to identify, under Standing Order 14.2(3), Motion No. 116 regarding reductions to the CBC North service, notice of which the Member for Whitehorse Centre gave earlier today without one clear day's notice.

Is there unanimous consent?

**All Hon. Members:** Agreed.

**Speaker:** Unanimous consent has been granted.

#### Notice of opposition private members' business

**Ms. White:** Pursuant to Standing Order 14.2(3), I would like to identify the item standing in the name of the Third Party to be called on Wednesday, November 20, 2019. It is Motion No. 116, standing in the name of the Member for Whitehorse Centre.

**Mr. Kent:** Pursuant to Standing Order 14.2(3), I would like to identify the item standing in the name of the Official Opposition to be called on Wednesday, November 20, 2019. It

is Motion No. 113, standing in the name of the Member for Kluane.

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

## ORDERS OF THE DAY

### GOVERNMENT BILLS

#### Bill No. 4: *Act to Amend the Elections Act* — Third Reading

**Clerk:** Third reading, Bill No. 4, standing in the name of the Hon. Mr. Silver.

**Hon. Mr. Silver:** I move that Bill No. 4, entitled *Act to Amend the Elections Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the Hon. Premier that Bill No. 4, entitled *Act to Amend the Elections Act*, be now read a third time and do pass.

**Hon. Mr. Silver:** I do sincerely appreciate the comments and contributions from the members on both sides of the House in support of these amendments. I also want to once again send thanks to Maxwell Harvey for his attendance in the Assembly to answer questions and to provide support during Committee of the Whole for discussion on these amendments — and to Lawrence Purdy as well, a legislative drafter. It was helpful and appreciated by me and I know it was appreciated — their time — by all Members of the Legislative Assembly.

Yesterday, as we know, the amendments were read and agreed to by Committee of the Whole without amendment, so I will keep my comments here brief. There was some good discussion. We debated bills for the benefit of Yukoners, so I thank the members for focusing on the objective of these changes — to improve the registration and voting process for Yukoners and to ensure the integrity of the electoral process. As I have said, taken together, this important package of amendments is to modernize our processes and to bring the permanent register to life.

These changes are based on providing convenience and access to the vote, including to open up the use of special ballots for all Yukoners and to ensure that there are convenient options for Yukon voters in rural remote areas. Of the utmost importance, all of these changes are based on ensuring the integrity of our voting system.

We know that any changes to the elections process are of great interest to Yukoners. Elections Yukon will be undertaking communications and public education to provide information on what's new and where people can find all the information that they need.

Again, Mr. Deputy Speaker, I want to thank Chief Electoral Officer Maxwell Harvey and the office of Elections Yukon for their work in developing and bringing forward these amendments, and I want to thank all members for the discussion.

**Mr. Cathers:** In rising as the Official Opposition critic for democratic institutions, I would just note that our objection

to this legislation is based on several grounds. One is that the Premier has chosen to abandon the tradition of attempting to reach all-party agreement on changes to election legislation [in doing so](#). As I have reminded the House on previous occasions, both in 2008 and the last time, in 2015, when the legislation was changed, legislation that I tabled at the time as Minister of Justice had not only received unanimous agreement at Members' Services Board, but we had shared the text of that legislation with the Liberal Party and the NDP. The leaders of both parties were quoted in the press release, along with the Premier, as supporting the legislation and the House unanimously passed the legislation.

Again, our objection to this legislation is primarily based on the fact that it reduces the window for when people are allowed to cast a ballot and that there has been zero consultation on that proposed change. As I noted previously in the Assembly, if the public were to support the changes contained in the bill through public consultation, we as the Official Opposition would not have a problem with the concept of it. But we do fundamentally believe that the public has a right to be consulted before changes are made that reduce the opportunities to vote and that last time, according to the information from Elections Canada in this particular case, 206 people voted during the early voting period that is being eliminated by this bill.

I note as well that, while we respect the views of the current Chief Electoral Officer and recognize that there is a philosophical difference between the current occupant of the office and the previous Chief Electoral Officer who proposed the pre-writ special ballots currently contained in the law, we believe fundamentally that democracy belongs to all Yukoners. It does not just belong to politicians, bureaucrats, or any Officer.

Fundamentally, as I have noted, if these changes were to be supported by the public through public consultation, we would not have an objection to them taking place, but for a Liberal Party which ironically ran on a campaign slogan — the fact that they adamantly refused to support our request to take these changes out for public consultation first before changing the law is very disappointing. It is certainly not what Yukoners expected when they elected this Liberal government because they unfortunately believed that the government would come through on their election slogan of “Be Heard”.

Again, we've suggested on several occasions that this specific change that would reduce the window of when people are able to cast a special ballot should go out for public consultation first. There is absolutely no reason that this couldn't have occurred and the changes come back at a later date.

Despite the rhetoric of the Liberal Premier on this, it is clear in their decision and in the way that they are voting and proceeding on this legislation that the Liberal Party does not believe that Yukoners should have an opportunity to express their views on this change before the House passes it into law.

The Premier can try to say that it's not reducing voting opportunities, but the legislation is quite clear. The provisions that were in effect for the last election, which allowed people

to cast special ballots at that time — three months before the writ was dropped — are being removed in this legislation and being removed with zero public consultation.

Again, I would just note that the votes of those 206 people who made use of that early voting in 2016 could have materially affected the outcome of the last election, if they were not able to cast a ballot. Despite what members may claim, there is no member of this Legislative Assembly who knows how many of those 206 people would have been able to cast a ballot by other means and how many may have been disenfranchised.

It's important to note as well in the margins of victory that, looking at members of the Premier's government and in fact of the Cabinet, we see members who hold their seats by having won by a margin of 14 votes and, in another case, seven votes.

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

**Mr. Cathers:** Again, Mr. Speaker, I appreciate the off-mic comments from members, but we fundamentally believe that the public has a right to be consulted on this type of change before it is made. We will adamantly stand against the proposal to eliminate this early voting opportunity without asking the public first.

It is consistent as well with the Liberal Party — despite running on promises of openness and transparency and under an election slogan of “Be Heard” — that their approach on electoral reform has been “one party decides all”. Their approach in the *Elections Act* has been that, as long as they support changes, they don't believe the public has a right to weigh in at all.

Mr. Speaker, the Yukon Party strongly disagrees. We believe that the Yukon's democracy and this Yukon *Elections Act* belong to the citizens of the Yukon.

**Ms. Hanson:** For a moment there, I thought the tape was on “repeat” and “rewind”.

In speaking to this at third reading, we are happy to see this finally brought to the vote. I would like to give credit to the Chief Electoral Officer's staff and the legal drafting team who worked with him. We do know that the Chief Electoral Officer has been working with perseverance for almost a year to get our attention, as Members of the Legislative Assembly, on the beginning of a suite of changes that need to be made to the *Elections Act* to keep it current and to make it effective.

We are pleased to see the focus on the establishment of a permanent register of voters and to see the broadening of the scope of the application of special ballots. This is a really important thing to take away — the notion that you have to meet some sort of criteria around whether or not you are deserving or worthy or in a particular place in order to be eligible to cast your vote by special ballot. We look forward to seeing the results of that in anticipation that we will see the same kind of expansion of the number of people using special ballots as we have seen in the federal election in Yukon and with the permanent register of voters to seeing a much broader representation of those citizens who are truly eligible to vote than we have to date, which will then make it incumbent upon us all to ensure that we get the people out to cast that vote,

because we are resting on our laurels assuming that we have a really high turnout. I think that we have been given a heads-up from the Chief Electoral Officer that, in fact, it may not be as high as we would like to believe.

Our view is that we would like to see the Chief Electoral Officer and his staff given the green light to get this work underway and to be able to come back to us, as he promised, by June 1 or so with the next tranche of amendments to the act.

**Speaker:** Is there any further debate on third reading of Bill No. 4?

If the member now speaks, he will close debate.

Does any other member wish to be heard?

**Hon. Mr. Silver:** I like those words — “be heard”.

I do want to thank the members opposite for their comments. I really want to thank the Member for Whitehorse Centre. When we had the Chief Electoral Officer in as a witness — more opportunity to be open and transparent on this process and to really straighten the record as to how we are allowing for many more people to have access to the voting process as opposed to what the Member for Lake Laberge would have you think. At that time, what we saw was a party that was researched in their questions and not only on specific changes and amendments to this act, but also on suggestions moving forward into the next round through that process. It is commendable that the members opposite in the Third Party came ready to debate and to engage.

But what we heard from the Yukon Party is really disappointing. If everything is always so bad — it’s one of those things where it’s hard to believe the narrative that everything is always so bad. We just saw the member opposite — the Member for Lake Laberge — literally reading from Hansard back to the Legislative Assembly the repeated rhetoric that we heard the day before about this process causing the member opposite such chagrin that he just cannot believe that we would go forth without consultation on these amendments, which is really an interesting narrative, Mr. Speaker, because if you think about it, the recommendations that came from 2015 are exactly where we started this conversation.

So, when the Yukon Party was in government in 2015 — these recommendations are based on that process. I don’t recall consultation with the public on that round of recommendations and initiatives from Members’ Services Board. The reason why I don’t remember it is because it didn’t happen, but if you listen to the Member for Lake Laberge now, he is just beside himself that we would not —

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

### Point of order

**Speaker:** The Member for Lake Laberge, on a point of order.

**Mr. Cathers:** Not only does the Premier seem to be in contravention of Standing Order 19(i), he has gone down quite a way into insulting language, but he seems to have missed the point: that there is a big difference when you’re expanding voting opportunities or contracting them.

**Speaker:** If I could just have clarification from the Member for Lake Laberge, you’re saying that there is insulting language?

**Mr. Cathers:** Yes.

**Speaker:** The Hon. Premier, on the point of order.

**Hon. Mr. Silver:** I’m at a loss to know which language he’s talking about.

### Speaker’s statement

**Speaker:** I will review Hansard. Obviously, any exchanges in the House between members should not be in relation to any personal attributes or personal characteristics that have nothing to do with positions taken on legislation, bills, or debate. Of course, we all know that, but I will review Hansard to see whether the Premier strayed and was outside of the subject matter of the debate at third reading.

**Hon. Mr. Silver:** Again, I’m not intending to make any personal attacks, but basically I will continue the narrative here, if I’m allowed that leverage.

We are being asked very adamantly to do something that, when the Yukon Party was in power, they never did; they did not do it. I just think it is very interesting that the member opposite — and he has stated it many times, over and over again. We contemplated getting up on a point of order — that the member opposite repeated unnecessarily, over and over, the same narrative, but I think it’s interesting for this to be put in Hansard. I think it’s a good record to see the modus operandi of the member opposite. It is also good for the record to show that they are asking us to do something that they did not do, which is a consultation after the recommendations from a Chief Electoral Officer come in.

What is also interesting to note — and to clear the record — is that there will be an engagement coming up now that the bill has hopefully passed third reading. That will be a great opportunity for people to see all the changes and to see that the Member for Lake Laberge is incorrect — there are now more chances to vote than before, not less, by adding thousands of people to a permanent register, identifying voters who may not have ever been identified before, and reducing the ability for double voting which happened under the previous system — or could have happened under the previous system.

I am interested in why the member opposite is so against having thousands of people added to the list with special ballots being open to any Yukoner, yet they would rather we just keep an old system where, a year before an election, you can vote for a party when an election has not even been considered yet or candidates have not even been determined. Again, I stand by the recommendations and the process through the Members’ Services Board and the recommendations there. We believe that these are about integrity. We believe that these are about increasing the chances for Yukoners to vote.

It is also interesting that I have only heard from the Member for Lake Laberge. I haven’t heard from the Yukon Party as writ large as to what they think about the narrative that is being portrayed here by the one member. It would be interesting to see if they believe that this opens up — because what we’re hearing from the Yukon Party is that somehow

these recommendations are curtailing Yukoners' chances to vote. I think that this is very dangerous language and this is a very dangerous narrative.

I also think it's very interesting because there was in the past — once that the member opposite can remember — a time when there was all-party consensus in Members' Services Board on recommendations from the electoral office, yet there were several of these.

For them to then say that the one time decides an age-old tradition of kumbaya in Members' Services Board — that somehow again we are veering away from — it's misleading, and I disagree completely, because I'm also a member of Members' Services Board and that is just factually incorrect — that it is an age-old tradition.

Anyway, getting back to the legislation at hand, I believe that we went through a great process here. What we have done that the previous government didn't do — I will check back on the time through the Yukon Party's 14 years. I don't believe the Chief Electoral Officer ever appeared as a witness in the Legislative Assembly during a bill to debate those recommended changes.

In the interest of hoping that — past the narrative from the Member for Lake Laberge — Yukoners hear about the integrity directly from Mr. Harvey and directly from the electoral office as far as the process and that Yukoners hear past the narrative of the Member for Lake Laberge and hear the narrative of increasing — not decreasing — the number of ways for people to vote and the additions to a list that gets us out of being the last jurisdiction in Canada to have the opt-in as opposed to the opt-out system.

With that being said, it's always a pleasure being able to correct the record, Mr. Speaker. I will hope for unanimous consent on this bill. Something tells me that I'm not going to get it from the Yukon Party.

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

**Some Hon. Members:** Division.

## Division

**Speaker:** Division has been called.

## Bells

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

**Hon. Mr. Silver:** Agree.

**Hon. Ms. McPhee:** Agree.

**Hon. Mr. Pillai:** Agree.

**Hon. Ms. Dendys:** Agree.

**Hon. Ms. Frost:** Agree.

**Mr. Gallina:** Agree.

**Mr. Adel:** Agree.

**Hon. Mr. Mostyn:** Agree.

**Hon. Mr. Streicker:** Agree.

**Mr. Hutton:** Agree.

**Mr. Hassard:** Disagree.

**Mr. Kent:** Disagree.

**Ms. Van Bibber:** Disagree.

**Mr. Cathers:** Disagree.

**Ms. McLeod:** Disagree.

**Mr. Istchenko:** Disagree.

**Ms. White:** Agree.

**Ms. Hanson:** Agree.

**Clerk:** Mr. Speaker, the results are 12 yeas, six nays.

**Speaker:** The yeas have it. I declare the motion carried.  
*Motion for third reading of Bill No. 4 agreed to*

**Speaker:** I declare that Bill No. 4 has passed this House.

**Hon. Ms. McPhee:** 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 (Mr. Hutton):** Order, please. Committee of the Whole will now come to order.

### Motion re appearance of witnesses

#### Committee of the Whole Motion No. 2

**Hon. Ms. Dendys:** I move:

THAT from 3:30 p.m. to 5:30 p.m. on Tuesday, November 19, 2019, Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Kurt Dieckmann, 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 is moved by Ms. Dendys:

THAT from 3:30 p.m. to 5:30 p.m. on Tuesday, November 19, 2019, Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Kurt Dieckmann, 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.

*Committee of the Whole Motion No. 2 agreed to*

**Chair:** The matter now before the Committee is continuing general debate on Bill No. 200, entitled *Second Appropriation Act 2019-20*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

**Bill No. 200: *Second Appropriation Act 2019-20* — continued**

**Chair:** The matter before the Committee is continuing general debate on Bill No. 200, entitled *Second Appropriation Act 2019-20*.

Resuming general debate — Mr. Silver, down to four minutes.

**Hon. Mr. Silver:** I'll cede the floor to the member opposite.

**Mr. Kent:** Thank you very much, Mr. Chair, and welcome to Deputy Minister Mahar back to the Chamber.

I know that we have limited time here this afternoon before we welcome officials from WCB to answer questions of members.

I just wanted to touch on some Education questions that I had that we didn't get a chance to get to last time. I recognize that the Premier may not have all the information at his fingertips, but if he could get some of the specific information back to us, we would appreciate that.

The first one is with respect to teacher vacancies. Obviously, there are some positions that don't have a permanent teacher in them throughout the schools. I'm just wondering if the Premier is able to provide us with a total number now and then perhaps a breakdown of vacancies by community or by school either today or by way of legislative return or the next time we're up in general debate.

**Hon. Mr. Silver:** I too would like to welcome Ms. Mahar here today to answer some questions.

I don't have vacancy numbers with me now, but I can go through some of the numbers for actual staffing allocations.

Let me just double-check here. Actually, as far as vacancies right now, I believe that the number is 53, but if that number is not correct, I will get back to the member opposite.

**Mr. Kent:** Thanks; I appreciate that. If the Premier is able to give us a breakdown of that number by school, that would be helpful for our MLAs — particularly for those who represent rural ridings.

I know that when we left off last time, we were talking about Education in general debate, and I had asked a question about after-school programs policy. I think, when I looked back at Hansard, the Premier's response was more geared toward volunteers and the importance of volunteers and extracurricular activity — that type of thing. I guess the question that I had was with respect to the facility use policy for after-school programs.

I know that one school in the Whitehorse periphery has the opportunity to provide after-school programming through the use of their facility, but I am not sure about Golden Horn School, which is in my riding. Again, it is one of the most popular issues that I get contacted about by parents, because without after-school care, it is difficult for many parents to have their kids attend Golden Horn if they do want to. It did happen again, as I mentioned last time up. A constituent of mine had to make different arrangements for a downtown school. I believe that their child is at the Montessori school after getting accepted to Golden Horn, but the lack of after-school programs and after-school care in that facility was brought up.

Is there a facility use policy that the Premier can point me to so that I can point parents toward who are interested in this issue?

**Hon. Mr. Silver:** I have to correct the record. That number of 53 is not correct, so I will get back to the member opposite as to the current number on that as far as vacancies.

As far as with most schools, and if we are talking specifically about the school that the member is referencing, that would be through an agreement with the City of Whitehorse, and that agreement is available on the City of Whitehorse's website.

**Mr. Kent:** Again, we could probably go back and forth on that one a little bit, but what I will do is write a letter to the minister about it just outlining the specific concerns that I have heard and kind of what the school council understands to be some of the blockages in getting some sort of facility use agreement with Golden Horn, but I thank the Premier. As I said, I will follow up with his minister by way of a letter on behalf of my constituents.

One of the other issues that I wanted to touch on today is the attendance area review. I thank the minister — she did respond to a letter I sent. Her response was on October 7 of this year. I am just going to read a passage from the letter that she sent to me. My question was essentially about the timing and the consultation framework for the attendance area reviews in the Whitehorse area. A paragraph excerpt from her response to me is that: "We are planning to contact Whitehorse school councils later this school year to determine when the department can meet with them at their school council meetings to discuss the review. We will then analyze the information gathered from school councils to review the complete picture of Whitehorse school attendance areas." Then there is the important part that I want to ask the Premier about: "We then plan to implement any adjustments to attendance areas and establish a new attendance area for the Whistle Bend elementary school in time to ensure the successful opening of the new school, which is currently planned for the 2023-24 school year."

So, can the Premier just confirm that there won't be any adjustments to the Whitehorse attendance areas until that new attendance area for Whistle Bend is established in time for their school year, when the school is ready to open?

**Hon. Mr. Silver:** Thanks to the member opposite for the question.

As the member opposite knows from his past experience, the *Education Act* requires every school to be assigned an attendance area. As part of the Whistle Bend elementary school project, we will be reviewing all existing Whitehorse attendance areas to establish an attendance area for the new school. We will meet with Whitehorse school communities and their community meetings this school year to discuss attendance areas and hear from them before any decisions are made. We will then consider the information specific to the member opposite's question, gather feedback from the school councils to determine any adjustments, and notify the school community in or before the fall of 2020.



**Mr. Kent:** I wanted to just touch on a few capital projects now that come from the Department of Education budget. They may currently be managed by the Department of Highways and Public Works, but nevertheless come from that budget. What I wanted to talk about was portables. Obviously, there were problems with portables at Robert Service School, in the Premier's riding.

There was mould found. I'm just curious as to if the Premier can provide us with an update. I know that the programs that were being run out of that portable I believe were moved inside the school while the department searched for alternate space. If the Premier can confirm for me too — I think one of the programs was the individual learning centre and I can't recall what the — sorry; I don't have the notes in front of me — I can't recall what the other program was. So, if he could tell us what programs those were, if they're still in the school or if alternative space was found — and then I will ask a couple more questions about the portables here in a second.

**Hon. Mr. Silver:** So, a little bit of background just to kind of frame the issues at Robert Service School — a mighty fine school, I might add.

In August 2019, school staff and the superintendent identified a short-term solution to address the space needs for the start of the school year. The principal contacted the City of Dawson, the school council, and Tr'ondëk Hwëch'in First Nation to inform these groups and these governments that the plan to house the two programs that were formerly in the portables in September — so the next month — the school administration met with the City of Dawson, the school council, and Tr'ondëk Hwëch'in to discuss continuing these arrangements and these agreements for the remainder of the school year — so as you can imagine, thinking on their feet once they addressed the issue or identified the issue to not only work in the short-term but then to provide a long-term plan.

So, the ILC — that's now in the ancillary room. There is no other space that can be used that would not adversely affect programming, so we're utilizing the ancillary room for that. The alternate potential solution of using the sensory room adversely affects the most at-risk students because of the programs that are already there and it also introduced a potentially disruptive element into that elementary wing which is — believe you me — very, very busy. This has a separate entrance that is deemed very critical to the functioning of programming — so looking at all different options, but that was not something that was readily available.

Now, the rec board — there are issues there. They don't necessarily like us using this approach because that ancillary room is used by so many different community organizations to provide other outside-of-school programming. But that is where we are right now as we look at this situation. The ancillary room of course is a school property, so we want to use that for school programming, first and foremost.

The grade 7 to grade 9 resource room programs are now in the counselling room. So, there is a separate entrance to that space and it is important for the students and for the programming to be able to be used in that area. Its location will result in minimal disruptions to other program areas — the

counselling room. The counselling room itself will move upstairs to the room that was designed for the Tr'ondëk Hwëch'in education director. This space is available until the director is hired, which won't be for another six weeks, roughly. Interestingly enough, 10 years ago, that is exactly what was offered out of that office — back when Mr. Dragon was still a teacher and counsellor at Robert Service School.

The school has also indicated that, if Tr'ondëk Hwëch'in does hire an education director with the aim of working outside of the school, then they will be accommodating and working together to meet the needs of both Tr'ondëk Hwëch'in and also the school.

**Mr. Kent:** With respect to that portable, obviously there was some money in the budget this year to fix up that particular portable. I am just wondering if the Premier has that dollar amount that was in this year's budget, that was allocated to fix up that portable prior to the mould being discovered. Then I guess the second part of that question is: What are the long-term plans? When will there be either a new portable built or installed in its place? Is that something that we can look forward to — perhaps in the next capital budget?

**Hon. Mr. Silver:** Mr. Chair, I apologize. We are here with the supplementary budget information in front of us, and there is no extra money for Education in the supplementary budget, so now we're going back and looking at the mains budget to find these dollar values for the member opposite.

In that, there was \$3 million over two years to build modular classrooms, or portables. The portables are beginning that procurement — so the 2019 tenders would go to Golden Horn Elementary for modular one and also for modular two, so those are two there. Also, Selkirk Elementary for the 2019 tenders — and then the 2020 tenders would be for the Robert Service School for those two modular classrooms.

**Mr. Kent:** I thank the Premier for that response. I was going to ask about the second modular at Golden Horn, but he did answer that in his reply there. That said, I think he mentioned Selkirk and then Robert Service. Are there plans for portables at any other schools, either in the Whitehorse area or in the communities, or is it just those three? There's Golden Horn one and two. The first one is installed, and I think they are expecting the second one sometime early in the new year. Then there is Robert Service, and I believe he mentioned Selkirk. Is that it for what is in the plans at this time as far as portable classrooms?

**Hon. Mr. Silver:** It is worth noting that there are other dollar values for ongoing maintenance in different schools. Right off the bat, just as a note, there's \$1.4 million this year for stabilization work at Ross River. That was in the budget as well. There are other numbers outside of the portables, for the record, but specific to the member opposite's question, I don't have any other information at this time to share on the portables.

It all comes down to enrolment, so we will continue to monitor enrolment and take a look at issues for modular classrooms based on that information as the school year numbers become available.

**Mr. Kent:** In Question Period earlier this Sitting, I asked the Minister of Education about the minutes of a school council meeting held at Selkirk School — I think it was about two and a half years ago, in February 2017 — but there was a study that was shared at that school council meeting with respect to renovations and modifications to the school. It didn't mention a portable.

I believe that I asked in Question Period if we could have a copy of that study, and I don't think that anything has been provided yet. I'm just hoping that the Premier can commit here today that we will get a copy of that study that was referenced in those minutes that I brought up in Question Period earlier this Sitting.

**Hon. Mr. Silver:** Just to jog my memory, I remember a conversation about the Selkirk parking lot, or was it specific to the actual asset itself? I'm not really sure which one.

**Mr. Kent:** My understanding is that it's specific to the building itself. It wasn't to do with the area around it like the parking lot or any of the projects that I think that are in the current budget. It was a study that was done by the Department of Education respecting some of the enrolment pressures at Selkirk and expansion to the school or improvements to the facility.

That's why I'm curious, because the portable for Selkirk is a more recent development, and then this was according to the minutes of that school council meeting shared with the council members at the time, but I'm hopeful that the Premier or his colleagues will provide us with a copy of that study as well.

**Hon. Mr. Silver:** I believe it is the study that was completed in November 2016 that the member opposite is referencing. I will look into whether or not we can provide a copy to the member opposite.

**Mr. Kent:** So, if the Premier can let us know if he can provide that copy — I guess it will probably be subject to ATIPP, and we would prefer not to go that route, but we'll look forward to receiving a copy one way or the other.

I wanted to touch briefly on the 10-year facility plan or the 10-year capital plan for Education facilities. I know we talked about that a couple of years ago on the floor of the Legislature. I talked to the Minister of Education about that. I'm just curious if that document has been completed. If it has been completed, when will the government be in a position to make that public and provide members of the House with that document as well?

**Hon. Mr. Silver:** Just to clarify, the government has created a five-year capital plan that includes school projects to ensure that all buildings are safe and available for use for many years to come. To be clear, this five-year capital plan is the capital plan for Yukon schools and the Department of Education. The capital plan provides more than \$29 million in capital funding this year toward building, maintaining, and modernizing schools. In that, it is important to remember and to recognize that all approved capital projects from the Department of Education are prioritized and managed through this plan — the five-year plan.

The school-related projects in the government's five-year capital plan include a new Whistle Bend school in Whistle Bend, portables — as we discussed, in the short- and medium-

term, such as new portables for Golden Horn, as we mentioned, and also Selkirk and then the secondary for the other school, for Robert Service — and working with Kluane First Nation, for example, on the relocation of Kluane Lake School to Burwash Landing, the new French first language secondary school, the additional site features at F.H. Collins Secondary School, and also ongoing stabilization work in the schools.

The 10-year capital plan that the member opposite is referencing — just to be clear, that was an internal facilities planning document that was developed as advice, and that advice was to help to inform the recommendations for the government's five-year capital plan. It does not reflect approved capital projects for the seasons, and therefore it is not published or shared externally. But to be clear again, all approved school construction and renovation projects are being prioritized and managed through the public five-year capital plan.

**Mr. Kent:** There are a couple of other issues that I wanted to touch on before we recess to allow time for the witnesses to come in. One of them is a capital project, and then the other one is with respect to the Yukon excellence awards.

I will talk about the Yukon excellence awards first. Those Yukon excellence awards are designed to award Yukon students for their achievements and not awarding schools for their excellence. As the Premier knows, there are a number of Yukon students who attend a secondary institution outside of the Yukon for a variety of reasons. This was brought to my attention by a constituent of mine. I am just curious if the Premier or his colleagues will take a look at the Yukon excellence awards with an eye to ensuring that the students are allowed the same opportunity and be awarded Yukon excellence awards based on their academic grades and standing and not necessarily where they attend school.

It's essentially rewarding Yukon students for their achievements regardless of whether it's a Yukon school they attend or if they're at school Outside — keeping in mind that their families are still here and they still maintain their homes here; they're just Outside at school for a variety of reasons.

**Hon. Mr. Silver:** As the member opposite does know as well, the ability for us to spend more per capita on students in the Yukon is something that we take pride in — than most other jurisdictions in Canada — dare I say North America — and these types of awards — lots of conversations both on the school level with awards and also through the department, writ-wide, on not only necessarily academic awards but also awards of achievement in general for students who may come from less means or show huge progress in a short time frame. It's really important to not only just award top academics but to also take a look at more of a collaborative kind of model when it comes to this. That's where — when we're looking at policy, whether it's the Yukon excellence awards, for example, or others — we have the advisory committee for Yukon education and these awards are currently for students who attend Yukon high schools, as the member opposite knows — for those who have been very successful in learning Yukon's content and that's really where the focus is right now. But again, there is an

advisory committee on Yukon education that can definitely take this under advisement.

Again, earning excellence awards does apply to students currently in Yukon schools.

**Mr. Kent:** I'll direct some correspondence or I'll have my constituent direct some correspondence to that advisory committee for Yukon education just to make their case. Again, I think the important part is that Yukon excellence awards should be designed to award Yukon students for their achievements — not Yukon schools for their excellence.

Again, the Premier mentioned that we made some changes during my time in government. I don't know if I was the minister at the time the changes were made, but we expanded the scope and the courses that were involved. That said, hopefully I will direct my constituent through the proper channels of this advisory committee for Yukon education.

Mr. Chair, I was going to ask one final question about the track and the field at F.H. Collins, but I will have to save it for next time — for Question Period or something like that — because it is 3:15 p.m., and seeing that we do have witnesses appearing for Workers' Compensation Health and Safety Board this afternoon, I move that you report progress.

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

*Motion agreed to*

**Chair:** Pursuant to Committee of the Whole Motion No. 2 adopted earlier today, Committee of the Whole will receive witnesses from the Workers' Compensation Health and Safety Board. In order to allow the witnesses to take their places in the Chamber, 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. 2 adopted on this day, Committee of the Whole will now receive witnesses from the Yukon Workers' Compensation Health and Safety Board.

I would ask all members to remember to refer their remarks through the Chair when addressing the witnesses. I would also ask the witnesses to refer their answers through the Chair when they are responding to the members.

*Witnesses introduced*

**Hon. Ms. Dendys:** Thank you, Mr. Chair. The witnesses appearing before Committee of the Whole today are Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Kurt Dieckmann, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board. I would like to welcome them both here today and to thank them for the hard work to keep our workers protected in an ever-evolving, global economic climate.

Mr. Chair, historically, the focus has been on our workers' physical well-being. We are working hard to expand this focus from physical to mental. An amendment to the *Occupational Health and Safety Act* of 2017 opened the door to developing important new regulations aimed at the prevention of psychological injuries in the workplace. The Workers' Compensation Health and Safety Board is working toward developing such regulations for Yukon workplaces.

A new regulation is underway and will help prevent violence and harassment — significant causes of workplace psychological injury. Another major focus is on a review of our two major pieces of legislation — the *Workers' Compensation Act* and the *Occupational Health and Safety Act*. All of these legislative and regulatory changes, along with the day-to-day work of our Workers' Compensation Health and Safety Board, are critical to enabling our employers to remain competitive and our workers protected.

With these elements in mind, I would like to thank again Mark Pike and Kurt Dieckmann for their presence here today. We look forward to the discussions and interaction with our colleagues from across the way.

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

**Mr. Pike:** Yes, I would, obviously. As the minister mentioned, I'm Mark Pike, and I'm the chair of the board of directors of the Workers' Compensation Health and Safety Board. With me today is Kurt Dieckmann, who is our president and CEO. I would like to thank you for the opportunity to appear here today and to participate in a discussion about the Workers' Compensation Health and Safety Board, its business, and workplace safety across the Yukon.

The *Workers' Compensation Act* requires us to appear in this House on an annual basis. It provides an opportunity to represent the work that our board of directors and every member of our organization is diligently and proudly performing on a daily basis — work that enhances the health and safety of all Yukon workers and ensures that the effects of workplace injuries are mitigated as much as possible.

As part of that, we are here to discuss our 2018 annual report. Just a quick mention — on page 2 of that report is a short document called "Year at a glance" which may in fact answer some of the questions that you will have as we go through this today.

Last year was an important year for us, as it represented the 100<sup>th</sup> anniversary of workers' compensation legislation in the Yukon. With 2018, our second century has dawned, and it is the first step on a new leg of our continued journey. As we move forward into the future, we see a landscape that is constantly changing, and it presents fresh challenges.

As our 2018 annual report focuses on, our resolve is strong, and we are well prepared for what lies ahead. If the first century of workers' compensation and workplace health and safety in the Yukon was about the physical health of workers, this new one will certainly be about their mental health and preventing psychological injuries.

We will carry our learning forward because we know that not all injuries are physical, and while we may be well versed

in broken bones, there is still much that we have to learn about broken minds. One thing is certain — both can be mended.

We are proud of our new strategic plan that was introduced in 2018. The plan provides us with a clear vision of Yukon's economy, workforce, and culture through the next five years. It was developed with input from our staff and our valuable stakeholder partners, and it was informed by our history of experience. Our strategic plan will guide us as we work toward preventing disability and our long-term vision of zero — zero injured workers, zero work-related fatalities, zero permanent impairments, and zero safety violations.

We have a stable compensation fund, and we made prudent financial decisions to protect the interest of employers and workers and the integrity of the fund itself. We have strong and positive partnerships with stakeholder organizations in the community. Their input and insight inform the path of our journey and help us to remain sensitive to the needs of our community.

The board of directors is proud of the work done every day by our staff, and we face challenges ahead, as does any high-performing organization. By employing our century of wisdom, knowledge, and experience and by continually striving to improve, we will achieve ever-greater successes in the future.

We are proud to appear before you today, and we welcome your questions. With that, I will turn it back over to the Chair.

**Ms. McLeod:** I want to thank the witnesses for appearing today. I don't have a lengthy set of questions today, but certainly I have a few.

Can the witnesses provide the House with the current information regarding the Workers' Compensation Health and Safety Board staffing and, in particular, how many FTEs are currently funded under the Workers' Compensation Health and Safety Board and whether that is translated into a full complement of staff?

**Mr. Dieckmann:** In 2018, our total FTE count was 85 staff. For 2019, with the act review and regulation review that we've been doing, we added two temporary positions to bring that total complement up to 87. Then we also do have budget dollars for casuals and AOCs to fill in during the summer season when people are off on vacation and other times when people are off, but they don't factor into our full-time equivalent count.

**Ms. McLeod:** Thank you for that answer. In the annual report, there is a \$768,000 increase shown to the wages and benefits package this year, so can the witness confirm whether this increase is tied to the annual YEU collective agreement economic wage increase?

**Mr. Dieckmann:** Yes, a large portion of that is tied to wage and salary increases. It's not just the collective agreement increases, though. There are staff who enter the organization at the bottom of the pay scale, so as they move up the pay scale, those salaries will increase as well, but the majority of that is tied to the salaries — yes.

**Ms. McLeod:** Thank you for that answer. According to the 2018 annual report, safety officers launched 40 investigations into workplace health and safety situations that required a deeper level of analysis than just an inspection. That

number is up from 28 in 2017. Can the witness provide a breakdown of the types of situations that these might be? What might result from these types of investigations?

**Mr. Dieckmann:** I do have that information. It will just take a second to find it.

The types of things that get investigated are where there are serious injuries — serious incidents that might occur in a workplace. We had some fatality investigations that were undertaken, and we also had some investigations into areas where workers felt that they may have had discriminatory action taken against them for bringing forward issues in the workplace or for trying to apply workplace safety measures. Those are the main types of things that do get investigated.

**Ms. McLeod:** In the cases of these 40 investigations that were done in 2018, were all of the situations rectified to the satisfaction of all parties?

**Mr. Dieckmann:** I guess I would ask: What do you mean by "satisfaction of all"? The investigations all reached conclusions. In a couple of instances, there were fines levied. In other instances, charges have been laid. I guess we would have to qualify what you mean by to satisfactory conclusion.

From my perspective, they were all handled well, handled professionally, and the outcomes were reasonable with what would be expected based on the evidence that was collected.

**Ms. McLeod:** When a workplace is inspected under the *Occupational Health and Safety Act*, owners, of course, may be presented with orders to correct deficiencies. Can the witness provide information on what types of deficiencies may be encountered — I suppose, what the most prevalent ones are — and a general idea of the process for dealing with these deficiencies?

**Mr. Dieckmann:** There are two parts to that question. The first part is the types of things that we find. It can vary considerably. It depends a lot on the industries that are being inspected.

In the construction industry, for example, if it is road construction, a lot of times we will find things like equipment maintenance issues. We will find things like operators not wearing seatbelts. We will find things like personal protective equipment not being properly used or properly maintained. In vertical construction — building construction — some of the more serious things that we find are failure to use appropriate fall protection. We will find things like equipment maintenance issues, but those are usually small tools, hand tools, saws without guards — those types of things.

When we are looking in office environments, a lot of the things that we find are a lack of hazard assessments — a lot of office environments don't think that there are any hazards, so they tend not to do some of the program things that need to be done, such as maintain safety committees and that type of thing. We will also find a lot of things like slipping and tripping hazards within office environments — simple things like people leaving lower drawers open on file cabinets and creating tripping hazards. Like I said, there is a broad range. I wouldn't say that there is any particular type of thing that we find in workplaces that we would hone in on.

During 2018, I believe that we did have a lot of eye injuries occurring, so we did have a bit of a campaign on eye injuries at that point. That was a lot of times due to the failure to wear proper eye protection.

How things are handled really depends on the nature of the occurrence or incidents that we find. Where we find things like slipping and tripping hazards, housekeeping issues, and minor issues with equipment maintenance, a safety officer will issue a corrective order to the employer. Where it's personal protective equipment, it could be orders issued to the employer, to the supervisor, or to the worker. Once an order is issued, there will be a discussion with the person to whom the order was issued as to what measures they need to take and by when they need to take them. Again, that is dependent on the nature of the hazard and how serious it is. If the order is complied with, the owner, employer, worker, or supervisor is required to contact our office and let us know that it was complied with. If we don't receive notification of compliance, we will go and follow up and do a re-inspection to verify that compliance has actually occurred.

Even in the cases where we do get compliance, we go and verify approximately 10 percent of those just to make sure that people did notify us and that they have, in fact, taken corrective measures.

If people don't comply with the orders that are written, then we can do things like issue administrative penalties, or we can prosecute through the courts for failure to comply.

Where there is an issue that occurs that is serious in nature — for example, if somebody is working at heights and not using appropriate fall protection — we will issue orders and either levy administrative penalties or, if it is serious enough, go to prosecution in those cases.

**Ms. McLeod:** I understand that there are different remedies, I guess, depending on the type of deficiency, but generally speaking, how much time is a business given to rectify any type of deficiency?

**Mr. Dieckmann:** As I said, that really depends on the nature of the issue. I can give you a couple of examples. If we saw a piece of mobile equipment with a broken windshield and it was obstructing the operator's vision but they were still able to safely operate, we would have a discussion with the employer to see how long it would take them to get a new windshield in. If it is a reasonable amount of time, we would then issue the order and have the corrective measures taken within the time frame that they are able to actually get it done.

If it is a serious incident — somebody is on a roof and they aren't wearing appropriate fall protection or aren't using appropriate fall protection, haven't been appropriately trained, or haven't been supplied with that — we will issue a stop work order and have it say that you are not to continue until it is corrected. So, that is correct immediately or don't continue with the operation.

**Ms. McLeod:** So, obviously it is not always Workers' Compensation Health and Safety Board that goes into a workplace to find an issue. Sometimes there is a worker who brings it forward to the attention of the Workers' Compensation Health and Safety Board.

What is the process for a worker to raise concerns about an issue within the workplace?

**Mr. Dieckmann:** A little bit of a story, I'll start with — the *Occupational Health and Safety Act* is based on what we call the "internal responsibility system".

So, if a worker finds that there is something in their workplace that needs to be corrected, first and foremost, they should report it to their supervisor. Their supervisor can't deal with something that they don't know about, so we always recommend that, first of all, you go to your supervisor to see if it can be corrected.

If it's not corrected — if the supervisor or the employer doesn't take it seriously and they don't correct it, they can contact our office. We have a 24-hour answering service, so we can be contacted at any time. We have safety officers who are on duty 24 hours a day. They can contact our office. What will happen is the safety officer will — if they don't get the safety officer right away, they leave a message and the safety officer will get a hold of them as soon as they possibly can. We'll have a discussion with the worker as to what the issues are that they've seen in the workplace.

We will also maintain confidentiality — the best that we can. We can't always guarantee it because, if we do take further enforcement actions like levying fines or prosecution through the courts, then we will have to disclose that it did arise as a complaint. But we typically don't go in and first thing we do is say that we've had a complaint here and we're taking enforcement action. We will speak with the worker; then we will go and visit the workplace. We will do an examination. If we feel that there is actually something that we need to be dealing with, we'll deal with it appropriately.

**Ms. McLeod:** With respect to the regulations around employers providing WHMIS training to employees, what's the status of the implementation? Have there been any concerns brought forward by employers or employees around the implementation practices regarding WHMIS?

**Mr. Dieckmann:** The WHMIS regulations are now fully implemented. As part of our inspections, we will check the workplace and see if there are controlled products in the workplace. If there are, then we will verify that training has occurred, that safety data sheets are available in the workplace, and that people are aware of the chemicals that they're using — their storage and all of those kinds of things.

We haven't had a lot of employers or workers come to us and say that they're having difficulty implementing the system. The system actually hasn't changed a lot from what it was historically. A big part of the changes that occurred were the training requirements. There were some challenges initially, but we did a soft implementation on the WHMIS regulations to give people time to get the training done.

We have identified a number of resources where people can get the training. So, for just the general education piece, there is some really good online training. Northern Safety Network Yukon has a good training program available. So, there's lots of training available in the territory.

The access to training hasn't been an issue. Where we have run into issues or come and seen that people haven't provided

the training or aren't currently complying with the legislation, in most instances, it's a lack of knowledge. So first we educate and then we enforce.

**Ms. McLeod:** Can the witness provide information about the CHOICES incentive program — in particular, how much is offered to employers in the form of a rebate for safety training?

**Mr. Dieckmann:** It will just take me a second to find those numbers.

On the CHOICES program — for companies that are COR-certified, they can receive up to a 10-percent rebate on their assessments to a maximum of \$25,000. For other employers who are not COR-certified, they can receive rebates for providing training for their workers. There is a number of trainings that can be available. If they are providing workplace training — WHMIS training would qualify, first aid training, food safety and a number of other training programs — so any sort of training provided by a third party that has a safety element to it, they can receive a rebate. I don't have the amount of the rebate for the training available, but I can certainly get that and provide it to the minister to bring back to the House.

**Ms. McLeod:** Thanks to the witness for that. It's reported that, between 2017 and 2018, there was an increase of \$166,000 in penalties for infraction charges to Yukon businesses — things such as failing to meet registration deadlines, incorrect filing of employer payroll returns, and failure to pay the premiums. It seems to be a large increase.

So, first of all, is the witness able to break down the amount to give us an idea of how many businesses have had to pay penalties and what the average penalty might be worth to a business?

**Mr. Dieckmann:** I don't have a breakdown of the number of businesses, but we will get that number for you.

A couple of things that I can tell you, though — while the difference between 2017 and 2018 may seem like a fairly large increase, the reality of it is that the amount of penalties has been decreasing fairly steadily since 2010. Back in 2010, the penalties were around \$542,000 to workplaces. In 2011, it was \$500,000. In 2012 — \$495,000. Most recently, 2018 was \$390,000. But overall, they have been decreasing over that amount of time. In the past three years, they have been just over half of what they were back in 2010.

The good news is that a lot more companies are complying with the reporting requirements and getting their reported payroll in a lot sooner. We have taken a lot more proactive approach to contacting employers to try to make sure that they are aware of their reporting and payment obligations because the last thing we want to do is issue penalties in this area. We've gone a long way to try to knock them down.

**Ms. McLeod:** Given that penalties have been decreasing for the last eight years, I guess — nine years — can the witness explain for us what is behind the sharp increase for this past year? I might have thought it was because there were more employers, but I think the report reflected that there aren't more employers. In fact, there may be less. If I can just get the witness's thoughts on — why the increases?

**Mr. Dieckmann:** The reasoning for it — I don't have that information, and it's not something that I think we can really establish. It's really difficult in a jurisdiction our size to establish trends or anything like that. But we do know that, sometimes when there are increases in payroll — so when we have overall increases in assessable payroll — that can certainly have an impact on it, because when you have an increase in payroll and an increase in the amount of assessment that has to be paid, you can get sort of a natural occurrence of — those who don't pay will have higher bills for failure to meet the reporting requirements.

**Ms. McLeod:** I'm going to assume from that, then, that there has not been an increase in the amount of penalty required to be paid for a certain infraction — and you can correct me if I'm wrong in that, but I gather that's the case.

Of course, we're always happy to hear about outreach and education programs, and we are happy to see that more people in 2008 were reached in the communities than previously, due to an increase in community events and school safety awareness programming. Can the witness confirm how much funding was allocated to community outreach overall in 2018-19 and how that might compare with the year previous — 2017-18? How much of that amount was dedicated to in-school programming?

I realize that might be fairly detailed.

**Mr. Dieckmann:** As far as the numbers break down, yes, I'll have to bring that back for the minister to present in the House, because I don't have the exact figures for the outreach. But what I can say for sure is that the amount of outreach that we do is fairly extensive, and a lot of times, the change in the amount of money spent on outreach will come from where it is we actually go to.

Our consultants who go out into the schools try to make it to every school in the territory on a two-year cycle. So, if we're going to the more remote communities, there will be more money spent in those areas — but we have been working very hard.

The other place where we do a lot of outreach is going to events that are held within the community. So, we will go out into the community — to the Geoscience Forum, for example. We had people at the Geoscience Forum; we have people go to the Women in Trades and Technology, and so those are the types of things that we do. We also have programs for foreign workers. We will provide training and education for foreign workers through programs that are run as part of the foreign worker program.

**Ms. McLeod:** I want to turn to the compensation fund position. We have all heard that it reported at 132 percent, and as I understand it, the board is mandated to maintain 125 percent plus or minus four percent, so 129 percent would be the upper end.

What is the dollar value that represents the difference between 129 percent and 132 percent?

**Mr. Pike:** Just hang on a second as I look at the numbers to do a quick math calculation in my head here, so you just have to give me a second.

The three percent that we are talking about would amount to about \$4 million to \$5 million. I am doing that math in my head.

**Ms. McLeod:** Thanks for that — that is close enough for me.

Obviously, we have all read about the board's position in the paper, so there will not be a further rebate going out to employers. Is the board planning any action to bring the position down to 129 percent, say, by way of a premium discount?

**Mr. Pike:** Yes, the board has a funding policy in place — not specifically the cash rebates, but a funding policy in place that says that if we are overfunded, we return that overfunding to the employers who pay by way of a rate subsidy.

The number that we're talking about here is at December 31, 2018 — the board has approved a subsidy of \$2.9 million for the current year, 2019. An additional \$2.7 million is to be returned to employers in 2020.

The board is still committed to getting to that range. As I mentioned, we have a funding policy that is designed to do that, and that's what we're relying on to get where we want to be.

**Ms. McLeod:** Thank you very much for that information.

When the witnesses appeared in the House last fall, we spoke somewhat extensively, I think, about the legalization of cannabis and what issues or policy changes might arise from the new legislation. At the time, the witness stated that the board would be launching a major campaign in the early spring of 2019 to speak to the issue of cannabis impairment in the workplace.

Can the witness provide information around this campaign — for instance, what it entailed, what the cost was to run it, the length of time that it ran if that's relevant, and whether the board received any feedback on its effectiveness?

**Mr. Dieckmann:** I just need to find the information that I have on that.

I can't find the information, so I'll wing it as much as I can, and then we'll get back with any answers that I don't have for you.

We did run an extensive campaign last year related to cannabis. The dollar value of it — I'm not exactly sure, but we can get back to you on that. I do believe that our social marketing in that area was around \$30,000, but we will get the exact figures for you.

We ran the campaign through the beginning of the year well into mid-year. We did get a fair amount of feedback from employers indicating that they could really use some additional resources to help them with understanding their obligations when it comes to cannabis, so we provided a considerable amount of material on our website — links to organizations where there were some very good policies available.

We also worked with a lot of employers who already had substance abuse policies in place just to help them to understand that, really, there wasn't a lot of difference from them dealing with cannabis than there was for things like alcohol and alcohol impairment.

Interestingly enough, one of the things that we did tell employers was that, if they are managing impairment — and all types of impairment and not just focusing on the cannabis — it would make their policies much more effective. There was an interesting newscast on CBC just recently where they talked about one of the things that was noted through the cannabis implementation, and we saw a similar thing here in the territory. A lot of organizations, through updating their policies on cannabis, took a much different approach to the management of alcohol and even came to the conclusion, in a lot of places, that some of the things that they were doing as far as their alcohol policies needed to be changed to remove all instances where there were opportunities for impairment within the workplace.

As far as the numbers go, we'll get back to you on that, and I can also send some of the materials that we did provide for workers.

**Ms. McLeod:** Has the board had any further conversations around the issue of edibles? That is going to be the newest, I suspect, issue to come forward. Has the board had to adapt any policies to bring them in line with the legalization of edibles?

**Mr. Dieckmann:** Actually, what we saw with the introduction of edibles was a great opportunity to reintroduce some of the work that we had done back in 2018, because edibles don't change the landscape in that what we are still talking about here is impairment and how workplaces manage impairment. But it was a great opportunity to re-engage in that conversation and it was a great opportunity for us, when we are going into workplaces and having conversations with them about their impairment policies, to just remind them that, if they hadn't already updated them based on cannabis introduction, this was a good opportunity.

What we have found is that most employers who already had policies in place or who have put policies in place, while they were very nervous about the introduction of legalized cannabis back in 2018, they were far more comfortable with having the discussions and recognizing that the issue of impairment is a solvable issue within the workplace. We saw it as an opportunity and we took it.

**Ms. McLeod:** I want to move on for a few minutes to the review of the acts — the WCB and occupational health and safety. What prompted the review? What sorts of issues is the review looking to address?

**Mr. Dieckmann:** What prompted the review with us opening the act for the PTSD presumption and the regulations for psychological injury — that provided an opportunity for a discussion with the minister. She was keenly interested in knowing where our acts stood as far as whether or not they needed refreshing. After we had that discussion, the minister said that she would like to look into having a review of both of our acts done, and she subsequently provided us with direction to open up the acts and to look at them and modernize them.

Some of the issues — the *Occupational Health and Safety Act* especially is very, very dated. It was first introduced back in 1986, I believe — 1984 or 1986; somewhere in there — but it was based on legislation from other jurisdictions that had been drafted in the late 1970s, so it is sorely in need of review.

There are a lot of things in that act that are — there are things in the act that aren't defined. There are different workplace parties that are identified in the act that are undefined or we're not sure if they have the same duties, so there were a number of issues. The safety committees — the section on safety committees and safety programs is intermingled, so it's not really clear in there what is being talked about when people are reading through it. There are a number of issues that we have run into over the years that really require that act to be updated.

As far as the *Workers' Compensation Act* goes, it is a lot newer. It was last updated in 2008. But as you work with an act, issues come up and so what we've done over the years is, where people have raised concerns with the act or where we have recognized that there are problems with enforcement of the act, we have noted them and provided that information to them and she had agreed that yes, it would be time to open that act as well. That's how we got there.

**Ms. McLeod:** So, given what you've told me, would it be fair to say that the changes anticipated to both of these pieces of legislation are housekeeping in nature?

**Mr. Dieckmann:** I would say that for the *Workers' Compensation Act*, a lot of it is housekeeping. For the *Occupational Health and Safety Act*, it's a little bit more than housekeeping, but a lot of it is clarifying and getting clarity of the understanding of what is contained in the act.

**Ms. McLeod:** Thank you for that. So, can the witness outline for us the consultation process that the board will be using and how members of the public can weigh in on this review?

**Mr. Dieckmann:** I have a lot of information on this, so I will try to keep it relatively succinct, if I can.

We have already started consultation. We kicked off in early November with a public meeting in Whitehorse. We have done a public meeting in Haines Junction already and we are scheduled tomorrow to go to Watson Lake — we have two public meetings scheduled in Watson Lake for tomorrow. We have been making people aware — there have been regular ads running on both local radio stations — CKRW and CHON-FM — so those have been advertised fairly extensively. We have done outreach through social media — Facebook — I believe we have a Facebook page up and running. We have done direct contact with approximately 60 organizations that represent either local governments, First Nation governments, employer organizations, or labour organizations to inform them of the consultation. We have also invited those 60 different organizations to meetings — we are calling it our “external advisory group” — and we have had two external advisory group meetings so far, and we have two more scheduled — one at the end of the month and another one in December. Then we have a final public meeting scheduled for January.

We are also inviting organizations. If they are not able to make it to one of our public consultations, they can contact us and we will set up a one-on-one meeting with the organization to get their input. If it takes more than one meeting, we are willing to meet with them until they are able to provide us with all the input that they need.

So, we have a large number of channels available for people to get in contact with us and to participate in the outreach.

**Ms. McLeod:** So, the witness mentioned Haines Junction, Watson Lake, Whitehorse, and that there has already been a meeting in Whitehorse. Are there any other communities that are contemplated for public meetings? How many public meetings would the witness anticipate for Whitehorse, or was that one the only one there's going to be?

**Mr. Dieckmann:** Sorry, I forgot to mention — yes, we are going to go to Mayo and to Dawson City as well. In each of the communities that we go to, we're having two meetings. So, in Watson Lake, we'll be meeting tomorrow evening, and then we'll have a meeting on Thursday morning. In Whitehorse, we did our kickoff meeting, which already happened, and then we have another public meeting planned for January.

We are also inviting anybody who would like to write in to us — you know, if they can't make any of the meetings, we're inviting any sort of written submissions that people could provide, and we will have two surveys. The first survey, we're hoping will go online very shortly, and the second survey will be either toward the end of December or early January — we'll get the second survey out.

The first survey is more just to gather some general information, and the second survey will be more detailed, based on some of the issues that we have identified through what we had already collected and people had already told us and where we have identified issues with the act, and then we'll also be including some of the things that we hear through the public consultation. If issues come up, then we'll also include those, because we do recognize that there are things in the act that we are not aware of as being issues, and so we're hoping that people will bring those to our attention.

**Ms. McLeod:** Can the witness provide us with a timeline as to when the board anticipates new acts to be brought before the Legislature or are ready to be brought before us? I understand these are the early stages of this process, but if we can have an estimation, that would be great.

**Hon. Ms. Dendys:** I anticipate that we will have information brought to us on the act renewal. We'll bring all of the information back through our committee on legislation. I don't have the exact timeline on that right now, but as you have heard the witnesses today — they have spoken about wrapping up the consultation and then bringing a “what we heard” document.

We are working with our Department of Justice, along with the Workers' Compensation Health and Safety Board and the officials there, to bring information back to our Cabinet Committee on Legislation. Then we will be bringing it through our legislative process.

Again, as I stated several times, this is a very important priority for us, and we will be bringing it through in a timely manner.

**Ms. McLeod:** I am going to guess then that we are looking at a year down the road at least. You can correct that assumption if that's off the mark — if it's going to be longer or shorter — but that's what I'm going to go with today.



We have had a concern raised with our office regarding the possibility that WCB is planning to legislate the use of helmets for workers using snowmobiles or ATVs in their line of work — for example, placer miners using ATVs on the work site. Can the witness comment on this and maybe what the board's plans are in this regard?

**Mr. Dieckmann:** That is already a requirement under occupational health and safety regulations. Anyone operating snowmobiles or ATVs — any of those types of equipment — are required now to be wearing a helmet if they are operating it in the course of their work.

**Ms. McLeod:** Some people would put forward that it is not always in your best interest to wear a helmet, depending on the weather and other conditions. Is this something that is going to be considered for review if someone brought it forward during the review of this piece of legislation?

**Mr. Dieckmann:** That is currently contained in the regulations. The regulations are not under review, so, no, that's not part of what's coming forward in this review. It wouldn't be something that we would be bringing forward to the government.

**Ms. McLeod:** So, the act is being reviewed. The regulations that are derived as a result of the act are not being reviewed. It seems to me that, if you are changing the act, then there may be a requirement to change the regulations as well, but I will just leave that there.

On page 2 of the annual report, it states that there were four worker fatalities, and on page 6, it says that there were three. Can the witness confirm the number of worker fatalities in 2018 and perhaps explain if this is simply a difference in reporting or if there is some other reason for the difference in the number?

**Mr. Dieckmann:** Sorry — those were pages 2 and 6.

That is a difference in reporting. We report fatalities that are on the compensation side of the business. It would be where there is a claim resulting from a fatality, but we also, as an organization, recognize that there are times when there is no claim filed, but we still count those fatalities. We may investigate something on the occupational health and safety side, and we count that, but when we are reporting our fatalities for the purpose of our annual report, we use the Association of Workers' Compensation Boards of Canada's reporting structure so that we are consistent across the country. For that, it is where there is a claim for compensation, but when we talk about our target of zero, we are not limiting it only to where there's a compensable claim. There are incidents where you may have a worker who does not have any dependants or any beneficiaries, and so nobody files a claim. We still feel that it is necessary to report those.

**Ms. McLeod:** I want to thank the witness for sorting that out for us.

When the witnesses appeared in the House last year, we spoke a little about funding that was expected to be provided in the 2018 year to Northern Safety Network Yukon to the tune of \$557,400, with an additional amount of \$90,452 for return-to-work training funded under a separate agreement.

Can the witness confirm whether these amounts have changed, or if this is what was provided for services from this organization?

**Mr. Dieckmann:** The Northern Safety Network did use the full budget allotment from the agreement that we do have in place with them. In that agreement, there is a cost-of-living escalator built in for subsequent years, so it does go up slightly on a year-over-year basis.

**Ms. McLeod:** When an individual is unable to return to work for whatever the reason and is collecting WCB benefits and then there's a decision with respect to not continuing those benefits, what is the standard appeal process? Could the witness outline what steps an individual must follow if they wish to appeal such a decision, and what is the highest decision-making body that the worker can appeal to if he or she is not satisfied with the decision that was made?

**Mr. Dieckmann:** I would start by saying that I would recommend that, if a worker does feel that any decision made by the Workers' Compensation Health and Safety Board is not correct, they go to the Workers' Advocate Office where they can get free assistance with the claims process, but if a worker does wish to appeal a decision, the first level of appeal goes to a hearing officer, which is an internal resource.

We have hearing officers who will do a thorough review of the claim and make a decision based on the evidence before them. If there is new evidence provided at the time of that hearing officer review, then that new evidence would go to the original decision-maker so that they can reconsider their own decision. If they say that the new evidence doesn't change their decision, then the hearing officer will continue with that review. Once that hearing officer review is complete, they will issue a decision. If the worker does not agree with the decision that is rendered by the hearing officer, they can then continue on with their appeal and go to the Workers' Compensation Appeal Tribunal.

The Workers' Compensation Appeal Tribunal is an independent body. They are a creature of the legislation, so they are created through the legislation. They are completely independent of our organization, and their decision is final and binding on the worker, the employer, and the Workers' Compensation Health and Safety Board.

**Ms. McLeod:** Is there an ability to seek redress through the courts?

**Mr. Dieckmann:** A person can ask for a judicial review. Judicial review will generally look at whether or not there was jurisdiction to hear the case and whether or not the decision is within reasonable bounds. But they don't tend to overturn decisions. They may send a decision back. But there is always the opportunity for judicial review.

**Ms. McLeod:** I think I have one more question.

What's the role of the minister in the appeals process? So, in the *Workers' Compensation Act*, section 125 states that: "The Minister may, by written order, require the board of directors to investigate any matter under its jurisdiction in the manner requested by the Minister."

So, if an individual has been wrapped up in the process of appealing a decision for any amount of time and brings the

matter to the minister for investigation, what then is the role of the minister in this situation, as I say, with regard to section 125 of the act?

**Mr. Dieckmann:** As it says in the act, the minister can refer anything to the board of directors to investigate. The minister cannot become involved in any claim for compensation. That is outlined in the statute. But if the minister feels that there is a sufficient enough reason to ask for an investigation, the minister could ask the board to investigate any matter under the act. If a decision has been made by the Workers' Compensation Appeal Tribunal though, that is binding on us and the minister can't interfere in a decision of WCAT. So, I guess it would really depend on what we're being asked to investigate. If it was process or something like that, there could be an investigation. But if it was the correctness of the decision, that would be something that would be very difficult for us to investigate if WCAT has already ruled on something.

**Ms. McLeod:** I am going to end my questions there. I want to thank the witnesses for their good answers today and then I want to turn the session over to my colleague.

**Ms. Hanson:** I welcome the witnesses as well this afternoon. I just want to follow up on a couple of questions raised by my colleague from Watson Lake.

In the response to the question about worker fatalities, we have the data with respect to 2017 and 2018. I just wanted to know from the witnesses: Have there been any fatalities in 2019?

**Mr. Dieckmann:** I am very sad to say that, yes, there have been three fatalities in Yukon so far in 2019.

**Ms. Hanson:** Can the witness tell us in what sectors those fatalities were?

**Mr. Dieckmann:** One was in the outfitting industry, one was in mineral exploration, and one was flight services.

**Ms. Hanson:** I thank the witness for that sad news.

In the response to the question about the board issuing penalties for infractions — and the witness compared it to data from 2010 and noted the decrease, so the last two years would have given us the impression that things had gone up. I was just curious because, when I looked at the Occupational Health and Safety branch's activities in the annual report, there's mention of visits to workplaces. In 2018, it was noted that the OH&S branch conducted 237 inspections and issued 840 orders to correct deficiencies and issued 21 penalties, 10 of which were to employers, four to supervisors, and seven to workers.

What I'm interested in is two things. Those sound like high numbers to me in terms of 840 orders to correct deficiencies, but I'm interested in knowing — given that the witness was keen to tell us in the previous area in terms of the financial penalties that there had been a change or a decrease — so, just a little bit of the historical perspective and then if he could give us a sense of what the trend is for 2019.

**Mr. Dieckmann:** So, are you looking for the trend in OH&S penalties?

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

**Mr. Dieckmann:** Okay. I don't have that number with me, but I would be happy to get it for the members.

**Ms. Hanson:** I'm also curious — we have a number of orders issued, and it says that there were 237 inspections completed. The reason why I'm asking about the number of inspections is that I have had the opportunity to have conversations with Mr. Dieckmann — I think as recently as this summer — with respect to some matters with respect to WCB and some concerns that I had raised in this House. I was very happy and pleased that we had an opportunity to meet.

One of the conversation pieces was that there's a change in the nature of Yukon's workplace and the number of workplaces, particularly when you look around Whitehorse and the growth here — and the nature of work sites, I guess I would say.

When I see that in 2018 there were 237 inspections, I'm trying to get a sense of — is that up or down, or is there is a change? When I asked about the change since 2010 — if, in 2010, there had been \$500,000 in penalties issued and now it's down to \$390,000, that sounds like a good trend — are there more inspections being conducted in the Yukon because we have more work sites, or am I misunderstanding the fact — and it is my perception only — that there are more workplaces? Is that too complicated to follow?

**Mr. Dieckmann:** I think I know where you are going with this. First, I need to clarify one thing: The penalties that we were talking about when the Member for Watson Lake was asking are assessment penalties, so they are not OH&S penalties. As far as the number of workplaces, there are more workplaces in the territory now than there were back in 2010. There is a lot more economic activity in the territory than there was back then. The nature of our work has become more complex. If you look back in 2010, you will probably find that there were more inspections and more orders written, but what we are finding now — in 2018, in this report, there were 40 investigations that took place. Those usually start from an inspection and turn into a very long and drawn-out process. As we go through and do a thorough investigation of the workplace, the policies and the procedures, and what is happening in the workplace, it usually involves multiple visits. So, the amount of time in the field is the same, but the number of inspections has gone down, and the number of orders that will be generated from one of those investigations can be considerable and then also can end up in penalties either through administrative penalties or prosecutions in the court, which then take a whole bunch more time as well.

To make a long story even longer, the complexity has increased, and the nature of our investigations has become much more in-depth than it was in previous years.

**Ms. Hanson:** That is reflected in the notion that, if there were 237 inspections and 840 orders issued — then that kind of correlation, I would imagine.

In line with this notion of inspections and the responsibilities for workplace safety, I was pleased that, this summer, the Workers' Compensation Health and Safety Board implemented a new — what is called a "good Samaritan report" function. I congratulate the Workers' Compensation Health and Safety Board for doing so. It's on their website. Although I have to say this afternoon that I had one of those "okay,

boomer” moments because one of the people in my office — a much younger person — said to me that this function is really hard to find, that it can’t be accessed from the home page of the website, and that reporting an unsafe workplace also can’t be done from the home page — whether a good Samaritan or worker.

I had gone looking for this after the conversations this summer, and I was pleased to see it and still am. I guess what I’m looking for, as we do these continuous exercises in improvement, is whether the witness has plans to assess the state of the Workers’ Compensation Health and Safety Board’s website in order to create a plan of action for greater website usability so that somebody doesn’t have to go through several places to be able to make that good Samaritan report. I don’t imagine that there are that many of them, but it’s just the importance of having that function accessible and then known. That’s the second part of the question — in terms of any intention to make that function known more publicly.

**Mr. Dieckmann:** I’m really glad that you asked that question, actually, because it is something that we are definitely looking at. We’re examining our website. We have recognized that there are some challenges with the platform. It is getting old, and so we are working on that.

It also fits very well into our act review that we’re doing, because we do recognize that, with both the regulations on violence and harassment and with updates to the act, there will be a lot more demand on us to be providing our stakeholders with good information that they can use so that they are able to comply. Our website is an extremely important tool in that work that we are doing. So, yes, we will be doing it. It won’t be an immediate fix, but it is definitely going to happen and it will happen in conjunction with the review of our acts.

**Ms. Hanson:** I’m pleased to hear that. I have to say that I have had one or two people over the last month tell me that they’ve used the good Samaritan function, which I think actually surprised me when they said that.

Over the last couple of years, we have raised questions with respect to coordination between WCB and the Hospital Corporation around fully utilizing the MRI. We asked the WCB about whether or not they had had any conversations with the Yukon Hospital Corporation. Then we also asked the Hospital Corporation a week later, but that was in 2017. What we’re wondering is: To what extent have the Workers’ Compensation Health and Safety Board and Hospital Corporation worked out any arrangements to minimize the number of people being sent south for MRIs and maximizing the use of a machine that has a finite life? If we’re going to get the most out of it, we should be using it more often. We were sort of looking at it as an opportunity for cost-sharing — perhaps extra staff to make sure that, as they do in other jurisdictions, this expensive piece of technology is available more than sort of 9:00 to 5:00.

**Mr. Dieckmann:** Thank you very much for that question. I was hoping it would come up, because I am very pleased to say that we have an agreement with the Hospital Corporation, and we are using the MRI to the full amount that we can. We’re at the point now where the only times that we’re

sending people out for MRIs is if it is in conjunction with a referral outside the territory.

I think last year, we had approximately 80 percent of our MRIs done locally. This year to date, two-thirds of our MRIs have been done locally. This is a really good-news story, and I’m really happy to be able to say, yes, we do have an agreement in place.

**Ms. Hanson:** I am very happy to hear that, so I appreciate the witness bringing that information forward.

Also in 2017 — it’s amazing what you find when you go back and look at Hansard — we had actually raised some questions with respect to — at that time, in response to the potential for the conversation, I said that you could be a money-maker, but don’t believe that there’s any money that would be changing hands on that MRI business.

In 2017, I had indicated that there were potential concerns for all workers under OH&S with respect to questions that had come up in December of 2016, so the year previous. There had been issues raised that indicated to us as members that Health and Social Services had been working with Workers’ Compensation Health and Safety Board to look at mitigation and working to ensure that testing and retesting in childcare centres was done and that mitigation measures had taken effect. I had asked the witnesses at that time what the role of Workers’ Compensation Health and Safety Board and Occupational Health and Safety had been — not so much with government facilities, but with private day homes and daycares.

It was interesting — and I’m not sure if you remember this, but I’m going to raise it, because this is current, given the focus this month on radon testing throughout the territory. Mr. Dieckmann had indicated to us that, in 2008, the Workers’ Compensation Health and Safety Board had done a large radon project, which was actually done at the request of the federal government, to assist them in radon mapping. The witness obviously remembers that. They had looked at facilities that were private facilities and government facilities, and they had since gone back to all the places where the facilities did not meet the standards to do long-term retesting to verify whether or not they met Health Canada standards.

When we asked the question about revisiting, we were told then that the Workers’ Compensation Health and Safety Board had started doing long-term testing in 2016 and had provided some information to those day homes that were not meeting the standards and were issued orders. I asked: Under occupational health and safety, is there a requirement for day homes and private daycares to ensure that there is testing to ensure that there is no radon present in their facilities? The response is that all employers are required to ensure that their facilities — but how do we know that, Mr. Deputy Chair? I speak to this from the point of workers’ safety.

How does Workers’ Compensation Health and Safety Board and the Occupational Health and Safety branch satisfy itself that the safety of workers in private day homes and daycares — facilities that are often at ground level or in basements, which is where we see the higher incidence or high testing levels, at least from our experience. What kind of follow-up has been done, and what assurance does

Occupational Health and Safety have that whatever follow-up was done? Maybe there's an update on that follow-up from 2016, but it would be helpful to get it on the record.

**Mr. Dieckmann:** As I had mentioned earlier, whenever we do any kind of inspection or issue any orders, we follow through to the end to make sure that order is complied with. So, if we don't get notification of compliance, we will go back into the workplace.

With regard to the radon testing, we did follow up with all the facilities that we had tested that were over the limits — I believe it's 400 becquerels — yes, 200 becquerels, 400, you have to do immediate — sorry, you have two years to get into compliance.

We have gone back and verified in all those places that they had done the remediation that is required.

**Ms. Hanson:** In general terms, what steps has Workers' Compensation Health and Safety Board taken to make radon measurements part of a workplace hazard assessment — given, as the witness just mentioned, that Health Canada has set safe radon levels at 200 becquerels per cubic metre? So, we certainly have a heightened awareness that radon testing is something that needs to be done and that radon is real.

Is this part of hazard assessment in workplaces?

**Mr. Dieckmann:** What we do, the way we handle it is, when we are meeting with employers, when we're looking at employers' programs, we discuss with them what types of hazards that they would regularly run into in their workplace. In buildings where there is a high potential for radon, we will have discussions with those employers or with those building owners, telling them that it is something that should be included in their hazard assessment and that testing should be done on a regular basis.

We work with a lot of different employers to provide them with information on how to go about testing. We don't do the testing ourselves in most of those instances. It is encouraging the employers to do it and then following up with conversations to see if they have done the radon testing and, as I say, helping them to understand how to go about it — what times of year, how to develop those programs — that is the approach that we take.

**Ms. Hanson:** Just to confirm — is this part of a checklist in terms of workplace hazard assessment? Is radon awareness and testing part of a workplace checklist?

**Mr. Dieckmann:** We don't have a workplace checklist for all hazards that need to be done. It would be really difficult for us to come up with checklists for all industries. Those are more conversations that we have with the employer to help them to understand what they should be doing. We have helped employers to develop their own checklists as to the types of hazards that they want to be reviewing on a regular basis, but it is not something — we don't have a checklist posted on our website saying “check these boxes”.

**Ms. Hanson:** My follow-up would be, then — Workers' Compensation Health and Safety Board worked with the federal government in 2008 to do mapping of radon through the territory. How does that mapping of radon's presence throughout Yukon — how does that inform in which

workplaces you would raise the issue of radon as a potential workplace hazard, or does it?

**Mr. Dieckmann:** As far as the radon map goes — if a workplace is in an area that has known high-radon concentrations, yes, it is something that we would bring to the attention of the employer. That being said, you may be in an area on the map that has a high incidence of radon, but a particular building may not exhibit it. What we would tell the employer is, “You should do your testing.” If it comes back that there isn't radon, then what we would suggest is that your retesting periods could be longer than if it's a building that came back showing high levels of radon and that remediation was necessary.

**Ms. Hanson:** I don't want to belabour the point, but I just want to confirm. So, there is no checklist, but are inspectors or those who are responsible for working with employers aware of this mapping that was done 11 years ago?

**Mr. Dieckmann:** We do have an occupational hygienist at the board, and he has been working extensively with — radon being just being one of the potential occupational exposures. He is very well aware. Newer safety officers probably wouldn't be as aware of the radon map and that radon mapping project, but, yes, we do have people who are very aware of the incidence of radon, the areas where it occurs, and the higher areas of occurrence.

**Ms. Hanson:** So, when we go through some of the things that we were looking at as we were going through both the reports and other related documents, it appears to us that the code of practice for young workers, as of last year's appearance for the witnesses, hadn't been updated, and it still hasn't been updated since 2009. I'm wondering, given that this code is the code of practice for young workers and is now 10 years old, is there a plan to update the code of practice for young workers?

**Mr. Dieckmann:** We have reviewed that code of practice, and we do feel that, as it is right now, it is still a good document. I mean, the focus on it is making sure that workers are properly oriented to the workplace and that they are properly trained in the work that they do. It sets out how to deal with situations that arise where a young worker may come back and say that they don't have a clear understanding. It talks about how employers should be verifying that the workers are properly trained. So, we feel that code of practice is meeting the need that it does have right now, so we're not looking to update it, but we do review our codes of practice.

**Ms. Hanson:** I thank the witness for that response. I asked the question because it's my observation that accepted claims for the 15- to 19-year age group have risen since last year. I understood from the previous response when replying to the Member for Watson Lake that there's a two-year cycle of doing outreach, but if there has been even a slight increase in claims in that 15- to 19-year-old age group, do the witnesses have a plan to do further outreach to that age group in order to diminish workplace injuries in our youngest workers?

**Mr. Dieckmann:** The work that we're doing in the schools is very comprehensive, and we will continue to do that work. When I look at the injury numbers for that group, it's a

very small increase. I think it's an increase of one injury. Statistically, it's really not relevant.

What I will do is — we'll take a look at the young worker incidence over, say, the last few years, and I'll get back to the House and let you know if we're seeing a general increase or a general decrease in that, because I can't really speak to it. I don't have the numbers in front of me.

**Ms. Hanson:** I do appreciate the witness getting back on that, because it's those kinds of trends that actually sometimes tell a story that we may not have observed.

One of the other things that we noted was that, in the last three years, not a large number — so this is very small, like 3.4 percent by our calculation — of claims accepted by the Workers' Compensation Health and Safety Board have been from workers aged 65 or older who appear to fall under the provisions of the legislation.

Can the witnesses speak to whether or not there are any claims that are rejected based on having reached the age of eligibility for old age pension, old age security?

Are there any age-related limitations? Is there any point when you are too old to get workers' compensation if you are working?

**Mr. Dieckmann:** No worker is rejected for eligibility to compensation due to their age.

In the legislation, there is a restriction that any worker who is 63 years or older is only eligible for indemnity payments — wage-loss payments — for a maximum of two years following the injury, but they are eligible for all other benefits — such as medical benefits, et cetera — for life.

**Ms. Hanson:** I guess that response is really what I was trying to get at. We talked earlier and Mr. Pike had outlined that, last year, we celebrated the 100<sup>th</sup> anniversary of the workers' compensation framework. In a time when most people wouldn't live to 65, the notion was that, if you lived long enough to get an old age pension, you wouldn't be working, and so therefore you wouldn't need to have compensable payments made because you would be on a pension. But in the 2019-20 era, we are now talking about many seniors going back to work because the combination of their OAS, CPP, and GIS don't cut it in terms of the cost of living.

Is it a legislative restriction? Is it something that is covered in the survey with respect to recognizing the reality that 2019 is very different from what it was in 1917?

**Mr. Dieckmann:** Just to clarify, is the question that you are asking, "Is this something that has come up during our consultation?"

**Ms. Hanson:** It is partly that. Partly, it is the question — has it come up? Is it structured into the survey documentation or the kind of issue that the board is asking for the public's feedback on? Are they asking for any information that would give a sense of the demographics of people working beyond that period of time when they would get to 63 or 65 — and then, after 65, what do they get? If they are working full-time and they can no longer work — and if I'm incorrect, the witness can correct me. What I am hearing is that, if they are working full-time, they would not be eligible for any compensation from the

Workers' Compensation Health and Safety Board for time lost due to an injury on the job.

**Mr. Dieckmann:** As I said, no matter how old they are when they get injured, if they are over 63, they would be eligible for two years of indemnity payments. This is an issue that has arisen as part of the consultation. So, it is one of the issues that we are looking at bringing into the consultation process.

**Ms. Hanson:** I look forward to seeing how that is addressed in the consultation process, because my understanding is that there is the possibility of — there is going to be a second survey, so I will be looking to see how that is addressed.

Related but not exactly the same — when I look at the survey that is currently underway, one of the questions that is in the survey, Mr. Deputy Chair, is number 5, and it says — a statement here speaks a little bit to the annuity that the witness identified. It says — quote: "Some workers with long term workplace injuries for a benefit called an annuity, which is paid out to the worker when they reach age 65. Currently if the amount is valued at less than \$50,000, workers can choose to receive this amount as a lump sum payment. If the amount is valued at \$50,000 or more, it currently must be paid out into an annual annuity set up with a financial institution. Would it be beneficial to workers if there was no cap on being able to have this amount paid out as a lump sum."

I guess one of the questions that arises from that question is: Is that question that is in the survey also intended to address the issue of flexibility for situations where somebody has been on long-term workplace injury benefits, and in a situation where that person is diagnosed with a terminal illness and may foreseeably not live to 65, could that question be interpreted to provide an opportunity to have it paid out before 65, or would that be something that could be added to the second survey? You know, some people who have long-standing injuries that come as a result of their workplace also — as we have seen, because we have provisions in our legislation — some people may have various forms of cancer or other diseases that may terminate their life before they get to be 65. So, we're looking at ways — how we address, in fairness, the needs of workers — not just solely if they can make it to the bar of 65, and get the lump sum, but if they don't make it to there, is that issue somehow going to be addressed somewhere in the survey or in a second survey?

**Mr. Dieckmann:** When we did our consultation on that piece, we asked if there were any other issues that people wanted to bring forward. That issue has not come up yet. So, it's not something that was on our radar, but it could still come up through the consultation process.

**Ms. Hanson:** Consider at least two submissions making reference to that, then, because I do think it is a material issue.

We had a fair amount of discussion when legislation amendments were being done on PTSD as a presumptive rationale for coverage, but have the witnesses examined reasons for the rise in mental health claims since 2016? Related to that, is there some reason that the witnesses can explain as to

why, from my understanding, 68 percent of mental health claims were rejected in 2018?

**Mr. Dieckmann:** The rise in mental health claims was fully anticipated with the introduction of the presumption for PTSD. It raised awareness, and so there was an increase in the number of people coming forward and filing claims, which also resulted — and there was an increase in the number of accepted claims.

The reasons where claims are not accepted are, in the vast majority of the cases, because there is no injury. In order for a claim to be accepted, there has to be a mental health condition or mental health injury as diagnosed in accordance with the diagnostic and statistical manual for psychological injuries, or the DSM-5. If a condition is not a mental health injury or condition as listed in there, then it's not an injury.

A lot of the claims that we get that are rejected are for workplace stress from normal conditions of work. So, somebody is reassigned work, they're terminated, they are being performance-managed, and they are filing claims for stress that is not a compensable injury under the DSM-5.

**Ms. Hanson:** Thank you to the witness for that. It's interesting.

On a different area of presumption that was added a number of years ago — well, not that many years ago, because I was here. I was just wondering, in light of the general acceptance of what we are facing as a result of the climate crisis — a rise in extreme fires and other events, but particularly firefighting — I'm wondering why Wildland Fire Management workers wouldn't be included under the firefighter presumption in either of the subsections that deal with that. It's my assumption or my understanding that they are not. I guess my question would be: Why not?

**Mr. Dieckmann:** So, the wildland firefighters are included in the cardiac section of the presumption. They are not included in the cancers piece.

As to why that is, I'm not in a position to answer that. The legislation says that they are not included, and so when we enforce the legislation, we enforce it the way it is drafted.

**Ms. Hanson:** Understood. So, as part of the survey or the second phase of surveys, given that we're seeing — it's a reality that we have more wildland fires. We have our wildland fire workers being more occupied both here and elsewhere as a result of wildland fires. Is that something that would be added to the survey as a potential additional category as part of the legislative review?

**Mr. Dieckmann:** That is another issue that hasn't been raised with us as an issue by any parties.

**Ms. Hanson:** I'm curious, as we're looking at the legislative review that's underway — in retrospect, following the consultation that was done on PTSD presumption, what cross-jurisdictional analysis has the Workers' Compensation Health and Safety Board conducted? Do the witnesses anticipate that occupations other than those currently included in the legislation may require PTSD presumption moving forward?

**Mr. Dieckmann:** When the PTSD presumption was introduced previously, we had done a full jurisdictional scan,

but we have not had anyone bring forward anything on consultation to this point on the PTSD. We are doing our consultation on psychological injuries — it will be with our external stakeholder group and held next week, I believe. Issues may arise there, and things could come to us at that point.

**Ms. Hanson:** It is curious because, when we looked at the consultation that occurred around the PTSD presumption, that survey saw that 76 percent of respondents suggested applying PTSD presumption to a broader range of occupations. I am wondering if the witnesses anticipate — if it's not in the first round of surveys, but in the next round of surveys and perhaps as a result of both reflecting back on the previous consultation and whatever may come out of the stakeholder group that is going to be meeting to talk about psychological injuries — whether or not that would be another aspect that could be included in that second round of the survey.

**Hon. Ms. Dendys:** I think that, at this point in terms of the discussion that we're having today regarding the consultation that is ongoing, we're in the process of that consultation. There will be decisions that we make within the Cabinet Committee on Legislation. Based on what we've heard through the consultations, we will be making those decisions at the Cabinet committee level and then bringing forward draft legislation.

Those are certainly areas — we will consider what we hear throughout the consultation, and that is what we have committed to throughout this process. I think it may be difficult for the witnesses to answer those types of questions as they will be matters that will be decisions that we make as legislators.

**Ms. Hanson:** With respect, the question was with respect to expanding the survey. We heard from witnesses that there was a second round of surveys to occur. I'm simply asking the question. I think it's a legitimate question. I will move on, though, because I have had this happen to me before — where a government doesn't like questions asked.

When we're talking about occupational health and safety training — and there was mention of outreach and working with the programs to familiarize foreign workers, like the nominee program, and other folks who come to work in the Yukon from all around the world — are the occupational health and safety training programs offered in English only?

**Hon. Ms. Dendys:** I just wanted to make one comment, as the member opposite has made a comment that I would like to reply to. We will consider everything that we hear throughout the consultation. I wasn't meaning to cut off questions regarding the legislative review. I just simply wanted to say that we will take into consideration everything that we do hear regarding all matters. I just wanted to make that clear.

**Deputy Chair (Mr. Adel):** Mr. Dieckmann, would you like to answer the question that was presented?

**Mr. Dieckmann:** Could you repeat it?

**Ms. Hanson:** The question was asked about the programs offered for occupational health and safety training for workers who are participating in foreign worker programs, like the nominee program and others. Are those courses offered in English only?

**Mr. Dieckmann:** Unfortunately, we are only able to offer them right now in English and French. We don't have any speakers of any other languages.

**Ms. Hanson:** I appreciate that. It would be interesting, given that, say, 11 percent of our population is Filipino — that we might be following examples from elsewhere where we try to offer a diversity of languages.

I just want to come back to an area — this is related to statistics, and it's also getting a sense of going back to some of the mental health questions.

In 2008 — and I'm using 2008 because it's the most recent report that we were able to find where Workers' Compensation Health and Safety Board published this kind of information — it said that 48 incidents were reported within the homes for children and seniors industry. We have heard concerns and had people speaking to us about concerns about reported incidents from this broader industry, specifically with concerns of incidents arising in group homes and seniors facilities.

Can the witnesses speak to reported incidents for this industry — those assorted services for children and seniors for 2018? Can the witnesses speak to the proportion of those claims that were mental-health related?

**Mr. Dieckmann:** Those are not numbers that I have with me. I can look and see, but the way that we record all of our injury classifications is we use what are called the national workplace injury statistics. That has the classifications laid out for all the various industries, so I would have to see if that's an industry class that is in the NWISP coding — but I will check and see if we can get you that information.

**Ms. Hanson:** The reason I ask is because I'm not sure what the new categories are, but when those categories — and we couldn't find anything that broke out sort of group home workers and people who provide services in seniors facilities. We do know by media reports that — well, we just had an unfortunate incident of a death in Calgary of a group home worker. Those are real workplace injuries and/or fatalities that occur in other jurisdictions. It would be interesting and helpful to get a sense — either we have baseline data — if maybe we had that going back to 2008 — and what we're projecting forward because we now have a much larger number of seniors facility beds and perhaps a diminishing number of group home situations. But it would be helpful to know. It also gives you indicators as to the complexity of the kind of situations that we're dealing with in these various quasi-institutional settings.

**Mr. Dieckmann:** Yes — getting that granular, I'll really have to look. The current codings that we have that would capture those types of injuries would be under health occupations or could be occupations in social science, education, government services, religion — those are the sort of catch-all ones. Getting down to that granular level of identifying whether it was an extended care or continuing care worker — I will have to check and see if that's available.

**Ms. White:** Just a quick question: I was going through the survey online, and one of the questions was about how you perceive if an employer will accept — you know, whether you're highlighting an incident or something that has happened. One of the questions I have is — I used to have a coffeeshop,

and I had teenage employees. One of the things I always said, as an employer, is that if something happens, I need to know about it so we can report it. But what I do know now, in my experience, especially in different job sites, is that sometimes employers view that, if a claim is made under them, their rates will be affected because of that one claim.

So, what education happens to employers so that they better understand how rates are calculated — and the example being, if an incident happens at your workplace, it doesn't mean that your rates will be affected, because it's calculated as a whole within an industry. So, how do we make sure that employers understand that we want incidents to be reported? Because maybe you knocked your elbow and it's sore now, but what we don't know is that you have actually fractured your elbow and you don't get it checked out for six months, and then when you finally do, it turns out you can't use your arm. So how do we make sure that incidents are being reported and that workplaces understand that they're not punished when someone files a claim?

**Mr. Dieckmann:** There are a number of things that we do to try to make sure that employers are aware. Our outreach activities — we definitely speak with employers, but one of the things that we have done is we have a contribution agreement with the Yukon Chamber of Commerce, and we have an employer advisor as a result of that contribution agreement we have. The employer advisor does a lot of outreach — direct, one-on-one outreach with employers, holds a lot of public meetings in all the communities, tries to get employers together to understand that, and puts on a compensation 101 program specifically designed to help employers to understand those types of issues — how compensation is calculated, when to report, and what to report.

He also offers the service that, if people are uncomfortable coming to us, he will act as a go-between to provide them with the information. If they have questions about our system but they don't really want to come and talk to us, we will take those questions, bring them to us, and we will provide all the answers and then the employer advisor will go out and work with those employers and provide them with that information. So, it has proven to be a very successful program and a really good arrangement that we have with the Yukon chamber.

**Ms. White:** I am just going to be super quick. Maybe I will not be able to get a response, but I will just put it out there. I'm curious to know if there is a requirement to have the information posted in any workplace — so how you would go about making a claim and the employer's responsibility. The reason I highlight it is there a requirement, or maybe it could be a requirement — because that way, even if your employer said, "No, no; don't do it", it is stated in a place that you could read that says, actually, "These are the reasons why you should file a claim."

I thank the witnesses for coming, and if they have a chance to respond — if not, that's okay — I am just going to put it out there.

**Hon. Ms. Dendys:** On behalf of Committee of the Whole, I would really like to thank the witnesses — Mark Pike, chair of the Yukon Workers' Compensation Health and Safety

Board; and Kurt Dieckmann, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board — for appearing here as witnesses.

**Deputy Chair:** Mr. Dieckmann, would you like to take a quick minute just to reply before we close this off? Or would you just like to get back to the member opposite when you can?

**Mr. Dieckmann:** I will get back to the member opposite when I can.

**Deputy Chair:** The witnesses are now excused. Mr. Dieckmann and Mr. Pike, we appreciate you coming.

*Witnesses excused*

**Hon. Ms. McPhee:** Mr. Deputy Chair, I move that the Speaker do now resume the Chair.

**Deputy Chair:** It has been moved by Ms. McPhee 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 Deputy Chair of Committee of the Whole?

#### **Chair's report**

**Deputy Chair:** Mr. Speaker, Committee of the Whole has considered Bill No. 200, entitled *Second Appropriation Act 2019-20*, and directed me to report progress.

Also, pursuant to Committee of the Whole Motion No. 2, witnesses appeared before Committee of the Whole today to discuss matters related to the Yukon Workers' Compensation Health and Safety Board.

**Speaker:** You have heard the report from the Deputy Chair of Committee of the Whole.

Are you agreed?

**Some Hon. Members:** Agreed.

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

The time being 5:32 p.m., this House now stands adjourned until 1:00 p.m. tomorrow.

*The House adjourned at 5:32 p.m.*

#### **The following sessional paper was tabled November 19, 2019:**

34-3-23

*A Year in Review — Yukon Human Rights Commission — 2017/2018 Annual Report and Yukon Human Rights Commission Financial Statements Year Ended March 31, 2018* (Speaker Clarke)

#### **The following document was filed November 19, 2019:**

34-3-24

Canadian Broadcasting Corporation's elimination of regional northern broadcasts, letter re, from Hon. Sandy Silver, Premier, to Hon. Caroline Cochrane, Premier of the Northwest

Territories, and Hon. Joe Savikataaq, Premier of Nunavut (Silver)