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HANSARD

Monday, October 26, 2020 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2020 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

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Hon. Ranj Pillai	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
Hon. Tracy-Anne McPhee	Riverdale South	Government House Leader Minister of Education; Justice
Hon. John Streicker	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
Hon. Pauline Frost	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
Hon. Richard Mostyn	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
Hon. Jeanie McLean	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

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**Yukon Legislative Assembly
Whitehorse, Yukon
Monday, October 26, 2020 — 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. Streicker: I would ask all Members of the Legislative Assembly to please welcome here Chief Doris Bill, Elder Councillor Judy Gingell, and Councillor Charles Chief, who are here for our ministerial statement on the Kwanlin Dün First Nation *Lands Act 2020*.

If we could welcome them, please.

Applause

Ms. Van Bibber: I would ask the House to help me welcome Karen Forward, president of the Yukon Hospital Foundation, her husband and best volunteer, R.J. Hill, and board director Dana Klock.

Applause

Speaker: Tributes.

TRIBUTES

In recognition of Denim Day and the Yukoners cancer care fund

Hon. Ms. Frost: I rise to ask my colleagues to join me in recognizing Wednesday, October 28 as Denim Day. Denim Day is a fundraiser for the Yukoners cancer care fund. This fund helps Yukoners battling cancer and their families to cover some of the out-of-pocket costs that can be incurred during cancer care treatment.

2020 has been a year that none of us expected. It has been filled with unexpected challenges. A lot has been cancelled or postponed due to the pandemic, but cancer diagnoses haven't been put on hold. On Denim Day, Yukoners are encouraged to make a donation online and wear their jeans to show their support for the cancer care fund. I encourage my fellow members to make a donation to the cancer care fund to show their support.

In Canada, cancer is responsible for 30 percent of all deaths. Cancer has touched all of our lives in some way. Supporting the Yukon Hospital Foundation cancer care fund is one way that we can help Yukoners who are dealing with the unexpected challenges of cancer diagnoses.

Mr. Speaker, as Yukoners and as Canadians, we have access to a high-quality health care system. We have excellent options for treatment for Yukoners who must travel for care. We have a robust medical travel program. We are also fortunate

to have access to skilled and compassionate oncologists and health care professionals. All of this is vitally important, but often patients dealing with a cancer diagnosis can need other types of supports. For many patients, it can feel like a cancer diagnosis puts the rest of your life on hold.

This fund provides money directly to patients and their families which can be used for the many out-of-pocket expenses such as daycare, rent, or a mortgage, which aren't put on hold when someone is fighting cancer.

The fund was started in 2013, and to date over 250 families have accessed the funds, each receiving a grant of \$1,000. Providing this financial relief lessens the burden on those who are fighting cancer and their families, and it allows them to focus on their treatment and a path to recovery.

I encourage all members of this House, if they haven't already done so, to make a donation online and to encourage their friends and colleagues to do the same.

Mahsi' cho to all of the many volunteers who have contributed also to this great initiative.

Applause

Ms. Van Bibber: I rise today on behalf of the Yukon Party Official Opposition and on behalf of the Third Party to pay tribute to Denim Day 2020 and to the Yukoners cancer care fund. As many know, this is one of my charities of choice. Kudos to the amazing president of the Yukon Hospital Foundation, Karen Forward. This is an unusual year, when gatherings and fundraising are more difficult. As this is the main focus of her job, Karen continues to work tirelessly and cheerfully for the Yukon Hospital Foundation, plus she has the added work of the cancer care fund.

Traditionally, Denim Day is held in April, Cancer Month. We have raised almost \$25,000 over the past three years, and the fund has helped 251 families with a gift of \$1,000. This gift is to help alleviate financial stress during a patient's treatment. Many recipients have given us testimonies about their immense appreciation for the gift. I have told the foundation how they have used the money. The cancer care staff have also expressed their gratitude on behalf of their patients — from buying wood to extra health products that are not covered by insurance or public health. So many issues arise when you are told that your world has changed due to cancer.

Cancer has not stepped aside because of COVID-19 and the world pandemic. As the coronavirus has dominated our world news, our daily lives, and how we interact with all those around us, cancer still happens to our families and friends. Many organizations have found innovative ways to fundraise. Denim Day is also adapting.

This year, the day will be this coming Wednesday, October 28, so I look forward to seeing a variety of denim styles. Previously, \$5 buttons were sold at stores, and businesses were asked to challenge each other and to wear denim to work or to register for monthly donations.

Dana Klock, foundation board director, has stepped up to help us this year and requested that businesses buy blocks of \$5 buttons and wear denim on Wednesday to support this worthy cause. Check out the Yukon Hospital Foundation Facebook

page which is full of information. One can donate online very easily. I know Yukoners love to support each other. What better way to help? Get involved and see how many families we can help. Every \$5 adds up and the more buttons we sell, the more we can gift as, sadly, the need continues to grow. So, buy a button. If you don't wear buttons and don't want another item to contend with, you can still donate. Any amount would be appreciated. Get in touch with Karen Forward at the Yukon Hospital Foundation for further information and any questions you may have. Challenge others. Buy in bulk. Let's outdo the \$7,000 raised last year. Newsflash — just before, as I was walking in the House, we have beaten our \$7,000 mark and we are over that amount. Well done.

Cancer can and does cause distress, angst, and fear. Join in the campaign. Buy Denim Day buttons, become a collector of the pins, and we encourage everyone to wear denim on October 28, 2020.

Finally, thank you in advance to all who have made donations. Remember, donations don't stop on Denim Day; we accept all year. Those who need immediate help when their lives change so drastically also say "Thank you."

Applause

Speaker: Introduction of visitors outside of time provided for.

INTRODUCTION OF VISITORS

Hon. Mr. Streicker: Thank you, Mr. Speaker. Could we please welcome His Worship, Mayor Dan Curtis who I think is also here in support of Kwanlin Dün's new *Lands Act 2020*.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Frost: I have for tabling the *Yukon Child Care Board Annual Report* for 2018 to 2020, which is required under section 4(11) of the *Child Care Act*.

Ms. Hanson: I have for tabling a letter of resignation dated September 8, 2020, from the vice-chair of the Dawson regional land use plan.

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

Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House supports not reducing social assistance benefits for CERB beneficiaries in the response to the COVID-19 pandemic.

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

THAT this House do issue an order for the return of a detailed breakdown of the \$33.695 million spent on pandemic management from the 2020-21 Health and Social Services O&M expenditures.

Speaker: Are there any further notices of motions?
Is there a statement by a minister?

MINISTERIAL STATEMENT

Kwanlin Dün First Nation *Lands Act 2020*

Hon. Mr. Streicker: On March 3 this year, the Kwanlin Dün Council passed Nän K'uk, their new *Lands Act 2020*, and it came into effect on October 15. The new act enables the Kwanlin Dün First Nation to manage their settlement land and to make it available to meet the residential needs of their beneficiaries and citizens.

It also provides them the authority to manage, protect, and enforce laws on their settlement land. The updated *Land Titles Act, 2015* this House passed in 2016 enables Yukon First Nations to register settlement land in the Yukon Land Titles Office without affecting aboriginal rights and title on that land.

Long-standing barriers have now been removed, including the inability of lending institutions to register a mortgage against a parcel of settlement land. This opens the doors for First Nations to pursue economic development opportunities on their land through long-term leases and other developments. The Kwanlin Dün First Nation has amended their self-government agreement to enable the registration of settlement land under Yukon's land title system.

The Kwanlin Dün First Nation has been working diligently with their citizens over many years to create a vision for the use of their land now and into the future. Today, we see much of their vision coming to life through their *Lands Act 2020*. I would like to congratulate them on all their hard work and forward thinking.

The Kwanlin Dün First Nation's Heritage, Lands and Resources department is developing policies and rules within the act as well as land registry so the department can administer the act and open the land application process.

When this is done, the Kwanlin Dün *Lands Act 2020* will be in effect and they will be able to make land available for residential, traditional, recreational, commercial, and industrial uses. This new legislation will enable the Kwanlin Dün First Nation to more effectively manage their settlement land in alignment with their values and it will create significant development and growth opportunities for the Whitehorse area.

Mr. Speaker, our government is proud to be working hand in hand with First Nations to support their land development capacity. Respectful government-to-government relationships with First Nations is a priority of our Liberal government. By working in partnership with First Nations, we have made some

innovative advancements that have paved the way for a bright future not only for First Nation citizens but for all Yukoners.

One area of focus is our integrated land development strategy to meet Yukon's current and long-term needs, including: restoring and maintaining lot inventories in Whitehorse and the communities; exploring and advancing opportunities for private sector land development; and providing broad support to First Nations in developing their land holdings for citizen housing and economic development opportunities.

I am very pleased to say that we are working with First Nations on several projects right now. For example, we are partnering with the Champagne and Aishihik First Nations to support the development of the Marshall Creek subdivision. The Lone Tree country residential and airport road industrial developments with the Teslin Tlingit Council have recently undergone a YESAB process. We are working with the Carcross/Tagish First Nation for adjacent Yukon government and Carcross/Tagish First Nation parcels and to look at a second access in Carcross. We have also initiated a joint planning process with the Kwanlin Dün First Nation for land development opportunities in the Range Point neighbourhood of Whitehorse.

We will continue to partner with First Nations and work with them to support land development activity. Congratulations again to the Kwanlin Dün First Nation on the enactment of their *Lands Act 2020*. It will bring many benefits to their citizens and to the Whitehorse area and is a significant achievement for the whole of the territory.

Ms. Van Bibber: Thank you for the opportunity to respond to this today. This is a positive development that I hope will have a lasting and positive impact on all Yukoners. This process goes back a number of years. Early in the summer of 2011, the former Chief of the Kwanlin Dün First Nation impressed on the territorial government the benefits of a concept of registering self-governing First Nation settlement land within the territorial Land Titles Office. With Kwanlin Dün being among the largest landholders in the City of Whitehorse, the prospect had considerable potential to address the city's land and housing shortage and realized a key component of the vision of Kwanlin Dün First Nation's agreements, therefore benefitting its citizens and all Yukoners. The pact and the promise made from one government to another became a major policy that both worked on over the next several years. The process, however, was not easy, as here we are — nine years later.

With the 2016 passage of the *Land Titles Act, 2015*, Yukon First Nations were now able to register settlement land without impacting their rights or title. Earlier this year, as the minister highlighted, the Kwanlin Dün brought in their new *Lands Act* which, I am happy to say, is now in force as of this month. This transformational change, I think, will have long-lasting impact and benefits.

While 99-year leases and other similar arrangements that allow for development on indigenous lands are in place across the country, once again, the Yukon is a trailblazer in that — in

our case — while First Nation settlement land can be registered with territorial Land Titles, First Nations maintain their right and title.

So, congratulations to the Kwanlin Dün First Nation for their hard work on this important file. As I have stated, this policy is a testament to the great achievements that can be accomplished by working in partnership. By fostering, growing, and respecting these types of relationships and partnerships, we will build a strong community and a stronger Yukon.

Congratulations and well done.

Applause

Ms. Hanson: The Yukon New Democratic Party congratulates the government and citizens of Kwanlin Dün First Nation on the proclamation of their *Lands Act 2020*, the Southern Tutchone title “Nän K'uk”, which translates as “We all look after our land”. This definitive statement of self-determination reverses decades of being ignored, or worse, as major decisions affecting Kwanlin Dün's traditional territory were made, whether it was the establishment of the community of Whitehorse with the forced relocation of the then-Whitehorse Indian band, the building of the Alaska Highway, the construction of hydroelectric projects at Whitehorse, Lewes, Marsh, or Fish Lake, or generations of land development by municipal and territorial governments — without input from the First Nation — all this came to an end on February 19, 2005, with the signing of the First Nation final and self-government agreements.

With the finalization of those agreements, the First Nation is now fully engaged in the planning and development of both settlement lands and surrounding public lands.

Mr. Speaker, during negotiations of the *Kwanlin Dün First Nation Final Agreement*, the First Nation negotiators selected many settlement land parcels based on their potential revenue generation. Kwanlin Dün First Nation is the largest landowner in the Whitehorse area. The Kwanlin Dün First Nation traditional territory land vision provides the Kwanlin Dün First Nation government with direction that supports planning for both settlement land and for other lands throughout its traditional territory. As members of this Assembly, we must remain mindful of the Kwanlin Dün First Nation land-based goals, and these include: community development; the goal of providing land for Kwanlin Dün First Nation residential and infrastructure needs; a goal focusing on wildlife to conserve areas of high ecological value and to maintain the health of wildlife populations; a goal of conserving areas of high heritage value while maintaining and creating opportunities for continued use of the lands; and the goal that seems to have attracted the most attention today of revenue generation — to make lands available to generate revenue for the benefit of the Kwanlin Dün First Nation community. We should be mindful as well that the key messages from the land vision include: that lands must be dedicated to protect important heritage areas and ensure their continued use for traditional activities; that certain community lands and portions of rural blocks should be used for revenue generation; and that remote rural blocks and their

adjacent areas should be managed primarily for traditional purposes. The vision includes that development should be minimal, with no new road access in those rural remote areas.

Combined with the work that the Kwanlin Dün First Nation government and others have done to modernize provisions of the Yukon land title system, Kwanlin Dün First Nation's land deck is testament to the commitment of this First Nation government to breathe life into the final and self-government agreements in a manner that respects traditional values and embraces opportunities for the benefit of both the Kwanlin Dün First Nation and all Yukon citizens.

Hon. Mr. Streicker: I would like to thank members opposite because the indication is that everyone in this House is very supportive of this milestone, and I think we are here to mark it with the Kwanlin Dün First Nation and the whole of the territory. I would like to acknowledge that, whenever we work with a municipality or a First Nation, we turn to that First Nation and ask them what their vision is for the development of land in their traditional territory or their municipal boundary. It is under their leadership about the planning that we will be supportive. I just want to say that we had a very productive meeting, probably in the last several weeks, and this was one of our main topics. Of course, we covered off many, but there was a desire to be even more proactive around this file working jointly as governments.

I think it's also a testament to the relationship between the City of Whitehorse and Kwanlin Dün First Nation. I just thank the members opposite for their comments of support and their recommendations to work in a way that continues to foster this relationship. Again, congratulations to Kwanlin Dün First Nation. I think it is a game changer for the territory.

Applause

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: COVID-19 pandemic impact on education system

Mr. Kent: During Question Period on Thursday, we were asking about the minister's priority to get students in grades 10 to 12 in Whitehorse back to full-time in-class learning. We asked specifically about how this was affecting Yukoners' ability to get to work full time. In a bizarre response, the minister said — and I quote: "Clearly there are many things affecting individuals' abilities to go to work during a world pandemic..."

She went on to say — and I'll quote again: "... but the fact that teenaged students in grade 10 to grade 12 being at school for half-days is a puzzling comment to me." This comment by the minister is unfortunately out of touch with the lived reality of many parents and families. Many students struggled at the end of last school year with at-home or online learning, so now, some parents are taking time away from work to assist them. Why does this puzzle the minister?

Hon. Ms. McPhee: Returning grades 10 to 12 to full-time education in three of the high schools here in Whitehorse

continues to be our top priority with respect to the work going forward. During this time when school is in, we have had to adapt the programming for grades 10 to 12 students at the three largest high schools in Whitehorse. These operational adaptations were based on advice from the school administrators and the health and safety guidelines for schools to ensure safe spacing, managed traffic flows, limited mixing of groups of students — or too many students in a group. We continue to monitor and adjust the supports in the short term to meet the immediate needs of the students in the current model. We ensure that we are meeting students' learning needs as best as we can.

With respect to some of the students in this situation, they have done relatively well. We are working to support all students and continue to develop their independent learning skills and to provide services and supports for individuals who are not adjusting well to this current situation.

Mr. Kent: So, the minister has said she is "puzzled" that parents of grades 10 to 12 students would have their work affected by the schedule of having them in class only half time.

Due to the busing schedules, many families that live in the Whitehorse periphery are finding that much of their kids' online learning time is actually spent on the bus. As a result, some parents have made the choice to leave work and drive their kids to or from home so they won't miss any of the online portions of their learning day.

This is another example of how the Liberals' decision to have some students in class half time is affecting Yukoners' ability to work. But the minister said she is puzzled by the fact that many families are finding this difficult.

So, when will the minister get grades 10 to 12 back to full-time in-class learning?

Hon. Ms. McPhee: We will be able to return all grades 10 to 12 students in Whitehorse to full-time classes when it is safe to do so.

The first consideration in planning for the 2020-21 school year has been the health and safety of students and staff and ensuring that all schools remain low-risk learning environments for Yukon students, based on the advice of the chief medical officer of health.

Mr. Kent: So, many of the families that we've spoken with are telling us that, as a result of the current learning situation, their kids' mental health has been negatively affected and they are receiving private counselling services. Those parents often have to take time off work to ensure that their kids are getting to the services and, in some cases, are attending with them. This current situation is unsustainable for many families. The minister has stood here saying that getting all students back to full-time learning is her top priority. But as we know, the Liberal government is great at setting priorities but not so great at delivering on them.

So, when will the minister have a plan in place with timelines so families can have some certainty?

Hon. Ms. McPhee: I think certainty is something we would all like to strive for right now, but the concept of a world pandemic is new to us all. Everyone's lives have been disrupted. I certainly feel for the students and the parents

involved in the education system and the adjustments that have had to be made to comply with health and safety guidelines that are in place here in the territory — and frankly, across the world.

With respect to providing a plan going forward, it is being worked on every day, all day. With respect to how to return all of our students full time into school, you might remember, Mr. Speaker, that one of the priorities in this decision going forward was to have grades 10 to 12 in class every day — being connected to the teacher, their friends, and their schoolwork every day. It was a top priority.

This is complex work going forward. It is being done by the administrators and by our partners in education. It is critical work that takes time — potentially involving changes to core scheduling, to staffing, to space adaptations, and to student transportation. We truly appreciate the patience and the consideration being shown by everyone involved in supporting these students and our school communities.

Question re: Safe Restart Agreement childcare funding

Mr. Cathers: In a letter to the Prime Minister, the Premier states that he earmarked \$2.6 million of the Safe Restart money for assisting with childcare for returning workers. The letter specifically states that part of this money will go to two community daycares. The Premier has refused to provide details and answer this simple question for four weeks.

Can the Premier confirm that this funding is earmarked for the daycares in Dawson City and Watson Lake? How much of the \$2.6 million is going toward these two daycares?

Hon. Ms. Frost: With respect to childcare and childcare supports during the pandemic — the member opposite raises a question or a point with respect to the supports for the Little Blue Daycare in Dawson City and the Watson Lake childcare centre. I'm very pleased to say that we have worked with these two childcare centres over the course of the last 12 to 14 months to ensure that we supported these two childcare centres, which historically were not funded or supported.

The two projects — the pilot project that we supported and sponsored — the initiatives — and we continue to do that going into the pandemic. We find now that these two childcare centres will be supported into the future. I just want to acknowledge the staff at these two childcare centres for advocating and pushing for equity, transparency, and fairness to ensure that childcare supports across the Yukon are equalized — that there are no disparities or discrepancies with how funding is allocated.

Direct operating grants — the early learning childcare funding is going to these childcare centres that we are speaking of right now.

Mr. Cathers: Well, this government is famous for non-answers, but the work that the minister said began seven months before the pandemic doesn't directly relate to the question that I asked.

I am not sure why the current government is so resistant to sharing information on how taxpayers' money is being spent. It took us two weeks to get the Minister of Health and Social Services to provide any details on her department's spending

and now we are on week four of trying to get details on where the Safe Restart funding is going, and the Premier is still refusing to tell us.

The Premier's letter to the Prime Minister also states that \$3.26 million has been earmarked for personal protective equipment for both health and non-health sectors. Can the Premier confirm if this money has been spent and will the government assist the private sector in procuring personal protective equipment to assist with the reopening of the economy? These are very simple questions, Mr. Speaker.

Hon. Mr. Silver: Mr. Speaker, we have been asked this question from the opposition a few times. We have answered every time. The member opposite is asking for information and we have given the information. The federal government committed to a total of \$19 billion toward the Safe Restart right across the country. In Yukon here, under the Safe Restart Agreement, Yukon will receive \$13.5 million in the Safe Restart portion of that funding envelope across six different areas. We have mentioned that they are going to support health care capacity and mental health, testing, contact tracing, data management, PPEs, childcare, vulnerable populations, and municipalities.

Most funding in the Safe Restart Agreement was allocated to provinces and territories on a per capita basis. We successfully argued our case to have a base-plus allocation; therefore, we do have the northern part of this funding. We have been very transparent as to what the money is being directed toward. It is just simply not enough information for the member opposite, but, again, with these types of funding envelopes, as we spend the money and as we get it allocated, we have been very up front as to what we lobbied for from the federal government in our Council of the Federation conversations and then our First Ministers' meetings conversations. We have been very transparent as to making sure that our needs reflect every single community, and we will continue to make sure that Yukoners have the provisions that they need during COVID.

Mr. Cathers: Mr. Speaker, the fact is that the Premier and his government are not providing the details. We are hearing high-level talking points while they continue to refuse to provide us with the real details of their spending.

The \$2.6 million that the Premier mentions in his letter to the Prime Minister that is going to childcare for returning workers — the Premier stated in the letter that part of the money is for additional support for cleaning and disinfecting childcare facilities.

Can the Premier tell us if this money has been spent already? What is the plan to ensure that these childcare facilities receive this additional support long term? While he is at it, he can answer the first two questions that I asked that he still did not answer.

Hon. Mr. Silver: The member opposite is correct. Some of that money does go to cleaning supplies. When we have any updates as to the money being completely spent or not, we will absolutely share that information. To say that we are not sharing information, Mr. Speaker, is just not so.

The facts are that, when we started our conversations with the federal government — the different envelopes in which the

Safe Restart Agreement money came from, we were very open. I had lots of conversations with the First Nation governments and municipal governments, as far as what their needs are on the ground floor. We then worked with our counterparts in every jurisdiction, the whole time, letting Yukoners know on a weekly basis — updating them on the conversations that we had been having at a national level. When we got the money, we told people exactly what the money was for, and now the member opposite says: “Has the money been spent completely?”

I don't have the information in front of me, as to whether or not the particular portion of that money was completely allocated, completely spent, at this time, but I will, again, state for the record that we will make sure that the monies that we asked for, that we successfully lobbied for — base-plus funding — which other jurisdictions do not get, but we do — that we will use those monies accordingly, when we do allocate them to the envelopes that were presented.

The federal government has recognized that per capita funding is insufficient and that is a huge win for the territories.

Question re: Emergency shelter access to services

Ms. White: Last week, Yukoners who picked up a meal from the food bank were told that the program would end at the end of October. Starting November 1, meals will only be available from the Whitehorse Emergency Shelter, except for dinner. The Whitehorse Emergency Shelter's drop-in hours end at 4:30 p.m., so only the people who stay at the shelter will have access to dinner.

Will drop-in hours at the shelter be extended, so that those in need of a meal can access dinner at the emergency shelter?

Hon. Ms. Frost: Just for the record, on November 1, the shelter will return to administering all meals on-site, with, of course, slightly modified hours of operation. There will be breakfast, lunch, and dinner provided. The efforts, with respect to the food bank and the supports there, I just want to shout out, of course, acknowledge the partnership during the pandemic — the support from the Whitehorse Food Bank was really necessary at the time and we are now acquiring those services back to the shelter and the hours are going to be extended.

Ms. White: So, we are still in the middle of a pandemic and winter is here, and Yukon's housing crisis is showing no sign of slowing down. People who are struggling should not have to worry about the basic need to get a meal if they need it. It is a question of dignity. Staff at the shelter and the NGO community have pulled together and helped hundreds of Yukoners over the last months, through this meal distribution program, and they showed what community means, when people needed it most.

So, just for confirmation, can the minister tell us that no person will be turned away when they need a meal from the shelter?

Hon. Ms. Frost: I would like to assure the member opposite and, of course, all Yukoners that the Whitehorse Emergency Shelter is in place to provide services to our most vulnerable population, ensure that they have food, shelter and, of course, the necessary services — always wanting to provide

all options. I certainly want to acknowledge that winter is upon us, and the shelter wants to ensure that all guests have a warm place to enjoy their meals. We want to ensure that our partners are fully aware of the services, and we are certainly doing that. We do not want to ever turn anyone away, as was the historical practice. It's certainly not our practice, because every person who enters the facility is well-respected and is respected for where they are, and the services are provided to them.

Ms. White: Just for clarification, when the minister says “guests”, is she referring to anyone who walks through the doors or only those who stay overnight at the shelter?

How will government inform Yukoners who need it that they will be able to access the meal in the evening through the emergency shelter, and what will the shelter hours be starting on November 1?

Hon. Ms. Frost: We spent the last week debating the supplementary budget for Health and Social Services and, in particular, for the Whitehorse Emergency Shelter. Part of the cost was to address the core needs of the shelter, and part of that was to ensure that we provide services to all of the guests. “Guests” mean the clients who appear at the shelter. No one is turned away. If you present and show a need for a meal or the services that we provide at the shelter, we certainly want to ensure that every person who enters is given the support that they require.

As well, the hours have been expanded. As of November 1, all of the services will be provided out of the Whitehorse Emergency Shelter.

Question re: Dawson regional land use planning

Ms. Hanson: On October 6, the Dawson Regional Planning Commission announced that vice-chair Art Webster had resigned. His resignation letter stated — and I quote: “The obvious conclusion to be drawn is that the staking of claims during a planning exercise is de facto land use planning. Thus the role of the commission and its ability to offer a reasoned fact based land use plan that recommends wilderness protection rather than mining for an area can be usurped by a placer miner.”

While this government continues to preach evidence-based decision-making, it turns a blind eye to evidence. How are Yukoners supposed to trust a government that goes against its own word? Can the minister point to the evidence that was used in making the decision to allow speculative staking in an area that is subject to a land use plan?

Hon. Mr. Pillai: Mr. Speaker, first of all, there was a tremendous amount of information that was shared that's incorrect by the member opposite.

What I will share with Yukoners is the fact that our government is committed to making sure that the land planning process is back on track. We can show the proof in that. If you want the evidence, it is seeing the fact that we're implementing the Peel plan. We're underway in sub-regional planning with Na-Cho Nyäk Dun. We had another First Nation reach out to us last week that would like to start that same work. We have multiple regional plans as well that we've been requested to undertake.

When it comes just to local area planning, the work that we've been undertaking as well — the Alaska Highway, Fox Lake, Marsh Lake, Shallow Bay — all tough conversations — I could go on — a tremendous amount of work.

We are aware that the individual had left the planning commission. Again, we're committed to working with them. I've reached out to the planning commission and we have asked for them to provide us with some names. We actually reached out to the individuals appointed by Tr'ondëk Hwëch'in because we want to ensure that we have a cohesive group of people there. I look forward to answering questions 2 and 3 as we continue with this conversation.

Ms. Hanson: The Minister of Community Services today spoke about listening to the First Nation communities for their vision, which is in stark contrast to the situation with respect to the Dawson regional plan.

The vice-chair's decision came as a result of this government's inability to listen to the commission, panel and experts' recommendation on policy. I quote again from his resignation letter: "... without consulting with our Commission, YG approved applications to its Yukon Mineral Exploration Program..."

This came after the commission made recommendations to implement a moratorium on mineral staking during the regional planning process.

Can the minister indicate why he ignored the Dawson Regional Planning Commission's advice and approved a policy that was in direct opposition to the recommendation made by the commission?

Hon. Mr. Pillai: I think one thing is certain: We've heard the letter from the former member of the Dawson commission. We've heard two different pieces of that quoted. What I think that tells us is that — we're disappointed that the individual has moved on, but it certainly shows that his mind was made up on these particular topics. What we really want is for our commission members to take information from all different perspectives, and that's really the work that they need to do, not just to make their mind up beforehand.

I'll touch on a quick point that the Member for Whitehorse Centre made. At one point, you're asking about staking, and then, in that particular instance, you were talking about an existing claim where there is work being done. So just to clarify: Those are two separate things — just to help you out there. So, we will clarify that. I look forward to question 3, and I look forward to talking about a bit more evidence that we've used to make this decision.

Ms. Hanson: You know, Mr. Speaker, land use planning wasn't a priority for the Yukon Party and it now appears to be the same of the Yukon Liberals. This government's inability to meet with the commission and address the speculative mineral staking issues that affect the process is confirmation of this. It appears that this government is unable or unwilling to learn from the past.

Yukoners do not want to be forced into another drawn out and divisive court battle like the Peel, but by all accounts, this government is waiting for another court battle to save them from making a decision. Why is this government reluctant to

do the right thing rather than enacting a moratorium on mineral staking pending the outcome of the Dawson regional land use planning process?

Hon. Mr. Pillai: I know that in this role — the Minister of Environment, who is my partner in this work is probably an individual who has almost the most experience in regional land use planning in the Yukon in her previous roles — we're fully committed. There will absolutely be tough conversations that will take place. I think that's part of it. When you bring different perspectives to the table, you're going to have that.

What we are finding — and what we need to share with Yukoners — is that after signing the Peel plan, we're now moving on implementation of the Peel plan. What we have found is that claimholders in the Peel have been affected by this — and I shared this. Now we're actually in conversations where we believe that those individuals will look at options to release the claims, but they are working with us to look at different opportunities such as credits — not unlike what had happened in the Tombstone Park work.

So, we do believe that there are ways to relinquish that tenure as we move forward. That is the route we will take. As we have committed to, when we have a draft regional plan, we will be looking at areas of conservation values. Again, as I stated, it's not too late because we're seeing that now with the regional plan.

So again, a bit of confusion — you can muddy the waters — but again, we feel strongly about where we're going and strongly about committing to looking at all perspectives and listening to Tr'ondëk Hwëch'in as we work through this together.

Question re: COVID-19 pandemic impact on Yukon tourism

Mr. Istchenko: It has been 231 days since the Liberals were first asked to take action to protect the tourism industry and they continue to delay action. In fact, they only announced one small piece of a broader recovery package because they want to spread it out in the news and get more headlines. In short, they're playing politics with this recovery money.

Regarding the accommodation and recovery package, right now, it expires on December 31. This, despite the fact that tourism definitely won't recover by December 31.

So, tourism businesses would like a plan more than just three months out. Will the government do the right thing and extend the accommodation recovery package until the spring so that businesses can start planning now?

Hon. Ms. McLean: Thank you again for the repeated question. I think I've answered it several times, but I will continue to speak to Yukoners about the importance of tourism in Yukon. We have worked quickly to respond to the needs of our businesses overall in Yukon and I'm really happy that the Yukon business relief fund provided the necessary relief that was needed for our tourism sector as well.

Last week, we sent a very clear signal to the tourism industry that we are committing \$15 million toward tourism over the next three years, some of which will be expended this fiscal year. We have a supplementary before the House right

now. I announced the accommodation fund last week. This was an immediate need and we've been working with the accommodation sector on this to identify the needs that they have.

We've committed to \$15 million over the next three years. We're continuing to analyze the needs of the industry and we, on this side of the House, make decisions based on evidence and we'll continue to do that.

Question re: Parks strategy review of fees

Mr. Hassard: On September 24, the Liberal government released their parks strategy to increase fees on all Yukoners and Yukon seniors who go camping. Page 27 of the parks fee strategy says — and I'll quote: "As part of government's response to the Yukon Financial Advisory Panel report, the Department of Finance conducted a review of all fees and fines across the Government of Yukon."

So, Mr. Speaker, we filed an access to information request for that review. On October 15, we got a response indicating that the review does not exist. That leaves two options: Either the parks strategy is incorrect and no such review exists, or the Liberals are withholding information that Yukoners are entitled to under the ATIPP act.

Can the Premier tell us which it is?

Hon. Ms. Frost: I would like to assure the member opposite that the consultation and engagement around the parks strategy was done with Yukoners in mind. Of course, the participation of Yukoners as we drafted the parks strategy was under the advisement and the direction from our independent review by the Financial Advisory Panel — but expanding parks services, increasing accessible wilderness areas, looking at building new campgrounds, looking at services, and looking at an expanded service time by moving that further into the fall. There were a number of recommendations that came forward with respect to expanding the services that we provide through the parks strategy.

I wanted to just put that out there that the participation in the parks strategy was done with Yukoners in mind, and of course, under the direction and the input of all Yukoners.

Mr. Hassard: I would just like to remind the minister that the question was actually about the review on fines and fees.

Section 67(1)(b) of the ATIPP act states — and I will quote again: "A person must not wilfully ... destroy or make a record with the intention to mislead any person to believe ... (ii) that something was not done when it was done..."

The Liberal parks strategy says that the Department of Finance completed a fee review. The Department of Finance says that there is no fee review. Now, Mr. Speaker, they can't both be right.

Will the Liberals stop withholding this information that the public is entitled to have access to under the ATIPP legislation?

Hon. Mr. Silver: Yes, Mr. Speaker, I am doing what you are doing and wondering how much of that I want to allow, but, at the same time, whatever the member opposite is doing as far as insinuating that we are doing something like

destroying evidence — or whatever the heck the member opposite said.

Mr. Speaker, because I am not really sure what the member opposite is speaking of specifically. I don't have a note on this; I will definitely look into it. But to make an insinuation on the floor of the Legislative Assembly that somehow we on this side of the House are destroying documentation when it comes to an issue that the member opposite just brings up to me right now in the Legislative Assembly — that's beyond the pale, Mr. Speaker.

I don't know what he is speaking to, but what I will do is look into it and report back. Again, the insinuation is definitely low and very troubling.

Mr. Hassard: I was quoting directly from the ATIPP; I was not insinuating that the Premier had done anything.

Here are the facts: The Liberal parks strategy claims that a review of all fees and fines in government was completed by the Department of Finance, but when we ATIPP'd that review and all corresponding documentation, the Department of Finance said that no records were found. This is the second time that we submitted an ATIPP request for this review. Last year, we also submitted an ATIPP request looking for a copy of this review, and at that time we were again told that the review didn't exist.

We also know that the Premier and his staff have been caught politically interfering in the ATIPP process in the past. So, Mr. Speaker, was the Premier's staff aware of this ATIPP request at any time during the process?

Hon. Mr. Silver: That's a false statement by the opposition, as far as the ATIPP act. Quoting the ATIPP act is an insinuation — absolutely. I have said we will look into it — absolutely. I have said that I will look into it, Mr. Speaker, and I will look into it.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 14: *Act to Amend the Environment Act (2020)* — Second Reading

Clerk: Second reading, Bill No. 14, standing in the name of the Hon. Ms. Frost.

Hon. Ms. Frost: I move that Bill No. 14, entitled *Act to Amend the Environment Act (2020)*, be now read a second time.

Speaker: It has been moved by the Minister of Environment that Bill No. 14, entitled *Act to Amend the Environment Act (2020)*, be now read a second time.

Hon. Ms. Frost: Mr. Speaker, I will now proceed with my comments with respect to the *Environment Act* amendments for the Legislative Assembly's consideration. It is my pleasure to introduce Bill No. 14, *Act to Amend the Environment Act (2020)*, for the Legislative Assembly's consideration.

To fulfill our commitment to ban single-use bags and to action Motion No. 294, which passed in this House in October

2018, to work toward the elimination of single-use plastics, we are tabling amendments to the *Environment Act*. These amendments will enable us to ban single-use items, such as bags and other products, through regulation. Single-use products and packages like plastic and paper bags are harmful to the environment and costly to deal with once they are discarded. A key action to address this problem is to reduce the amount of single-use products and packages that we use.

We are amending the *Environment Act* to strengthen the territory's waste-reduction efforts to enable government to better regulate certain types of single-use products and packages, including an ability to ban them. It will help Yukon align with municipal, national, and international efforts to reduce waste in our environment and landfills, and we will start by establishing a regulation under the act to ban single-use bags. We are working to have the regulation banning single-use bags and plastics in place by mid-year of 2021.

For the moment, health and safety during this pandemic is top of mind for all of us — so as an example, if the ban on single-use products was in effect in the future and we experience another public health emergency where the use of a banned single-use product was deemed safer for the public, an exemption to the ban could be established under the *Civil Emergency Measures Act* or the *Public Health Act*. Stakeholders will have an opportunity to help shape this regulation, and the coming-into-force date will be determined based on input and circumstances related to the pandemic.

Some of you may recall that on October 7, 2020, Canada announced that it will ban certain single-use items made from hard-to-recycle plastics by the end of 2021. This includes such items as grocery checkout bags, straws, stir sticks, six-pack rings, plastic cutlery, and food takeout containers. The *Environment Act* amendments set a broader foundation for the territory to ban other single-use items in the future. In addition, our proposed ban on single-use bags will be in place in advance of the federal ban, which isn't expected until the end of 2021. In closing, it has been a privilege to introduce this bill, and I look forward to hearing from the other members here today.

Mr. Istchenko: I rise today to speak at second reading to Bill No. 14, *Act to Amend the Environment Act (2020)*. As described in the documentation, this bill was designed to enable the Commissioner in Executive Council to make regulations respecting single-use products and packages for the purpose of reducing waste, litter, and harm to the environment.

This is not a new issue; we have discussed this issue in the Legislature several times over the last couple of years. Addressing the issue of waste to both reduce the burden on our landfills and to protect our environment is a worthy goal, of course. This discussion has changed over the years as various governments at various levels have considered how to best address the issue of solid waste in our territory.

In the Yukon, we have seen action taken at the municipal level. In the City of Dawson, we have seen a ban on single-use plastics. In the City of Whitehorse, we have seen focus on recycling. A local company and group of entrepreneurs have developed a business providing curbside pickup of recycled

products. Whitehorse Blue Bin Recycling currently offers curbside recycling collection to all urban neighbourhoods in Whitehorse. These young entrepreneurs now provide an essential service used by many throughout the city and they have done a lot of work to help us address our waste management issues. This service includes biweekly curb collection of all household recycling, a 14-gallon blue bin upon sign up, four large clear bags for the container stream restock after each collection, and a yellow bag for the paper stream. There are also two recycling depots in Whitehorse — one is a private business, P&M Recycling, which offers collections of refundables and non-refundable products. This is another example of a private sector business stepping up to assist with our waste management. The other is a social enterprise model which serves the general public and businesses in Whitehorse, and it provides processing facilities for all Yukon communities.

At the federal level, we have recently seen the Government of Canada announce that they will be banning certain single-use plastics starting next year. The national ban will include grocery check-out bags, straws, stir sticks, six-pack rings, plastic cutlery, and food take-out containers made from hard-to-recycle plastics like black plastic packaging. According to the federal government, regulations will be finalized by the end of 2021.

We have also seen some action from provinces and territories. For instance, next door in the Northwest Territories, the government there implemented a single-use retail bag program back in 2011. Since February 1, 2011, all paper, plastic, and biodegradable bags cost 25 cents at Northwest Territories stores.

The retail store pays a distributor 25 cents for every paper or plastic or biodegradable bag that they received from the distributor. The distributor pays the environment fund 25 cents for each bag provided to Northwest Territories stores. All retailers and distributors must register with the Government of the Northwest Territories. It is worth noting that the restaurant sector is not included in that program. So, Mr. Speaker, when I look across the Yukon and the country, I see a lot of different actions being taken on this issue. All of these actions from these various levels of government are each a bit different in their definition and implementation.

That brings me to one of the areas of question or concern that I will have about this bill. We'll be looking for more information from the minister and the government when we get to Committee of the Whole. While I recognize that this is simply enabling legislation and that the true details will come in the regulations, I am hoping that the minister can give us some indication how she plans on creating the definition of "single-use products".

We have heard from some businesses that the lack of clarity about what will and will not be included in this is making it difficult for them to prepare. In some jurisdictions, bans have applied strictly to plastic bags. In some jurisdictions, products are subject to a fee or a tax. In some jurisdictions, the definitions have been much broader. For example, in Northwest Territories, a plastic bag program includes the restaurant sector. This is in recognition of the challenges associated with

balancing the need for environmental stewardship with food safety.

We've heard that this minister is considering including all materials like paper bags and paper packaging in the regulations under this act. If this is true, we know that many businesses will have concerns, especially those in food service and restaurants — and in particular, the quick-serve restaurant sector.

So, the lack of detail around what will or will not be included in this regulation that the minister will bring forward makes it very difficult to consider this legislation. While it is not uncommon for the Legislature to pass enabling legislation that it will further implement through regulation, in this particular case, the lack of definition has created concern among the businesses in the community.

I hope the minister is able to get into this in her closing speech and to answer more detailed questions in Committee.

The next issue that I would like to touch on relates to timing. It seems hardly coincidental that the Yukon Liberals would table legislation on this issue within weeks of the federal government doing the same.

So, I would like to know more about how the Yukon Liberals worked with their federal counterparts on the timing of this legislation. Is this legislation redundant because of the federal legislation? Or are the materials covered by this legislation going to be different from what the federal government is covering? These are questions that we would like the minister to address.

The next issue with regard to timing is the role of single-use plastics during the pandemic. This is important. Since the COVID-19 pandemic began, we have seen an increased reliance on single-use products. For example, grocery stores that had previously banned plastic bags changed their policies. There is a surge in reliance on takeout delivery from restaurants. Single-use products like masks and gloves have become regular features of everyday life. In fact, it has become hard to imagine how some food services businesses would have survived without single-use plastics.

We would like to ask the minister about their plans for the timing of implementation of this legislation. We hope that the minister will be careful and thoughtful about when she decides to take any action that would disrupt the economic recovery of our territory and our restaurant and food service businesses.

The final point that I would like to make is about the lack of consultation. When this bill was tabled, we reached out to several Yukon businesses that will be affected by this. Many of them were surprised to even hear about it. Unfortunately, I was not surprised to hear that the government didn't consult with, or even give a courtesy heads-up to, the business community. The Liberals have developed a bit of a reputation for fighting with them or not caring about what the business community thinks.

A few businesses pointed out that, last year — following a motion from the MLA for Copperbelt North — they had been assured that, before any legislation was tabled, they would have the opportunity to participate in some sort of committee to help them shape their legislation. This never happened and those

businesses do feel that they weren't consulted, nor do they feel that the Liberals have lived up to their commitments.

Another topic that I would like to address is how this legislation, and regulations following it, will interact with the food service regulations. By not working with, listening to, and getting input from industry before tabling the legislation, there may be unintended negative impacts on our food and beverage industries. This is something that will affect many local businesses. It will particularly affect businesses that have been hit hard by the pandemic. We hope that the minister actually listens to the local business community when they begin crafting these regulations.

I think that all Yukon businesses want to operate responsibly. They do. They want to keep our territory clean and beautiful, but they need to be engaged with and listened to about the creation of regulations that will affect their ability to operate safely. So far, this government has failed to engage them, listen to them, or live up to their commitments, so we hope that this changes and that the Liberals make good on the promise that was made by the Member for Copperbelt North following this motion last year.

We have several questions and concerns that I have begun to outline today. We are looking forward to exploring these issues in Committee. We will be supporting the bill today at second reading so that we can get into Committee of the Whole, where we can ask these questions on behalf of Yukon small business owners.

Finally, we hope that the minister will be able to answer these questions that have come directly to us from local businesses that are trying to recover from the economic downturn caused by the pandemic.

Ms. White: In speaking to Bill No. 14 today, I want to acknowledge that it has been quite a path to get us to this point. I think back to hearing stories from my grandma about when her and my grandfather got married in the early 1950s, and how they got this brand new, very fancy, very new-wave dish set, and it was made out of plastic. Since that point, plastic has seeped into every aspect of our lives. We know that part of the reason why we are trying to address this is because of microbeads. The plastic breaks down and it doesn't ever really go away.

It has been a long time to get to this point. In this Legislative Assembly on October 17, 2018, I put forward a motion — it was Motion No. 294 — and it was asking that the Yukon government make the move toward eliminating the distribution of single-use plastic bags and it kind of went on with that. We had a great conversation back in 2018.

In early 2019, there was a survey put out by the Yukon government where they were asking folks — business folks as well — what they thought about putting on a deposit. So it would be 25 cents for a plastic bag as a way to curb people's usage. We know that, at that point in time, the business community was not into having the onus of the responsibility of having to deal with that, so they encouraged an outright ban. Then there was a statement on it and other motions. We were

asking for timelines and it was for the summer of 2020, but I will take the fall of 2020. I think this is great. Here we are now.

I want to give full credit to the folks who were behind this bill in the department because the one thing that I thought was really important during the briefing was that they really conscientiously chose the language. So, it is really important that they are using the language of “single-use products and packages.”

What we see with the federal legislation — which there has been lots of communication about online — is that we can’t just push people, for example, from a single-use plastic carrier bag to a paper bag because the amount of energy required for a paper bag is sometimes more intense and sometimes its reuse is less. So, the federal government, I think, has had a lot of feedback that says that we appreciate where you have gone, but I think you missed the mark. Super proud of the people here, who were part of the drafting and the research — this is saying that they didn’t miss the mark. They 100-percent knew that they didn’t want to drive people to single-use paper bags, that they were talking about reusable, and they were talking about those options.

So, I think that is a really important thing to acknowledge — is that they didn’t fall into the pitfall of just trying to target single-use plastics and they recognize that it’s about single-use products.

You know, we talk at length about different things that we can do and we talk about how we should lead by example. Well, culturally in North America, we have a garbage problem, if we are really honest. No longer is it the idea of purchasing things for the long term. We live in a very disposable society and I would urge anyone who has never had the opportunity to get a tour of the waste management facility of the City of Whitehorse, because you will understand our garbage problem. In the last decade, the amount of waste per person has increased astronomically.

So, I am, of course, supportive of anything that will help us move toward that. Again, full kudos to the group who recognized the importance of language and that we are not going to drive from one single-use product to another and that we are looking at long-term solutions.

I look forward to Committee of the Whole conversations.

Mr. Hutton: I rise today to speak to Bill No. 14, entitled *Act to Amend the Environment Act (2020)*.

Single-use plastics are found in every aspect of our everyday life — one of the largest culprits of environmental harm that our natural world faces today. It is estimated that nine percent of single-use plastics are recycled annually. Twelve percent of plastics make it as far as incineration, while the remaining 79 percent are dumped either in landfills or they make their way into the Earth’s environment, namely, our planet’s oceans.

The long-standing issue with plastic is that the vast majority of it isn’t biodegradable. Unlike food, paper, and animal by-products, plastic does not rot, but rather, it hangs around in the environment for hundreds of years.

Each year, humans are responsible for the production of 400 million metric tonnes of plastic, 40 percent of which are single-use. For perspective, our single-use plastic annual production would match the weight of 228 million full-sized bull moose every year. It’s hard to visualize and grasp the magnitude of how much plastic that is, but it’s not hard to understand that our carelessness and disposal culture has created a problem which impacts ecosystems and nature’s balance, which we depend on for our very survival.

Our animals often mistake single-use plastic as food, Mr. Speaker. If the animal doesn’t choke or suffocate from ingestion, it certainly soaks up other harmful chemicals, including bisphenol A, flame retardants, and polyvinyl chloride or PVC. We then eat these animals because we rely on them as part of our circle of life. We aren’t just poisoning the natural environment, Mr. Speaker — we’re poisoning ourselves.

A study in the *Journal of Environment Science and Technology* estimates that humans are consuming between 39,000 to 52,000 microplastic particles each year. Even more shocking is a study that came out a couple of weeks ago about plastic baby bottles — the latest culprits identified. The hotter the rinse water used, the more microplastic particles are released and shed from these bottles and then ingested. They number into the thousands for each bottle that is washed — and the hotter the water, the worse it is. While no science has been able to determine the long-term impacts of consuming this much plastic, a study at King’s College London has hypothesized that the cumulative effect of ingesting plastic is that, ultimately, it could be toxic to us.

An estimated 8.8 million tonnes of plastic waste pollutes our oceans each year. This is akin to dumping an entire dump truck’s worth of plastic into the oceans every minute. It makes its way around the globe, traversing the ocean currents, eventually reaching our rivers and streams and polluting our salmon — our food — and then our people eat it.

By 2050, plastic pollution is expected to outweigh the global fish population. By the year 3000, the plastic we produce today will still be here.

Mr. Speaker, banning single-use plastics is only the tip of the iceberg. It’s a step in the right direction but ultimately we need a cultural shift. We need people to recognize that our disposable culture is creating a crisis and that our current ways of living are not long-term sustainable.

I would like to take this opportunity to thank two of the communities in my riding — the Village of Mayo and the Village of Carmacks — for banning single-use plastics well ahead of this government. They recognized the importance of such actions and I commend them for their efforts. It’s estimated in the Yukon that 7.6 million single-use bags are used each year. It’s about 200 plastic bags per Yukoner. As Yukoners, it’s our responsibility to uphold the standards necessary to preserve and protect this beautiful land we call our home.

There are many things we can do to help slow the plastic tide. Use reusable coffee mugs instead of disposable ones. Avoid non-recycled plastic bottles and straws. Support efforts to reduce our dependence on single-use plastics. But most

importantly, people need to be informed. If the people do not understand why this is important, they will not support it. It's important that we trust our scientists, that we heed their advice, and that we act responsibly as it is in our best interests.

I'm a firm believer that you get what you give in life. If we respect the land, the land will provide. If we protect our land, we protect our way of life. If we pollute our land, we pollute ourselves, our families, our friends. If we ignore these issues, it only gets worse.

I don't know about the other members of this House, Mr. Speaker, but I prefer my moose bisphenol A-free. I'm sure my grandson does too.

Hon. Mr. Streicker: First of all, I would like to thank everybody for speaking to this bill before us. I'm very happy that we have this act to amend the *Environment Act* — Bill No. 14 — because it brings improvements to solid-waste management.

I'll just begin with a few comments with respect to what I heard from some of the members opposite. First of all, thank you to the Member for Takhini-Kopper King for her motion and she — I think — introduced the petition last year around single-use products. Her motion was asking us to work toward elimination.

That is what we have here in front of us — the enabling of the ability to do that. When we first looked at the *Environment Act*, we saw that there wasn't a provision in there that would allow for regulations that would allow us to be able to eliminate single-use products. This is the moment where it comes in, and it gives that opening, that enabling opportunity.

I will also note that I listened to the Member for Kluane talk about talking with the business community. He also was speaking about the Northwest Territories and the surcharge that they introduced some years ago on single-use bags. It was 25 cents, and when we modelled our first approach to this and brought it here into this Legislature and talked about it, it was based on the equivalent of a designated material regulation, like beverage containers, except it was on single-use bags and it was going to be 25 cents. But, when we went and spoke with the business community, they asked us very directly to please not do that. What they asked was that we just ban it. So, this today is a request from debate here in this House and from talking with the business community.

The point at which we get to that discussion about timing — broadly, we understand what categories we are in, but there is some devil in the detail, and I think we need to look at that. Those things are in conversation with the business community. That is the time, and I understand that the dialogue has begun. I am sure that it will be ongoing. I think that we need to be respectful, as the Minister of Environment has noted, about the reality of COVID right now. Yes, we want to get there, we know that this is the right direction, but we also have to understand where our citizens and businesses are at.

Overall, what I can say is that — and unfortunately — waste has been increasing. On a per-person basis for us in Canada or in the Yukon and probably in the world, it has been going up. We need to find ways to turn it around.

Let me take a moment to talk about how we are working to help make waste management more environmentally and financially sustainable for all Yukoners. I will just begin by saying that changing waste consumption behaviours takes heavy lifting, but I think that all Yukoners understand that it is where we need to go and that all Yukoners are willing to do their part and we are seeing some progress.

In 2017, we initiated the Ministerial Committee on Solid Waste which consists of representatives of the Association of Yukon Communities, including the City of Whitehorse, the Department of Environment, and the Department of Community Services. We talk often with the business sector and also those who work in dealing with waste.

I want to acknowledge that, when I first took on the role of Minister of Community Services, one of the key issues that the Association of Yukon Communities asked me to work on — because it had been such a long-standing difficult issue — was how we deal with waste in this territory, and we needed to revise it from the ground up.

I asked this committee to make recommendations for how we should improve — territory-wide — our solid-waste management system, because we knew at the time that the status quo for waste management in the Yukon was not financially or environmentally sustainable and that it was time to take action.

In 2018, the committee developed a report which focused on the following key recommendations.

First, regionalization — the committee recommended that we work to regionalize landfill sites, meaning that we should reduce the number of operating landfills in the territory to reduce environmental liabilities and improve municipal landfills so that they could serve their regions.

Second, that we bring in user fees. The committee recommended that we implement user fees across the territory and start charging users, industry, and governments equitably for their part in disposing of waste in order to help cover the rising costs of managing waste. It was meant to be level across the territory.

Third, best practices — the committee also recommended that we ensure best practices are followed at all landfills around the territory and improve landfills for all waste managers, operators, and users.

Since the release of that report, we have been working hard on turning these recommendations into action. We began by expanding our recycling system to include tires and electronics and e-waste under the designated material regulations. The designated material regulations ask that consumers who buy items that are difficult and costly to recycle, like tires and electronics, pay a surcharge up front. This surcharge helps cover the cost of recycling that product at the end of its life.

Let me just say, after those designated material regulation charges came into place, I try to volunteer each year at some of the community landfills and I saw a huge difference on both tires and electronics.

Recycling in the Yukon has unique challenges. We are lucky to live in a community where many people are passionate about recycling and where organizations like Raven Recycling,

P&M Recycling, the Whitehorse Blue Bin Recycling Society, and the Klondike Conservation Society work hard to make recycling available to the public, but the fact is that our recycling needs to get shipped south to reach markets, and this costs money. Tools like the designated materials regulations and beverage container regulations make it possible to recycle in the Yukon. Thanks to the beverage container regulations, the surcharge on beverage containers have covered the costs of recycling these items. The surcharge we're collecting on tires and electronics are also making an impact on ensuring that our recycling system becomes more financially sustainable.

Through the surcharges we introduced when we expanded the designated materials regulations to include tires and electronics, we are covering about 75 to 85 percent of the costs of recycling those items. This was our goal at the outset of this initiative and I am proud that we have been able to reach it. Expanding the designated materials regulations to include tires and e-waste was a bold move that improved our territory's recycling system and is just one example of how we're moving toward a user-pay system.

Another example is the introduction of tipping fees. This year, we introduced tipping fees at the waste facilities closest to Whitehorse — Deep Creek, Marsh Lake, Mount Lorne, Tagish, and Carcross. This is just our first step. We plan to see tipping fees introduced across the territory by 2021 or whenever municipalities are ready to implement fees at their facilities. Tipping fees ensure that everyone is equally responsible for paying to dispose of waste no matter which landfill or waste facility they use. This keeps people from dump shopping to avoid tipping fees that overload smaller landfills with waste.

Tipping fees also level the playing field and ensure that everyone is equally responsible for paying for the costs of waste. By collecting tipping fees, we are helping to offset some of the costs of waste management and we are building a more financially sustainable waste management system as a result. I just want to say, Mr. Speaker, that I have been to the nearby landfills — near the City of Whitehorse — and there has been a huge difference since we introduced tipping fees.

We have also made big improvements to both municipal waste facilities and the Yukon government's sites. With proper investments in our solid-waste management system, landfills will be able to serve their communities at modern standards for years to come. We have recently invested in expanding the cells we use for waste disposal, purchasing new bins for recycling, and installing electricity and modern payment systems at some sites — and punch cards too.

We have completed major improvements at the Deep Creek and Marsh Lake sites to create more room for storage of both waste and recycling. In addition to providing more space for growing waste volumes, these improvements will ensure the safety of staff and facility users, improve the reliability of building heating and electric fences, and allow future efficiency improvements, such as household waste compactors. By doing so, we are following the committee's recommendations to operate using best practices at our waste facilities.

These changes have not been easy. We have had many difficult conversations with businesses, residents, and industry, but difficult conversations are important. Through those conversations, we learned that all share the same values when it comes to caring for our environment and managing waste properly. Despite the challenges, we moved ahead with these changes in order to ensure that our waste management system will be more financially and environmentally sustainable for future generations.

Even though we have taken concerted action on the committee's recommendations, our work doesn't end here. I have tasked the Ministerial Committee on Solid Waste to examine our territory's recycling system, and investigate how we can continue to improve it. The committee is still actively supporting government, using expertise from waste managers, from all over the Yukon. In the meantime, we are exploring other ways to implement a user-pay system. We are currently working with industry experts, regulators, and producer responsibility organizations to find out how we can implement extended producer responsibility in the Yukon, and we are considering other items to add to the *Designated Materials Regulation*. By the way, extended producer responsibility is sort of like the gold standard, if we can get there.

Our ban on single-use bags is a sign of our commitment to strong action on waste reduction and responsible waste management, and we want to work with Yukoners and Yukon businesses. To help support this work, our heavy-lifting waste campaign is encouraging Yukoners to think about waste reduction, and take simple steps in their own lives to reduce the waste they produce.

Right now, we are running a contest on social media — you may have heard about it on the radio this morning — that invites people to share their waste-reduction tips for a chance to win \$100 at a grocery store of their choice across the territory. I encourage all Yukoners to check out Yukon WasteSavers on Facebook to participate.

I am very proud — I would like to also thank the Member for Takhini-Kopper King for her compliments to the staff for their work on this piece of legislation. I know that our teams have been working very hard to improve solid-waste management in the territory, and I look forward to supporting more initiatives in the future.

I would like to close by reminding the House that we just had Waste Reduction Week — although I think of every week as Waste Reduction Week — and reducing the amount of waste we produce and moving toward a circular economy is one of the biggest challenges of our time. We've learned that the challenges of waste persist, even when we're facing other large challenges during this pandemic.

From government to industry to individuals, we all need to be part of the solution and to think about our role in building a circular economy.

Speaker: If the member now speaks, she will close debate.

Does any other member wish to be heard on second reading of Bill No. 14?

Hon. Ms. Frost: I would like to thank my colleagues on all sides of the House for their words on Bill No. 14 to amend the *Environment Act*. I would like to also extend my appreciation to the staff, municipalities, and our partners for their efforts — and of course lots of hours, lots of time, and lots of energy put into the debate and the discussions.

Going back two short years ago, when we had in the Legislative Assembly — we spoke about the motion to look toward elimination of single-use plastics. Certainly, there was a lot of public engagement. The Minister of Community Services speaks about that in his presentation with respect to the business community, the municipalities, and the First Nations speaking very loudly and clearly to us with respect to their preference, and the preference of banning single-use bags and expanding that from plastics.

With that, the foundation for the banning of single-use items — certainly that's a discussion that we need to have. I also wanted to just say that we have looked at how our actions need to be reflected in that we are already moving in the right direction with respect to zero plastic waste. I'm very proud to acknowledge the communities that have stepped up and are putting forward their best efforts as well, making sure that they are doing their part.

The Minister of Community Services speaks about that, and waste reduction in our communities and our municipalities — the communities of Carmacks and Mayo, and the City of Dawson — I know that in my little community of Vuntut Gwitchin, single-use bags are not an option there. That was done just by the community members themselves recognizing that whatever ends up in the landfill site now is disposed of and burned in the facility because the incinerator doesn't work. It hasn't worked for quite a few years. We are working toward addressing that. We want to ensure that every landfill and every possible opportunity to recycle — that single-use bags and products in our communities are recycled.

Just a note: In order for us to do the recycling, the youth in the community partnered with Air North to send out the recycling products. I know that it's important — and it's important that we take the effort together. This is a responsibility of all Members of the Legislative Assembly. It's a responsibility of all of our communities.

I just want to emphasize that we are committed to following this through. Just this past week, our staff continued to meet with the Whitehorse Chamber of Commerce as we proceed with developing regulations and as we start looking at putting in place plans. The consultation is very active and we will continue to ensure that we keep the lines of communication open and that we continue to proceed as we look at this bill. In terms of listening to communities, we certainly want to ensure that they are acknowledged and that we provide opportunities for future discussions.

So, I'm happy to close debate on second reading of this bill. Protecting our environment is a collective responsibility for all of us. I'm proud of our work as a government to take action on strengthening the territory's waste-reduction efforts. Again, I just want to give a huge mahsi' cho to all of the

communities that have stepped up and participated in this process and who are already moving in the right direction to eliminate single-use bags in their communities and looking at reducing to zero waste in their communities.

Mahsi'.

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. Ms. Frost: Agree.

Hon. Mr. Pillai: Agree.

Mr. Adel: Agree.

Mr. Hutton: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Hon. Ms. McLean: Agree.

Mr. Gallina: Agree.

Mr. Hassard: Agree.

Mr. Kent: Agree.

Mr. Cathers: Agree.

Mr. Istchenko: Agree.

Ms. Van Bibber: Agree.

Ms. McLeod: Agree.

Ms. White: Agree.

Ms. Hanson: Agree.

Clerk: Mr. Speaker, the results are 18 yea, nil nay.

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

Motion for second reading of Bill No. 14 agreed to

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.

The matter before the Committee is continuing general debate on Bill No. 9, entitled *Sexual Orientation and Gender Identity Protection Act*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 9: Sexual Orientation and Gender Identity Protection Act — continued

Chair: The matter before the Committee is continuing general debate on Bill No. 9, entitled *Sexual Orientation and Gender Identity Protection Act*.

Is there any further general debate?

Hon. Ms. McLean: I would like to welcome back our officials today for a continuation of Committee of the Whole on Bill No. 9, the *Sexual Orientation and Gender Identity Protection Act*. I would like to also acknowledge our guests here today: Joe Wickenhauser, the executive director; and I'm happy to have Emily Tredger, who is the president of Queer Yukon. So, thank you very much for being here today with us.

Where I left off during Committee of the Whole, we were going into deeper detail around this bill. I will continue on with that narrative. This legislation provides further clarification that conversion therapy cannot be insured by Health Services. In no instance will the Government of Yukon pay for conversion therapy. This legislation is one of the most comprehensive bans in the country. It prohibits anyone from performing conversion therapy on a minor. This includes health professionals. It also includes people in a position of trust or authority.

We also wanted to make sure that outlined appropriate repercussions for practising conversion therapy. This act would protect minors from harm, as well as adults who have a substitute decision-maker or guardian appointed — harm caused by practices, treatments, or services that are provided with the intent of changing a person's sexual orientation or gender identity. We are proposing that anyone who violates this ban is liable for a fine of up to \$10,000, imprisonment of up to six months, or both.

Our legislation is about mitigating harm. It is important that we recognize that there is still so much more work to be done for LGBTQ2S+ inclusion. This bill is a step in the right direction, but let me emphasize that this bill is far from the last step that we will take to remove discrimination and to foster inclusion.

Our government has made several changes to legislation, policies, and practices to support a diverse, inclusive society that promotes LGBTQ2S+ rights, equality, and freedom from discrimination.

Banning conversion therapy is a priority that came out of our LGBTQ2S+ public engagement. It also came out of a petition that was signed and tabled in this Legislative Assembly. The engagement was facilitated by a Vancouver-based LGBTQ2S+ organization called QMUNITY. They worked with local LGBTQ2S+ organizations to develop their priorities. We released two "what we heard" documents from the engagement and QMUNITY released a report with over 70 recommendations and best practices.

The public engagement took place from November 2018 to the end of June 2019. We heard loud and clear that there is no place for conversion therapy here. We have also received letters from multiple Yukon organizations that echoed the call to ban conversion therapy. They stated their concerns about the negative impacts that conversion therapy could have on someone. The federal government has also recognized this by sending a letter in June 2019 to all provincial and territorial jurisdictions, urging us all to take steps to ban conversion therapy.

The Government of Canada tabled legislation on March 8, 2020, with the intent of banning and criminalizing conversion therapy. As I stated in my previous speech, the time for amendments to the *Criminal Code* becoming law remains unclear.

We will continue to monitor the progress of this legislation. I might add that the federal government retabled the bill on the same day that we brought this back to the House, on October 1.

There are some differences in our proposed legislation and the federal government's legislation. The proposed federal government bill prohibits advertising to provide conversion therapy and receiving a financial or material benefit obtained from the provision of conversion therapy. Yukon's bill prevents conversion therapy from being provided to adults who have a guardian or a substitute decision-maker, and the federal bill does not. Under the federal bill, causing a person to undergo conversion therapy against their will has a maximum term of five years' imprisonment. Yukon's bill also sets out that conversion therapy is not an insured service under the *Health Care Insurance Plan Act*. It is also important to note that the amendments to the federal bill may happen during their legislative process, so we will monitor the progress of the federal legislation, but our goal remains the same — to ensure a ban on conversion therapy in Yukon. We are not slowing down. This legislation is still a priority for the Government of Yukon.

Another way in which we continue to work toward inclusion of LGBTQ2S+ Yukoners is through our action plan that we are currently developing. We are working with partners to finalize and implement an action plan on LGBTQ2S+ inclusion in Government of Yukon legislation, policies, programs, services, and practices. Prior to this work, the Government of Yukon conducted a review of legislation, policies, and services to see how they could be more inclusive of LGBTQ2S+ Yukoners. As a result, as previously mentioned, a number of acts have been updated, including the *Vital Statistics Act*, the *Human Rights Act*, the *Gender Diversity and Related Amendments Act*, the *Equality of Spouses Statute Law Amendment Act (2018)*, the *Public Service Labour Relations Act*, and the *Married Women's Property Act* was repealed.

These initiatives mark significant progress to updating our legislation and ensuring that we deliver the right services to our community. I look forward to discussion today in Committee of the Whole and look forward to questions from members opposite.

Ms. McLeod: Shortly after this bill was tabled, we were offered a comprehensive briefing on the legislation by departmental officials. The briefing, we thought, was thorough and very helpful in understanding this legislation, and we would like to thank the officials for that briefing and note that all our questions were answered at that time. We have no further questions for Committee.

I would, once again, like to thank the officials who worked on the drafting and preparation of the bill. We will be supporting this legislation.

Chair: Is there any further general debate on Bill No. 9?

Hon. Ms. McLean: I thank the member opposite from the Official Opposition for those comments today. When we wrapped up debate in the second reading, there were some statements made by the Member for Lake Laberge. I'm happy to hear a shift in terms of the Official Opposition's position today.

That being said, I think that there were comments that were made and I really want to hold my hands up and commend the students from the Porter Creek Secondary School Gender and Sexuality Alliance for quickly responding. As they were here that day to hear the debate, soon after they left, the Member for Lake Laberge made some pretty, I think, disturbing comments to them — or to the issue that was on the floor and to the bill that we're debating today. I want to commend them for putting their thoughts in writing.

The Porter Creek Secondary School Gender and Sexuality Alliance wrote a letter to Mr. Brad Cathers at the Yukon Legislative Assembly on October 8, 2020. It says: "Dear Mr. Cathers..." — I would like to make this a part of the record —

Chair's statement

Chair: I would remind the member to refer to members by their ridings.

Hon. Ms. McLean: Oh, sorry. Yes, yes.

Chair: Thank you.

Hon. Ms. McLean: This is in the letter and I would like to read it verbatim.

"Dear Mr. Cathers, the Porter Creek Secondary School Gender and Sexuality Alliance —

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Kent, on a point of order.

Mr. Kent: Thank you. You just reminded the member not to use members' names and then she did it again. I would just ask you to have her refrain from using member's names on the floor of the House.

Thank you.

Chair's ruling

Chair: If you could, please refrain from doing that, Ms. McLean.

Hon. Ms. McLean: Thank you very much.

"The Porter Creek Secondary School's Gender and Sexuality Alliance is writing to you today in regards to your statement in the Yukon Legislative Assembly on October 1, 2020 during the second reading of Bill No. 9 or the Sexual Orientation and Gender Identity Protection Act.

"As youth, we look to our elected officials to show leadership and guidance on the issues of the day. Last year, we communicated to the Members of the Yukon Legislative Assembly that we were seeking protection from those who would attempt to erase our sexual orientation or gender identities. We asked that our government ban conversion therapy to protect one of the marginalized groups in Yukon society. We asked you to protect *us*.

"Although we thank you for your vote in favour of banning conversation therapy; we were very disappointed in the words that you spoke on the floor of the Yukon Legislative Assembly in the moments preceding the vote. You claimed there is "no evidence" that conversion therapy has or is happening in Yukon. We disagree. We are curious as to how you came to this conclusion? Did you consult with members of the LGBTQ2S+ community? We know, with absolute certainty, that conversion therapy has been practiced in our territory. With the absence of any laws to protect our LGBTQ2S+ peers, there has never been a process through which to report and record such abuses as they have occurred.

"We are the individuals for whom conversion therapy affects most. We wonder why you did not consult us to better understand our point-of-view and concerns on the matter? Why did you rise to speak about the apprehension that your cis-heterosexual constituents have about this legislation that will ultimately have zero impact on their lives — unless they are abusing LGBTQ2S+ youth? We told you this is what WE needed. What more is there to discuss?

"Let us be clear. You do not get to have an opinion about what we need to keep ourselves safe. And that is ultimately what we are trying to do. Keep ourselves safe from harm. The word "protection" even appears in the name of the bill.

"We believe that you are abjectly wrong about the issues at hand and we wonder how you have come to be the type of person who we cannot consider an ally or a friend?

"You stated that it is important that all of the opinions of your constituents are listened to. We could not agree more. But that does not mean that you should give those antiquated opinions a platform on the floor of the Yukon Legislative Assembly.

"In school, when a student conveys a homophobic or transphobic opinion in class, we and our teachers see it as an opportunity to educate that student. You had the same opportunity to educate your constituents, those with out-of-date opinions, and teach them that an inclusive and accepting Yukon is a healthy and prosperous Yukon.

"That being said, we wish to remind you that we live in a democracy, not a theocracy. We do not base our laws on biblical scripture. And the right of individuals to practise narrow-minded religions does not supersede our right to exist.

"Please educate yourself on LGBTQ2S+ history and the issues facing members in our proud Yukon LGBTQ2S+

community. Our Rainbow Room door remains open to you to help you on that journey.

“Regards,

“Students of the Porter Creek Secondary School’s Gender and Sexuality Alliance”

It was cc’d to me, the Minister of Justice, to the Leader of the New Democratic Party, members of your caucus, as well as other allies in the community.

I know, Mr. Chair, that there have been some replies to that, but I just really wanted to bring that into the record today. I am happy that there has been a change of heart on the part of the Official Opposition, and I am looking forward to further debate, and questions from the Third Party.

Chair: Is there any further general debate on Bill No. 9?

Ms. White: I thank the minister for sharing the letter from the Porter Creek GSA. They are actually listening right now on the radio, because it was too problematic for them to try to get down at this point in time.

There were a couple of things that happened after we had the initial conversation in the Assembly. That included an opinion piece that was written by a local individual for CBC. Lori Fox submitted an opinion piece. I appreciate the minister for talking about what happened when the kids left the Chamber — because I read about it after, and it was only because the GSA themselves took a look and read through the transcripts in the Hansard of the day — and it was not okay.

We talk often about how it’s important to call it out, and this is partially what this legislation is. It is making sure that we prevent things.

I did want to read an excerpt from Lori Fox’s opinion piece. It was submitted to the CBC and was published on October 7, 2020. It says that the Member for Lake Laberge’s statements “... assume that cis-heterosexuals should have a say in both the legitimacy and safety of queer bodies.

“They don’t.

“The safety, equality and autonomy of queer lives is not yours to give; it’s ours to take.

“Addressing these heteronormative assumptions within our politics and community as we discuss this bill is especially important in light of the wildly troubling actions of the RCMP at a recent queer event, which they attended, against the community’s wishes.

“Even as Yukon politicians quibble over the semantics of a bill about queer people, proposed by queer people, to protect queer people, what faith should we have in its enforcement, when the Yukon RCMP do not respect our wishes, act without our consent outside their law-enforcement jurisdiction and then have the audacity to cry that it is they who are being discriminated against when censured?

“Bills can be passed and laws can be changed, but until the territory and its political and action arms — politicians and the RCMP — grasp that queer and transgender lives are valid and autonomous outside of cis-heterosexual approval and show us we are equal, no real change can be made.

“That means listening to us, adhering to the boundaries we set between our communities, and having those laws enforced by people who respect us.

“Until then, bills like this are only lip-service to the queer community.”

Mr. Chair, the reason why I think that is really important to read that in is that, in conversation — and I appreciate what we are trying to do with this, but there is so much further to go. I mean, reading the comments under that CBC article is part of it. When media sources allow hate speech to be shared as valid comments, it is a concern. I was trying to think about how to compare this in a way that everyone can understand — and it’s that human rights and protections aren’t pie. When we make sure that other people have those protections or have those rights, it doesn’t mean that our piece of the pie is smaller. It doesn’t mean that we are losing out. It means that they are gaining and that they also get a piece of the pie.

It’s important to know that the heterosexuals in our community — those of us who are heteronormative, and those of us who won’t be affected by this bill — aren’t losing rights. We are not. We are just extending protections.

I do want to thank the deputy minister responsible for the Women’s Directorate and, of course, the legislative drafter, because when we discussed this, it was plainly laid out.

At this point in time, we have seen it plainly laid out by the minister. So, the Yukon NDP will be supporting this, and we have no questions in clause-by-clause debate.

Hon. Ms. McLean: Mr. Chair, I really wanted to just acknowledge the comments put forward by the Leader of the New Democratic Party, the Third Party, today. I think we’re very much aligned on our positions here.

As I stated in my opening comments, I know that there is a lot of work that is still left to be done. We committed to working in collaborating in every respect as we go forward. I mean, I read the articles as well, and the opinion piece. We’re having a conversation now in our community — I know that when we started down this path almost four years ago, when I received the mandate to do this work, I accepted it with an absolute open heart. I know, again, that we have a long way to go, but I think we have come a long way, where we can have that kind of dialogue happening within our community. We’ll continue to build allies. I think that there is an awful lot of opportunity for institutions to work together — such as the RCMP — and we’re continuing to follow up.

Our deputy minister met quickly with the folks from Queer Yukon and All Genders Yukon to discuss that incident. We’re continuing to follow up with the chief superintendent of M Division because I think that those conversations are important. It’s important that we have them.

I think that those are my comments for now. We can go into clause-by-clause debate. I’m assuming there are not going to be a lot of questions but we can go into that now, Mr. Chair.

Chair: Is there any further general debate on Bill No. 9, entitled *Sexual Orientation and Gender Identity Protection Act*? Seeing none, we will proceed to clause-by-clause debate.

Ms. White: Pursuant to Standing Order 14.3, I request unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 9, entitled *Sexual Orientation and Gender Identity Protection Act*, read and agreed to.

Unanimous consent re deeming all clauses and the title of Bill No. 9 read and agreed to

Chair: Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 9, entitled *Sexual Orientation and Gender Identity Protection Act*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 1 to 7 deemed read and agreed to

On Title

Title agreed to

Hon. Ms. McLean: Mr. Chair, I move that you report Bill No. 9, entitled *Sexual Orientation and Gender Identity Protection Act*, without amendment.

Chair: It has been moved by Ms. McLean that the Chair report Bill No. 9, entitled *Sexual Orientation and Gender Identity Protection Act*, without amendment.

Motion agreed to

Chair: The matter now before the Committee is general debate on Bill No. 10, entitled *Act to Amend the Employment Standards Act (2020)*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: I will now call Committee of the Whole to order.

Bill No. 10: Act to Amend the Employment Standards Act (2020)

Chair: The matter before the Committee is general debate on Bill No. 10, entitled *Act to Amend the Employment Standards Act (2020)*.

Is there any general debate?

Hon. Mr. Streicker: First, Mr. Chair, I would like to welcome to the House Louise Michaud, our Assistant Deputy Minister of Community Services in Corporate Policy and Consumer Affairs, and welcome back Ms. Bhreagh Dabbs, who was here earlier this afternoon, and who is legislative counsel.

I am pleased to rise to speak to Bill No. 10, entitled *Act to Amend the Employment Standards Act (2020)*. The purpose of this bill is to provide access to paid and unpaid leave for victims of domestic or sexualized violence working in territorially regulated industries and professions here in the Yukon.

People of any gender or sexuality may experience domestic and sexualized violence, though it is far more likely to be experienced by women. It often impacts a victim's life, family, and workplace, and unfortunately, the Yukon has rates of gender-based violence that are three times higher than the

national average. While already high, these rates have increased even more during the COVID-19 pandemic, as they have elsewhere in Canada and around the world.

This leave will provide employees time to get the support they choose, if they, their children, people for whom they are caregivers, or people with whom they are close friends experience domestic or sexualized violence. This will allow victims of sexualized violence to access this employment leave, no matter whether the perpetrator is an intimate partner, family member, acquaintance, or a stranger.

The employment and economic security that this leave will provide is an important and necessary support when dealing with domestic or sexualized violence. It is important to note that some working people already face a great deal of employment uncertainty due to the ongoing pandemic. Economic security remains as important as ever.

This leave will provide five days of paid leave and five days of unpaid leave, which can be taken in increments. If required, a longer term leave of up to 15 unpaid weeks can be taken. This leave must be taken consecutively, unless the employer consents to it being taken non-consecutively.

Paid, short-term leave and unpaid long-term leave will be available after 90 days of employment. Unpaid short-term leave will be available immediately. This leave will provide the time, flexibility, and economic security of victims of domestic or sexualized violence to get the support that they need. Paid leave provides a way to lower one barrier for victims by minimizing financial hardship, ensuring job security, and providing victims the time to access medical, legal, and other supports.

The eligibility criteria reflects a broader definition of "family" and "caregivers". This may be particularly relevant and supportive for indigenous people where a broader definition of "family" is common.

People with a history of domestic or sexualized violence have a more disrupted work history, so the impact on their wages is greater. They may have to change jobs more frequently. They often work more casual and part-time jobs, as compared to their peers who are not dealing with violence.

We know that long-term healing and stability cannot happen as long as victims must deal with job or financial insecurity. We also know that in the short term, operational requirements and staffing for private sector businesses may be impacted if or when employees access this leave. However, there are long-term benefits for both the employer and employee. Domestic and sexualized violence follows victims and their families to their work.

We know that Canadian employers lose just under \$78 million annually because of the direct and indirect impacts of domestic violence. Coworkers are also affected as they are often stressed or concerned about the abusive situation. Studies show that long-term productivity increases when the threat of domestic violence is removed, as it affects employee focus, retention, and absenteeism.

We heard from other jurisdictions that implementation of this leave is a difficult part of this legislation. Both employees and employers need support when accessing or providing this leave. That is why, starting in May, the Women's Directorate

and Community Services will begin engaging with stakeholders to seek input in a number of areas, including: the education resources needed by employees and victims; the education resources and training by employers; strategies on how to make information in the leave easily accessible to victims and caregivers; identifying what it can be used for and when; processes to ensure a low administrative burden to accessing the leave; and communicating the rights of an employee and employer when this leave is accessed.

We will be talking with groups representing women, indigenous women, and the LGBTQ2S+ community, as well as health organizations. We will also engage with the business community, which will be responsible for providing leave. As victims are in a vulnerable time in their lives, we do not want to create the potential for retraumatizing them through a request for leave.

Through education and resources, we will support both employers and employees to ensure this does not occur. Support materials will be made available through the Employment Standards and Residential Tenancies office and online through yukon.ca.

It will take time to put in place the materials and supports to implement this leave for domestic violence and sexualized violence, though it won't take long. This leave will be available as soon as resources are ready.

We thank in advance the organizations that have helped us with their input. Availability of this leave will provide job protection to support Yukoners when they need to seek help and access services at a vulnerable time in their lives. I wish to thank the departments of Community Services and Justice for their work in preparing this bill.

This leave will be very important for victims of domestic or sexualized violence. This violence may result in a victim having to make some major changes in their life. We hope that this leave will help them in their journey to healing and a better and safer life.

Thank you, and I look forward to answering questions.

Ms. Van Bibber: I too welcome the officials into the House this afternoon. I don't have many questions, but I do have a few. I thank the minister for providing a few of them in his opening statement.

Can the minister outline what preliminary consultations were carried out with the public — either organizations or individuals — prior to the drafting process of this bill?

Hon. Mr. Streicker: A couple of points — and hopefully I heard the question well. If I didn't, I will just check back again with the Member for Porter Creek North.

You will recall, Mr. Chair, that we brought forward amendments to the *Employment Standards Act* last year. During that time, we were having conversations with many groups, including starting to have conversations around domestic violence. Because there were changes happening across jurisdictions in Canada, we wanted to both get those earlier amendments to the *Employment Standards Act* moving forward and then work to bring in this set. We had some conversations leading up to today about what type of engagement we would also have to get to implementation. They

were informal conversations with both the support groups and the business community. I know, for example, in talking with the Minister responsible for the Women's Directorate, that they have had ongoing conversations about ways in which to support victims of domestic violence.

Ms. Van Bibber: The consultations that are coming up will start in May, as you have said. I was wondering if there is a list of stakeholder groups and whether you will add on if the interest is there and if people come forward.

Hon. Mr. Streicker: First of all, I would like to correct a comment that I made earlier in my opening remarks. We had an original timeline for when we were going to engage and, based on conversations we have had here during second reading, I asked if we could please move that forward. I have just been informed by staff that indeed we are going to move it forward, so it's going to happen, let's say, shortly. I don't know if it's weeks, but it's soon — well before May.

The member opposite asked for groups. I will just read this out. I am happy as well to table this because it is a fairly long list, so here I go — these are groups that serve victims: Dawson City Women's Shelter; Help and Hope for Families from Watson Lake; women's transition home; Public Service Alliance of Canada's Whitehorse and Dawson City Regional Women's Committee; Victoria Faulkner Women's Centre; Yukon Status of Women Council; Women's Legal Advocate; Whitehorse Emergency Shelter; Queer Yukon; All Genders Yukon; and Northern Gender Alliance.

We also have organizations working with indigenous women who are dealing with domestic violence: Yukon Aboriginal Women's Council, Whitehorse Aboriginal Women's Circle, Liard Aboriginal Women's Society, First Nation health departments, Skookum Jim Friendship Centre, and the Council of Yukon First Nations' health commission.

Finally, we have employer organizations and business advocacy organizations: the Yukon Chamber of Commerce, the Whitehorse Chamber of Commerce, local chambers of commerce, First Nation development corporations, the Yukon First Nation Chamber of Commerce, and the Yukon Chamber of Mines.

Ms. Van Bibber: I know that this amendment to the *Employment Standards Act* is very similar to the rollout that BC had recently. I was wondering if there was an opportunity for individuals who may have experienced these types of violence to share what their optimal leave provisions would look like for them. So, if a person is subjected to these types of violence, did people speak to them about what optimal leave from the workplace looks like?

Hon. Mr. Streicker: First of all, I think we are looking to hear from those people with lived experience about what is a good approach or not, and I think that is partly what all of those conversations are about with the groups that I was talking about. I think, as well, that, in talking with the team that is dealing with it — Ms. Michaud is the ADM who would have employment standards underneath it.

There was also discussion about how we don't work to revictimize folks and to make it low barrier for how they approach the Employment Standards branch. So, that is part of

this whole idea of working with the employers and the employees ahead of time to set up the supports that will be needed to get the leave provisions active in the community. I feel that I am straying outside of my area here — not that I don't think that this is a very important question — I do think that it is — but I would always defer to those folks who deal with trauma and how they work with the victims of violence. Typically, my role is about setting the legislation up so that it is supportive and then, I think, getting those supports in place for those people who are victims of violence.

Ms. Van Bibber: Thank you, minister, for that. I understand the privacy issues as well.

Has there been a cost analysis done on the provision of this particular leave option and whether it might present a financial hardship to some employers in Yukon?

Hon. Mr. Streicker: There has been some cost analysis. It is not a simple sort of thing to say — we can work out roughly how much we think employers will be paying out to support their staff. So there is a number there that we can work out and it depends on the uptake. We recognize that, as many people who have come forward to receive this type of support, there are others who do not, and so we know that some of it remains hidden and unknown. What I want to say, Mr. Chair, is that there are also intangible costs or advantages to employers, because productivity changes. When your staff have been victimized and they are unsupported, then they are often not as productive.

Earlier, I read out a statistic in my opening remarks, which was talking about lost revenue due to people who have been suffering from domestic violence. That number, for Canadian employers, is in the range of \$78 million. If we just did a quick calculation, that would be — I have to make sure I get this right, Mr. Chair, but I think that would be — anyway, I'll work out the math, but we are about one one-thousandth of the population. That would be about \$78,000 to the Yukon in loss.

There are intangibles here regarding the productivity for our businesses. The way I tend to answer this is that yes, we've run some of the numbers but, overall, what we anticipate is that this would be an improvement for not only the lives of Yukoners, but also for these businesses in the long run.

Ms. Van Bibber: Because it's such a change, I know that you will have some businesses that will say that it's going to be difficult to make this happen because I have to replace employees — et cetera, et cetera. Is there a plan for rolling out this information to the public to ensure employees are aware of the existence of this new leave? Or is it up to the legislation? Once it's enacted, is it left up to the employers?

Hon. Mr. Streicker: Yes, so the plan in our implementation strategy was to engage with both the employers and the support groups — including maybe some lived experience — and then to — partly based on that feedback from working with them — develop a strategy around how we're going to communicate it broadly and how we're going to work to inform those businesses. Often, the chambers assist by reaching out through their memberships more broadly to employers. As I mentioned earlier, we're working with the Public Service Alliance of Canada, for example. So there are

other ways we can get to employees to let them know. We will probably partner with those organizations to communicate this.

Again, I appreciate what the Member for Porter Creek North is saying and that there might be some businesses that are affected by this — but, of course, it's also true right now that some of those businesses are affected by not having this in place. If there are employees who are victims of domestic violence, we know that those businesses are affected that way right now. Overall, we think that this will be a benefit. We understand that there are some upfront costs to addressing someone who comes forward for this leave provision, but we hope and believe that, over time, this will create a healthier workforce, which will make those businesses healthier overall.

Ms. Van Bibber: I too think that this is a good step forward to helping women or persons who are in these situations. We look forward to hearing the results of the consultations and further work down the road.

Thank you again to the staff who are here today and I thank the minister.

Ms. White: I, of course, thank the minister for being here today. He has no choice, but I do thank his officials who have a bit more choice in the matter.

As always, I really appreciated the briefing and the notes that came along with it. One of the things that the minister was — I guess the question I have is — when the decision is made to do something similar to this decision about anyone who faces domestic violence or sexualized violence having the ability to have paid time off work — I can understand the business aspect. I can understand losing employees — and the training and all the rest of it — but would this be considered something that is value-based? So, the government recognizes the value in making sure that people are able to care for themselves — I guess my question is: How was the decision to move this amendment forward decided? Was it values-based — or other?

Hon. Mr. Streicker: It is a very interesting question. I do think that some of this is values-based. I will say that at all times we look across the country to try to understand what trends are. We saw this trend. Even when we brought forward the amendments to the act last year, I think that we were identifying then that this was important. I think that we have talked about the importance of working with vulnerable folks and being able to provide supports — a broader sense of equity for all — and I think that this did hit the mark, in terms of values. I think that we have this broad goal, where we have said, through — just one second, Mr. Chair — yes, like I was saying, we have tried to come up with sort of broad directions that we are trying to take the territory in. This is part of that overall direction and that is a values-based exercise. So, I think that the answer to the question is yes.

Ms. White: I thank the minister for that. This is the benefit of being government — you can make decisions that you think are for the betterment of everyone. So, I appreciate that.

It was just mostly that the ability to make decisions and change laws is the power and privilege of government. I do think it's important that we look across the whole and make decisions based on that. That was the reason. It wasn't a

“gotcha” question. It was just pleasant conversation about why we make the decisions that we do.

The only other questions that I have can be addressed easily in clause-by-clause debate, so I will just wait until we get there.

Hon. Mr. Streicker: I just want to follow up with the Member for Takhini-Kopper King. I took it as a straightforward and sincere question, and that is how I felt — not in any way a “gotcha” question. I will say one thing: I think that we here collectively change the laws. I think that the government has the responsibility to propose those bills that come in here. I thank the member opposite for her thoughts and comments.

Ms. White: Just to follow that up, I agree — but with a majority government, sometimes laws get changed — not necessarily in this case — without the all-party agreement, which, I believe, this one will find. This is an easy one to put our support behind, because we also agree that people should be supported.

Chair: Is there any further debate on Bill No. 10?

Seeing none, we will proceed with clause-by-clause debate.

On Clause 1

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Ms. White: This is the definition section of the changes here, and I think that it’s important. I am going to ask the minister to skip down to “sexualized violence, in relation to a person”. I think it’s really important because we are including language in here of gender identity and gender expression, which is critical. I appreciate that we have made efforts to change our human rights legislation and that we continue to make efforts to make sure our legislation is up to date. If the minister wants to celebrate the definition under there, then I would be happy to have him do that.

Hon. Mr. Streicker: I appreciate the opportunity. There is a notion — as we move forward and we move off of cisgender-normative kind of predominance in our world — that if we’re going to build an inclusive world, we need to do it at all levels. This is an important level.

The Minister responsible for the Women’s Directorate, I know, has been working. I think really early on, we took a scan of our legislation to try to see where there were challenges and we started to bring those forward in tranches to improve them.

I would like to thank the members of this Legislature for their support in trying to update the legislation.

I just checked with our drafters and this is the standard now when we’re drafting legislation. This is no exception to the new direction.

Ms. White: I appreciate that I was just able to catch myself. Clause 4 is almost the entire changes to this act and I’m glad that — I didn’t see number 5, which I want to talk to about next.

Clause 4(5) says: “An employee who is eligible for a leave of absence under subsection (4)”. If the minister can walk us through how it was decided what an employee would be entitled to — we know that there are different types of employees. There is someone who is a permanent employee or we have someone who makes an hourly wage or people who are on contract. This section lays out who is eligible. Then he can follow it up, because subsection 6 talks about the way payment happens — so if he can talk about subsection 5 and subsection 6.

Hon. Mr. Streicker: Under these definitions, we have here some of the technical pieces about how this will roll out. The first thing to note under clause 4(5), I believe, is that as soon as an employee is hired, they are eligible for the five days of unpaid leave. After they have been there for 90 days of employment, that is where the five days of paid leave would become eligible and, also, the 15 weeks of leave without pay. Again — as I said in opening remarks — typically that would be consecutively unless, with support from their employer, it could happen over non-consecutive periods.

Some of this is based on looking at other jurisdictions and some of it is based on the principle that when someone is first hired, they need to work at that place and become, I guess, a permanent employee before the employer — have invested in that work — in order for the employer to be able to invest back in them as well.

Under section 4(6), if someone has regular working hours, it is pretty easy to understand what those five days of leave might look like. The challenge is that many jobs have rather irregular hours, and so you need a way in which to average out that amount of work to get to an average amount of compensation due. So, the way it works is to look over the past four weeks and to use a percentage — I believe that it is five percent — of that amount over the past four weeks, which would give a daily rate to be paid out for those five days of paid leave.

Ms. White: If he could explain section 4(7), please. So, it says that: “An employee is not entitled to a leave of absence...”. If he could explain that section, please.

Hon. Mr. Streicker: There are times when it is people who are close to us who are perpetrating the violence, or for the victims of violence, sometimes it is their intimate partner who is the perpetrator — all too often, actually. So, you could get a situation where the perpetrator is the person applying for leave in order to support the victim. So, this section 4(7) basically says that if the employee is the perpetrator of the violence, they, themselves, are not then eligible for that leave. That is what is here under section 4(7).

Ms. White: I do appreciate that, but when the minister was laying it out ahead of time, he said that it was not about revictimizing victims of violence. I appreciate it that it’s here and says that this person shouldn’t be allowed to do it, but how do we prove it? Obviously, we are going to take people at their word because that’s what we should do, but I’m just questioning why it is included there.

Hon. Mr. Streicker: Again, a good question. The vantage point that I think we need to take here is from the victims — the victims of some violence.

If, for example, there was a victim of violence and the person who created that trauma and was responsible for that trauma was in their home with them, that may be the revictimization — putting someone at risk after trying to do just the opposite. The point here is to do our best to protect victims. Of course, there may be times when victims choose not to disclose and also choose to be supported by the person who has perpetrated that violence. That we won't necessarily know, but I think the whole point here is that, by talking with the support organizations about how victims come forward to share without retraumatizing — those are the types of questions that we are to work through with those organizations to find a way so that those persons who have been victimized can disclose in a safe way and a supported way and get, in this case, some leave from their work, both paid and unpaid. You know, because they're going to have to at least make a statement to their employer, we want to do that in a way which is not going to retraumatize them. Some of that will be based on that engagement that we're talking about following up with once this bill passes the House.

Ms. White: I appreciate that answer, but it almost sounds then like both the victim and perpetrator need to work in the same place in order — I guess, my point is that I appreciate that it's included in the legislation. It will be really interesting to see how the groups that are being consulted say that it should be — how it should be followed.

I'm just highlighting that of course our job is to believe victims. When we include the language that says that a perpetrator is not allowed to take the leave to support the person whom they have abused, it becomes really complicated. Is the victim of abuse supposed to contact that person's employer to say that they've been — my question is that it just goes down this long rabbit hole and I'm just trying to figure out how it looks. I appreciate that the groups that will be consulted will have a much better idea than I do on how that should be included. I'm just trying to figure it out.

Hon. Mr. Streicker: Again, these are the — we've played some of these "what if" scenarios in conversations, but this is exactly the type of conversation that, I think, needs to be had through that engagement with those support — those service organizations to understand and the employer organizations to understand how to disclose information. It needs to be done in a way that protects the privacy of individuals to respect the victims' declarations.

We know that there are times when domestic violence happens domestically, and if what we do through this leave is to set it up so we are putting the victim in a vulnerable position, then we haven't hit the mark. The question is great, because, of course, we don't anticipate that a victim and the perpetrator necessarily work at the same place, so how does that get disclosed? That is an excellent question, and that is one of the ones that we feel we need to work through with these organizations as part of the engagement.

Ms. White: I thank the minister for that. Clause 4(10): "An employer may require an employee who requests a leave

of absence under this section to provide the employer with notice of the leave in the form approved by the director." We are asking a victim of violence to submit paperwork from an employer that has been approved by the Employment Standards Board, I'm guessing. It goes on in subsection 11 saying that they don't need to provide third party verification but they still need to submit the form. Are we not getting close to the revictimization that the minister said we were trying not to do?

Hon. Mr. Streicker: The first thing that I want to just clarify is that we are not expecting the employee to submit a form to the director. The form needs to be created by the director. The reason is that we don't want a myriad of forms. It wouldn't matter that they have some differences. What matters is that they are not — for example, we will not have a form that requires a doctor's certificate. We don't want such a thing because we think that it would be revictimizing. So we will ensure that the form is standardized and that it will be created, again, out of this engagement with groups — but it will be as simple as possible so that it does not do any revictimization, and it will be standard so that it is one form used by all employers.

The form itself — by doing this, we can guarantee that there are certain questions asked — the minimum that would be needed to track and account for which type of leave is being taken, without going into questions that would be inappropriate in this type of situation. That is why we are working to make it a standard that is used by all and that the job of making that standard will fall to the director.

Ms. White: I appreciate that, but the language in subsection (10) says that an employer "may require". It doesn't say that an employer "will require". So, when the minister talks about tracking the information, the types of leave and the different things available, this legislation says "may"; it doesn't say "will". Does that mean that if I owned a coffee shop, the Employment Standards Board would contact me and give me the form if I wanted to use it? Would someone approach me? Would I approach the board if I needed a form?

I can understand that it means that the form will be created and it will be available for everyone, but when the minister just talked about tracking different kinds of leave, that makes it sound like people will be asked to fill out a form, but it says "may". I am just looking for clarification.

Hon. Mr. Streicker: If employers don't require a form, no problem. That is their discretion. If they are going to require something, we will have them use the standard, hence the word "may". What we will do is make the standard available through the website for all employers, so that they can't go too far, is what we are saying. Again, we will get that form out of that engagement that we are talking about. That is that implementation phase. The reason we put in "may" is because we thought that some employers may not require it at all — that is their discretion.

Ms. White: I thank the minister for that clarification, and of course, thank those officials present. I thank them for their help in this report and I look forward to this becoming law, and that people are able to access this important leave.

Chair: Is there any further debate on Clause 4?

Clause 4 agreed to
On Clause 5
Clause 5 agreed to
On Clause 6
Clause 6 agreed to
On Title
Title agreed to

Hon. Mr. Streicker: Mr. Chair, I move that you report Bill No. 10, entitled *Act to Amend the Employment Standards Act (2020)*, without amendment.

Chair: It has been moved by Mr. Streicker that the Chair report Bill No. 10, entitled *Act to Amend the Employment Standards Act (2020)*, without amendment.

Motion agreed to

Chair: The matter now before the Committee is continuing general debate on Bill No. 12, entitled *Act to Amend the Wills Act (2020)*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 12: Act to Amend the Wills Act (2020)

Chair: The matter before the Committee is continuing general debate on Bill No. 12, entitled *Act to Amend the Wills Act (2020)*.

Is there any further general debate?

Ms. McPhee has 18 minutes, 26 seconds.

Hon. Ms. McPhee: Thank you, Mr. Chair. I have no intention of taking 18 minutes. At this part of the process, I will take a moment to welcome back Sheri Hogeboom and Will Steinburg. They worked as drafters and policy director on this Bill No. 12 before the Legislative Assembly. They were here the other day to assist with information provided to the Legislative Assembly and to Yukoners and have joined me again today. For that, I thank them very much. I believe I was answering questions from the Member for Whitehorse Centre and I'm happy to continue that.

Ms. Hanson: Yes, I did want to pick up on the minister's answer last week, and I don't want to belabour the point, but the comment she made was that — I had asked the question, with respect to why the provision was, with respect to the age of 19, and that we have exemptions in the modernized — but basically very much the same as it was in the old act — that a person who is under the age of 19 can make a will if they are a member of the National Defence, a member of the regular forces, Canadian Forces, who are in active service in RCMP — I can't even imagine being an RCMP at under the age of 19, just in terms of qualifying — and a mariner at sea or in the course of a voyage.

I do understand that our *Marriage Act* requires somebody to be 19 in order to get married without the consent of their parents. I'm not recommending that people get married under the age of 19, but it seems to me that, similar to having exemptions for somebody who is at sea or these other exemptions that are listed and enumerated in section 2(a)(i), (ii), (iii), (iv), why wouldn't we make an exemption if there is parental consent for a marriage pursuant to the *Marriage Act* for somebody under the age of 19, because presumably they're "mature enough" to be married and may in fact be mature enough to have a child and an estate? Why wouldn't we have made an exemption for that kind of situation rather than saying, well, the *Dependants Relief Act* is going to deal with it? It doesn't seem to be respectful in the sense that, if we respect them enough to say, "You can get married with consent" and act as if they're adult and mature enough to be in that status — similarly, we would say that they are mature enough to be a mariner or whatever — it is a question of curiosity, Mr. Chair, but it seems to me that the logic doesn't follow. I understand that there may be historic precedents, but unfortunately, lots of people get married — or some people get married — under that age.

Hon. Ms. McPhee: Thank you for the question. I appreciate the comments from the member opposite. It is not really about maturity. I certainly don't disagree with some of the comments made, but people must be 19 years or older to witness or to make a will here in the Yukon Territory because that is the age of majority for the Yukon. That is set out in the territory's *Age of Majority Act*. This was, of course, designed to align with that legislation so that there wouldn't be issues with respect to having pieces of legislation saying different things for the age of majority.

What I can say, in addition to that, is that, in this Bill No. 12, there will be provisions that allow a court to look at the intention of the person making the will, whether that would be through a court application process or otherwise. Certainly, there would be an opportunity for a court to recognize a will made by an 18-year-old or someone even younger if there was a situation where they had done so and ultimately their wishes were clear and someone brought that to the court process to say that here is a situation in which a will has been made — we respect it and expect that it should be validated and the gifts distributed, despite the fact that the person was under the age of majority when it was made.

I believe that the provisions that will change this process and allow courts to look at the intentions of the person making the will — not in a more interventionist way, but in a way that is designed to respect the person's wishes — would be one way in which something like that could be addressed.

Ms. Hanson: During the briefing, there was a number of explanations given, and I just want to clarify or make sure that I did understand. When you look at section 5 being amended, and it says — so basically, if we look at the legislation — section 5 — they have added in (1.01) that comes after paragraph (d) of section 5(1). So, could the minister explain what the implications of that are? As I understood it, you have to have three people involved in witnessing a will. I am asking

the minister to clarify because I don't quite get it. I understand that two had to sign in the presence of the person making the will, but does that make up the three, or are there three separate witnesses who are required?

Hon. Ms. McPhee: If the member opposite could just make the section reference again. I missed the section reference she was meaning.

Ms. Hanson: In section 5, the following subsections are added: So, section 5 amended — so it's 4 on page 3 — and it refers to section 5(1) of the *Wills Act*. They are adding a new subsection after the subsection (1).

Hon. Ms. McPhee: Thank you for the chance to get some additional information. The reference to section 5 that was made in the question, and the addition of (1.01), deals with a situation that is permitted in the current *Wills Act* where, if someone is incapable of physically signing, they are allowed to have someone sign on their behalf. That is a provision in the current *Wills Act* and will be maintained under these amendments as well.

In the event that it is my will and I am unable to physically sign, and I say, "Person A, will you please sign on my behalf?" — so they are signing the actual will. It would still need to be that person plus two witnesses, and that's the provision there. The question asked is correct in that there would technically need to be three people, but that provision is to make that more clear.

The other provision set out in that (1.01) amendment is — the person who has been asked to sign on my behalf in the example that I have given cannot be a witness, and they also cannot be a beneficiary or someone to whom a gift is going — for maybe obvious reasons, but it should be someone independent both of the witnessing of the will and of the gifts that are bestowed by the will.

Ms. Hanson: I appreciate that explanation. I hadn't picked up on the nuance about the person not being able to do that. I just want to clarify that any witness is not eligible to be a beneficiary of a will.

Hon. Ms. McPhee: Yes, that is generally best practice across the country. I can check to see if it is prohibited, but it certainly is prohibited in some of these amendments going forward. For clarity, a witness should not also be a beneficiary, nor should a person who is signing on someone's behalf. Those would be relatively unusual circumstances, but they certainly do occur where someone is physically incapable of doing it for whatever reason, but can give instructions to have a will.

Ms. Hanson: I just want to confirm for the record because someone had asked me this: In the *Wills Act* — and I love the title "formalities" — basically it says in section 5(2) — we're not changing the fact that people can continue to make wills in handwriting and that they do not require witnesses. That is a holographic will and no witnesses are required for that, but it must be entirely in handwriting.

Hon. Ms. McPhee: The answer is yes. Holograph wills will still be valid even if these amendments go forward in Bill No. 12 and change the current state of the *Wills Act*, so a holograph will is currently valid under our wills legislation and will continue to be so.

Ms. Hanson: I would appreciate if the minister could explain — I tried reading section 6 of the current *Wills Act* and it has lots of testimoniums and very strange language. I think that the intent is that — if the minister could confirm this — first of all, it talks about where you can sign it, but then there is a lot of language around if someone writes something underneath the signature and what that means or does not mean, and if it validates or invalidates any provisions that they try to do there. This replacing section 6 has been condensed — could she explain what that condensed version means?

Hon. Ms. McPhee: The amendments will simplify the rules for the placement of the will-maker's signature. Under our current *Wills Act*, misplacing a signature can be fatal to a will or to gifts that are made in a will. Exceptions to the general rule that a signature must be at the end of the document are included in the current act, but these are overly strict and technical. In the amended provision, the general rule for placement of the signature and the consequences of a misplacement will be set out in plain language. The new provisions will also set out a presumption that any instructions below the signature are not intended to be part of the will and that any instructions put into the will after it is signed are not effective. That's the idea for clarity.

As a general rule, a will is not invalidated due to the improper placement of a signature as long as it appears that the signature is meant to give effect to the will. The idea of writing something below the signature is probably a bit historical and traditional, but there being no place to add something above the signature — you want to make sure that the presumption is that the person signed it at the end of the document, saying that all of the material items ahead of that signature are their intentions. By the same token, the very strict rule in the current legislation — that it's just invalid immediately — is not practical either. There is a presumption that writing underneath the signature is not intended to be part of the instructions of the person making the will, so that will remain, but gifts or directions added to a will after it has been signed are not effective. In order to add gifts, directions, or intentions, a person making a will must comply with the requirements for alterations or to make a new will. For clarity, this includes wills that are signed by another person, as we were just speaking about, acting on behalf of a person making a will, according to their instructions. I hope that clears it up a bit.

We are trying to make sure that it is a bit more clear and that there is no absolute prohibition, if someone were to make an error or sign every page — or something like that — so that it is not a situation where the intentions of the person making the will are somehow unclear or can't be determined by those people administering the will.

Ms. Hanson: I thank the minister for that explanation. I think that, by the end of this, I will fully understand wills.

In section 9, it is amended — section 9.01(1) is amended and I understood that the changes required by the Uniform Law Conference of Canada — it has to do with — as I understand it — the mental competence of witnesses or whether or not they become incompetent — even if they become incompetent afterwards. If the minister could explain what the difference is

between the language of section 9.01(1) in the amendment and section 9(1) in the current act: Why are they different? What is different about the language in terms of the implications of it?

Hon. Ms. McPhee: That section referenced in section 9 by the member opposite is designed to make clear that people who sign the will on behalf of a person making a will — so, as we were just speaking about, the idea that I cannot sign a will for whatever reason — physically or otherwise — and I ask someone else to do it, that section has been added to make it absolutely clear that a person who does that on behalf of a person making a will or their spouse are prohibited from receiving gifts under the will.

The voiding of gifts to surrogate signers — that's another possible term — and their spouses will remove incentive for them — for anyone — to unduly influence a person making a will. British Columbia, Alberta, Manitoba, and Ontario have all extended the rule against gifts to witnesses to include surrogate signers and doing so is recommended by the Uniform Law Conference of Canada and that has been adopted here. I should add, by surrogate signers or their spouses. Those are the provisions in that part of the bill in section 9 to respond to that.

Ms. Hanson: I thank the minister, but I think the minister was actually answering the next question I was going to ask, which was the placement of a new provision which speaks, as I understood it — as she just described — to an intention to prevent fraud or coercion. I was just asking — I thought that the explanation that I had heard that there was a new replacement of the existing subsection (1) in section 9 with language that was talking about mental incompetence and something about the Uniform Law Conference of Canada. I just wanted to know what the difference in the — just basically how the use of different language changes the provision. Or does it?

Hon. Ms. McPhee: The member opposite — and know I couldn't guess the next question. Sorry that I went ahead a little bit.

To go back to the question in reference to section 9 — I spoke about 9.01, of course, recently. Section 9 is that — the clarity there was to produce language that would be in subsection 9(1) and it would be changed so that the will can be invalid if the witness is not competent. This was to align with the uniform law conference recommendations as well, but our current legislation says that the witness must be competent at the time and it was unclear whether that was at the time of the signing of the will, which possibly, it could have been. If there was an issue with the competency of a witness surviving the administration of the will or being useful during the administration of the will and their ability to testify or explain what they understood the testator's intention to be — or something like that — it seemed a little unclear. So, along with the recommendations, the language has been changed in section 9(1) to remove the words “at the time” and to simply be very clear that the person assigned or chosen to be a witness must be capable and competent of doing so.

Ms. Hanson: I thank the minister for that clarification. Just a couple of words makes a difference.

In section 10, as amended — well, I don't understand it — but in reading the revocation piece in the existing *Wills Act*, my

understanding is that it is to provide for an automatic revocation upon marriage. Then when I read through section 10, “Revocation of gifts for former spouses”, could the minister just explain in plain language what section 10 does and what the to and fro is about? Who is affected here? I understand that it applies to both married and common-law couples.

I have questions about it. Is it as long as they're together at the time of the person's death? There is a section here that talks about, as I understand it, if there is a reconciliation of divorced spouses, they could then become beneficiaries.

I was just curious as to the definition of “reconciled” in terms of getting back together. I'm sure it would be fascinating for lawyers to figure that one out.

Hon. Ms. McPhee: I am going to start by making a reference to section 10, as was made in the question. Sections requiring the automatic revocation of a will when the person making the will marries are repealed. That is the current state of the law. In this act, that automatic revocation — so your will is no longer valid upon marriage — would not be the case. It would be an individual's choice to change a will, of course, but it wouldn't necessarily be automatic, which is sort of a more modern way of dealing with issues around marriage or traditional marriage.

In order to answer the question, which I think is also in there — about what happens following separation or divorce — following the termination of a marriage or common-law relationship, any gifts to the person's former spouse would be cancelled, similar to many other Canadian jurisdictions. I will get to what the definition of those are in just a second. Appointments of a former spouse as an executor or a trustee would also be cancelled. The rest of the will would remain in place and would be interpreted as if the former spouse died before the person who made the will and who we would be dealing with — or who anyone would be dealing with as an administrator or an executor. These changes will not apply if there are any instructions in the will showing that the person making the will intended a different outcome following their divorce or separation. Individuals might still have a friendship, parenting — all kinds of relationships — and it might say, “I don't want any of those things to have effect. My executor is my former spouse, and I want that to remain.” So, they could specifically speak to that.

Then there is some guidance about how we would know if a relationship had permanently ended. The amendments in Bill No. 12 define when a spouse becomes a former spouse. This is marked by either a divorce, a declaration that the marriage was void, or a separation of a year without a reasonable expectation that the spouses will live together again — complicated, as all of these matters can be. These are the same criteria that are found — there is another alignment here — in the *Family Property and Support Act*, which also defines when a marriage has ended permanently, which is helpful.

If spouses experience a breakdown of their relationship — this is in reference to the concept of reconciliation — and later reconcile and resume living as spouses, gifts and appointments to that spouse will not be affected as long as they are living as spouses when the person who made the will dies.

For married spouses, reconciliation is defined in Canadian law by the *Divorce Act* as a resumption of cohabitation lasting more than 90 days within one year of separation. For common-law spouses, this would mean that the couple must resume living together for at least one year prior to the death of the person who has made the will.

It's complicated but still more clear and with more protection, in my submission on this bill to the Legislative Assembly, than is in the current piece of legislation — so, the idea being to make these amendments to make clarification for individuals who are making a will.

Mr. Chair, I note the time, and I move that you report progress.

Chair: It has been moved by Ms. McPhee that the Chair report progress.

Are you agreed?

Motion agreed to

Hon. Ms. McPhee: I move that the Speaker do now resume the Chair.

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 Chair of Committee of the Whole?

Chair's report

Mr. Hutton: Mr. Speaker, Committee of the Whole has considered Bill No. 9, entitled *Sexual Orientation and Gender Identity Protection Act*, and directed me to report the bill without amendment.

Mr. Speaker, Committee of the Whole has also considered Bill No. 10, entitled *Act to Amend the Employment Standards Act (2020)*, and directed me to report the bill without amendment.

Finally, Mr. Speaker, Committee of the Whole has also considered Bill No. 12, entitled *Act to Amend the Wills Act (2020)*, and directed me to report progress.

Speaker: Thank you. You have heard the report from the Chair of Committee of the Whole.

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Hon. Ms. McPhee: I move that the House do now adjourn.

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

Motion agreed to

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

The House adjourned at 5:26 p.m.

The following sessional paper was tabled October 26, 2020:

34-3-52

Yukon Child Care Board Annual Report 2018-2020 (Frost)