



# Yukon Legislative Assembly

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34<sup>th</sup> Legislature

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## HANSARD

Tuesday, November 10, 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**

### CABINET MINISTERS

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

### GOVERNMENT PRIVATE MEMBERS

#### Yukon Liberal Party

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

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

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

### LEGISLATIVE STAFF

Clerk of the Assembly	Dan Cable
Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
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Deputy Sergeant-at-Arms	Joseph Mewett
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Tuesday, November 10, 2020 — 1:00 p.m.**

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

*Prayers*

**In recognition of Remembrance Day**

**Speaker:** Before the House proceeds with the Order Paper, the Chair will make a few remarks.

Tomorrow is Remembrance Day. On this day in the Yukon Legislative Assembly, we remember all those who have served, and continue to serve, in the Canadian Forces, the RCMP, and other related agencies and remember the tens of thousands of brave souls who were lost in the line of duty in service to our country.

Across Canada, we would normally gather to hold ceremonies and honour the countless brave men and women who defended Canada and continue to defend Canada. As we are all too aware, in 2020, it will not be possible to hold our usual in-person ceremonies this year due to restrictions caused by the global COVID-19 pandemic. However, this does not mean that Yukoners will not have Remembrance Day ceremonies.

Many Yukon communities are having virtual ceremonies or reduced-attendance ceremonies to allow physical distancing. If you are not able to attend a service, I would encourage Yukoners to view the Whitehorse ceremony on the Facebook page of the Royal Canadian Legion Branch 254, where you will be able to find the details to connect to tomorrow's livestreamed ceremony from the Yukon Arts Centre.

This year, as we contemplate the wars that have occurred since the declaration of November 11 as a day of remembrance after the end of World War I, today we are facing one stark common experience with the returning soldiers at the end of that war. For those soldiers who were lucky enough to survive the ravages of that terrible conflict, close to its conclusion in the cold, muddy trenches of France, another deadly and unseen hazard was making itself known to the soldiers.

The inaccurately named "Spanish flu" was actually named in recognition of the origin of the preliminary reports received from the front. The neutral, non-combatant Spanish news services began reporting on a flu that had started to ravage those brave soldiers as they began their long journey home to North America and, indeed, around the world.

Every Canadian child learns in school that the 11<sup>th</sup> hour of the 11<sup>th</sup> day of the 11<sup>th</sup> month of 1918 marked the signing of the armistice that led to the end of the First World War. However, what they are perhaps less likely to learn is that the Spanish flu was infecting many soldiers, and in fact, many died before they were able to return home.

Tragically, the mass movement of soldiers returning home also facilitated the spread of the contagion on a global scale and ultimately killed far more than the number of soldiers lost during the war. Five hundred million — or approximately one-

third of the global population at the time — would eventually become infected by a precursor to today's COVID-19 and it is estimated that at least 50 million persons succumbed to it.

Today we can certainly empathize as we take time to reflect upon the plight of our relatives' world that was in the grips of what must have been a frightening, mysterious, and extremely deadly pandemic over a century ago.

Today in the 21<sup>st</sup> century, many of the soldiers who served in the two major conflicts of the 20<sup>th</sup> century have passed. The last Canadian veteran of World War I passed away a number of years ago, and our remaining Canadian World War II veterans are largely in their 90s.

Importantly, yesterday we heard of the injustices and the deprivation of basic rights that were denied our First Nation veterans during tributes to National Aboriginal Veterans Day. We heard about their sacrifices and of their indomitable spirit when they returned home. Thanks in part through the telling and retelling of their inspiring stories, we can begin the process as a society to fully acknowledge and appreciate their contribution and sacrifice. This is why we remember. It is to always remind ourselves that our freedom comes at a cost and that, for some of our citizens, fundamental rights were late to be recognized at home — in some instances, decades after having made great sacrifices on foreign soil.

As Members of the Legislative Assembly, we, like all Canadians, are beneficiaries of many freedoms that have been provided and maintained for us through the sacrifices of many who fought and for those who paid the ultimate price in defence of them. It is easy to take them for granted. Lest we forget.

While on my feet, I will just introduce the veterans who are present today. I received a notice from our Deputy Sergeant-at-Arms. We have: Joe Mewett, our Deputy Sergeant-at-Arms, who is currently the president of the Whitehorse Legion; Doug Bell, my long-time neighbour in Riverdale and the person whom I certainly talk to for advice and guidance, former Commissioner, and World War II veteran — it's great to see you, Doug; Joe Novak, who is also a World War II veteran — hello and welcome; Terry Grabowski, who is our former Deputy Sergeant-at-Arms, who is the second president and service officer at the Whitehorse legion branch; and we also have Red Grossinger, who is the past president of the Whitehorse legion. I would also be remiss in not recognizing the Member for Kluane, who is also a Canadian Forces veteran.

*Applause*

**DAILY ROUTINE**

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

Introduction of visitors.

Tributes.

**TRIBUTES**

**In recognition of Remembrance Day and Yukon veterans**

**Hon. Mr. Silver:** Mr. Speaker, I rise today in honour of Remembrance Day and to pay tribute to our Yukon veterans.

I want to begin by recognizing the tragic passing of Corporal James Choi, who succumbed to injuries following a training exercise in Alberta on October 31. We send our deepest condolences to Corporal Choi's family, friends, and also the Royal Westminster Regiment members and all those who were close to him.

Mr. Speaker, unfortunately, in-person events are very limited this year, but we will be coming together for ceremonies online and in our communities. We will be mourning all veterans who have died in service and show our appreciation for our veterans through online messages as well.

This Remembrance Day is the 75<sup>th</sup> anniversary of the end of World War II, and I want to extend a special recognition to our remaining Yukon veterans. World War II was the most deadly conflict in our history with up to 85 million people dying throughout the course of the war. More than 45,000 Canadians died as Canadians across the country were swept into the fighting and exposed to death and destruction on a scale never before seen. Yukoners were present among the ranks — Yukoners such as Victoria Cross recipient Major George Randolph Pearkes, who was wounded five times in Passchendaele before continuing to lead as a senior officer in World War II.

When the guns finally went quiet, Pearkes finally came home after six years of intense fighting and went on to be elected to Parliament four times, where he served as a Cabinet minister. He was also appointed as Lieutenant Governor of British Columbia. Mr. Speaker, the names of his fellow Yukon soldiers who did not return can be found on memorial plaques and monuments right across our territory. Tomorrow, I will remember their sacrifices and be thankful for the freedom they preserved.

This year of remembrance, I want to recognize the passing of a very special member of the Dawson City Legion. Diane Baumgartner served as a secretary and treasurer of the Dawson Legion for many years. Diane was always an extremely hard-working, cheerful and dedicated individual who lived life to its fullest. When she retired after many years of working in the finance department of Tr'ondëk Hwëch'in, Diane did not slow down despite her health challenges. Dawson and, in particular, the legion were very fortunate that she turned her abundant energies toward the legion and toward serving our seniors in our community as well. She was, without a doubt, the spirit, the heart, the driving force, and the soul of Dawson City's Royal Canadian Legion Branch 1. She will be sorely missed by all. As the legion members plant poppies each year in Victory Garden, we shall remember her.

Mr. Speaker, this year, I will remember and recognize the sacrifices made by all Canadian veterans who have served from World War I through to Afghanistan and those who continue to serve today. You keep us safe; we thank you for your dedication, your courage, and your sacrifice. Our country remains strong and free. We will always remember and honour you for that legacy. Lest we forget.

**Mr. Istchenko:** Every year, at the 11<sup>th</sup> hour of the 11<sup>th</sup> day of the 11<sup>th</sup> month, we gather in memorial to stand in honour

of all those who have fallen. We observe a moment of silence to mark the sacrifice of the many who have fallen in the service of their country and to acknowledge the courage of those who still serve. Canadian veterans have served throughout history in many conflicts and situations — peacekeeping missions, crises on home soil, and world wars.

On Remembrance Day, we honour and remember all veterans, whether they served abroad or at home, whether they kept the peace or fought for peace, or whether they found themselves in combat or in support of operations. These wars touched the lives of Canadians of all ages, races, and social classes. On occasions like Remembrance Day, Canadians gather to remember and to pay tribute to those who serve and to those who have served over the years.

The poppy is such an important symbol of remembrance. We must continue to honour this symbol and all it stands for. Children have lost fathers and mothers. Parents have lost sons and daughters. So many have lost loved ones. Family members, friends, and neighbours were killed in action or wounded. Thousands who returned were forced to live the rest of their lives with physical and mental scarring.

We must also recognize and support our military families. These folks have endured alongside our veterans for many years and also deserve our thoughts and, of course, our thanks. Soldiers for decades have returned to a society that is ill-equipped to deal with the broad range of injuries that they face. Much of our society will never understand the lasting impact of war or the stresses of service. We must continue to ensure that mental health and wellness for veterans is a top priority in our health care system.

So, Mr. Speaker, Lieutenant Christopher Edward Saunders was a naval officer in the Royal Canadian Navy. Chris was killed during a tragic fire while serving aboard the HMCS Chicoutimi on October 6, 2004. He left behind a wife and two sons.

His mother, Mrs. Debbie Sullivan, was chosen this year by the Royal Canadian Legion as the National Silver Cross Mother. Mrs. Sullivan will place a wreath at the National War Memorial on the 11<sup>th</sup> of November on behalf of all Canadian mothers who have lost a son or a daughter in the military service of Canada. Throughout the year, until October 2021, she will also be called upon to perform other duties honouring the fallen from all conflicts.

We continue to remember and honour our veterans and the sacrifices they made, because those sacrifices were made so that we can enjoy the freedoms that we do. They believed, and still believe, that those sacrifices would and do make a significant difference in the future of the next generation of Canadians, and it is now our job to ensure that we do the best we can with the freedoms we are given.

As I said earlier, this year marks the 75<sup>th</sup> anniversary of the end of World War II. Lance Corporal Novak, retired, enlisted in the Canadian Armed Forces 1943, at 20 years old. Mr. Novak volunteered for active general service with the Royal Canadian Army Service Corps. After being shipped to England, Mr. Novak landed at Normandy, France shortly after D-Day and continued with the First Canadian Army Corps onward to

Antwerp, Belgium from September to November 1944. Then he went to Breda, Netherlands. He recently was recognized by the Kingdom of the Netherlands for his efforts during the war and liberating Holland with a Thank You Canada Medal. Mr. Novak is here today, along with his friend, Master Corporal Terry Grabowski, who is seated next to Mr. Novak in the gallery. He said the following — and I quote: “We became very good friends recently — I, as a younger veteran, look up to and respect Mr. Novak as an older veteran. I enlisted in the Canadian Armed Forces in 1998 at the age of 21. I was overseas peacemaking in Kosovo just after the conflict in 1999. We share a bond of duty, comradeship, brotherhood, service beyond self — common to many veterans. Trust, honour and service are hallmarks which forge our chains that link us together.” He goes on to say, “He is a war hero and deserves our respect and admiration. I ensure he is not alone in Whitehorse. With Remembrance Day tomorrow, it is important to pay our respects for those very freedoms and rights we have in Canada. As Mr. Novak says ‘I remember all the boys that never came home.’ I agree. I also think daily, and throughout the year that in addition, I remember those who came home, but were never the same, forever changed by sights, sounds inconceivable to most.’ It is the fallen, those who sacrifice so much we must not forget. Thank you.”

I want to highlight a couple of young soldiers serving in the Canadian Armed Forces today: Matthew Birckel, who is posted in Petawawa, Ontario; and Joshawa Ewashen Dulac, who is posted in Edmonton, Alberta. Matthew’s grandfather is Paul Birckel. Josh’s parents, Marcel and Elodie Dulac, are proud Rangers in the Haines Junction Ranger Patrol.

I am proud to serve my country with these fellow Rangers, and I want to especially thank all those serving today. Of course, I would be remiss if I didn’t again, as I do every year, give special thanks to the Legion Branch 254 and, of course, all of the legions for their tireless work in support of our veterans and serving members today. Having President Joe Mewett, past President Red Grossinger, Terry Grabowski, Mr. Bell, and Mr. Novak here today is so important — “And they who for their country die shall fill an honored grave, for glory lights the soldier’s tomb, and beauty weeps the grave.”

Lest we forget.

**Ms. White:** I stand on behalf of the Yukon NDP in honour of Remembrance Day and of veterans past and present. Without community gatherings across the country tomorrow, it’s more important than ever for individuals to remember the importance of November 11.

My friend Rian Turner was an army combat medic from 2001 until 2016. Her tours of service included Germany and Afghanistan, but she says that her favourite posting was here as the camp medic at the Whitehorse cadet camp. In 2016, she was honourably and medically discharged after sustaining an injury from a training exercise. Her thoughts and feelings about Remembrance Day are very personal, and with her permission, I am sharing them with you today.

She says: “Part of me is happy that Canadians have no idea what has been done for them and the sacrifices that have been

made, and the other part is focused on not letting people forget. It’s something I struggle with all the time. I have been actively trying to thank our local business who are in observance of the day and just being an advocate as I live my daily life. This time of year is particularly hard on Veterans. Photos of our dead friends start to pop up all over the place and while my heart is happy to see my friends, it is heartbreaking to witness the sometimes disrespect that some people feel entitled to show. I think the key is to continue the conversation and engaging veterans to make sure this day remains about the observance of service to country and sacrifice for all Canadians. If we drop the ball for one minute this day becomes a holiday...and it is anything but a holiday.”

So, Mr. Speaker, for many veterans, Remembrance Day is every day. We cannot forget the importance of this day and we cannot forget the sacrifices, past and present, made on behalf of Canada. We are in continued thanks and remembrance to veterans and their families.

Lest we forget.

**Speaker:** I would like to ask all present to stand as we observe a moment of silence in honour of Remembrance Day.

*Moment of silence observed*

**Speaker:** They shall not grow old, as we that are left grow old:

Age shall not weary them, nor the years condemn.  
At the going down of the sun and in the morning  
We will remember them.

Please be seated.

Are there any returns or documents for tabling?

## TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Mostyn:** I have for tabling a legislative return responding to questions from the Leader of the Official Opposition during Committee of the Whole on October 20.

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

Are there any reports of committees?

Are there any petitions to be presented?

## PETITIONS

### Petition No. 4

**Ms. White:** I have for tabling a petition with 94 signatures that reads as follows:

This petition of the undersigned shows:

THAT at present the OPES 9/PASE 9 programs are housed at F.H. Collins Secondary School at 1001 Lewes Blvd, the CHAOS 10/CHAOS 9 and FACES 10/ACES 10 are housed in portables behind Porter Creek Secondary School at 1405 Hemlock Street, and ES 11 is housed inside the walls of Porter Creek Secondary School;

THAT the programs’ photocopier, office administrator and principal are housed at Wood Street School at 411 Wood Street,

and the equipment for these programs are housed at a Yukon Government storage facility at 426 Range Road;

THAT an equipment drying facility is allocated as a crawl space underneath Porter Creek Secondary School;

THAT teachers at Porter Creek Secondary School facility are prohibited any administrative services, including photocopying — these services must be obtained at 411 Wood Street;

THEREFORE, the undersigned ask the Yukon Legislative Assembly to urge the Yukon government to bring the Wood Street Centre programs of OPES 9/PASE 9, CHAOS 10/CHAOS 9, FACES 10/ACES 10 and ES 11, program equipment, the equipment drying room, school photocopier, office administrator and principal, together under one roof for the commencement of the 2021-22 school year in August 2021.

**Speaker:** Are there any other further petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

## NOTICES OF MOTIONS

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

THAT this House supports creating “Wellness Yukon”, a new arm’s-length government agency that delivers basic health and social services in the territory and contracts with NGOs or other providers to deliver specialty services on their behalf.

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

THAT this House urges the Yukon government to recognize the medical data indicating that all healthy individuals over the age of 50 years should receive the Shingrix vaccination and that it should be made available at no cost for all seniors 65 years and over.

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

THAT this House urges the Government of Yukon to ensure pad rental fees in mobile home parks are eligible under the Canada-Yukon housing benefit program.

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

Is there a statement by a minister?

## MINISTERIAL STATEMENT

### Mayo-McQuesten transmission line

**Hon. Mr. Pillai:** Mr. Speaker, our Liberal government is investing in a responsible and sustainable future for all Yukoners. Investing in Yukon’s energy infrastructure is an important part of our efforts. One project I would like to highlight today is the upgrade to the Mayo-McQuesten transmission line.

The project is replacing 31 kilometres of transmission lines that have reached their end of life. The existing line is more than 65 years old and is becoming increasingly unreliable. The Mayo to McQuesten portion of the grid was constructed in 1951 and was identified as being at end of life by 1992. The

increasing unreliability of the line affects both local residents and the overall stability of the grid. The transmission line that is being put in will be upgraded to support up to 138 kV, enabling future growth in the region.

This project will improve the quality of electricity services both in the region, for residents of Mayo and Keno, and more broadly for the electrical grid by increasing the reliability of the transmission line and updating the expanding regional substation. In addition to supporting local residents, the upgraded line will promote further economic development in the region. The project will also support sustainable development by allowing Victoria Gold to connect its Eagle Gold mine to the grid, giving it access to renewable hydrogenerated electricity rather than having to rely on on-site fossil-fuel generation.

This project will allow Yukon Energy Corporation to meet the demand from Victoria Gold’s gold mine, as well as other industrial customers in the community, allowing Victoria Gold to connect to the grid with this more appropriate infrastructure that has a significant environmental benefit for the territory. It is anticipated that, over the lifetime of the transmission line, carbon emissions will be reduced by 834 megatonnes by offsetting the use of on-site fossil-fuel generators.

The total cost of the Mayo-McQuesten transmission line is approximately \$34 million. The Government of Canada is contributing \$22.7 million through its Investing in Canada infrastructure program, and the Government of Yukon, through the Yukon Development Corporation and the Yukon Energy Corporation, is contributing \$11.2 million to the project.

Like all other customers who connect to the grid, Victoria Gold is paying the costs associated with connecting its mine to the grid with this new line, and all major contracts for the project have been awarded through a competitive bid process that evaluated vendors based on contractor experience, price, and First Nation benefits.

The upgraded transmission line is scheduled to be completed in late 2021. I hope that all members of the House support this project.

**Mr. Kent:** Thank you, Mr. Speaker, for the opportunity to respond to this statement.

I note that much of the technical information is the same as was co-announced in September 2019 by the Yukon’s Member of Parliament and the Yukon government. We are supportive of this kind of infrastructure investment as the line is decades old and is in need of upgrades, and it will help support operations not only at the Eagle Gold mine but also at other projects in the area. We are also pleased that the federal government agreed to partner on this line.

However, I do have some questions for the minister about this project. As you know, Mr. Speaker, the project that the minister is speaking about today is just one portion of a larger Stewart-Keno transmission project which has been shovel-ready for four years.

On May 4, 2017, the minister was asked if he was committed to moving forward with the entire Stewart-Keno transmission line project. His exact response was — and I

quote: “This is a priority for us. You have nailed it.” However, as I mentioned, today’s statement is only about one portion of that overall larger project.

Last year, the president and CEO of Yukon Energy said that this was the first phase of work with more to likely follow eventually.

So, my first question is: Is the entire Stewart-Keno transmission line project still a priority for this government? If so, why the continued delays on moving forward with it? When can we expect the rest of the line to be completed? Is the minister seeking federal funding for that portion? If so, how much?

The minister mentioned in his statement that the Government of Yukon, through the Yukon Development Corporation and the Yukon Energy Corporation, is contributing over \$11.2 million to the project.

So, can the minister tell us how much is coming from the government and how much is coming from the Energy Corporation? When this project was first re-announced, the *Yukon News* wrote about the potential impacts on the electricity bills of Yukoners. An article from September 2019 states — and I quote: “Yukon Energy’s communications manager said it’s unclear what the impact to ratepayers would be at this time. ‘Like all investments we make in Yukon’s electricity system ... we will make an application to the Yukon Utilities Board to include these costs in customer rates when the projects are complete. The YUB (Yukon Utilities Board) will review these costs at that time’”.

Yesterday in Question Period, the minister confirmed that the corporation is moving forward with an application to increase the cost of power bills. So, will this project be part of the upcoming rate increase application or will it be in a subsequent one?

Can the minister give us an idea of how much this project will increase electricity rates for Yukoners?

Last year in that same article, the government stated that this project would be completed in 2020; however, today the minister has announced that it will not be completed until late 2021. This is another example of major projects and files being delayed under this minister and this government’s watch. So, can the minister please tell us why this project is delayed?

Finally, Mr. Speaker, I’m wondering if the minister can elaborate a bit on how the government is partnering with the Na-Cho Nyäk Dun and its development corporation on this project.

Thank you. I look forward to the responses to my questions when the minister rises again.

**Ms. White:** Energy transmission, generation, and storage is as fascinating as it is complicated. In Yukon, we often fall into the trap of discussing our energy usage as that of electrical generation without taking into account our biggest uses of energy, and that’s transportation and home heating. But since we’re talking about a transmission line, I will stick to generation today.

When we talk about generation, it’s easy to fall back on the idea that the power we’re using is mostly renewable, but the

challenge of that idea is that every day we inch closer and closer to tipping that balance. When the grid needs more power than what is currently generated renewably, our electricity becomes less green. As we increase the number of large industrial users on this grid, we also increase the amount of fossil fuels used to meet this energy gap.

No one will dispute that this transmission line has gone long past its replacement date. If you have ever been to Keno, we can agree that the Keno City pizza parlour, Sourdough Café, the Silvermoon Bunkhouse, the Keno City Hotel, the Keno City Mining Museum, and the community of Keno all deserve a stable power supply. They also deserve a lot more, but I will leave that for another day.

Today’s ministerial statement highlights the benefits of a \$34-million transmission line that will assist a large industrial user to offset their own carbon emissions without referencing what that means to Yukon’s ability to meet that proposed electricity demand or Yukon’s own need to develop renewable energy projects now.

One way to encourage or facilitate the development of renewable energy in Yukon is to compare the true cost of fuel generation, which is incorporating all of the subsidies that exist within the fossil-fuel economy from extraction, processing, and distribution. If we were able to do that, the renewable energy projects on the horizon would be much more attainable, not to mention the fact that, in the summer of 2019, the minister made a commitment at a public meeting to get an order-in-council done that would provide the Yukon Utilities Board with direction to actively pursue demand-side management. This idea is so important that it is listed as an action item in the *Our Clean Future* document on page 45. It reads: “Provide direction to the Yukon Utilities Board in 2020 to allow Yukon’s public utilities to partner with the Government of Yukon to pursue cost-effective demand-side management measures.”

Mr. Speaker, I look forward to having Yukon Energy Corporation appear as witnesses, but until then, as we are nearing the end of 2020, can the minister tell us when this order-in-council will be issued?

**Hon. Mr. Pillai:** Mr. Speaker, I think that, most appropriately, with a number of questions there — probably more than I could answer in the amount of time I have been allotted — I think I will just touch on a few things.

Considering the questions that are coming from the Third Party, my hope is that we will see some of that work completed concerning our OIC by the end of 2020. Of course, that has to go through a Cabinet process and you can’t predetermine that. Also, we have taken the time to understand some of the other really particular items that should be added to that order-in-council. So, we are still absolutely committed to that.

The question from the Official Opposition concerning the pricing mechanism on this — for the member opposite, when you read through the article on September 6, it breaks it all down. They didn’t share that part of the information about the pricing. In the same article that was referred to two or three times by the Member for Copperbelt South, it also talks about how much money was put in — which was one of the questions

but was left out — and it talks about the \$7.8 million that was there, and it also talks about the fact that most of that was covered by Victoria Gold.

Because you can't predetermine the outcome of a Utilities Board hearing, that's why the communications director for the Yukon Energy Corporation didn't give that exact number. So, we are going to have that opportunity when the Yukon Energy Corporation and Yukon Development Corporation come in later to get into some of those particular questions.

Overall, I think I hear that both of the parties were supportive — I believe, for the most part. We hear quite a bit from the opposition about projects getting executed or built. In that same article, the Member for Copperbelt South states that the previous government wanted to do the project or thought about the project but just didn't get it done.

I think that what we are doing is ensuring that we have those opportunities to work with Na-Cho Nyäk Dun on this project. I know that we just heard today that we are going to actually see a portion of the line electrified in the next day or two. When we go out and talk about mining investment as well, the fact that we have a grid that is so clean really plays such a key role with ESG financing in these projects, and I know that NND are great partners with both Victoria Gold and Alexco.

Concerning the extension of the grid in that first question by the member, I think it is best for us to continue some of those technical questions about when they are going to phase out the extension of the grid — a great question for Mr. Hall. It is something that I support. We are looking, actually — and direction from the Premier is to look at updating across the Yukon wherever we can and to continue to leverage our money from green energy.

This is something that we think is a project that is a long time coming. Another one where we jumped in and went out to get the money for — again, what we saw in the past was a lot of money being leveraged by the previous government. We are still paying on that today. One of our last big transmission lines — if you put that together with the actual infrastructure — I mean, the interest on that is — I have to go back and check, but it's almost \$5 million. Again, this is taxpayers' money.

So, I like when we can go out, put a project together, leverage it from the federal government — we get most of the capital costs covered, and we do that without taking it to ratepayers.

**Speaker:** This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Panache Ventures return on investment

**Mr. Hassard:** Last September, the Liberal government shipped \$2 million of Yukon taxpayers' money to a venture capital fund in Montréal. Yesterday, we asked the minister how much of that money has been reinvested in the Yukon and how many Yukon companies were invested in as a result.

In response, he was only able to provide one example. He said Panache had invested in just one Yukon company: Proof Data Technology. So, we went back and looked at the

investment and it turns out that Panache invested in Proof Data back in May 2019 — several months before the Yukon government ever shipped that \$2 million south. So, the minister's only example of a success story was one that never even benefitted from the government's investment.

So, I will ask again: Since the Liberals gave them \$2 million of taxpayers' dollars, how many Yukon businesses has this venture capital firm invested in?

**Hon. Mr. Pillai:** Just for the information of Yukoners — in the beginning of this fund, what has happened is that we had a number of First Nation governments, led by, I believe — I'll have to go back and check — Kluane First Nation — the first conversation with their development corporation — had come to us. We had a discussion about the opportunity that is here — again, going back to chapter 22 — one of the first notes of that chapter talks about ensuring that indigenous governments have the ability to take part in the modern economy.

So, our \$2 million that we put into this is funds that we are putting into the fund on behalf of the First Nations. The First Nations that are listed — which we didn't have a chance to go through yesterday — but the First Nation development corporations that are here are: Da Daghay Development Corporation, Dakwakada Capital Investments, Selkirk Development Corporation, Kluane Dana Shaw Development Corporation, Chu Níkwän Development Corporation, Na-Cho Nyäk Dun Development Corporation, and Dena Nezziddi Development Corporation.

Actually, that is where the investment sits. They are the owners of the investment. First of all, they have done their due diligence. In most cases, they brought in their financial experts to take a look at it. We did a third-party analysis — the same as the Alberta government, the same as the Québec government, and the same as the National Bank. But, you know what — the member across the way feels that he has a better financial understanding, I guess, than all of those individuals.

**Mr. Hassard:** Again, I will remind the minister that the question I asked was: How many Yukon businesses has this venture capital firm invested in?

We've heard the minister — he was quick to brag about other provincial entities that have invested in Panache, like the Alberta Enterprise Corporation, but there's a big difference between the Yukon government and those other provincial government-owned corporations. They are actually required to provide a return on investment. So, let me quote from the Alberta corporation's documents — quote: "It's an arms-length approach where we contribute to the success of Alberta's emerging technology leaders, while receiving a fair return on investment on behalf of Alberta taxpayers."

So, Mr. Speaker, what return on investment can Yukon taxpayers expect for their \$2 million?

**Hon. Mr. Pillai:** I'm glad the member across the way touched on that because that's exactly the structure of this. First of all, you have to ensure that the companies that the fund is investing in are going to produce a return and hit that threshold. What we've seen is a very significant return that they believe will be in place.



We have provided money on behalf of First Nations in the Yukon as a contribution to the project. The First Nations, as a corporation they formed, will then realize the return. So, that's money being invested by First Nations. We've contributed money into that process and, over tenure, the fund will return.

So, if the members opposite think that this is bad investing or bad business, please let us know. We think that it's in the spirit of what chapter 22 outlines. We think working with First Nation governments — the great thing about our First Nation governments and development corporations is that the money that gets returned gets spent in our communities. Actually, when I look across the way, many of the representatives across the way — their communities will see that return spent in their communities.

So, again, I think it's a good investment. Over time, we will see the appropriate companies rise to the occasion in the Yukon for this particular type of investment. When they get to that critical mass, there's a great opportunity for them to have investment here in the Yukon — not to have to go to Toronto and not to have to go to Vancouver, but to have First Nations here investing in them.

**Mr. Hassard:** So, again, no details on \$2 million worth of taxpayers' dollars. But let's compare the deal that the Yukon Liberals negotiated with Panache versus the deal that the Alberta Enterprise Corporation got. Alberta requires a physical presence in the province, it requires a financial return on investment for Alberta taxpayers, and they've seen numerous investments directly into Alberta.

Now, let's compare that with the Yukon Liberals: no requirement for a physical presence in the Yukon, no guaranteed financial return on investment for Yukon taxpayers, and so far, not a single investment in a Yukon company since the government made this deal.

So, I don't know about you, Mr. Speaker, but that doesn't sound like a very good deal to me. When will Yukon taxpayers see their \$2 million returned to the Yukon?

**Hon. Mr. Pillai:** Really grasping across the way — first of all, the Alberta investment, after the team from the Yukon concerning a number of First Nations — once they had structured their deal, Alberta has, as I understand it, actually called Panache back and said, "Can we come back and negotiate because of the Yukon deal?" That was because the team did a great job in ensuring the mentorship piece — again, providing mentorship here.

Lots of sounds from across the way, but the facts are — as it was reported to us — that both Alberta and others in that investment came back. Once we see the opportunity in place, we have Panache here to invest. What we heard from many entrepreneurs in this community in the tech sector was that we need to have that type of vehicle. What usually happens is that people invest — maybe from Toronto and Vancouver — and then they try to coax those companies out. We want those companies to stay here. You don't rush to spend the money. You make sure that you look for a good investment because of the threshold of return that you are looking for.

I ask the opposition to please sit down with the Yukon First Nation Investment Corporation and ask them if they think it's

a good deal, and please explain to them why you don't support it.

### **Question re: Mining industry collaborative framework**

**Mr. Kent:** I have a series of mining questions for the Premier and the Minister of Energy, Mines and Resources. On March 17, 2017, the Liberals promised the mining industry that they would develop a collaborative framework to address industry concerns on timelines and reassessments. Here we are, three years and eight months later, and the Liberals have accomplished nothing on this commitment. The government has now entered the final year of their mandate, and there is no sign of this collaborative framework that they promised the mining industry.

When was the last meeting that the government held with industry regarding this collaborative framework, and when will the Premier deliver on this promise?

**Hon. Mr. Pillai:** I think that the member opposite is speaking about some of the work that was committed to — working with the federal government, First Nations, as well as territorial representatives around our work and framework around the regulatory structure.

I know that there was one particular case where, in that sense, industry was invited to attend and, I think, left pretty quickly that meeting based on some concern around the agenda, but what I can say is that I'm quite happy with what I know that the Premier has reported to me on the work that is being done in the Executive Council Office, digging down to see — both with First Nation representatives and with the federal government — different avenues to go back and be able to really eliminate some of the duplication that happens within the assessment system.

More importantly, I think that we will stand by our record all day long when it comes to working with First Nations as well to see what we have in response to that. We are seeing significant money spent in exploration. I know that when we got here, there was one operating mine. Now, hopefully by the end of the year, we will see three. I think that the record stands for itself. It's a balanced approach, and we do believe that it is the right way to go.

**Mr. Kent:** So, the minister is standing by a record of broken promises. Another big announcement by the Liberals in 2018 was about a sub-regional land use plan for the Beaver River watershed. This was part of the plan around getting a decision document for an exploration road into a project north of Keno City. The minister at the time touted this as a "new way of doing business." Given the years of delays, many in the industry are saying that the minister's way of doing business is creating more uncertainty for them. The initial completion date was announced for March 2020. According to yukon.ca this morning, a final draft plan was to be completed in August of 2020.

Can the minister confirm if that information is correct? If not, when can we expect the final plan?

**Hon. Mr. Pillai:** Mr. Speaker, there are a number of comments and shots there.

I would just say that, again, we have made those commitments to build the proper relationships. What I was told, at least when I sat down with major mining companies and investors, was that there was fear, based on the conflict that we saw previously. I know that the Yukon Party doesn't want to embrace a new way of going forward, which is hand in hand on these projects. The sub-regional plan — that particular area is an extremely sensitive area. There is tremendous concern from the Na-Cho Nyäk Dun, both for wildlife as well as for impacts.

We continue to do that work, which is very important to do. I will bring back to the House information concerning the timeline and sit down with Energy, Mines and Resources officials to get an updated timeline — but once again, taking on a project like that and taking the time to do it right — I don't believe that is breaking a promise. I think that the way that we used to see things done was where an e-mail was sent and it was a new policy without any consultation. We watched, over those years — it might be three or four years ago — but I can tell you that it was a time when investment was going away instead of coming.

**Mr. Kent:** When it comes to the collaborative framework and the Beaver River watershed land use plan, the new way of doing business is about missing deadlines and breaking promises.

Another placer miner who owns claims within the municipal boundaries of Dawson City reached out to our office last week with concerns about not being able to complete the required assessment on his claims. In a December 16, 2016, CBC web story, the minister said that he would be meeting in early 2017 with First Nations, Association of Yukon Communities, and other stakeholders to discuss mining within municipal boundaries and to develop an action plan. So, here we are — almost four years later, in the 11<sup>th</sup> hour of this Liberal mandate — and we have no action plan.

When will the minister deliver on this action plan around mining in municipalities that he promised would be done four years ago?

**Hon. Mr. Pillai:** To go back and take a look — I know that we went through our consultation. It was supported through our Cabinet to have a discussion concerning municipalities.

I mean, even this weekend — it's always on our radar to work through these challenges — I spent about an hour with the mayor of Dawson City, Mayor Potoroka. We are going to have a meeting with at least one miner in the short run to work through and try to help people understand the differences between the municipality's responsibility versus the responsibility of Energy, Mines and Resources.

Just because the member opposite puts a number of our projects together and then slights them and says that they have not worked out, that it doesn't mean it's true. Again, sub-regional planning for the first time — and what we are seeing is other nations thinking that this is a good, strong process. We know that land planning — for 15 years, we saw one plan being completed. We know about the instability that it had undertaken. When you stand here and hear people saying that those things didn't get done — you got one land plan done in 15 years. Why? I mean, that's what we are playing catch-up on

— over and over again. Class 1 — lots of promises not followed through on. We got it done. That's what people know.

### **Question re: COVID-19 pandemic impact on education system**

**Ms. White:** This morning, the Minister of Education told the public that affected grades 10 to 12 students would remain on a part-time schedule until the end of the school year. While it may not be the news that parents and students were hoping for, at least now they have clarity, and we thank the minister for that.

During that press conference, the minister indicated that, to return all students to full-time, in-person classes, it would have required 35 to 60 additional staff and extra space for learning. While this may not be feasible in the middle of a school year, I think many people today are wondering why the government didn't do this over the summer months.

Can the minister indicate if, at any point this summer, she considered recruiting more teachers to maintain full-time, in-person learning for grades 10 to 12 students in Whitehorse?

**Hon. Ms. McPhee:** I appreciate the opportunity to answer questions about some of the announcements that were made this morning. We felt that it was important to communicate the latest information to parents, students, and teachers. We have committed to keeping Yukon students and parents informed of any other developments in the school planning. This morning, I spoke about the need to keep grades 10 to 12 students in the current schedule for the next semester.

Certainly, all options were considered with respect to recruiting additional teachers. Of course, that's not the only issue, but it is a critically important issue in returning grades 10 to 12. We must remember that we are continuing to deal with a very serious world pandemic and that spacing is a critical issue in relation to schools and in relation to students being able to participate in school activities. Physical distancing remains one of the key safety precautions.

Lastly, what I'll say — although I'm pleased to answer more questions about this — is that teachers are at a critical shortage across the country — I don't want to speak for the world, but quite likely across the world as well. Ontario has recently reported that they are seeking some 2,600 new teachers.

**Ms. White:** So, I would think that, in the middle of a world pandemic with extra money from the federal government and with many venues empty because of COVID restrictions, Yukoners could have come up with solutions with proper leadership from this government. Our kids are our future and we should spare no effort to make sure that they have the best education possible. We know that many students are struggling, regardless of how well they were doing before the pandemic, and the minister's lack of foresight has led us to this point.

What extra support will the government put in place for grades 10 to 12 students and their families who are struggling with the part-time, in-person schedule?

**Hon. Ms. McPhee:** I'm very pleased to have the opportunity to address this question. In the attempts to criticize my leadership with respect to this department, I think what's

really happening is — inadvertently, perhaps — but I caution the insults with respect to the individuals — the experts in education who determine these options as a viable one for our grades 10 to 12 school teachers.

I am going to sit because I am not being heard with respect to this answer. I will wait for the next question.

**Ms. White:** We are members in a Westminster system, which means that the minister is responsible. What people want is extra supports for students who are not coping well with the part-time, in-person learning schedule. There is a tutor shortage across the territory, and parents and students can only do so much without leadership from this government. Increasing the number of education assistants would be a first step in ensuring that students have the support that they need.

Can the minister indicate if any extra EAs have been hired to support students who are struggling with the part-time, in-person schedules for grades 10 to 12?

**Hon. Ms. McPhee:** It is critically important in responding to the needs of the grades 10 to 12 students here in the high schools — mostly in Whitehorse — that we recognize that they are in half-day classes with a teacher and ultimately learning for the other part of the day in other ways, with a blended learning model. I can also indicate that these were recommendations made in consultation with the education experts, principals, administrative staff, and teachers in relation to how to best serve these students.

What I can indicate also is that some students are thriving with respect to this process and this type of education. Others are finding it very challenging. The announcements made this morning and our commitment to Yukon students is that additional supports are absolutely required for those who need them. We are asking those students to reach out to their teachers — the teachers, educators, and administrators know who many of those students are — to help them structure individualized plans and additional supports that we can put in place to support those individual students.

It is critical that our focus and our attention go to those students who are not finding the current situation with respect to our response to the COVID-19 pandemic to their best interest, and we support them in that attempt.

#### **Question re: Southern Lakes enhancement project**

**Mr. Hassard:** We have discussed in this House several times the government's proposal for the Southern Lakes enhanced storage project, which would raise the water levels around residences throughout the Southern Lakes. A July 27 *Whitehorse Star* article states that the Yukon Energy Corporation Board was set to make a decision on the project in August. In fact, it quotes the president of Yukon Energy Corporation as saying — and I quote: “The board will be announcing a decision in August.”

As it is now November 10 and we have not seen an announcement, can the minister tell us what the delay is?

**Hon. Mr. Pillai:** So, Mr. Speaker, increasing the supply of renewable electricity does — is key to of course reducing our emissions. We've talked a lot here about the Southern Lakes storage project. Before coming into this particular role

— I think we can ask the Yukon Energy Corporation's and Yukon Development Corporation's leadership when they're here — but I think that the previous government spent about \$6 million on planning on that particular project.

What we have decided to do is, again, continue to support Yukon Energy to make those decisions at the board level. What I have been briefed on is that they are looking to submit their proposal to YESAB. That's something we've talked about a lot over the last couple years here.

They went out and did consultation. They had feedback from residents. Again, it has been controversial with people supporting the project and others with grave concerns. The great part about the environmental assessment process is that it will formalize that discussion. It gives people an opportunity to do their interventions and it gives an opportunity to really add a lot of technical work.

My understanding is that it's soon to come and I will do my best to find out when they are submitting to YESAB.

**Mr. Hassard:** So, again, this government is four years in and, again, the answer is that it's the previous government's fault.

You know, the consultation of summary for the proposal was released in May and it states — quote: “... there continues to be significant opposition to this project, particularly from Southern Lakes property owners and residents. People in this area are concerned that erosion, groundwater, and changes to water levels will negatively impact the use of their properties/docks/stairs/ septic systems and damage shorelines/beaches.”

So, Mr. Speaker, how will the minister address these concerns from area residents if the project proceeds?

**Hon. Mr. Pillai:** There must be a problem with communications here. I did not say that this was the previous government's fault. I said the previous government spent about \$6 million on the project.

One of the things we know — we've talked about rates; we talked about it yesterday. The previous government loved to run up the credit card just like they did on this project. Until you take it through a process, you can't reconcile the credit card.

So, again, the commitment that was made here was to take it through an EA process. The questions about mitigation to impact — how you deal with all of those things — usually become part of the process — at least the final report from YESAB — looking at how to mitigate that and taking a technical look at that.

I think that Yukoners can hear. On one side, we have heard the opposition say, “No, we don't want to support the project.” On the other side, they are asking me, “When is it going to be submitted?” So, once again, there is a lot of just stirring things up, but the reality is that we can't get a real understanding. Are they behind the project that they spent \$6 million on, or are they against the project? Maybe when the member opposite gets up, just let us know so that Yukoners know where they stand after all that money was spent.

**Mr. Hassard:** I will just remind the minister that it is actually his decision because he is the minister, so we would just like some clarification as to what he is doing.

So, according to the consultation document — and I quote: “... 26% of Southern Lakes property owners felt that their properties would be negatively impacted by the project. Of those who feel their properties would be impacted, only 15% were satisfied with the mitigation that YEC has planned.”

So, how will mitigation plans be adjusted to address these concerns, and what is the projected cost of said mitigation?

**Hon. Mr. Pillai:** I think that there is an opportunity and a responsibility for Members of the Legislative Assembly, when we have a chance to provide information and inform Yukoners about the institutions and the processes that we use — one is the YESAA process, from the act in 2003.

I find it intriguing that the member opposite is questioning me about what the technical strategy will be around mitigating the impact and what the price will be when the project has not gone through an environmental assessment. I know that the members opposite know the process. I know that some of them have been very close to YESAA. I would think that the best thing is to help inform Yukoners about our processes and let them understand, and then they will have that opportunity to put an intervention in, if it does impact them, or if they have a concern about it.

Many people feel that these clean energy projects are good. Many people feel that, since all that money was spent on it a number of years ago, it should be looked at. Yukon Energy would like to go through a process. I am sure that the great priorities of Yukoners — many stakeholders will have an opportunity to intervene. Then there will be a report. At that point, the Yukon government will review that report and things such as mitigation strategies — and again, looking at costs — will be identified at that time.

#### **Question re: COVID-19 pandemic impact on education system**

**Mr. Kent:** Today the Minister of Education announced that grades 10 to 12 will remain on half-days of in-person instruction for the balance of the school year. When we asked the minister what the plans were for next semester, she originally told us that she needed to consult with education partners before she made a decision on next semester. We have had some representatives of school councils reach out to us this morning indicating that they were not consulted before this morning’s announcement by the minister.

Can the minister confirm whether or not school councils or the Association of Yukon School Councils, Boards and Committees was consulted prior to today’s announcement, as the minister committed — and if not, why not?

**Hon. Ms. McPhee:** We have been working with education partners throughout this process. This is not something that started yesterday or will end tomorrow. This is an ongoing opportunity for the Department of Education in all its various forms — the central administration as well as the schools — to cooperate and consult with their school councils, with First Nation governments, with the administrators and educators who work in the buildings, and with school councils for the purposes of determining the best interests of students as we go forward.

Of course, we must remember that we are in a world pandemic, and that reality continues today. Physical distancing remains one of the key safety precautions, and that is part of the decision that has gone into this decision today and going forward in the best interests of grades 10 to 12 students. Together with the school administrators at F.H. Collins, Porter Creek, and Vanier Catholic secondary schools and with the support of the Yukon office of the chief medical officer of health, the central administration staff has been working with schools and exploring options for grades 10 to 12.

**Mr. Kent:** I would be interested to hear from the minister how a global pandemic affects her ability to reach out and consult school councils.

As you know, the federal government has given the Yukon \$4 million to assist with the reopening of schools. On October 1, we asked the minister how much of that money would be invested in front-line mental health supports for schools. The minister claimed that she could not provide that answer because she was — in her words: “... working closely with school communities and school councils”. In today’s press conference, the minister stated that 75 percent of the funding had already been committed. However, we have not been able to find any school councils that were consulted on how the funding is being used. This appears to be another case of the minister saying one thing but doing another.

Why did the minister not consult with school councils and school communities on how to spend the federal money as she committed that she would on October 1?

**Hon. Ms. McPhee:** It’s quite unfortunate that the member opposite is not listening to my responses. We have been working with school communities — all broad school communities — since the beginning of this pandemic. Initially, it was to determine how children could remain in school in the spring of this year. Unfortunately, those schools needed to be closed at that time. And ultimately since then, it has been to determine how we could return children to school.

I think it’s important to remember that, unlike many jurisdictions in Canada, we have been able to return some 5,700 students to full-time education daily in their schools across the territory in a safe way. This is critically important. We will continue to work with our education partners in making these decisions going forward in the best interests of our students.

**Mr. Kent:** I guess, then the question for the minister is: Why are school councils not considered education partners? She has certainly not consulted with them on any of these decisions to date and she continues to make the same mistakes. She has developed a track record of failing to engage with and properly consult school councils.

We have also asked a number of questions with respect to school busing. Many parents are finding that the current bus schedules are making their ability to get to work more difficult. This burden is particularly being carried by single parents and low-income families.

Can the minister provide us with an update on the three new school buses that the government has ordered? When will they be in service and where will they be deployed?

**Hon. Ms. McPhee:** I think that it is critically important for Yukoners to hear that school councils are not only education partners, but they are critically important education partners. Perhaps the member opposite could have reminded himself about the requirements for school councils to be involved in their school operations as set out in the *Education Act*. Perhaps he could review that.

School councils are respected. We have met weekly with school councils throughout the territory during this period of time. We have met through various opportunities. We have had correspondence from them, we have had Zoom calls with them, and we have had biweekly meetings with the chairs of school councils. In fact, we most recently managed to consult with them with respect to the survey that is going to be coming out in the next few days here in the territory. We received excellent input from many school councils with respect to the kinds of questions and responses that they anticipate and how to represent their families going forward.

With respect to busing, the three new school buses have arrived in the territory and they are going through the required safety testing now. Bus drivers have been hired and we anticipate the buses being able to be used within the next two weeks once the safety work has been completed. They will be put into service in the best interests of the students.

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

## ORDERS OF THE DAY

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

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

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

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

### Motion re appearance of witnesses

#### Committee of the Whole Motion No. 4

**Hon. Ms. McPhee:** Mr. Chair, I move:

THAT from 3:30 p.m. to 5:30 p.m. on Tuesday, November 10, 2020, Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Kurt Dieckmann, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole to answer questions relating to the Yukon Workers' Compensation Health and Safety Board.

**Chair:** It has been moved by Ms. McPhee:

THAT from 3:30 p.m. to 5:30 p.m. on Tuesday, November 10, 2020, Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Kurt Dieckmann,

president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole to answer questions relating to the Yukon Workers' Compensation Health and Safety Board.

**Hon. Ms. McPhee:** This is the annual attendance of members from the Yukon Workers' Compensation Health and Safety Board. We are pleased to present these witnesses as part of our government business to answer questions of the members of this Legislative Assembly here this afternoon.

**Chair:** Is there any further debate on Committee of the Whole Motion No. 4?

*Committee of the Whole Motion No. 4 agreed to*

**Chair:** The matter now before the Committee is continuing general debate on Bill No. 205, entitled *Second Appropriation Act 2020-21*.

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. 205: *Second Appropriation Act 2020-21* — continued

**Chair:** The matter before the Committee is continuing general debate on Bill No. 205, entitled *Second Appropriation Act 2020-21*.

Is there any further general debate?

**Hon. Mr. Silver:** It is a pleasure to welcome back to the Legislative Assembly my Deputy Minister of Finance, Mr. Scott Thompson. I do have a couple of updates from questions asked by the member opposite.

After leaving here yesterday and into the evening talking to the Minister responsible for the Yukon Housing Corporation, and with conversations yesterday about permanent existing tenants and those types of things — clarifying the three-year time frame and these types of questions — I have some more information there.

As of November 10, 2020, there are three people on the waiting list for staff housing. Two of the individuals are staff from the Department of Education in Faro, and one is a staff member for Health and Social Services in Mayo. That is to answer the question of what the current waiting list is for employee housing.

I believe that the member opposite said that our initial announcement said that there was a new model that would permit existing tenants to stay in their homes and asked us to clarify if the three-year time frame is the amount of time that the tenants have in their current Yukon Housing home. So, that is just a little further to that. The three-year clock started on May 1, 2019, for those previously in staff housing, and this was in consultation with the unions, YEU and YTA.

We did speak a bit about daycare and questions about Watson Lake and Dawson, and I do want to give just a little bit more information and context here. I believe that it was said many times on the floor of the Legislative Assembly that these two communities and these two particular daycares are unique in Yukon because they are not-for-profit daycares in these communities. We know from the *Putting People First* report that it was recommended there that we work toward fully funding universal childhood education for all Yukon children — so, putting things in perspective about where we are now and where we want to go. We have taken initial steps to address this recommendation from the *Putting People First* report, and we are looking at options to improve both affordable and accessible care that supports Yukon families.

As we work toward universal care, there are other initiatives underway that will continue to support young children and the families. We did sign a one-year extension to the early learning and childcare bilateral agreement with the Government of Canada. This extension provides \$2.4 million to support Yukon families and childcare providers, and it's included in this supplementary budget. It includes significant increases to the direct operating grants for licensed childcare providers to stabilize costs.

We have also worked on the implementation of enhanced kindergarten programming that we didn't mention yesterday — I feel a little remiss having not said that yesterday — and also establishing the rural childcare sustainability project in rural Yukon — extremely important projects from the department.

The members opposite also asked specifically about rural communities, so I would like to talk about that for a minute. The sustainability of that rural licensing of early learning and childcare programs is an absolute priority for our government — it is for First Nation governments as well and for Yukoners who live in these communities. It was in March 2020 that our department completed negotiations for rural childcare sustainability pilot projects with these two licensed childcare programs — one being the Little Blue Early Child Care and Learning Centre in Dawson City and also the Watson Lake Daycare. These two programs, as I said, are very unique, as they are the only non-profit, licensed childcare programs in rural Yukon.

Both Little Blue and the Watson Lake daycare agreed to enter into a two-year pilot study on rural sustainability in Yukon from July 1, 2020, to June 30, 2022. I am extremely pleased with these pilot studies. On July 1, 2020, we provided the Little Blue Daycare with \$267,177, and we also provided Watson Lake Daycare with \$292,545 for the first year of these pilot projects. Both of these licensed childcare programs can also access additional funding for the second year of the project at a later date. These pilot projects will allow these non-profit childcare services to have sustainability and stability in Dawson City and Watson Lake by helping them to overcome difficulties in recruiting and in retaining qualified staff. Countless times with different boards over the years — talking to Little Blue Daycare both when I was in opposition and in government — we had — in Dawson, anyway — a unique situation where it was very hard to compete with Tr'inke Zho, the daycare

program through the Tr'ondëk Hwëch'in, because the staff had full-time government jobs in the government of the First Nation. So, we did as much as we could do as far as training and support. We really felt the need to increase the DOG. We also felt the need to take a look at these two-year studies to try to help these two not-for-profit daycares in rural Yukon, being the only non-First-Nation-run programs.

So, we offered training for all licensed childcare programs in Yukon — including Little Blue and Watson Lake daycares — in November 2019, which included a segment on how to incorporate First Nation culture into day-to-day programming. I thank the minister for her leadership on that initiative.

The Government of Yukon does not operate childcare programs, as the member opposite knows. We continue to assess and support individuals and organizations that will be or are interested in opening licensed family day homes, childcare centres, or school-aged programming.

To help support staff and staffing challenges in rural Yukon specifically, we have provided money to the bilateral agreement with Yukon University to provide in-community instructor support to individuals taking early learning and childcare courses through Yukon University. It is extremely important to update the member opposite as to the differences and the ongoing support that we have for our communities.

We were asked also about a letter to J.V. Clark School with a response to housing in Mayo. Thank you to the ministers responsible for the Yukon Housing Corporation and Education. That letter has been responded to as of today. In summation from the letter regarding housing in Mayo — and I will quote just this small piece from the letter — but to answer the member opposite's question about whether or not this was responded to, it is now.

With regard to housing in Mayo — and I'm quoting from the letter response: "The recent modernization of housing programs at the Yukon Housing Corporation is helping to address some of the concerns you shared in your letter. The staff housing waitlist has gone down this year and Yukon Housing Corporation is continuing to build partnerships to increase housing availability by incentivizing private home ownership and rental housing development. Yukon Housing Corporation currently has 13 housing units for employees in Mayo, of which three are for teachers at your school. Two of these units are occupied by teachers and another one is on recruitment hold which could be used by a new teacher once the recruitment process is completed."

So, that is a response to the member opposite's questions on J.V. Clark School in beautiful Mayo.

I do also have an answer for the member opposite's questions — he was looking at the differences in numbers of the outlook compared to the O&M and capital estimates and pointing out a graph — page 18, I believe, was where the member opposite was directing our attention on the fly yesterday. Sorry, page 14, table 18 — I knew that there was a "1-8" in there somewhere, Mr. Chair. He was asking why there was a discrepancy between the numbers on table 18 compared to the capital estimates.

So, yesterday, what we did is we went through the capital estimates. We went through the numbers and talked about the projects which would be a line-by-line breakdown there. If the member opposite would turn to two other pages — 16 and also 8, I believe — under table 3 and under table 6, you will see some more information about the remaining dollar values, basically. The project list on table 18 for the five-year capital plan appears in the main estimates as the following line items — on page 20-11, you would have the \$1.2-million capital allocation for renovations and rehabilitation of existing stock. On the same page, you would have the \$700,000 for capital allocation for unit conversions. On the same page, there is the \$1.9-million capital allocation for the northern housing fund, but then on 20-12, there would be another \$800,000 for the renovations and rehabilitation of existing stock, and on page 20-12, the \$600,000 capital allocation for unit conversions.

This makes up \$5.2 million of the \$17.45 million in the main estimate line item for social housing and staff housing that we were talking about yesterday.

The remainder of the \$12.25 million can be found in the five-year capital plan under the following charts — so, under table 3, in the staff and social housing energy retrofits project, there would be \$1.402 million for energy retrofits to social housing, and \$701,000 for energy retrofits to staff housing.

If you go to table 6 in the Budget Address in that tab, there is a \$9-million number there for Whitehorse mixed-use housing. So, this was the one we were scratching our heads about yesterday — where was that? You would have \$750,000 for the Old Crow 10-unit mixed-use housing project and also \$200,000 for the Watson Lake housing project, and a further \$200,000 falls under the Carcross six-unit multi-use housing project. So, these breakdowns would make up the entirety of that \$17.45-million number that the member opposite was asking about yesterday. I'll leave it there for now, Mr. Chair, and cede the floor to the member opposite for any other further questions.

**Mr. Kent:** I join the Premier in welcoming back his deputy minister to provide assistance and advice to him here today.

The Premier read from responses to the letters from the J.V. Clark School Council. I'm hoping that he will provide copies of those responses to us in the Official Opposition as well as to the Third Party New Democrats.

I'm hoping that since he was reading from the letter that he would provide a copy of that letter to us here in the House. There were a number of individuals cc'd on the original letters, including myself and the Member for Porter Creek North and others, so I'm hoping that those in the cc list get a copy of the response as well.

That said, yesterday, we were talking about the two seniors assisted living projects — the Vimy project and then the Normandy project in Takhini that is under construction right now. The Premier mentioned that there was \$3.5 million provided to the Normandy project to address a gap that they had. Now, I think that the number that he provided — he can correct me if I'm wrong — but \$1.08 million of that was from Canada Mortgage and Housing Corporation — the balance

coming from the Yukon government. I'm just wondering if there's a line item in the Yukon Housing Corporation's budget where we can see this addressed. Obviously, there's no supplementary estimates for the Yukon Housing Corporation. That's why we're discussing this in general debate. But I'm just curious as to where we would find Yukon government's commitment that is just shy of \$2.5 million, according to the numbers the Premier provided us yesterday.

**Hon. Mr. Silver:** With Vimy specifically, I would have to say that we very much appreciate the work that the Vimy Heritage Housing Society has done in developing its vision for independent housing with support for seniors.

When it comes to Normandy, in keeping with our aging-in-place philosophy, the *Putting People First* recommendations, and also the housing action plan for Yukon, both Health and Social Services and the Yukon Housing Corporation are working together in partnership to support seniors where they want to be. I think that this is a really interesting project. I want to thank the minister for her flexibility in working with the private sector, trying our best not to step on toes so that the private sector can better do work but, at the same time, when the private sector reaches out for support, being able to be nimble and quickly move to work with CMHC and the private sector on common goals. Those common goals are making sure that we have the housing supports that are necessary, especially for our seniors.

We do know that this is currently under construction. We are anticipating the completion of this project in the fall of 2022. To support this project, as I mentioned, Yukon Housing Corporation is providing that \$3.5 million that will support 10 units in the building for Yukon government use. Also, there is \$500,000 from the housing initiative fund and \$500,000 from the municipal matching rental construction fund. Normandy is going to be built and operated through a partnership, as I mentioned, but it's worth mentioning the companies — Ketz Construction and Borud Enterprises and also Northern Vision Development.

Once this facility is complete, this facility will meet the needs of seniors who want housing with support services. So, it is a bigger continuum of care, basically, than what has been offered in the past. There will be meals, assistance with day-to-day activities, and filling in a gap between two existing types of accommodation for seniors — one being government-operated long-term care homes for those who require more extensive assistance with daily living activities — and that's professional care on a 24-hour basis — but also then the second system being a residence where seniors can live independently.

Again, of that \$3.5 million for Vimy, the \$1.088 million mentioned by me and the member opposite yesterday in Committee debate is from CMHC and the \$2.237 million is being managed within the Housing Corporation's capital budget. It wouldn't necessarily be a line item specifically — as the member opposite is looking for — but I know that five percent of that money is held back until occupancy. But again, they're managing within their capital budget for this expense.

**Mr. Kent:** Again, I just wanted to go back to these J.V. Clark letters and I'm curious as to why the Premier will not provide us with a copy of the response that he sent to the school council. It's puzzling for us because it's a government that claims to be open and accountable and yet he won't provide us with a copy of the letter or even address it in his response.

So, just with the money that the Yukon government is providing to Normandy, again, we'll take the \$1.088 million off from CMHC. I caught a couple of numbers. So, \$500,000 is coming from the municipal matching grant and I think \$500,000 is coming from the housing initiative fund. So, that leaves approximately \$1.23 million or \$1.24 million, less the five-percent holdback. Where is the rest of that money coming from within this capital vote? I'm looking at the detailed capital vote here on page 20-11 of the Housing Corporation mains. I'm just curious as to what other line items are in there — existing line items are being — where the balance of the dollars is coming from.

If I missed one of the line items, then I apologize and I will let the Premier correct the record when he's on — not correct the record, but just give additional information when he's on his feet.

**Hon. Mr. Silver:** I didn't comment one way or another on the J.V. Clark letter. It is not my letter; it is from two different departments. Those two departments will do casework the way that they always do casework. I am not changing anything as far as being open or transparent. We will send that letter off to the people who are asking for the letter. I don't recall the member opposite sending me an awful lot of his caseworks when I was in opposition, but at the same time, we won't change any protocol when it comes to that particular casework. But the good news is that the letter is out and hopefully the questions will be suitable for the community. I think that they will be, and it does clarify some of the information that has been brought into the Legislative Assembly, for those who are inquiring — which is the important piece, I think.

Again, I answered the member opposite's question. If you take a look, when it comes to Vote 18, Yukon Housing Corporation, they have a \$35.5-million capital vote and within that will be the allocation of the money for this particular project.

Again, at the end of the year, for capital projects, we will see from the Public Accounts a complete final. Again, these are financial estimates — the money that is coming in for the \$35.532 million — to be clear — the estimate for 2020-21. There is a myriad of different projects that are being worked out and the department is able to fund this particular project, which we're very excited about, through the total capital in this line item. Like I said, there is not a specific line item for this project per se, but that is where the money is coming from. It is coming from the \$35.532-million total capital vote for Yukon Housing Corporation.

**Mr. Kent:** So, in that capital vote, there is \$1.65 million for repairs and upgrades, \$3.2 million for home ownership, \$13.229 million for community partnering and lending, \$15.352 million for social housing, and \$2.101 million for staff

housing. I know that the Premier won't have the numbers here with him today, but I would appreciate if he could let us know — with this \$2 million or so — what the adjustments are to the lines or which pot of money those dollars are coming out of. Clearly, if there is no line item, this money was allocated after the budget was tabled, so we would be curious to see which line items in that capital vote will be decreased as a result of funding for this project.

I do want to move on though, Mr. Chair, to some of the other — I'll refer the Premier to page 5 of the five-year capital documents, table 6 — planned social development projects from 2020-21 to 2024-25. The first one on the list is the Whitehorse 47-unit mixed-use housing project. I believe — and he can correct me if I'm wrong — that the budget he mentioned for that project — he mentioned it yesterday — was \$18.8 million. I'm curious as to if he can confirm that number and provide us with a timeline of when that project is expected to be finished.

**Hon. Mr. Silver:** So, again, I don't have a lot more detail for the member opposite in general debate. The member opposite knows very well as well that, when it comes to Yukon Housing Corporation and the different departments as well — they have the ability to take a look at grant programs, lapses therein, if there's some delays — that type of thing. There is wiggle room inside of capital projects. But again, that is for the department.

In general, I've directed him to where that money is coming from. The money is budgeted from that \$35.532-million value in the total capital. We are being told by the department that this is where the money is coming from for this amazing project.

When it comes to the 47-unit facility — the 4<sup>th</sup> Avenue and Jeckell Street project — just confirming a nod from the member opposite if that's what we're talking about — that would be from the 4<sup>th</sup> Avenue and Jeckell Street project. We did mention that we budgeted \$18 million over two years — we said that yesterday — for this project. So, as far as a timeline, it's a two-year project. This is supporting clients across the housing continuum — from homelessness to affordable rentals — all in one.

We are really proud of this project, as it will definitely boost Yukon's economy by generating construction jobs and also, at the same time, create affordable housing in Whitehorse, which is extremely important. This particular housing development will be used as the first project that models a mixed-income client allocation.

Again, I would leave it to the department to get into further conversation for that particular model, but it is an innovative design, and this housing development supports achieving the goals that are set under *Our Clean Future*. Other than that, as far as the housing project on 4<sup>th</sup> Avenue and Jeckell Street — \$800,000 last year for design as well. Like I say, we have a two-year window, we have budgeted \$18 million overall, and for completion, we are looking at December 2021.

**Mr. Kent:** I was just jotting down the numbers. So, \$18 million — can the Premier confirm that this includes the \$800,000 design work, or is that in addition? He is nodding yes.



So, it's an \$18-million total project budget and it is due for completion in December 2021.

There are 47 units in this mixed-use housing project. I am curious as to if the Premier can provide us with a breakdown of how many will be market rent, how many will be rent geared to income, how many will be set aside for affordable rent — or that type of activity. Obviously, we won't have the opportunity to question Yukon Housing Corporation officials because this department will not be coming forward for debate, so that is why we are asking these questions in general debate.

**Hon. Mr. Silver:** I don't have that breakdown — that very specific breakdown — of this particular project on 4<sup>th</sup> Avenue and Jeckell Street, here in general debate of the supplementary budget. I did give the member opposite quite a bit of a breakdown in this general debate. I can give some background on the project. The site is a well-known site; it is nice to see that we are going to be putting stuff here. The public engagement that happened there — there was an on-site session — public engagement on June 18 of 2019.

There was an open house with the Yukon Housing Corporation in December of 2019 which allowed members of the public to ask questions about the project. There was lots of consultation. We met with the Kwanlin Dün First Nation and Ta'an Kwäch'än Council, the City of Whitehorse, the Yukon action planning implementation committee, and the Accessibility Advisory Committee to discuss this project as part of a functional housing progress. You know, overall, the feedback that was given on that project decides how we are going to move forward, how we are going to allocate, and what the building is going to be used for. But I don't have in front of me the actual breakdown of those units. Overall, again, there's very positive feedback.

Again, when we're developing these projects, it's extremely important to be in that consulting system. What we hear from that will determine the models of care as we move forward implementing the *Putting People First* report and also the aging-in-place action plan. Overall, this is, like I said, a mixed-use building. It is the most significant investment in housing brought forward during this mandate so far. We do know that it is extremely important for the city, so we are very confident that this will help very much in defining the housing continuum — which, under the minister's leadership, has really seen an expansion of design and consideration when it comes to collaborative care with the Health and Social Services department as well.

I don't have a further breakdown as to how the 47 units will be further broken down. I do know that it includes a blend of bachelor suites and suites that are one-, two-, and three-bedroom apartments. I will be corrected if I am wrong, but I believe that 10 will be barrier-free — but I don't have anything further than that in general debate on the supplementary budget, as it doesn't have that department in it.

**Mr. Kent:** The Premier is correct — we are in general debate and we are talking about a department that won't be called any further. So that's why we are asking these questions.

I am hoping that the Premier can speak with the minister or reach out to the Yukon Housing Corporation and get that

information for us. I think that the concern we are hearing from the private sector is specific to how many of these units will be at market rent. How many will be competing with the government in the market? I will leave it to the Premier to get the information for us on how many units in here will be charging market rent, but that is going to be the government in direct competition with the private sector, so I think that those private sector landlords are asking us to find out how many of these units will be assigned for that purpose, which would be market rent.

The next line in there is about social housing renewal. Obviously, with this five-year capital document, the expenditures don't start until 2021-22 in the range of \$500,000 to \$1 million. Then, for the following three years, they are up to \$4 million to \$5 million per year.

I am hoping that the Premier can just give us a sense of what this is for. Is it to refurbish existing social housing stock, or is there replacement contemplated for existing social housing stock out of this particular project line in the five-year capital documents that the Premier and his colleagues tabled in the spring?

**Hon. Mr. Silver:** I will have to endeavour to get back to the member opposite when it comes to that specific question. Again, I don't have that information here.

To be clear — with the 4<sup>th</sup> Avenue and Jeckell Street project, none of them are market rent; all are rent geared to income.

I do want to clarify — I made a mistake. The \$800,000 is on top of the \$18 million — so it is \$18.8 million in the end.

**Mr. Kent:** I am happy that the Premier said that because we were led to believe that this mixed income — it says "mixed use" here in the documents. We were led to believe that it was mixed income and that there would be market rent. I know that we have asked the minister on a number of occasions during Question Period about it.

You know what? That is good news to those private landlords who are out there. I'm sure that they will be happy to hear that. We look forward to communicating to them that this will all be rent geared to income, similar to the other projects that have been built over the past number of years — whether it's the Alexander Street project or seniors facilities on the waterfront here in Whitehorse or facilities in the communities that have been built.

I'll look forward to hopefully getting some sort of explanation on the social housing renewal project line that, again, doesn't have expenditures assigned for this year, but it looks like there will be significant expenditures in years 3, 4, and 5 of the five-year capital documents that the Premier tabled in the spring.

I just quickly want to move on to the next project on that list, which is the Old Crow 10-unit mixed-use housing project. Again, I'm assuming then — and the Premier can correct me if I'm wrong — that this will all be rent geared to income. It looks like we're spending in the neighbourhood in the range of \$500,000 to \$1 million in this year. I know that the number \$750,000 is in the mains on page 20-11. So, next year is \$5- to \$10 million and the following year is \$2- to \$3 million. I'm

hoping that the Premier can provide us with an overall budget, including any expenditures in previous fiscal years that aren't reflected here for this project. Then, as part of that again, I'll ask for the timeline for when it will be completed.

**Hon. Mr. Silver:** Again, this project is mixed use, mixed income. It's called the "Old Crow mixed-use housing project". We're very proud to invest in the design and the construction of a new community housing project in Old Crow. It's an extremely important investment in that community — our only fly-in community in the Yukon.

The development will provide a range of community housing options for Old Crow, which is going to allow us to be flexible with the clients that we serve and to respond to the changing needs as we see them. We spoke about that on the floor of the Legislative Assembly a couple of times in general debate here as we get in past our 10<sup>th</sup> hour of general debate with only one party. You know, this is extremely important to change the way that we do housing so that it reflects each community as opposed to a one-size-fits-all kind of approach from the past.

The Department of Highways and Public Works will be leading this project on behalf of Yukon Housing Corporation and in conjunction with the Health and Social Services health and wellness centre. This approach will allow us to maximize the efficiencies while minimizing the impact on the community during construction of these two projects. As we all know, and as the members opposite know, it is sometimes difficult to get materials in and out of Old Crow, but we are working in partnership with the Vuntut Gwitchin First Nation to ensure that the overall project best meets the needs of the community. It is extremely important to partner with them.

I can also let members opposite know that the project is being designed as a 10-unit community housing building, and it is currently scheduled to be completed by late 2022. This housing project aligns — as we like to do — with the *Housing Action Plan* for Yukon's goals and also with the aging-in-place action plan — so, same narrative as the 4<sup>th</sup> Avenue and Jeckell Street project that we spoke about earlier.

We are very pleased to support this project. Again, when it comes to boosting our economy — we're creating construction jobs, but also contributing to addressing the needs of additional housing in Old Crow.

I do know that the budget to fund the planning and the design phase is \$750,000. I don't have very much more to update the member opposite on as far as costs of this project, but there is some information for the member opposite — to answer his question about mixed use on this particular project — 10 units — and developing costs therein as well.

Just for the members opposite — when it comes to mixed use and mixed income, we have worked with local housing stakeholders to develop this. I don't know why the member opposite would have been surprised that we were not using a mixed-use and mixed-income housing model here. Mixed use and mixed income is a complementary model aimed at addressing the emerging community housing needs in the context of a growing, diverse, and aging population. It is extremely important to use these models.

In mixed housing, different client groups from our communities — including seniors and housing for families and individuals — they are all housed together in specifically designed multi-unit buildings. This building is specifically designed to allow for a wide range of tenants to live successfully, and that is the model that we have been using. This model means that we can better respond to the dynamic housing needs in the community by, I guess — for lack of a better word — de-labelling housing and focusing in on creating healthy, vibrant communities with multi-unit buildings.

Mixed income — that model is a new approach to allocating housing that will provide homes for clients with a range of incomes, all within the existing household limits — which is extremely important. We will support clients with deep or shallow subsidies according to their need. All tenants will receive the same type of housing regardless of their income.

**Mr. Kent:** Seeing that the time is 3:15 p.m. and we do have witnesses from the Yukon Workers' Compensation Health and Safety Board appearing at 3:30 p.m., I move that you report progress.

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

*Motion agreed to*

**Chair:** Pursuant to Committee of the Whole Motion No. 4 adopted earlier today, Committee of the Whole will receive witnesses from the Yukon Workers' Compensation Health and Safety Board. In order to allow the witnesses to take their places in the Chamber, Committee will now recess and reconvene at 3:30 p.m.

*Recess*

**Deputy Chair (Mr. Adel):** Committee of the Whole will now come to order.

#### **Appearance of witnesses**

**Deputy Chair:** Pursuant to Committee of the Whole Motion No. 4 adopted on this day, Committee of the Whole will now receive witnesses from the Yukon Workers' Compensation Health and Safety Board.

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

Hon. Ms. McLean, I believe you will introduce the witnesses.

*Witnesses introduced*

**Hon. Ms. McLean:** The witnesses appearing before Committee of the Whole today are Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Kurt Dieckmann, president and CEO of the Yukon Workers' Compensation Health and Safety Board. I would like to sincerely welcome them both here today and to thank them for all of the hard work to keep our workers protected in an ever-

evolving global economic climate and for providing assistance to employers during these unprecedented and uncertain times. An important focus since the witnesses appeared before this House last fall is the review of our two major pieces of legislation: the Yukon *Workers' Compensation Act* and the *Occupational Health and Safety Act*. Public engagement concluded this past January, and we released the “what we heard” report in August.

We are continuing our work toward bringing changes to modernize these two acts in the Legislative Assembly. This work also created much-needed momentum to develop important legislation aimed at preventing psychological injuries in the workplace. We worked on developing regulations to prevent workplace violence and harassment, and I am proud to tell you that the new regulations received assent on September 4, 2020.

Without further ado, I would like to again thank Mark Pike and Kurt Dieckmann for their presence here today, and I look forward to the discussion and interaction with our colleagues from across the way.

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

**Mr. Pike:** As Minister McLean mentioned, I am Mark Pike and am the chair of the board. With me, I have Kurt Dieckmann, our president and CEO. I would like to thank you for the opportunity to appear before you today. Both Kurt and I look forward to this appearance every year as it provides us with an opportunity to talk about the work that our staff and board do.

When we appeared last year, we talked about change. Little did we know how much the world was really going to change. This change presents us with both challenges and opportunities, and our resolve remains strong that we will meet those and we will stick to our mandate of preventing disability and our long-term vision of zero.

Earlier this year, we started to recognize the negative financial impact of COVID and what it was doing to our local employers. We offered relief to businesses that were impacted. We offered employers the opportunity to revise their 2020 payroll estimates, and we offered businesses the opportunity to defer payment of their premiums without penalty or interest charges.

We also worked in cooperation with other agencies to ensure that the effects of COVID-19 in the workplace are mitigated as much as is practical. This included occupational health and safety officers who continue to provide services to Yukon workers and employers through the COVID-19 pandemic. Safety officers are reviewing COVID-19-related reopening plans for employers who are not required to close by the chief medical officer of health and all safety inspections, including a discussion review of COVID-19 safety measures.

Although COVID-19 has dominated the headlines the last few months, we can't lose sight of the fact that we continue to work tirelessly to promote not only the physical health and safety of workers, but also their mental health. On behalf of the Government of Yukon, in mid-2019, we engaged with Yukoners on the prevention of workplace violence and

harassment regulations. We heard overwhelmingly that these regulations were needed and we are pleased to see these regulations passed this past September. We will spend the next year working with employers and workers — helping them put policies and procedures in place to prevent violence and harassment in the workplace.

We're in a strong position to navigate the changing landscape and we have a stable compensation fund and we made prudent financial decisions to protect the interests of employers, workers, and the integrity of the fund itself. We also have strong and positive relationships with our stakeholder organizations throughout the territory.

The board is proud of the work accomplished each and every day by our staff. We will continually strive to improve as we move forward and we're proud to appear before you today.

Just a note — I believe that you all have our annual report. Inside the front cover is a note of our “year at a glance”, which provides a really interesting quick picture of what has gone on in our world.

With that, I will say thank you, Mr. Deputy Chair.

**Ms. McLeod:** First of all, I would like to thank the witnesses from the Workers' Compensation Health and Safety Board for appearing in the House today. It's always a good opportunity for us to ask some questions. But before I get to my questions, I wanted to give our sincere thanks to the board and to the CEO — when we have questions that the witnesses don't have the answers to, they are very good about getting us those answers following our session and providing us with full explanations and answers that we had asked for. Again, I want to thank them for that because we really appreciate it.

I have a number of questions today. I will try to organize them by topic, so I hope that I am successful. First, I wanted to ask a general question of the witnesses about the statistics for work-related injuries and how they compare from year to year. I looked through the annual report and didn't see that information, so I'm hoping that the witnesses can give a brief account of how statistics are changing through the years and whether injury rates are decreasing in light of increased safety regulations.

**Mr. Dieckmann:** The injury stats — the lost-time incident rate is actually one of the better indicators of safety performance over the years, so if you look in the annual report on page 22, there is a graph that shows the lost-time injury rate per 100 covered workers over time, going back as far as 2010. As you can see, there has been a general downward trend in the lost-time incident rate. The goal that the board has set is zero. It is definitely an aspirational goal — but as you can see, we have had some fairly high years, but we are down into the range of, you know, 1.7 to 1.8. What that means is that, for every 100 full-time workers, approximately two people are being injured every year out of every 100. That is our best indicator.

The actual numbers — if you want to know the numbers of injuries, that is on the first page — as Mark said, the “year at a glance”. In order to see the numbers of injuries year over year, you would have to go through a number of our annual reports. Fortunately, I have annual reports with me going back to 2015.

In the “year at a glance” in 2014, we had around 21,500 workers covered. At that time, we were getting about 1,200 claims. If you fast forward through the years, 2015 had slightly fewer workers, but it was still close at around 21,500 workers and the same 1,200 injuries — and the same through 2016.

But when we get into 2019, you can see that the number of covered workers has gone up to around 25,000, but the number of claims that we are receiving is still remaining the same. So, we are getting a greater number of workers and the number of injuries has remained fairly constant through that period.

**Ms. McLeod:** I just want to talk a little bit about the surplus. How well funded would you say the WCB is, compared to similar organizations in Canada?

**Mr. Pike:** Just a general comment first that comparability is difficult because each province has their own ways of calculating their funded position. So, really, I will just comment on ours. We are solidly funded. The board has what I consider to be a very, very prudent policy of managing our funds. We are all constantly watching the news for the last few days, with the value of our investments going up and down. But we are solid; we are committed to maintaining our fund. You probably hear this number, but it is in the 121 to 129 percent of our liabilities, and we are taking the appropriate actions to try to be in that range without risking our ability to look after injured workers.

**Ms. McLeod:** So, if the surplus was at 90 percent, how would that affect the day-to-day operations of the organization?

**Mr. Pike:** The day-to-day operations would be unlikely to be affected at all, but what it would mean is that we don't have enough money set aside to care for workers who have already been injured for their expected course of their injuries. We would have money to look after the people in the current year — that would not change — but we haven't set money aside to look after injured workers. Somewhere in the future, you would have to collect that — either from employers or have exceptional year-to-year investments.

**Ms. McLeod:** At the end of 2018, the funded position was 132 percent, and as of December 31, 2019, the funded position was 141 percent. So, in the past few years, has the position ever ended up in the target range of 121 to 129 percent?

**Mr. Pike:** Yes, it has. In my term as the chair, it has ranged from approximately 100 — give or take — to as high as, I believe, 159 or 160 at one point. So, it has fluctuated throughout that range. A huge amount of that is what happens in the markets. As you know, when you look at our report, we have \$200 million-plus invested and five percent changes in the value of those is huge. But it has been in that range over the period of time. It has been below our target range; it has been above our target range.

Just an added point — we have a funding policy that always works to bring you back to that target range if you end up either below or above.

**Ms. McLeod:** So, with the target range set as 121 to 129 percent, I presume that it's that way for the reason of covering off current and future claims. Is there any point that you would consider changing that range either up or down?

**Mr. Pike:** Absolutely. I don't believe that there's anything magical in that range. That range was developed in consultation with our stakeholders. That extra 21 to 29 percent is there to allow for adverse or situations that are unforeseen and to avoid having to issue special assessments to employers because you got too low. So, the number was what the board considered to be prudent at the time. But there is no magic to it. You wouldn't find that in a research study somewhere. It's the range that the board thought was appropriate.

**Ms. McLeod:** I have two questions here. Would the board consider 141 percent to be an excessive surplus? As we know in the past, when there has been a surplus, the board has either adjusted rates or issued rebates. Is the board considering either of those actions now?

**Mr. Pike:** Yes. In fact, both of those. Just a quick comment — our funding policy already requires us to, for lack of a better word, return part of that surplus to employers in the current year's rate. That is automatic, based on our funding policy. The 141 is significantly larger than we want it to be. It is an interesting problem to have. I believe that, throughout COVID, it's down in the 130-some percent range. You can lose a lot of sleep over this. I haven't looked at the last week as the markets have been on a gyration up and down.

The board is committed to getting back into that range. That has not changed and that will not change. I guess we will just have to see how the markets play out — mostly with the US election — and see where we end up.

**Ms. McLeod:** Given that employers are absorbing the effects from COVID-19, has the board considered returning the surplus on a more aggressive scale than its current policy?

**Mr. Pike:** Yes, we have — and, in fact, that's how we ended up with the rebates that we had over those years. The board looked and said, “Our funding policy will get us there, but it's not happening as quickly as we would like.” We determined that we would issue additional rebates on top of the funding policy to get us there. The board will be sitting down this fall — although looking outside, it's hard to remember that it is fall — and looking at the results after the market fallout from the election to see where we stand.

**Ms. McLeod:** Has the board been asked — either by stakeholders or by the minister — to consider any measures to assist employers who are affected by COVID?

**Mr. Dieckmann:** Yes, so when the government announced the relief that they would be providing to employers and to the population of Yukon, we stepped forward as well and said that there are some measures that we could take. As Mark said in his opening statements, there were some measures that we took immediately. We announced that we would provide an ability for employers to restate their assessment rates that they had already paid. They could come back to us and if they were going to be restating it and lowering what their assessments were, they could be eligible for a rebate on what they had already paid, or, if they wanted to, they could use that to spread it out over a period of time.

We worked with the employers in that instance to give them that relief. The other thing that we did is that we offered for them to be able to defer their payments for whatever met

their business needs, and those deferrals would be offered without any interest and without any penalties.

Where we noted that there were employers who hadn't contacted us but were unable to make their payments, or hadn't made their assessment payments, we actually started phoning and reaching out to those employers, working with them and talking to them — finding out if they did indeed need some relief. We worked with them to give them whatever the reliefs were that they needed for their particular businesses. In total, we provided a round \$2-million worth of relief with all the different measures that we had taken.

**Ms. McLeod:** What role does the board play in enforcing CMO directions with regard to COVID and any other health standards within your own legislation?

My question is about what your role is there and whether or not you have had to issue any penalties to employers.

**Mr. Dieckmann:** We have actually worked very closely with a number of other agencies. The direction from the chief medical officer of health is very important in helping all Yukon employers and Yukon workers to remain safe within their workplaces. The guidelines that are issued by the chief medical officer of health are guidelines that we will apply in the workplaces as well. As Mark said also in his statement, there were a number of businesses that were required to close, and with those ones, they had to provide a plan prior to opening that would be approved by the chief medical officer of health. But there were a number of businesses that were not required to close. They also have to have those plans in place, and so what we did is we reached out and offered that, if anyone would like their plans reviewed, they can contact us and we would do those reviews for them. We had a number of employers reach out to us, and we went and did reviews of their plans to help them get back into compliance.

Then, for all the businesses that hadn't been required to close, we started sending our safety officers out to visit those workplaces to verify that they did, in fact, have COVID measures in place, and if they didn't have COVID measures in place, we would work with them to get them in place. We have not issued any fines, but we have issued a number of orders for people to put things in place.

One of the things that we found — the most common thing that we found was that people did have measures in place, but they didn't have written plans. So, that was one of the things that we really worked with the most — to make sure that they got their written plans in place, so that all of their workers would know what was expected of them in the workplace.

So yes, we have worked very closely with other enforcement agencies in the territory to make sure that we are out and getting as much coverage as we can.

**Ms. McLeod:** What work has the board done to re-evaluate its estimated liability, given the abrupt downturn in the economy, and with the interest rates as they are?

**Mr. Pike:** Our liability — we employ an actuary who spends a significant amount of time and uses the appropriate professional standards to determine what our liability is. For simplicity, our liability is the amount that we need to set aside right now and earn a rate of return on, over a period of years, to

look after workers who are already injured. So, that number is what it is. We only do a formal evaluation of that number once a year. It is a very, very large job. The actuary does an actuarial evaluation — and you can see his opinion in our annual report. He does that once a year.

In terms of our investments — I mean, they fluctuate by the minute, by the hour, and by the day. So, on a given day, they could be way up or way down, just depending on what the markets have done. While we are aware of those things happening, we really evaluate them closely at the end of each year, once we have the actuary's evaluation and our market value, and we try to determine where we are. That is where you get the funded position. We would not try to give you a funded position in the middle of a year because there are just so many variables.

**Ms. McLeod:** So, you have already mentioned that you have been phoning employers who seem to be struggling to pay their fees and premiums and that you have applied \$2 million toward relief. Are you concerned at all about employers' ability to pay remittances in 2021 or further down the road?

**Mr. Dieckmann:** So, we are very concerned with the ability of employers to pay because a vibrant economy is good for everybody in the territory. If employers aren't making money, then the economy definitely suffers for it.

But one of the things to consider though is that if in an employer is not employing workers, they don't owe assessment. So, while it really is not good for anybody if somebody isn't employing people and not paying assessments, it doesn't really impact our system — because the system really is that you're paying assessments based on payroll to ensure that payroll if a worker gets injured. So, if payrolls go down, the number of workers typically goes down, and the numbers of injuries also typically go down with that — so, there's an offset there. So, the biggest concern that we have is whether or not the economy rebounds.

**Ms. McLeod:** I'm going to assume then that, maybe this year, the revenue for the organization isn't what it has been.

So, in the short- or medium-term, do you look at reducing your expenses for non-essential expenditures?

**Mr. Pike:** Absolutely. There are two things that happen. As Kurt mentioned, one is that our revenue will be down — absolutely. As our revenue drops, it's likely that our costs related to injured workers have dropped proportionately. As Kurt mentioned, we collect the assessments to provide for injured workers.

We have adamantly looked at our operations and said we have to do everything we can to be lean and mean — or whatever the appropriate words are. These are buzzwords, but we're all in this together. We can't be lackadaisical about how we handle employers' money and we're working really hard at that, and we are working really hard at that for next year as well. We are just in that process of our budget.

**Ms. McLeod:** You have mentioned previously that you considered waiving assessment fees, I believe — or perhaps the word was "deferring". Other jurisdictions have waived them for a year. Have you considered doing that?

**Mr. Dieckmann:** We have not considered waiving assessments. Our legislation is very clear that this is not something that we are able to do, but we have also looked at what all the other jurisdictions are doing. There is only one jurisdiction that actually has waived the assessments for a year, and that is Alberta. What they did — they said that you have a year, and you don't have to pay until 2021. Then for small businesses, the Government of Alberta stepped in and said that they will pay half of that. So, even in the one jurisdiction that has done that, the compensation system will still be getting the assessments that they need in order to cover the costs for injured workers, it's just that where they are getting it from is slightly different and unusual compared to all other jurisdictions.

**Ms. McLeod:** Has the board considered offering assistance to employers required to invest in PPE and other anti-COVID measures? Perhaps, by way of this, it is in the form of a credit against assessments.

**Mr. Dieckmann:** It is actually a discussion that we did have with the Yukon Chamber of Commerce and the board, but we do have our CHOICES program, which is geared toward employers who have proper safety measures in place, who provide training and those kinds of things — so the CHOICES rebates that are available to them is money that they can use in any way that they see fit. If there are some expenses that they have, that is what we would encourage them to do — to apply that to it. But one of the things — as Mark has said, the money that we collect now through assessments is there to cover the costs of injuries that occur now and the costs of those injuries into the future.

So, as soon as we start to not collect assessments, that can have an impact on the fund and the funded position. As you discussed with Mark earlier, if we were to drop down below our target range or below being 100-percent funded, the only way to recover that is either through investment increases or through increasing assessments to employers. So, you are kind of caught in a tough situation there — if you start reducing assessments now and not collecting the money for the injuries that you are incurring now, then we would have to collect it later. So, it really is a zero-sum game in the end.

**Ms. McLeod:** Given that businesses have been forced to accept the need for a multi-year recovery of the economy to get to pre-COVID levels, do you think that the board should or could be showing more flexibility in its approach toward assessments?

**Mr. Pike:** I think that we already are. We have an act that we are bound by, and that act has certain parameters that are not mine to change — one of which is that we are obviously required to collect the appropriate amount of assessments to pay for injuries that occur.

I don't know — other than what we have already done, I'm not sure what other flexibility — we talk about lots of things at the board level, but I'm not sure what other flexibility we could put in place that doesn't violate the principle of making sure that we have enough money right now for a worker who has been injured and to look after them.

**Ms. McLeod:** Thank you for that. With respect to your organization — I just have a question about how it managed through COVID. For instance, how many people started working from home?

**Mr. Dieckmann:** When COVID struck and the chief medical officer of health made the recommendation that people start to work from home, we moved the majority of our workers out. I think that we had about 80 percent of our staff working out of the building within a week to 10 days.

We never did close our doors; our doors remained open the whole time, and we did have a small contingent of staff who did continue to work to work in the building. We introduced a number of COVID-preventive measures within our building — we do twice-daily washdowns, or cleaning of the building. The janitors come in the evening, but in the middle of the day, we had some of staff volunteering to go around and wash down all high-touch areas. We set up barriers and took all the measures that were recommended by the chief medical officer of health, so that we could keep our doors open and be able to serve people who do walk-in — because we do have a lot of clients who don't have bank accounts, don't have telephones, don't drive — their only access is to come in and actually physically see us. So, we wanted to make sure that we were able to continue to offer those services, but the majority of our workers moved out of the building.

We now have around 50 percent of our staff working in the building, but what we are doing now is we are rotating staff through, so that we have some people working part of the week, and then they'll leave and others are coming in for part of the week. So, we have people rotating through, and we will likely continue that into the foreseeable future until, really, the pandemic is determined to be over.

**Ms. McLeod:** Thank you for that answer. During the COVID period that we have all been going through, have the services that are provided by the compensation board been reduced in any way?

**Mr. Dieckmann:** We have been offering our full suite of services, with a couple of exceptions. In March-April, when businesses were closing down, we were moving staff out, and the schools closed down, the staff that we have who do our outreach, they were pretty much stood down. They weren't able to go into the schools; there were no trade shows; there was none of that sort of thing happening. So, the staff that we have doing that weren't able to do that, so we shifted them over to doing other work. It actually worked out quite well, because there was a huge flurry then of requests from employers and requests from workers for information on workplace safety and how to manage COVID.

We had a lot of interaction with our partners nationally — the Canadian Centre for Occupational Health and Safety and the Canadian Association of Administrators of Labour Legislation. We were on regular telephone calls with them. We were gathering a bunch of information. The people whom we had working on that outreach actually shifted their focus to doing that and making sure that our website was populated — doing that kind of work. Then the other place where our services were somewhat reduced was that, on the occupational

health and safety side, we weren't sending safety officers to do, you know, the random inspections and the proactive inspections.

We changed our model so that they were responding to inquiries and questions and dealing with that, and they were providing most of their services over the phone. If there were complaints that required a site visit, then we would go to the site. We would have a discussion with the employer before going into the site and see what protocols were in place. We had our own protocols established. So, some of our work shifted. For the services that were reduced, we were able to find really meaningful work to help our employer and our worker communities manage through COVID.

**Ms. McLeod:** After six months of COVID — I guess we're at eight months now — what are the lessons that the board has learned from dealing with this pandemic that could be used to assist its approach should we be faced with this again in the future — or some other adverse economic impact?

**Mr. Dieckmann:** Yes, there is a lot of learning that we have had that are the sort of short-term things. One of the things that we discovered — which I am sure that a lot of people were discovering — is how we envisioned our services in the past, and things that we couldn't do in the past, we were quite able to do. I will give you an example — previously, in our emergency response plan — and we have had a very robust emergency response plan and business continuity plan. We update it and we practise it. We have had that for a number of years. It was always built on the assumption that we would need an alternate site if we lost our facility. Well, we have discovered now that this is not entirely true. Given technology, we are actually able to work and work effectively — and provide all our services remotely. There are only a very few people who actually have to physically be in a place. So, that's real learning — we've realized that we really need to take a hard look at our business continuity plan and make some changes to that.

The other thing that has come out of it that has been really positive is our ability to provide services to people in communities. In the past, if somebody needed to see a doctor or needed physio or if they needed any sort of services from a psychiatrist or anything like that, they had to come into town or we had to ship them out of the territory in order to get those services. What we found though is that the medical community — our service providers — have been really, really responsive in starting to provide those services remotely.

So, we're at a point now where a lot of our services can be provided to our clients in the communities where they live, which is great because, if they can remain in their communities and they have the supports that they need, recovery is generally better and faster. So, that has been real learning for us. The things that were impossible eight months ago are happening on a daily basis now. So that's really, really good to see.

The other thing I think that we discovered or that we learned — and this is more of the whole government learning — is that there are a lot of areas where we can support each other in government — various enforcement agencies working together — the health care agencies working together and the service providers — there's an ability for us to pivot a lot

quicker than we ever thought we could to sort of change our service delivery to meet the needs. I think what I don't want to lose — that has become the norm now and I think it's something that hopefully will continue to be the norm as we go forward.

**Ms. McLeod:** Thank you for that. You said earlier that the board has been in touch with employers to discuss with them — I think about their remittances, should they be untimely. Has there been any other broad kind of survey done with employers this year since March?

**Mr. Dieckmann:** I guess I would ask if you could be a little more specific on what sort of topics. We have worked with the chambers. The Yukon chamber — we've actually have a pretty good partnership with them, and they have invited us to address employers on various topics related to COVID. As far as surveys go — we have done a lot of surveying of employers on issues surrounding COVID.

**Ms. McLeod:** What I was asking was whether or not you have been in touch with employers — maybe it is not your role — about whether or not they are facing problems throughout this time.

A concern that has been brought to our attention is around PPE, cleaning, and some other COVID-19 guideline applications in workplaces.

One example that was provided — teachers in some schools have been given the option to either wear a mask or wear a face shield. As we understand it, the mask acts as a respiratory barrier, and the shield is simply something that protects the eyes and the skin. In a medical setting, a face shield would only be worn when accompanied by a mask. What are the WCB rules around this, and how are you ensuring that workers are being trained in their respective workplaces? What are you doing to ensure that the training is consistent — or is it your role?

**Hon. Ms. McLean:** Before you move into the PPE question and those types of answers, I just wanted to address the member opposite regarding the reach-out to employers in terms of surveys and work that government has been doing that informs — the reach-out to employers specifically around access to various programs and different pressures that they may be having. We certainly have done that in Economic Development and Tourism and Culture, checking in with businesses — making sure that we have the pulse of businesses. I have spoken about this several times when I have had the opportunity during Question Period. That work continues. We have also done a reach-out to non-profit organizations as well, in terms of determining what pressures they may have.

So, any information that is gathered — as Mr. Dieckmann has discussed today — moving into that one-government approach and the economic committee of deputy ministers who meets on a regular basis — this work continues and will continue as we navigate through the pandemic.

So, I just wanted to add that aspect to the conversation, and I will allow Mr. Dieckmann to talk about the PPE.

**Mr. Dieckmann:** When it comes to the personal protective equipment — especially as it relates to COVID, we

defer very much to the advice that comes from the chief medical officer of health.

So, there are a number of options that are available, based on the chief medical officer of health's guidelines. But when we look at hazards in the workplace and risk and when we look at the various ways that risk can be controlled, we use what is called a "hierarchy of control" in order to make determinations as to whether or not people are taking the appropriate measures. The hierarchy of control basically starts with elimination. If you can eliminate the hazard, that is the first measure that you take, and if you can't eliminate it, then you go to engineering controls. If you can engineer out the hazard or the risks associated with the hazard, then those are the controls that you put in place.

If that is not available, then the next would be administrative controls. A lot of what has been discussed through the chief medical officer of health and the types of controls that are put in place are administrative controls. When we put controls — like you see in this House, as we sit here — these are administrative controls. We maintain barriers between us — you know, the separation — and that is probably the most effective method of preventing transmission — to make sure that you are far enough away that you can't transmit.

The personal protective equipment is always the last thing in a hierarchy of control. So, whether somebody is wearing a face shield — just a face shield — or whether they are wearing a face shield and a mask or whether they are just wearing a mask — really, you have to assess the entirety of what is being done in the workplace to make that determination. We get a lot of calls from concerned workers or concerned employers saying, "I want to put this measure in place. Is that the right measure?" Our answer is always, "It depends." We're more than happy to go to a workplace and visit the workplace and sort of do an assessment and help them walk through identifying what the hazards are and the risks associated with those hazards and what the most appropriate controls would be to put in place. That's the best non-answer I can give you on that — because really, the answer is that it depends.

But the other part of your question is about if it is our job to ensure that workplaces are safe. To that, I would respond that it is the workplace party's job to ensure. We're not in the workplace, so it's very difficult for us to ensure workplace safety all the time. The employer, the workers, the joint health and safety committee, the structure of the workplace — those are the ones who are responsible for ensuring workplace safety.

Our job is to monitor compliance with the *Occupational Health and Safety Act* and regulations and to provide guidance, when people request it from us, to go in and help them to satisfy the requirements under the law.

**Ms. McLeod:** I have a question now about mental health in the workplace. There has been a good deal of discussion around that.

There are a number of reports of mental fatigue, distraction, and stress due to the COVID-19 response. Does WCB ensure that mental health supports are in place for the workers who require them — or as you say, is that the responsibility of the workplace safety team who is in the

workplace? Do you just monitor that or are you responsive to concerns that might be expressed by employees?

**Mr. Dieckmann:** That's a big question that I could take a long time to answer, so I'll try to keep it succinct.

When we have injured workers, it is absolutely our responsibility to ensure that they get the proper supports and treatment that they need. We work very hard to provide that in a timely manner. It has been very, very challenging with COVID, especially since people can't travel outside the territory. So, when we're trying to get initial assessments done, we use a lot of multi-disciplinary clinics Outside when it comes to psychological injury to get those assessments done — to start to get initial treatment plans in place so that, when the person comes back into the territory, then we can work with local service providers in order to make sure that the treatment is happening. It has been a challenge, but we're working our way through it.

When it comes to the workplace itself and protecting the psychological health and safety of workers in the workplace — that very much is a workplace responsibility. As both the minister and Mr. Pike stated earlier, the government has passed regulations this year that will really help workplaces to understand what it is that they need to put in place in order to protect the psychological health and safety of their workers. It all starts with a really good assessment of the hazards — taking a look in your workplace and asking what sort of hazards exist in this workplace that can cause mental stress and potential psychological injury. COVID is a great example, because it has really shown how a disruption of this magnitude can cause a lot of mental stress and anguish within workplaces, within families, and within individuals.

Our responsibility in this is that — the regulations don't actually come into effect until September of next year. So, this next year, we will be spending a lot of time working through that, rolling out those regulations, getting them implemented, providing the supports that employers and workers need through training, education, and materials that they can access, and partnering with jurisdictions that have actually been through this and have gone a long way down the road to implementing those types of regulations. That's a lot of the work that we will be doing over the next year. When it comes to mental health and psychological injury, really it is a partnership with everybody, and we all have responsibilities that we need to accept, grab hold of, and help to make sure that all of our workplaces are psychologically safe and healthy.

**Ms. McLeod:** I have just a couple of questions to ask about the new legislation that is on the horizon.

Would the board consider using more neutral and commonplace terms — for instance, "health care provider" — as it relates to occupational and disability health in the *Workers' Compensation Act* and various sections of the *Occupational Health and Safety Act* and regulations?

**Mr. Dieckmann:** When we went out and did the consultation on behalf of Yukon government, one of the things that we heard loud and clear from all our stakeholders was that, in modernizing the acts — if the acts are going to be modernized, to make sure that the language was as



approachable as possible. That is reflected in the “what we heard” report — and we did provide that to the minister. So, the drafting of the legislation and whether the legislation comes in or not is not in our bailiwick, but if the minister would like to speak to that piece, I would defer to the minister.

**Hon. Ms. McLean:** As I stated in my opening comments, we have gone through the initial stages of consultation. That is closed. We have been working within Cabinet — alongside Justice and the Workers’ Compensation Health and Safety Board — to draft the legislation. Our intent is absolutely to bring forward new, modernized legislation, which we hope to do in the near future.

I am not sure if there was another aspect to that question. Perhaps the member could let me know if that answers the question or not.

**Ms. McLeod:** I have another question for the witnesses. Will the board be providing employer support workshops and sessions to assist companies in complying with new regulations on workplace violence and harassment that are expected to come into force in September of 2021?

**Mr. Dieckmann:** Yes, that is our plan. We were really happy that the government gave a year before the regulation actually comes into effect because that gives us lots of time now to develop training materials, figure out how we’re going to do the outreach to the various stakeholder groups to get the training developed and in place and to start to get people trained and knowledgeable in those regulations and what the expectations are. That will encompass probably most of our outreach for next year — getting those regulations implemented and getting the work done to get those regulations implemented fully.

**Ms. McLeod:** Thank you for that. Due to COVID, of course, a lot of workers in both the public sector and the private sector started, and in some cases, they continue to work from home. Are they covered by workers’ compensation, because they are not in the workplace? I mean, how is all of that dealt with by employers?

**Mr. Dieckmann:** The short answer is that if a person is working — if they are performing their regular duties and they are doing it from home, if they get injured in the course of performing their duties and the injury is related — it occurs at work and it occurs because of work — absolutely, they are covered. It is challenging for employers and for workers to determine schedules and those kinds of things — but in the end, if a worker is performing work and they are injured in the course of that work and because of that work — yes, they are covered.

**Ms. McLeod:** There has been some confusion around this from some employers — so, would the board consider making a change to, for instance, annual returns that might spell this out a little better or put it on the website?

**Mr. Dieckmann:** Yes. I don’t know that we have anything that lays it out specifically on our website — how it works — but there are expectations on the part of the employer — so, we have expectations on the part of the employer that they are verifying that the workplace is a safe workplace — in some way to make sure that this happens — and that workers

are performing their work in a safe manner. We don’t do inspections in private residences. That is not something that — under the *Occupational Health and Safety Act*, we don’t have the authority to go into private residences. So, we rely very heavily on the employers and the workers to make sure that they have the appropriate measures in place. If a worker invites us in, we will by all means go and do an assessment, but we don’t do random inspections going into houses.

But I will take that as a really good suggestion and speak to my communications people about maybe putting something in place and putting it on our website about how that works.

**Ms. McLeod:** Thank you for that. So, can the board intervene if there’s a dispute between an employer and employee on unsafe work practices in a private home? If you cannot, whom do you phone? Whom do you call?

**Mr. Dieckmann:** If there are issues raised and there’s a dispute and we are invited to a home to do an assessment, we will go do an assessment. If required, we will intervene in whatever way that is possible. Typically, that would involve doing an assessment, seeing what the concerns are, and if there are measures that need to be taken by the employer, we’ll write orders for the employer to take those measures. If there are measures that have to be taken by the worker, we could write orders that the worker has to take those measures.

So, we can intervene. The only limitation is that we cannot walk into a person’s house the same as we do with a normal place of business. For example, this building here — we can come in anytime to any part of the workplace and we can do an inspection. But I can’t walk into the Chair’s house and say that I want to do an inspection because I know that the Chair is working at home.

**Ms. McLeod:** I’m going to assume, though, that if there was a dispute, it’s likely the employee who is making it and they’re going to invite you in. So, that’s probably not going to be an issue for them.

We have businesses that are operating in the territory and that don’t hold an office here, but there are employees working for them. They are, by law, required to have Yukon WCB. The same is true if we have employees — Yukoners — working in a BC location — correct me if that’s not right.

Do you think that most employers are well aware of those rules? I’m not sure that they are — so just a comment on that.

**Mr. Dieckmann:** The member is, I would say, 99 percent correct in the assessment. There are certain rules around that.

If somebody comes into the territory — if an employer sends workers into the territory for less than 10 days, they don’t actually have to purchase coverage in Yukon. There is a 10-day grace period, so they would be covered in their home jurisdiction. All Canadian jurisdictions have a time period that you can work in them without — it varies in different jurisdictions. But once you get past that point, there is a requirement to register, and most companies that work transborder — that cross various borders — are very aware of those requirements. It’s actually one of the issues — when it comes to interjurisdictional trade and the ability to work across borders — it has come up on the national level a number of

times when employer groups have asked if there is a way that legislation can be more closely aligned so that the rules are similar. Quite frankly, getting 12 jurisdictions to agree to that would, I think, be a challenge — but it does come up on the national stage quite often and in discussions that we have with the Association of Workers' Compensation Boards of Canada.

It's one of the things that we get approached with fairly often, but there are instances where employers do come into the territory, and they work for a period of time and don't register with us. Our staff actually do a very good job of tracking those employers down and letting them know their obligations. Our assessment folks are really good at figuring out who is working in the territory. They go through various City of Whitehorse and Yukon contracts — where contracts are let. They look at those and do comparisons to see whether or not those companies have registered. Where a contract has been awarded, they see if they have registered with us. If they haven't, they contact them. We do a lot of work in that area.

I couldn't tell you the percentage of those coming in that don't register. That would be really difficult for us to figure out because it varies depending on who is coming into the territory and when.

One of the things that we have in our legislation is that, if somebody comes into the territory — not even necessarily into the territory — if somebody hires or contracts a worker to do work for them and that worker or that employer was required to register with the Workers' Compensation Health and Safety Board and they did not register, the company that brought them in or that hired them could be held responsible for paying those assessments.

So, when we send our assessment auditors out, they go into workplaces and businesses and do audits to see whether or not people are paying the appropriate assessments. They do look at all the contracts that the employer had, and then they will do a verification that all of those contractors they had used had, in fact, paid assessments.

There are ways for us to collect those assessments, but the member is absolutely correct that there are instances where people crossing borders don't understand what the rules are.

### Deputy Chair's statement

**Deputy Chair:** Just a reminder to please refer questions and answers through the Chair.

**Ms. McLeod:** We have heard concerns from companies in the transportation sector about a clause that is being discussed as part of the new legislation. The concern is around subrogation. Can the chair or president explain how this clause would work? Who would be affected? When will a final decision be made about its inclusion — or not — in the legislation?

**Mr. Dieckmann:** I can't speak to what will be in the legislation if legislation does come forward. What I can tell the members is that there is currently a clause in our legislation where, if an injury occurs because of a motor vehicle and the injured worker is not working for their employer — for example, if somebody driving a vehicle runs into another

vehicle, causing an injury to the worker — there is an ability, under our current legislation, to move forward with what is called a "vested action". The action is vested in us and we can try to recover the costs of those injuries from the insurance company of the vehicle that caused the collision.

So, that is in our current act. It gets utilized once or twice a year. It isn't common, but we do have a couple of instances a year where we use that section and we do recover costs from a third-party insurer. It is a very viable method for keeping costs down for employers in our system by recovering from a much larger pool of insurers, really.

**Ms. McLeod:** I thank the witness for that answer.

So, this is just a bit of a — and it will probably be my last question today. We have been hearing recently about banks denying service to companies who are investing in or pursuing the development of oil and gas projects in northern Yukon. I am wondering if the board has received any pressure to follow suit.

**Hon. Ms. McLean:** Mr. Deputy Chair, I am having a really difficult time hearing the member. I am sure folks sitting close by may be able to hear, but I am really having a difficult time hearing.

**Deputy Chair:** Maybe we can turn the mic up a little.

**Ms. McLeod:** I don't know if the witnesses heard the question or not, but if they did, they can just proceed with answering.

**Hon. Ms. McLean:** Mr. Deputy Chair, I would prefer if the member would repeat the question so that others members in the House can hear it.

**Ms. McLeod:** My question was — because it is quite topical right now — that major banks are publicly coming out against funding companies — not funding — loaning money to — doing business with — companies that are pursuing oil and gas development in northern Yukon. My question was whether or not the board has received any pressure to follow suit.

**Mr. Dieckmann:** I will start answering, but I will actually maybe ask the chair to step in at some point here as well. So, we don't directly invest — we don't go out and purchase stocks, et cetera.

We have investment managers who handle all of our investments. We have an investment policy that they must adhere to so it outlines the types of investments — the classes of investments and bonds and those kinds of things that they can invest in. We do, on a regular basis, meet with them at least once a year. We meet with both of our investment managers. One of the questions that the board asks them fairly regularly is about if they do have policies around ethical investing or investing in ways that would meet that ethical standard. They both have policies around their investments on how they — what types of companies that they will invest in, and they do have rules around it. We don't put any restrictions on whether or not they can invest with a bank or if they can invest in oil and gas or what they can invest in. We leave that up to them. But they do have certain criteria that they look at when they are making those investments.

Did you have anything you wanted to add, Mark?

**Mr. Pike:** Just one quick point that we certainly have not received any pressure on us to do anything specific. At the board level, we discuss all those issues. We talk about ethical investing. So, the subjects do come up for discussion.

But again, our role is to get a rate of return on our money so that we can look after injured workers. We haven't had any outside or inside pressure to take a specific course of action.

**Ms. McLeod:** I want to thank the witnesses for their time today. I appreciate the discussion, and I'll turn it over to my colleagues from the Third Party.

**Ms. Hanson:** Thank you, Mr. Deputy Chair. I thank the witnesses for their presence here today.

I just wanted to make a comment at the outset that you don't often say that — it's not my experience very often that an annual report of an entity like the Workers' Compensation Board is actually very interesting to read. I would like to commend you on this year's edition of the report. What I thought when I was reading it through was that it was very helpful and it also set out to me — there's a whole section here on modernizing your foundations. We've talked a lot over the last number of years about the history of the workers' compensation.

I think what it reflects to me — and I'm hopeful, as we move forward, that the kind of language that's employed in the document that was tabled in the Legislative Assembly is also reflective of the kind of culture that is in place at the Workers' Compensation Health and Safety Board. If so, that bodes really well for that workplace as a workplace, as well as for Yukon government, Yukon citizens, and — most importantly, from my perspective — Yukon workers.

I just wanted to go back to the statistics — the “year at a glance” that you had referenced earlier. It is my understanding that these were the statistics to the end of December 2019. Every death is one death too many. We saw a decrease of one death — so three deaths in 2019. My question is in two parts. What sectors were those three worker fatalities engaged in? What, if any, statistics are there for the year to date in 2020?

**Mr. Dieckmann:** I thank the member for that question. First, I would like to respond to your question about the culture in our workplace. I have been there 20 years — proudly been there for 20 years. A large part of it is because of the culture and the people who are there. They really do care.

You were asking about the fatalities. Mark will tell you that, whenever there is a fatality in the workplace and he comes into our office, he can tell that something has gone horribly wrong. I know that our minister dreads a phone call from me on the weekend. Everybody really cares.

As far as the sectors where the fatalities occurred last year — one of the fatalities was in the outfitting industry and two were in the aviation industry. This year, I believe that we have had two fatalities. One of the fatalities was in the mining industry — a motor vehicle — and one was an occupational disease. We really feel it whenever there is a fatality.

**Ms. Hanson:** I thank the witness for those comments. It is pretty clear that this is a shared value.

I just want to go back to one of the deaths — one of the fatalities. This is going to sound strange, but I don't mean it in

a negative way. Earlier, there was an assumption that because we have a decrease in the number of workers employed in the territory generally as a result of the pandemic, in fact, we might see a decrease in the number of claims opened with respect to workers' compensation issues. I guess that doesn't necessarily correlate with the areas where we are seeing a sustained and increased level of employment, which is the mining sector. We have had sustained employment with one large mine and another reopening.

So, I guess my question is: Is that going to be forming data for the next year? My understanding is that you do keep data with respect to the sectors, obviously — in terms of where the trends are for open claims or workers who are covered, as well as workers who may sustain an injury on the job. Is there a sectoral breakdown? Maybe I missed it in the report. Yes, there is a sectoral report, sorry. Is there a year-to-date change from last year that you have noticed in terms of a sustained employment sector, which is mining?

### Deputy Chair's statement

**Deputy Chair:** Ms. Hanson, just another gentle reminder: Would you mind putting your questions through the Chair, please? I know it's difficult in the room, but that is our protocol, and we would appreciate it.

**Mr. Dieckmann:** That is actually a really good question. As you can see on page 21 of our report, we do actually have the sector breakdown of the injuries. We saw a decrease in the numbers — although I have to qualify this a little bit, Mr. Deputy Chair. We had seen — for the end of the first quarter and through the second quarter — that the numbers of injuries coming in the door were definitely down. We don't have a breakdown by sector yet — that is work that will be done as we get into the beginning part of next year when we start preparing our annual report and really crunching those numbers.

So, I can't really make a definite statement on where we are seeing the injuries for this year, but it does make sense that the sectors that we are operating would be the ones where we see the injuries coming in the door, but we did see a definite decrease. As of the end of the third quarter and now, the numbers that we are seeing compared to the same quarters last year have come back up and we are seeing about the same numbers coming in the door as what we had seen. So, in the third quarter of last year and in the third quarter of this year, there are very similar numbers and there are very similar numbers so far in this quarter to what we had seen in the fourth quarter of last year. But we won't actually have the breakdown until we do the annual report and crunch the numbers.

**Ms. Hanson:** I thank the witness for his response.

I just have another follow-up question from the question asked by my colleague. There was some discussion about site visits made with respect to occupational health and safety. I just wanted to clarify — what I had noted was that there was contact made in advance of site visits. I guess one of the things that we have seen in other jurisdictions — and we all acknowledge that we have been incredibly lucky in this jurisdiction with respect

to no community transmission and the low numbers that we have. But we have seen in workplaces where there have been, in other jurisdictions in this country, serious outbreaks of COVID that one of the challenges is having basically occupational health and safety site visits that are actually able to address the issues without having circumstances adjusted in advance. Is it normal practice to contact in advance if you are dealing with an occupational health and safety issue or concern?

**Mr. Dieckmann:** We handle inspections in a variety of different ways, depending on what it is that we're doing and where we're going. As I stated earlier, our sort of random inspections that we do, during the first part of the year, did drop off and we were in those instances only responding to complaints that came in. So, if we got a complaint, we definitely would be notifying the employer, coming in, and finding out what sort of measures we had in place. That isn't the norm, but we did do that at the beginning of the year. We're now back to doing our random inspections and going into workplaces that are open and doing those inspections.

But there are some instances where we definitely have to contact in advance. For example, if we are going into a remote mine site — we're flying in, we have to book planes, we have to do those kinds of things, and we need to make sure that there are people who are going to be there when we get there. So, in those instances, we will.

Quite frankly, my experience as a safety officer has taught me that, if there are things not operating properly in a workplace, it's pretty hard to hide that just because the inspector is showing up. I used to tell staff, when I was the director of Occupational Health and Safety, that we knew that if we phoned an employer telling them that we were coming in and that they would change their behaviour and that everything would be fixed up that day, then that's what we would do — just phone employers every day and say, "We're coming to your workplace" and it would have solved the problem. But it doesn't work that way.

Those places that we do have to go into — the large employers where they have multiple things going on — our inspectors do often contact them and let them know we're coming because they need to make sure that there's somebody there who can provide us with guidance, inform us of what the hazards are in the workplace, what equipment — we might have to bring our own personal protective equipment or other things that we may need. It doesn't really affect the outcome or the ability for us to effectively assess the safety management in that workplace.

With smaller employers, we tend not to — like, if we're going out to the placer mines or things like that, we're not contacting in advance because it's easy access; you're driving down public roads, pulling in, and checking on them. In those instances, we don't. So, it really depends on what we're doing.

There are other times when we'll have focused initiatives where we'll see increased injuries in a particular sector and so we'll be really looking to see — okay, what's going on in that sector? Why are we seeing increased injuries? Why are we seeing certain types of injuries that are occurring?

In those instances, what we will do is advertise in advance that we're going to be looking at that industry and looking at the issues in those industries, so we're not necessarily contacting the employer directly, but we're letting the industry know that this is what we're focusing on and we're going to go in to try to assess what's going on in the industry. There are a variety of ways in which we do it. COVID did change it at the beginning, but we are back to sort of our normal practices now.

**Ms. Hanson:** I thank the witness for that. Just on the issue of linking it back directly to COVID-19 and your website, the Workers' Compensation Health and Safety Board website talks about — and the witnesses have already identified some of the initiatives that they made available to help with reopening efforts. My question is, first of all: What is the uptake in terms of hazard assessment and control? How many COVID-19 operational plans have been reviewed? In light of the focus on prevention when we are talking about occupational health and safety, how many site visits related to ensuring that these safety measures that have been — they are not required for all businesses, but they are encouraged. Basically, I am trying to get a sense of how thorough that initiative is for work sites throughout the Yukon with respect to the confidence of both the work site — the employers, the employees — as well as the general public. The assumption could be made that sites that are open — I will just use the word "site" — businesses that are open are safe.

**Mr. Dieckmann:** Mr. Deputy Chair, let me start with the recommendations from the chief medical officer of health. All employers are required to have a plan in place, whether they were ordered to close or not. When we go into workplaces, with every inspection that we do, part of that inspection is an inspection to verify that appropriate COVID-prevention measures are in place. We look at: (1) Do they have the measures in place; and (2) Do they have a written plan? Is it actually documented, what is it that they are supposed to have done, and have they done the hazard assessments? We have done that.

As far as the number of reviews of plans that we've done, I do have the number, but for some reason my computer is not opening, so I will get back to you with that one. I will see if I can get my computer to open here. It is causing me grief right now.

**Ms. Hanson:** I can tell the witness that he is not alone in that experience in this building.

There was a reference earlier to some of the new policies that have come into effect. One of the ones that I'm interested in is the one that has to do with adjudicating psychological injuries. When I look at that policy, EN-09, the question I have is — in the language of the policy, it is unclear whether or not this policy is limited to post-traumatic stress or if that was only used as a policy to merely illustrate it as an example of psychological injury. Can the witnesses please tell us if it is intended to be a broader scope than limited to post-traumatic stress? In itself, that is a serious issue, but there are other kinds of psychological injuries, as we know.

**Mr. Dieckmann:** That is a great question. We do cover more psychological injuries than post-traumatic stress disorder.

For example, in 2019, we had 20 accepted claims for psychological injury. Of those 20, 10 were for post-traumatic stress disorder. Three of those were in first responders, and it fell under the presumption. The others were different psychological injuries. As you are aware, there are a broad number of psychological conditions that could affect people.

One of the ones that we do see a lot is generalized anxiety disorder. We see post-traumatic stress disorder. We will see things like, where someone has suffered a serious physical injury, the physical injury is dealt with and they have recovered from that, but then they could possibly have some sort of other dissociative disorder or something that arises from it — a fear of going into the workplace. So, yes, there is a broad spectrum, and we do accept a lot more than just post-traumatic stress disorder.

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

On page —

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

**Deputy Chair:** I'm sorry, Ms. Hanson has —

**Hon. Ms. McLean:** I wanted to provide the information from the previous question. The information that I have — there will probably be more updates, but that is information that Mr. Dieckmann can provide — is that, as of August 25, safety officers had reviewed 53 voluntary COVID-19 safety plans, referred 27 mandatory plans to public health officials for review, and issued 36 orders related to COVID-19 safety plans — most for lack of properly documented plans.

So, if there is further information, Mr. Dieckmann can provide that — like the updated statistics from August 25 to today's date.

**Ms. Hanson:** As I was saying, on page 20 of the annual report, it talks about "Accepted claims by event or exposure". I didn't go back and look at the previous years, but just over the last two years, there is a pretty steady number of incidents, or claims accepted, with respect to assaults, violent acts, and harassment. It raises a number of questions. When we look at the "what we heard" report — and as you were looking at the issues that people identified in the context of reviewing both pieces of legislation — my question is: Is occupational health and safety involved when there are safety concerns raised, such as we saw recently at the Whitehorse General Hospital? Can you outline — does a safety plan get put in place, or what kind of action is taken? Are there recommendations for training that are put in place for staff? What is involved in making recommendations for improvements from an occupational health and safety standard when we see violent acts or assaults occurring in a workplace?

**Mr. Dieckmann:** Just as a little update, I did get my computer open, so I can update what the minister had provided.

The safety officers reviewed 58 voluntary safety plans, referred 34 to public health officials, and issued 43 orders for COVID-19 safety violations — so just a little bit different from what the minister has.

So, yes, we do investigate where there are incidents of violence that occur in a workplace. If there are injuries that occur and we're aware of it, we will go in and do an investigation. What comes out of the investigation can really

vary, depending on what we find. If we go into a workplace and find that they have proper policies, procedures, and things in place and they're not being enforced or not being followed, then the order may be to start following your safety plan and start doing the things that you've outlined that you're doing.

If we go in and we find that there are no measures in place, we may look at it, and if we look at it and say, "Based on what we're seeing here, it looks like there are some things that aren't in place" — let's use the Hospital Corporation as just an example. If we were to go in and take a look and if we don't have the expertise to do the full assessment, we may either order them to bring somebody in to do a full assessment or we may bring somebody in with the expertise to do a full assessment, and then, based on that assessment, we would issue orders for corrective actions. That's sort of the first level.

Let's say we've been into a workplace previously and had found that there were issues, and it continues to happen, and we go in and find that they hadn't put in place the corrective measures that had been ordered — or they had just disregarded what we were saying — then it could result in administrative penalties or prosecutions — or any level.

It really depends, in any workplace, on what we find when we go into that workplace as to how we're going to respond, but in all instances, our primary concern is to make sure that the appropriate health and safety measures are established and followed within that workplace to prevent injuries from happening.

**Ms. Hanson:** I thank the witnesses. Are the recommendations or the findings of the occupational health and safety review binding on the employer?

**Mr. Dieckmann:** If somebody is not following the requirements of the *Occupational Health and Safety Act* regulations and we issue an order, it is a binding order. Anyone can appeal an order, however — so the final decision-maker is not the safety officer. All orders can be appealed. Sometimes people do choose to appeal, but it doesn't happen very often that we get appeals. If somebody doesn't follow those orders, there are remedies laid out in the act. We can issue administrative penalties, we can prosecute, and we can issue stop-work orders. Probably one of the strongest tools that we have in our toolbox is to actually issue a closure order or a stop-work order if somebody has conditions in their workplace that are immediately dangerous to life and health and they can't be remedied immediately. We can say, "Stop what you are doing until you get it fixed."

We have very robust measures in the *Occupational Health and Safety Act* for us to intervene if we do see that there are issues in a workplace and if the workplace is not complying with what we are requiring.

**Ms. Hanson:** Those are significant and far-reaching implications. It is one thing on a construction work site; it's quite different when we are talking about a medical facility. But I guess that we have seen that in the context of COVID with long-term care facilities in different parts of this country — so who knows?

We have such a short time today. One of the questions that I have asked before — and I notice that it was certainly a subject

in the discussions in the “what we heard” document — was on the issues of how older workers are treated under workers’ compensation.

My first question is: Does the Workers’ Compensation Health and Safety Board have data on the number of seniors — or people who are over 65 — who are currently working in Yukon? I raise that because, as I understand it, the current policy doesn’t cover them, with the assumption that, once you get to 65, you should get the old-age pension. I will say that and the witnesses can correct me, Mr. Deputy Chair — but that is my assumption about that policy. There is a trend that more people over 65 are working and not all of them are working because they want to work — they need to work.

I note that in the accepted claims by age group — again, there is a relatively consistent number of people over the age of 65 who had claims accepted by the Workers’ Compensation Health and Safety Board. It would be interesting to know what percentage of the senior workforce that data represents but also how many of the senior population — this Chamber excluded — are working?

**Mr. Dieckmann:** For the first part of your question, no, we don’t have the numbers of people over 65 in the workforce. We don’t track that. We rely on the Bureau of Statistics and their labour surveys. We rely on the same information as everyone else does on that one. So, it is not something that we are able to track. What we can track — as you can see from our annual report — is the number of workers in certain age groups who are getting injured. As a percentage of the workforce, it is difficult for us to come up with those types of numbers.

I will correct the member on whether or not someone over the age of 65 is eligible for compensation. If someone is over the age of 65 and they are working and get injured, they are eligible for compensation for up to two years. That is in the current act. As you probably noted from the “what we heard” report — based on the conversation that occurred last year in this House, the minister did direct us to include that in part of the consultation, so that consultation piece is captured in the “what we heard” report. It was one of the questions that was asked during the consultation.

**Hon. Ms. McLean:** I was going to stand and confirm that this was the direction that we had given and it was certainly an area of concern for members opposite. It is an area that we are contemplating in the new legislation.

**Ms. Hanson:** I don’t want to be argumentative, but it’s my understanding it was over the age 63 and it got you to 65. When I read the “what we heard” document, it talks about workers aged over 63 — and of loss or based on a person’s age — those were just the comments made but I was just wondering — I’m not going to belabour it, but I thought it was 63.

In the “what we heard” document on page 15, the Workers’ Compensation Board — one of the areas that was discussed was the ability for Yukon Workers’ Compensation Health and Safety Board to be able to examine Government of Yukon records.

My question was: What’s the current situation? Does Workers’ Compensation have access to Government of Yukon records for the purposes of compliance with the legislation?

**Mr. Dieckmann:** I’ll start with the first question — clarifying the first one.

So, what the legislation says is that, if somebody is 63 or older, they’re eligible for two years of compensation once they get injured. So, if they work past 65, they are still eligible for up to two years of compensation. It’s clarified in our policy — so it can be found there. But yes, that is a very common misunderstanding of the way the legislation is written and I’ll admit that it’s not particularly clear in there — so just to clarify that.

As for your second question — it jumped right out of my mind. Could I get the member to —

**Ms. Hanson:** Sorry, Mr. Deputy Chair. I’m trying to rush through too many — it had to do with the Workers’ Compensation Board in its “what we heard” document. One of the things that was noted was that the board — in doing the review, the board had introduced the issue for consideration — the Workers’ Compensation Board being allowed to examine the Government of Yukon’s payroll documents and other related information to ensure compliance with the legislation to confirm that all earnings and contractors were properly reported.

My question was: What’s the current situation now?

**Mr. Dieckmann:** Yes — under the current legislation, Government of Yukon is the only employer whose records we aren’t able to examine.

**Ms. Hanson:** I thank the witness for that answer. On page 19 of the “what we heard” document, there is a section that talks about prohibited reprisals — an issue that Government of Yukon asked that the review consider. One of the issues that had been raised was that the difficulty of finding a proper selection of third-party decision-makers is important — it was identified that this could be hard in a small population base. But I am wondering, from a current perspective, how this is dealt with when we have PIDWA for whistleblowers — the protection of workers’ disclosure of wrongful actions in a workplace. Is that not already contemplated under other legislation? Would this be a significant concern — being able to have third-party decision-makers — so an adjudicator — how difficult would that be, really, in this territory?

**Mr. Dieckmann:** The issue that arises under our current legislation is that the only body that can provide a remedy if somebody is disciplined for bringing forward a safety issue is through the courts. What we had gone out to consultation on was — did stakeholders think that it would be better to take that out of the court and put it into a tribunal’s hands or an independent adjudicator or somebody else where, if there is a finding that there was a reprisal, they could order a remedy? That was the question.

In our documents, all that we were bringing up on that is that it could be challenging to find somebody with the knowledge, training, and experience to handle these types of adjudicative decisions on a regular basis, as they happen so rarely. I don’t think that the issue is that there isn’t anyone in the territory who could do it — it’s just that, in a small territory, sometimes finding the appropriate people or people with the

knowledge and experience to do it could be a challenge. So, it was just simply noting that.

**Ms. Hanson:** I thank the witness for that response. I am sort of jumping around a little bit because of the time. One of the issues that was discussed in the “what we heard” document was the issue of earnings loss benefits for low-income earners. I will just read the statement and then I will ask a question about it. So, this would be “That earnings loss benefits for all workers whose pre-injury earnings are at or below the minimum amount be increased to 100 percent of their pre-injury earnings, regardless of whether they are partially or totally disabled.” This would be intended to “... enhance fairness and encourage an early and safe return to work.”

There were some cautions identified in the feedback that the review received. My question would be: Do the witnesses have an estimate of the number of workers who might be captured by this?

**Mr. Dieckmann:** We do have an estimate. I don’t have it with me, so that is something that I will get back to the House with.

**Ms. Hanson:** In the joint health and safety committees, there was a fair amount of discussion in the “what we heard” report on this. Again, the Yukon government has put this forward for discussion and there was some feedback on this significant agreement, with the notion that a joint health and safety committee should be required when an employer has 20 or more workers who are regularly employed without reference to the hazard classification.

One of the concerns that had been raised was that there is no consideration for the types of work and hazards involved. Is there a difference currently in terms of the type of requirements of health and safety committees if it is more of a hazardous work site than a non-hazardous work site in terms of the classification of the work site?

**Mr. Dieckmann:** Yes, there is a difference. So, the way that the legislation is currently is that, if a workplace is classified as an A or B hazard under the first aid regulations, then they have to have a safety committee if they have 20 or more workers. A workplace classified as a C hazard under the first aid regulations wouldn’t need to have a safety committee in place. The proposal is to just say, straight across the board, that if you have 20 or more, you have to put a joint health and safety committee in place. So, get rid of that reference back to the regulations and the hazard classifications that are established in those regulations.

**Ms. Hanson:** I thank the witness for that. I realize that the time is just going by, so I just want to touch on one last area. There was a consideration introduced in the “what we heard” document to clarify the criteria that must be met by domestic service workers to be considered a worker under the *Workers’ Compensation Act*. There was general support for the proposal. There were some concerns raised with respect to the potential for worker discrimination.

I am just wondering if the witnesses could identify for us: How is this dealt with in other jurisdictions? Are we talking about an employer/employee relationship with a domestic

worker, or are we talking about domestic workers who work for Molly Maid or something like that?

**Mr. Dieckmann:** All jurisdictions handle the issue of domestic workers differently. It is an issue that every jurisdiction struggles with, and everybody has sort of come up with different ways of handling it. What I can do is get the jurisdictional scan, provide it to the minister, and get her to introduce it to the House so that people have an understanding of how it is dealt with in different jurisdictions.

**Ms. Hanson:** It feels like we do speed questioning here; it is like speed dating or something. I think that we have to find another way, but I thank the witnesses for their patience. I have many more questions, but we are not going to get to them today, so I do thank them for their presence here today and for the changes in the website and the report, which I thought was great.

**Deputy Chair:** As it is before 5:30 p.m., are there any more questions for the witnesses?

**Hon. Ms. McLean:** On behalf of Committee of the Whole, I would like to thank Mark Pike, chair of the Yukon Workers’ Compensation Health and Safety Board, and Kurt Dieckmann, president and chief executive officer of the Yukon Workers’ Compensation Health and Safety Board, for being here today as witnesses. Thank you for your thoughtful answers and for the work that you do on behalf of Yukoners.

**Deputy Chair:** Thank you, Ms. McLean. The witnesses are now excused.

*Witnesses excused*

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

**Deputy Chair:** It has been moved by Ms. McPhee that the Speaker do now resume the Chair.

*Motion agreed to*

*Speaker resumes the Chair*

**Speaker:** I will now call the House to order.

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

### **Chair’s report**

**Mr. Adel:** Mr. Speaker, Committee of the Whole has considered Bill No. 205, entitled *Second Appropriation Act 2020-21*, and directed me to report progress.

Mr. Speaker, pursuant to Committee of the Whole Motion No. 4, witnesses appeared before Committee of the Whole to discuss matters related to the Yukon Workers’ Compensation Health and Safety Board.

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

Are you agreed?

**Some Hon. Members:** Agreed.

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

If members are travelling to their respective communities over the course of the long weekend, I wish you safe travels.

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

*The House adjourned at 5:30 p.m.*

**The following legislative return was tabled November 10, 2020:**

34-3-44

Response to matter outstanding from discussion with Mr. Hassard related to general debate on Vote 55, Highways and Public Works, in Bill No. 204, *Fourth Appropriation Act 2019-20* — variable message boards (Mostyn)