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HANSARD

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Speaker: The Honourable Jeremy Harper

YUKON LEGISLATIVE ASSEMBLY

2023 Fall Sitting

SPEAKER — Hon. Jeremy Harper, MLA, Mayo-Tatchun
DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Annie Blake, MLA, Vuntut Gwitchin
DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Lane Tredger, MLA, Whitehorse Centre

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

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Yukon Party

Currie Dixon	Leader of the Official Opposition Copperbelt North	Scott Kent	Official Opposition House Leader Copperbelt South
Brad Cathers	Lake Laberge	Patti McLeod	Watson Lake
Yvonne Clarke	Porter Creek Centre	Geraldine Van Bibber	Porter Creek North
Wade Istchenko	Kluane	Stacey Hassard	Pelly-Nisutlin

THIRD PARTY

New Democratic Party

Kate White	Leader of the Third Party Takhini-Kopper King
Lane Tredger	Third Party House Leader Whitehorse Centre
Annie Blake	Vuntut Gwitchin

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Yukon Legislative Assembly
Whitehorse, Yukon
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Speaker: I will now call the House to order.
 We will proceed at this time with prayers.

Prayers

Withdrawal of motions

Speaker: The Chair wishes to inform the House of changes made to the Order Paper. The following motions were not placed on today's Notice Paper as they are out of order and outdated: Motion No. 801, notice of which was given yesterday by the Hon. Premier; and Motion No. 803, notice of which was given yesterday by the Minister of Community Services.

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Pillai: Mr. Speaker, I would like to ask my colleagues in the Legislative Assembly to welcome a number of very distinguished guests who are here with us today for our tribute to the first poppy.

Joining us today are First Corporal Retired Morris Cratty; Petty Officer 1st Class Retired Dave Hart; Ranger Retired Peter Zwikirsch; Sergeant Retired Rose Davis; EMS, John Trefry; Sergeant Retired Joe Mewett; Sergeant Retired Dave Laxton; Commander Retired Max Harvey; Major Retired Red Grossinger; Captain Retired Cal Knowles; and Corporal Retired Brian Reed.

I would also like to welcome to the Assembly today, wife of veteran Ken Burke, Dorothy Burke, and son, Redd Knight.

Applause

Hon. Mr. Clarke: Mr. Speaker, in honour of the Duty Counsel Day tribute, I have the honour of welcoming to the Assembly, Norah Mooney and Mark Chandler, who are both staff lawyers with the Yukon Legal Services Society, as well as Michael McBride and Amy Ryder, who are Yukon Legal Services Society board members.

Applause

Hon. Mr. Mostyn: Mr. Speaker, we have a number of people here for our Klondike Road Relay tribute this afternoon.

I have Tracey Bilsky, Sport Yukon executive director; Liz Butler, race coordinator; Reid Vanier, Sport Yukon communications, Klondike; Mike McCann, the International Road Relay Advisory Committee — they just celebrated their 40th anniversary with the race — and Donna Jones, volunteer with the Klondike Road Relay and current participant for the 30th year; Stacy Lewis, who is president of the board of Sport Yukon; Amanda Deuling, the sport tourism manager at Sport

Yukon; Megan Cromarty, who is with the Yukon government Sport and Recreation branch.

If you could all help me in welcoming them to the House this afternoon, I would appreciate it.

Applause

Hon. Mr. Streicker: Mr. Speaker, I think she may have been missed, but I would like to welcome Sue Greetham to the House. I should also just acknowledge that Amy Ryder's two daughters are here, although I don't know their names — if we could welcome them, please.

Applause

Mr. Dixon: Mr. Speaker, just to add a few folks who were missed as well — I notice that Legion member Scott Westerlies is here as well, and the former Mayor of Mayo, Shannon Cooper, is here as well.

Applause

Speaker: Tributes.

TRIBUTES

In recognition of Royal Canadian Legion's poppy campaign

Hon. Mr. Pillai: Mr. Speaker, I rise to pay tribute to the Canadian Legion's annual national poppy campaign. The Remembrance Day poppy is a symbol of respect and gratitude for the military personnel who have died and sacrificed in war. The poppy, a symbol that was inspired by the poem *In Flanders Fields* by Canadian military doctor, poet, and soldier Colonel John McCrae, represents the blood spilled in war but also the renewal of life.

We wear poppies to remember and pay tribute to the contributions that veterans have made for the safety and security of Canadians and others around the world. Poppies are worn from the last Friday in October to Remembrance Day on November 11. This year, we can begin to wear poppies on Friday, once the Commissioner receives the first poppy on October 27. This annual campaign is made possible by the Royal Canadian Legion. We are thankful for our local chapter, the Whitehorse Legion Branch 254, working tirelessly to support our local veterans and ensure that they have the assistance they need, and it also provides a community hub for veterans.

I hope that Yukoners will continue to donate to the Royal Canadian Legion to help support local programs and services. Donations from the poppy campaign go directly to support veterans and their families. Wearing a poppy is a way to show veterans that we recognize their service and that we support them and their families and appreciate their contributions to our society and their sacrifice.

I invite all Yukoners to join me in wearing a poppy during this campaign to show our support and gratitude. The poppy reminds us to reflect and consider the meaning of the term, "Lest we forget".

By wearing a poppy, we pledge to never forget the cost and consequences of war and the importance of peace. The poppy

campaign ensures that we do not forget their sacrifices and courage, giving our community a way to remember and support our veterans and their families collectively. Their selflessness and dedication have stood in defence of our freedoms and our way of life. I will be wearing a poppy to acknowledge that we remember not just the loss of life but also the mental and emotional burden that selfless service often carries.

Thank you to all the veterans for answering the call of service.

Applause

Mr. Istchenko: Mr. Speaker, I rise today to pay tribute to all veterans and the Royal Canadian Legion as they launch their annual poppy campaign tomorrow and the numerous other activities that they organize in the week leading up to Remembrance Day.

As a proud member of the legion, I sure appreciate all of the work done by our local Royal Canadian Legion Branch 254 on the poppy campaign. It is great to see so many in the Legislature today.

I would also like to thank all other Yukoners — the ladies who organize the Yukon remembrance campaign and those in the smaller communities who distribute the poppy boxes to key locations. From the last Friday in October to Remembrance Day, millions of Canadians wear a poppy as a visible pledge to never forget those who sacrificed for our freedoms. I would encourage everyone in the Yukon to show their recognition by proudly wearing this symbol of remembrance and taking a moment to reflect.

When I was a teenager in our community, we were home to a number of World War II veterans, one being my grandfather, Ron Watson. At the time, my family owned the local grocery store in Haines Junction. Grandpa would always make sure that the poppies were out by the cash register — right out, front and centre — so that they could be seen. I will never forget the day when I was running the cash in the store, chatting with my grandpa, and a lady came in and asked what they were. He said that they were poppies for Remembrance Day, to remember those who fought in wars and for those ones who made the ultimate sacrifice.

She looked at him and said that she didn't support war and that those should not be out on display. My grandfather explained to her, with a tear in his eye, that he had been on the front lines for four years and why it was so important to remember his buddies who didn't make it home. When he was done speaking, she apologized and let my grandfather place a poppy on the left side of her coat, right over her heart. I will never forget that day.

Wearing a poppy is a great way to show your appreciation and respect for veterans and those who are serving today. It is our duty to make sure that the actions of those who dedicated their lives and died for our safety, freedom, and independence are never forgotten.

Lest we forget.

Applause

Ms. White: Mr. Speaker, I rise on behalf of the Yukon NDP to speak to the importance of the remembrance poppy. We are lucky to live in Canada, a country envied for our stability, safety, and security. We don't face daily attacks on our person; our streets and skies are quiet without the backdrop of armed conflict. In recent years and weeks, we have seen a rise in armed conflict and the devastation that it leaves behind. We have been given a window into war that, more often than not, many of us are unable to bear, so we close the curtain and we turn away.

This ability to look away distances us even further from our veterans, the very people who have witnessed and experienced first-hand the realities of war. This ability to turn off and tune out allows us to remove ourselves from the true cost of war. It separates us from the tens of thousands of men and women who are currently serving in the Canadian military and all of those who came before them to support freedom, democracy, the rule of law, and human rights around the world.

The two weeks leading up to Remembrance Day are about pulling back that curtain. The symbol and the legend of the poppy was born out of the lived experience of John McCrae. His beautiful poem *In Flanders Fields* has moved generations of Canadians and still symbolized for us today the loss, the heartache, and the cost of war. The poppy is the visual cue to stop and remember. They remind us not to only acknowledge the sacrifice of those who lost their lives, but to acknowledge the sacrifice of those who answered the call of duty and walk among us today. By wearing a poppy, we are saying that we remember, we see you, we honour you and your sacrifices, and we are thankful for everything you have done and do.

Mr. Speaker, you can disagree with war. You don't have to like it or support it or even want to acknowledge it, but none of that should ever take away from the importance of the poppy. The poppy isn't a symbol that supports war. It doesn't symbolize the politicians who make the decision to engage in armed conflict. It symbolizes the men and women who have personally borne the cost of those decisions, and it is to them that we owe a debt of gratitude, and it is to them that we pledge to remember. It is for them that we wear the poppy.

Lest we forget.

Applause

In recognition of Duty Counsel Day

Hon. Mr. Clarke: Mr. Speaker, I rise today on behalf of the Yukon Liberal government and the Yukon NDP caucus to pay tribute to national Duty Counsel Day, celebrated each year on October 27. This day, initiated by Canada's legal aid associations, enables us to raise awareness of the important work that duty counsel lawyers do for Yukoners and all Canadians.

Not everyone is aware that all Canadians have a Charter right to free legal representation in certain situations. Duty counsel are legal aid staff who provide free legal advice and representation in various types of criminal and family court proceedings. Duty counsel staff also provide 24/7 on-call services that can be accessed by anyone arrested or detained by

police. I am very happy to recognize this vital service that increases access to justice daily for all Yukoners.

Statistically, legal aid professionals who make up duty counsel provide help to Canadians over 1.2 million times a year. In the Yukon, there are 16 lawyers who provide duty counsel services and are funded by the Yukon Legal Services Society, also known as Yukon Legal Aid. For 22 years, I was part of that team of staff lawyers.

Duty counsel provide assistance year-round to those in need, standing up for and protecting their legal rights free of charge. Anyone can suddenly find themselves involved with the justice system, which is complex and can be very overwhelming. Mr. Speaker, that is why the duty counsel exist. At the courthouse, over the phone, or virtually, duty counsel are there to assist all persons navigating the justice system.

Working under tight time constraints and immense pressure, duty counsel lawyers in the Yukon protect the rights of clients in the justice system, providing them with expert legal help and guiding them through their legal matters. They can provide clients with advice upon arrest about the charges that they are facing, court procedures, and their legal rights, including their right to counsel, their right to silence, and rights around search and seizure.

I am very pleased to have this day to recognize the vital service that duty counsel lawyers deliver in the Yukon every day and to celebrate their achievements. They are truly the unsung heroes of our justice system. I would like to thank all duty counsel and the dedicated staff who support them for their hard work and continuous commitment to access to justice for all.

Applause

In recognition of the Klondike Road Relay

Hon. Mr. Mostyn: I rise today to pay tribute to the Klondike Road Relay. The world boasts several prestigious and well-known running events. Boston has the marathon, Pamplona has the Running of the Bulls, and Tennessee has the gut-busting Barkley ultramarathons. The Yukon, Mr. Speaker, has the Klondike Road Relay. In September, this annual test of tenacity, fitness, teamwork, and fun celebrated its 40th anniversary.

Conceptualized in 1982 by the Tourism Industry Association of the Yukon, the race was a means of attracting more visitors to the territory in the fall. The first race took place in 1983 with approximately 25 teams. Since then, the Klondike Road Relay has made the Yukon a must-run race for runners and walkers from around Canada and the world. It highlights the importance of being active for life.

Shortly after its inauguration, the organization of the Klondike Road Relay was taken over by Sport Yukon, and it's no overstatement to say that their perseverance has been tested as much as the race's participants. Road relay organizers had to navigate the pandemic but still hosted a virtual race — the "Kinda" KRR — that began in Carcross, and the 39.5 race in 2022, ensuring the Yukon's contribution to the world's races were maintained.

The Klondike Road Relay follows the White Pass, the historic trail used by gold rush stamperders. Beginning in Skagway, the race cuts through BC and ends in Whitehorse. As one of the only, if not the only, running race that crosses international boundaries, it stands as an example of the close ties that we enjoy with our closest northern neighbour.

The race passes through the traditional territories of the Chilkoot Tlingit people, the Carcross/Tagish First Nation, the Kwanlin Dün First Nation, and the Ta'an Kwäch'än Council. It spans 175 kilometres and rises more than 1,000 metres in elevation. Through it all, runners, walkers, adults, and youth enjoy a trial of their athleticism and a strong community of athletes who revel in the incredible personal challenge and the social activities that accompany the event.

Volunteers are at the heart of the Klondike Road Relay. They work the checkpoints, keep race times, and direct all, while cheering participants as they make their way down the road. We thank them for their role and congratulate Sport Yukon on 40 years of the Klondike Road Relay. We wish the organizers and participants many more years on the trail.

Applause

Ms. McLeod: Mr. Speaker, I rise on behalf of the Yukon Party Official Opposition to recognize the 40th anniversary of the Klondike Road Relay, which held its first race in 1983. The Klondike Road Relay has become a tradition and made memories for so many over the last four decades. The Tourism Industry Association of the Yukon was the mastermind behind this race, which has become a much-anticipated annual event for runners and walkers.

While it began as a way to attract visitors to the territory, it has proven to be of great economic benefit as well to Skagway, where the race begins. The number of manpower and volunteer hours that it takes to stage this event every year is incredible. From organizing to running the actual event, and holding down checkpoints from Skagway to Whitehorse, there is no shortage of duties.

We would like to thank all those who have taken part over the past 40 years: Sport Yukon, volunteers, municipalities, sponsors, and participants. Without all of you, this race would not be possible.

Applause

Ms. White: Mr. Speaker, I rise on behalf of the Yukon NDP to celebrate the 40th anniversary of the Klondike Road Relay. This epic race has been part of my life for as long as I can remember. When I was small, my parents were — and they are still — part of a tightknit running community. I am sure that preparations started long before the race, but what I remember as a kid was getting dropped off at the neighbour's and my folks returning the next day looking a little haggard, with a stereo duct-taped to the driver's side mirror, to pick me up to head to the finish line. As the years passed, my dad continued to run with various iterations of his team and my mom took a more active role with timing.

I have so many memories of the finish line with my little sister, of the legendary Ron McFadyen putting a microphone

from a radio right into people's faces and asking them how the races were as they were panting to catch their breath, of megaphones, clipboards and Lycra — so much Lycra back in the day — and chaos.

Fast-forward many years and many races, and my dad, who just turned 73, continues to run, but now so does my little sister, and now it's her kids at the finish line. My mom has been part of the board for three decades and part of the timing team for at least two of those.

Ten or so years ago, my friend, Mike McCann, who was in charge of the finish line, asked me if I would like to help, and I thought that was the coolest ask ever — to get to hang out with my parents' friends and volunteer to be part of this epic race. Mike has revolutionized the finish line. It is high-tech, with a team of people making sure that each racer is recognized and celebrated.

What we see on race day doesn't reflect the hundreds of hours that are put into it. Long before the finish line, I have seen the stacks of coolers, road signs, and clipboards that are taken out and filled before every race, only to be brought back days later emptied and stored, and the calls for volunteers and the work they put in at checkpoint crews to make sure that racers are supported and safe, and the folks who do the logistics behind the scenes — their magic — with what seem like never-ending supplies of enthusiasm and problem-solving skills.

The Klondike Road Relay means so many different things to legions of different people: conquering personal challenges while running or walking, running all 10 legs to be included on the Senator's Cup, midnight coffees bought in Carcross, costumes, or running a themed checkpoint that runs only in the middle of the night.

Being at the finish line feels like the ultimate privilege because I get to be part of the team that celebrates all of those accomplishments. I love this race, and I have never run a metre of it. I love the community that wraps around all of those who are involved, knowing that each and every person has an important role to play.

So, congratulations to everyone who has played a role in keeping this epic race going for 40 glorious runnings, and here's to 40 more.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Mr. Dixon: I have a letter dated October 19, 2023, from the Office of the Auditor General of Canada related to the consolidated financial statements of the Government of Yukon and its controlled entities as at March 31, 2023.

Ms. Blake: Mr. Speaker, I have for tabling a report on an online petition to stop trophy hunting for grizzly bears in the Yukon, containing 37,000 signatures.

Ms. White: Mr. Speaker, I have for tabling a quartz mining water-use inspection report from Minto Metals dated September 9, 2023.

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

PETITIONS

Petition No. 21

Ms. Blake: Mr. Speaker, I wish to present a petition with 927 signatures that reads as follows:

To the Yukon Legislative Assembly:

This Petition of the undersigned shows THAT:

(1) Grizzly bears are designated a Species of Special Concern under the Federal Species at Risk Act. They are extirpated in much of Canada. But in Yukon close to 2000 bear hunting tags are issued annually, and they are regularly hunted for trophies.

(2) Grizzly bears require very large areas of undivided and undisturbed habitat, are the slowest to reproduce of all North American mammals, and are proven to decline from human activity. Increasing threats to their survival include: fragmentation of habitat due to roads, increased industrial activity, hunting, and the disturbed hibernation and food availability patterns and other difficulties caused by the heating climate.

(3) There has been no Yukon Grizzly count since an estimate done in the 1990's. Given the age of the estimate and the increasing threats to Grizzly survival since then, the precautionary principle must prevail at least until there is reliable knowledge of their numbers. The current management plan is not based on Western science or on Indigenous knowledge.

(4) Grizzlies are a keystone species. They are ecosystem engineers that disperse seeds, till that land, fertilize forests, and help to regulate prey species. Protecting them is protecting Yukon's biodiversity.

(5) First Nations have revered Grizzly Bears and considered them sacred for thousands of years. Many Yukoners of all backgrounds consider them integral to the value of wilderness.

(6) Grizzlies have an inherent right not to be killed just to be displayed on someone's wall.

THEREFORE: We the undersigned request that the Yukon Legislature:

(1) Ban all trophy hunting of Grizzly Bears in the Yukon. The 2017 British Columbia legislation offers both a model and the experience from several years use of it.

(2) Ban roadside hunting throughout the Yukon.

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

NOTICES OF MOTIONS

Mr. Kent: Mr. Speaker, I rise to give notice of the following motion:

That this House urges the Government of Canada to apologize to all Canadian soldiers used as human test agents for chemical weapons experimentation between 1942 and 1945 and to act on all outstanding recommendations in the report entitled *Complaints Concerning Chemical Agent Testing During World War II*, authored by former Department of National Defence and Canadian Forces Ombudsman André Marin.

Mr. Cathers: Mr. Speaker, I rise today to give notice of the following motion:

THAT this House urges the Minister of Justice to respond to the recommendations of the National Police Federation, which represents RCMP members, entitled *Smart Bail Initiatives*, by taking action including:

- (1) committing to implement all seven of the recommendations which involve territorial governments; and
- (2) publicly setting a timeline for implementation.

Ms. Blake: Mr. Speaker, I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to recognize that grizzly bears are a species of special concern under Canada's *Species at Risk Act* and ask the Yukon Fish and Wildlife Management Board to protect Yukon's grizzly bears by revising the current grizzly bear management plan from 2019 to:

- (1) ban all trophy hunting of grizzly bears; and
- (2) ban roadside hunting of grizzly bears throughout the Yukon.

Speaker: Is there a statement by a minister?

MINISTERIAL STATEMENT

COVID-19 and influenza vaccinations

Hon. Ms. McPhee: Mr. Speaker, as of October 23, all Yukoners six months and older can receive the COVID-19 and influenza vaccinations. With the onset of colder weather and the growing amount of time spent indoors, I encourage Yukoners to get vaccinated this fall. It is crucial that we all take action to protect our health and well-being, as well as the health and well-being of our loved ones and neighbours. We strongly recommend that everyone receive both COVID-19 and flu vaccines at the same time for enhanced protection. The flu can have severe consequences, especially for those who may be at risk.

As we look back on our challenging COVID-19 journey, the progress that we have made is remarkable, but it is crucial that we remain diligent. Getting vaccinated is a simple, yet powerful, way to prevent illness, reduce the overall burden on our health care system, and protect those who are most vulnerable.

The new COVID-19 vaccine provides protection against the most dominant strain and is safe and effective for

individuals aged six months and older. Both the flu and COVID-19 vaccines have been available to high-risk Yukoners, including those who are 65 and older or immunocompromised, since October 16. In Whitehorse, Yukoners can book appointments online at various locations, including pharmacies and the new vaccine clinic on 4th Avenue. Walk-ins can be accommodated, but we encourage online bookings to assist us with efficiently managing our health care staff and territorial vaccine inventory.

In addition to COVID-19 vaccines and flu shots, pharmacies in Whitehorse provide HPV and shingles immunization to eligible Yukoners. In communities, vaccines can be scheduled at local health centres. Contact your local health centre to book your appointment or for more information regarding immunization and upcoming influenza and COVID-19 clinics. All relevant hospital and health centre contact information is available on yukon.ca.

Health care workers across the territory have shown incredible commitment and resilience during this period. Thank you to community nursing staff for being a trusted voice and helping to educate Yukoners about COVID-19 vaccines, influenza, and how to stay healthy. Thank you as well to the immunization teams who have ensured the continued success of the vaccination rollouts over the years. Our government is extremely grateful to all the health care professionals, including nurses, doctors, paramedics, pharmacists, lab technicians, and the team at Yukon Communicable Disease Control for their unwavering commitment and invaluable support.

Over 15,000 vaccines have been administered so far this year, which is an achievement worth celebrating. According to Canada's COVID-19 tracker, as of yesterday, almost 90 percent of Yukoners over the age of five have received at least one dose, and almost 50 percent have received a third COVID vaccine dose. Ensuring widespread and easy access to vaccines is crucial in our collective effort to protect public health, foster immunity, and pave the way for healthier and more resilient communities.

Mr. Cathers: Mr. Speaker, the Minister of Health and Social Services issued a press release October 10, entitled "The Government of Yukon announces rollout of COVID-19 and flu vaccines". The minister's statement today contains no new information.

The Yukon Party continues to support vaccinations being publicly funded and made available to Yukoners in their communities. We encourage people to make informed health decisions about vaccinations and recognize the benefits of receiving appropriate vaccinations, including receiving childhood vaccinations, tetanus boosters, and recommended vaccinations before travelling to countries with a higher risk of certain diseases, and so on.

I would like to turn now to some questions: This spring, the government extended a sole-source contract for renting the Yukon Convention Centre, which it used as a COVID vaccination clinic. According to the *Yukon News*, on April 5: "The Yukon government's contract registry shows the office space at 4051 4th Ave. is being leased for \$360,000 until

March 31, 2024. On the registry, the lease contract with Northern Vision Development totalled \$720,000 since April 1, 2022.”

At the time, we questioned the need for continuing to rent that space at a cost to taxpayers of \$30,000 per month. The minister told us that government was moving to a smaller space owned by the same company. What is the status of the \$360,000 contract? How much did renovations to the new space cost, and who paid the cost?

There are some other health issues that the minister should have been focused on instead of this re-announcement. The last year has seen an unprecedented series of rural health centres closed and further reductions in health services in Yukon communities. There have been ongoing and worsening gaps in rural EMS coverage with paramedics from Whitehorse sometimes being sent by air at high cost to provide local coverage in rural communities. This leaves people in communities waiting longer than they should for an ambulance and pulls EMS paramedics out of Whitehorse, resulting in gaps during periods of high call volumes, and it also impacts medevac flight availability.

We have called on the minister to present a plan for addressing both of these serious issues in health care. The Liberals finally began work on a new health human resources strategy after we called for it for years. Today, thousands of Yukoners are still without a family doctor. Health care wait times continue to grow, and yesterday, the CEO of the Yukon Hospital Corporation told the board of trustees public meeting that, for the last fiscal year, expenses grew much more than revenues. He noted that, excluding a pension adjustment, expenses grew by 10.7 percent. In contrast, revenues grew by just 2.5 percent.

The hospital's report and audited financial statements show that they had yet another year where expenses exceeded revenues by millions of dollars. The total expenses, as shown on page 7 of their 2022-23 year-end review, was \$114 million. The total revenues were just \$112 million. This has been an ongoing problem under this Liberal government, which has chronically underfunded Yukon hospitals.

In two previous years, hospital expenses exceeded revenues by almost \$4 million. As shown in Hansard on April 6, I reminded the minister of past statements by hospital witnesses about budgetary needs, and I said, “Also, concerning, for the fiscal year that we are now in, as of April 1, the total budget shown for Yukon Hospital Services by the government is about \$10 million less than the amount that the CEO told us that they needed for the last fiscal year.” After attempting to dodge the question, the minister finally admitted that some of the core funding that the hospitals asked for this fiscal year hadn't yet been approved by Management Board. This chronic neglect of our hospitals is unacceptable, especially as the government plans to give millions of dollars to the town of Skagway for a facility that may never be used.

In conclusion, Mr. Speaker, I urge the minister to work on the serious issues and crises happening in health care and take action to fix them.

MLA Tredger: Mr. Speaker, I will start by thanking the minister for the information she has shared. The Yukon NDP add our voices to urge all Yukoners to get their vaccines as an act of care for their communities.

Since this is such an important issue, we do have a number of questions and suggestions about how we can make vaccines more easily accessible to all Yukoners. First, we want to suggest that Health and Social Services send an e-mail to people when it's time for their next COVID booster. This seems like it would be pretty straightforward since that information is gathered at the time of booking. It could even be an opt-in system so that only people who want to get reminder e-mails would receive them.

It can be really challenging to keep track of how many boosters one has had and hasn't had, and how long it has been. When life gets busy, keeping track of the time to book the next booster can easily get lost in the shuffle. So, we are asking that Health and Social Services set up an automatic e-mail reminder system that notifies people when they are due for their next booster.

I also want to bring attention to the people who don't have the skills or access to the Internet, where a lot of this information is shared. A mail-out to all Yukon households would be helpful in sharing information on the what, where, and how of the COVID vaccine and flu shots. We have heard from people about some questions they have about their vaccine eligibility, and it has been really difficult to find some of this information. For example, how long after having had COVID-19 should a person wait before getting their next booster? Is the COVID booster that's available the most up-to-date vaccine that is available in Canada right now? Are people able to receive the vaccine or flu shot if they are new to the Yukon and haven't received their health card yet? Answers to these questions would be helpful to Yukoners.

I will finish by thanking all the health care professionals, as well as those behind the scenes and the staff in the departments, who are working very hard to keep us all safe and healthy. We appreciate you.

Hon. Ms. McPhee: Mr. Speaker, today, we are providing important life-saving information to Yukoners to support their overall health and well-being. I know that there will be many opportunities, as we debate the Health and Social Services budget, to respond to much of what has been said today, and I look forward to that opportunity.

We heard from the Yukon Party yesterday, and from the Member of Lake Laberge today, that the Yukon Party doesn't really want to hear information in the Legislative Assembly about vaccinations, and that is disappointing. Supporting Yukoners' health and well-being is one of the most important jobs of the territorial government, and no place is more sacred to our democracy than this Legislature.

During the height of the pandemic, we had one of the highest vaccination rates in the country, and this allowed us to keep COVID cases reasonably low in comparison with other jurisdictions, to keep our economy running, and to protect the most vulnerable in our communities.

This government will continue to ensure that we put the health and safety of all Yukoners at the forefront of our decision-making. Unfortunately, it is no surprise that the Yukon Party didn't want Yukoners to hear this critical information today in a ministerial statement, but vaccines save lives, and science speaks for itself.

Yesterday, Canadians heard from the Conservative Leader, Pierre Poilievre, that he continues to stand behind anti-vaxxers while defending his anti-vaccine mandate bill. Yukoners are not fooled: Despite the Leader of the Official Opposition's wobbly claims that the Yukon Party has no formal relationship with any federal party, we now know from the local media that the Yukon Party is very connected. Their own chief of staff has an official role on Poilievre's leadership team. Of course, we can, unfortunately, expect nothing less from the Yukon Party than to continue to distance themselves from any important vaccine dialogue.

I appreciate there were some comments about vaccines, but today, we are talking about COVID-19 vaccines and flu shots in the fall.

Unfortunately, it was extremely disrespectful, in my view, that the Yukon Party spoke to us today about frivolous tributes, and unfortunately, they didn't speak to duty counsel, an important Charter right for Canadians. Given there were distinguished guests in the gallery for this, it was disappointing today.

Today's ministerial statement focused on crucial public health information. None of us, on either side of this House, are public health professionals. It should not be for us to decide what health information the public has a right to receive, and more information is better.

This year, long-term care home residents have the option to get vaccinated at a clinic, participating pharmacies, or to have health care providers administer their vaccines in their homes. In addition to getting the vaccine, there are other, everyday personal protective measures that Yukoners can take to reduce the risk and the spread of illness: of course, staying home when you are sick; covering your nose and mouth when you sneeze or cough; and frequently washing hands or using hand sanitizer remain to be as important as ever.

Thank you for this opportunity, Mr. Speaker.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: Faro community support services

Mr. Hassard: Mr. Speaker, it has been two years since the shootings in Faro that resulted in the tragic deaths of two people, injured another, and shocked the community. Immediately following the incident, members of the community spoke up about concerns for the lack of ongoing social services and mental health resources. At the time, the Minister of Health and Social Services said that those community members were inaccurate. Then, a year later, in the fall of 2022, we followed up again. At that point, the minister said that a new counsellor was being hired specifically to serve Faro and Ross River.

Can the minister tell us whether or not there is, indeed, a mental wellness counsellor who directly serves the communities of Faro and Ross River?

Hon. Ms. McPhee: Thank you very much for the question. The services provided to the Town of Faro, as with all of the communities in the territory, are incredibly important to the health and well-being and the community safety that occurs there. Dealing with issues of mental wellness, substance use, and overall health and well-being, it's incredibly important that we provide as much service as possible in the communities.

I won't comment on the quotes or comments that I may have said previously, because I don't recall them independently, but more importantly, I have been in touch with the Mayor of Faro, in person, and other times have spoken to him directly about the services that are needed in the community and about how that community has been so amazingly resilient, like most Yukon communities, but really pulled together to help to provide the services that their community needs.

The Carmacks Mental Wellness and Substance Use hub provides services to the Faro community and includes community counsellors, a mental health support worker, and a mental health nurse. I look forward to continuing.

Mr. Hassard: Recently, the Mayor of Faro has noted that the second anniversary of the incident has been very challenging for many community members. He noted the fact that Faro does not have a specifically dedicated mental wellness counsellor for the community. It is clear that there is a view from the community that the current services available are not meeting their needs. Mr. Speaker, does the minister believe that the current services in Faro are adequate?

Hon. Ms. McPhee: What I know is that the community of Faro is amazingly resilient, as are all communities in the territory. The people of this territory pull together to support one another and have had to do so in far too many challenging situations. We have them responding to the substance use health emergency in their communities, to an aging population, and the unfortunate passing of community leaders and elders. It has been a very challenging time for all communities.

Would I like to provide the counselling services, the support services, on an individual community basis that each community thinks that they need? Absolutely. Are we working to do that every day? Absolutely. I appreciate the question.

Mr. Hassard: This isn't about how resilient Yukoners are; this is about the minister living up to her commitments. Again, will the minister agree to provide a mental wellness counsellor specifically dedicated to the community of Faro?

Hon. Ms. McPhee: We continue to work with the community of Faro and all communities. We are actively recruiting two community counsellors for the Carmacks hub. Residents have had — and do have — access to ongoing one-on-one counselling through the community counsellor who visits Faro on a biweekly basis and more often if needed. Counsellors from Whitehorse and other community hubs do visit Faro when requested, and a mental health nurse visits Faro monthly and will go biweekly when needed. A mental health nurse will be in Faro at some time during the week of

October 30 — next week — and group counselling, workshops, and support that is tailored to the specific needs of the community are also provided.

Faro residents have access to rapid-access counselling, which provides support within 72 hours of a client's first phone call, and there is currently Family and Children's Services mobile coverage through the regional supervisor. A competition for a Family and Children's Services regional social worker is currently in the process and housing is available for the successful candidate.

Question re: School busing

Mr. Kent: Yesterday, I heard from a family who lives just south of the Yukon River bridge on the Alaska Highway. They had a close call with their child at a school bus stop. With the northbound bus stopped with red lights flashing, a southbound vehicle sped by the stopped bus. Fortunately, their child was not hurt in the incident.

In February 2020, a report of the Task Force on School Bus Safety was issued by a number of jurisdictions, including the Yukon. It included four recommendations for improved safety, including extended stop arms and dash cameras.

Can the minister tell us where we are at in implementing the recommendations of that task force?

Hon. Ms. McLean: The safety of children as we transport them is incredibly important to our government. We have worked hard to ensure that children are kept safe when they are in our care. School buses are one of the safest modes of transportation available. In our current contract with Standard Bus, we have additional safety features such as strobes on the top of the vehicles and dash cameras in some vehicles. The Government of Yukon participates in the Transport Canada national Task Force on School Bus Safety as Yukon school buses must meet all of the Transport Canada requirements for buses.

At this time, I will just move into the transportation safety plans and some of the specific questions around the task force. In June 2019, the federal Standing Committee on Transport, Infrastructure — and particularly school buses. I will continue on with my answer in a moment.

Mr. Kent: As I mentioned, the Yukon participated in that report of the Task Force on School Bus Safety, so my question was with respect to implementing those recommendations.

In July 2022, there was a news release issued by the former Minister of Transport Canada in which he announced the following proposed regulatory changes based on that 2020 report. I will quote: "All new and imported school buses in Canada be equipped with extended stop arms and a new visibility system for the bus driver to better see around the bus; and clear requirements be set for the voluntary installation of infraction cameras. These devices can help law enforcement catch unsafe driver behaviour around school buses."

My question for the minister is: Are any of these features in place now on school buses in the Yukon? Will they be mandatory for Yukon school buses as part of the next tender for

student transportation services? When is that tender expected to go out?

Hon. Mr. Clarke: The safety of Yukon's children is a key focus of our government. It is the law for drivers to respect the flashing lights and stop signs on school buses that are intended to keep our kids safe. We have taken decisive action to address the issue of those who do not drive lawfully around school buses. In March 2019, we increased penalties for failing to stop for a school bus and for passing a stopped school bus when not permitted. Fines were increased from \$200 to \$500, which is the maximum currently allowable under the current *Motor Vehicles Act*, which, of course, will be subject to review during the rewrite of the new *Motor Vehicles Act*, and demerit points for these offences were increased from five to eight. Further increases in fines and penalties as well as additional penalty options are being analyzed as part of our ongoing work to replace the *Motor Vehicles Act*.

As the member opposite indicated, in February 2020, the Council of Ministers Responsible for Transportation and Highway Safety endorsed the report that he referenced, *Strengthening School Bus Safety in Canada*. Some recommendations, such as extended stop arms and increased visibility standards, will be addressed through the Canadian *Motor Vehicle Safety Regulations*. Others, such as installation of infraction cameras on the bus, could be considered through regulation at a later date after the new *Motor Vehicles Act* is in force.

Mr. Kent: With all due respect to both ministers, my question was: Are any of those features that were mentioned by the former Minister of Transport Canada in place now on school buses, and are they being considered for the next tender that is going to be going out with respect to student transportation services?

There is one recommendation from the task force report that the former minister failed to address, which is with respect to automatic emergency braking. To quote from the report: "Automatic Emergency Braking, to help reduce the severity of a collision or avoid it entirely. Consideration should also be given to exploring ways to pair this feature with other technologies for increased safety."

Since the federal minister didn't mention it, is automatic emergency braking something that the Yukon is considering pursuing, and if not, why not?

Hon. Mr. Clarke: Since 2019, the Yukon government along with Transport Canada and other Canadian jurisdictions have participated in a national task force focused on developing measures to enhance school bus safety.

As indicated, in 2020, this task force produced a report entitled *Strengthening School Bus Safety in Canada*. The report included four recommendations informed by evidence and focused on school bus components that aid in safe bus operation and that deter motorists from passing illegally.

In February 2020, the Council of Ministers Responsible for Transportation and Highway Safety endorsed the report. As the member opposite indicated, in July 2022, the Minister of Transport Canada proposed updating manufacturing

requirements for school buses to increase safety, which followed the 2020 report on school bus safety.

School bus safety in the territory, of course, is of paramount concern to this government, and I will certainly endeavour to get back to the member opposite on the specific question with respect to automatic emergency braking on new buses.

Question re: Grizzly bear management

Ms. Blake: Grizzly bears are a species of special concern under Canada's *Species at Risk Act*. This means that they can become endangered or even extinct if they are not protected.

Grizzlies have very low reproductive rates and their population is unlikely to recover if their numbers drop. That's why up-to-date information on data is so important, but our current grizzly bear management plan is based on data from the 1990s. We need better data and better protections to keep a sustainable grizzly bear population.

Will this government protect grizzly bears as a species of special concern and create an up-to-date management plan?

Hon. Mr. Clarke: The Yukon is home to a vast array of wildlife species. Yukoners understand that diverse and resilient wildlife populations are crucial to maintaining healthy communities. The Department of Environment strives to ensure our stewardship of these species and that our interactions with them are responsible, sustainable, and informed by scientific, local and traditional knowledge.

Decisions related to harvest management, land use planning, development assessment processes, and various permitting and licensing needs are all informed by the work of biologists and technicians. This work includes wildlife monitoring population trends and investigating habitat requirements and patterns of use.

Mr. Speaker, some studies help us to better understand how many animals may be available for sustainable harvest while also allowing populations to replenish, which is done by determining the size of the population and how this changes over time. Other studies focus on human activities and how they affect wildlife so that we can develop strategies to lessen our impact on nature.

As a community, we can ensure that the territory's wildlife remains healthy and resilient for Yukoners now and in the years to come. Many Yukon species, particularly species of conservation concern and those that are harvested, are being monitored by Department of Environment biologists and technicians.

I am certainly prepared to respond to the second question, but thank you for the member opposite's concern with respect to the grizzly bear —

Speaker: Order, please.

Ms. Blake: The government estimates that the Yukon has between 6,000 and 7,000 grizzly bears, but the Yukon conservation plan for grizzlies clearly states that the true numbers are unknown. The Government of Canada's conservation report on grizzlies says that a stable population can sustain a maximum annual harvest of three percent, yet this

government is issuing 2,000 bear tags each year. If these are all used for grizzlies, it would be 30 percent of the population or 10 times the maximum safe annual harvest.

When will this government halt the sale of tags to hunt grizzlies for trophies?

Hon. Mr. Clarke: Firstly, I would like to thank Sue Greetham, who is still in the body of the Assembly, for her tireless advocacy. I have had the opportunity to meet with her on a few occasions with respect to grizzly bear protection. Of course, in consultation with regional resource councils and local advisory councils, a hunting exclusion zone was established in the south Klondike Highway area — south Klondike Highway, down to Tagish, across from Tagish, back to the Alaska Highway, and then back to the south Klondike Highway. That grizzly hunting exclusion zone has existed now for two years.

With respect to the grizzly bears currently harvested in the Yukon by licensed hunters, the most recent number is 56 for 2022, and human-caused grizzly mortality is consistent and is deemed to be within a sustainable mortality rate of four percent, assessed by the Department of Environment's bear management unit.

Just for the benefit of Yukoners who might be listening today, resident hunters are allowed to harvest one grizzly bear once every three years — certainly open to gaining as much possible data as we can going forward, but right now, grizzly bear populations and harvest appear to be quite stable.

Ms. Blake: Grizzly bears are a symbol of wilderness in North America. People around the world come to the Yukon to see this animal. That means grizzly bears are more than just a symbol of wilderness, but also an important part of the Yukon's tourism. Imagine what this looks like to the Yukon's tourists when they see hunting from the roadside. This is not the image of a wilderness leader that the Yukon worked so hard to create. Seeing a grizzly bear shot from the road is not the memory the Yukon wants to make.

When will the government ban hunting grizzlies from all roadsides and highways?

Hon. Mr. Clarke: Thank you, Mr. Speaker, and thank you for the concerns raised today by the Member for Vuntut Gwitchin.

In December 2022, the Yukon signed the bilateral *Canada Yukon Nature Agreement*. This commits us to increased surveying and monitoring of species at risk and engaging with First Nations and the Inuvialuit on approaches to managing species at risk. As a result, Yukon's capacity and resources for collaborative work with other parties on species-at-risk matters is significantly increased over the next years.

There are various examples that I can advise on, but with respect to grizzly bears, there will be remote camera trap monitoring of grizzly bears on the Klondike Plateau and in the South Beringia Priority Place, and various other monitors and surveys that will occur.

This new funding will also support engagement with First Nations and the Inuvialuit to build our shared understanding of species at risk, determine how we work together and how we manage species at risk moving forward, including if we should

go ahead with legislation for species at risk; although, as the member opposite did indicate, the grizzly bears are more species of concern rather than species at risk.

Of course, in the Yukon, it is always a balance between conservation and opportunity. As the Minister of the Department of Environment, I am always balancing those considerations.

Question re: Outfitter guidelines review

Mr. Istchenko: This summer, the Fish and Wildlife Management Board wrote to the Premier to request the outfitter guidelines be reviewed.

Can the Minister of Environment tell us if they will be agreeing to that review, and if so, what details about the review can he share in the House today?

Hon. Mr. Clarke: I have had the opportunity to meet with the outfitters and the Yukon Fish and Game Association on a number of occasions in the last two years, but in any event, with respect to — I can advise, with respect to outfitting in general, that outfitting is a valued industry in the Yukon that benefits communities through employment opportunities, the purchase of goods and services and, in many cases, a donated supply of fresh meat. The government continues to work with the Yukon Outfitters Association to support the industry, while ensuring the sustainability of Yukon wildlife.

We recognize that there are several outstanding issues of concern, and we are committed to resolving them collaboratively with the outfitting industry. To improve support for the outfitting community, the Department of Environment hired an outfitter liaison officer in May 2023. The outfitter liaison officer has been proactively working with Yukon outfitters and the Yukon Outfitters Association to answer questions, to address specific issues of concern, and to identify potential ways to resolve them.

Mr. Istchenko: In the letter dated July 28, the Fish and Wildlife Management Board recommended a review of the outfitter guidelines and suggested a process for its review. There is no doubt that the outfitter guidelines are dated and in need of a review, but this recommendation to review them comes at the heels of a significant impact caused by COVID, and then the Yukon government's surprise decision to eliminate multi-year quotas for outfitters, which has led to a review of that process, and there are several ongoing appeals to both the Outfitter Quota Appeal Committee and the Concession and Compensation Review Board, which are still working their way through the system. It seems that every aspect that the government can control about this industry is facing upheaval. So, it was certainly a surprise for those in the industry to see that, now, the outfitter guidelines are recommended for review.

So, my question is fairly simple: Did the minister accept that recommendation, and if so, has a review been launched?

Hon. Mr. Clarke: Mr. Speaker, we are committed to working with Yukon First Nations, transboundary Indigenous governments and groups, the Yukon Fish and Wildlife Management Board, and renewable resources councils with respect to new guidelines. Should amendments to the act proceed, the Yukon Forum has provided direction to work in

close partnership with Yukon First Nations and transboundary Indigenous governments and groups to develop them.

The Department of Environment has begun preparatory work, including a review of consultation actions since 2005, in order to identify policy issues and consider what additional resources will be needed within the Government of Yukon and Yukon First Nations to support advancing this. Undertaking revisions to the *Wildlife Act* is a process that can take several years to complete and requires prioritization and explicit support from all levels of government, including First Nations and other partners.

I am familiar with the Yukon Fish and Wildlife branch correspondence. It is still being considered by our government.

Mr. Istchenko: My question was simple to the minister. I just asked him if he had accepted the recommendations — he has received the letter — and if so, has a review been launched? How will the industry be involved, and what would some of the timelines be for this review?

Hon. Mr. Clarke: The correspondence has been received, it's in the process of being reviewed, and there will be due consideration as to next steps going forward.

Question re: 2 Lodgepole Lane concerns

Ms. Van Bibber: Residents and neighbours near Lodgepole Lane in Whitehorse continue to be frustrated with the lack of action about a lot that is covered in garbage and leaky oil drums. During debate about this issue at city council, city staff and elected officials have all expressed a desire for the Yukon government to do more. Will the Yukon government step up and assist the City of Whitehorse to get this site cleaned up?

Hon. Mr. Clarke: I have seen recent correspondence from the City of Whitehorse, and it indicates that the movement forward in the last three or four months has been the most significant in a positive way than it has been in the last two years. In my discussions with the Mayor of the City of Whitehorse, she was of the view that this file is now proceeding. Of course, we have always taken the position that the City of Whitehorse is the lead on this file, unless there was demonstrable contamination, which has never been established by either our officials or the officials from Health and Social Services, but this is a qualified, positive story that there is movement forward on the cleanup, and I consider myself to be in regular contact with the Mayor of the City of Whitehorse on this file and on various other files.

Ms. Van Bibber: The CBC Yukon story about this issue revealed that e-mails from Environment Yukon have suggested that the site is listed and considered contaminated, as defined by the *Environment Act* and contaminated sites regulations. However, when asked about contamination at the site last spring, the minister said — and I quote: "... without strong evidence of a clear responsible party or significant adverse effects, the Department of Environment has no ability to order or direct the current property owners to remediate."

Can the minister confirm that the site is considered to be a contaminated site and now meets the threshold for the government to take action?

Hon. Mr. Clarke: Thank you for the question from the Member for Porter Creek North. We understand from the City of Whitehorse that they are directing clean-up efforts at this time at the property, including surface debris removal, sorting of the various materials into organized piles, and dealing with the condemned residential property. Longer term, we understand that clean-up efforts may also involve soil remediation.

The Government of Yukon continues to support the City of Whitehorse with technical expertise and assistance. Spills on private properties are common, and living near a site with contamination does not necessarily present an inherent risk to public health. Following testing, there does not appear to be significant hydrocarbon contamination on this private property — 2 Lodgepole Lane was added to the contaminated sites information map, which is a public inventory of properties for which the department holds evidence of contamination at one point in time.

Mr. Speaker, I would again like to reiterate that we are committed to supporting the City of Whitehorse officials with technical expertise and assistance in navigating applicable regulatory requirements. The Department of Environment will continue to be an active and collaborative partner and will continue to support the City of Whitehorse, but, as indicated, there does appear to be movement with respect to clean up on this site, which has been an issue for a number of years.

Ms. Van Bibber: The e-mail from Environment Yukon, referenced in the September 2023 CBC Yukon article, said the Yukon government is considering its legal options. Can the minister tell us what legal options or legal action the government is considering taking with respect to this site?

Hon. Mr. Clarke: As I have indicated, the Government of Yukon is aware of issues reported at 2 Lodgepole Lane regarding public health, safety, and potential environmental concerns; however, as I have indicated, we understand from the City of Whitehorse that they are directing clean-up efforts at the property, including surface debris removal, sorting of the various materials into organized piles, and dealing with the condemned residential property.

The e-mails that the Member for Porter Creek North might be referencing, or is, in fact, referencing, appear to be somewhat dated, but, in any event, it appears that there is positive movement forward on this problematic site. As I indicated in my quite regular meetings with the Mayor of the City of Whitehorse, she has not communicated any specific asks to either the Department of Environment or the Department of Health and Social Services with respect to this file, but we are always available to talk, as we were when the issue of the underground tanks in Riverdale at the Riverdale Super A was resolved — collaboratively, in a multi-team, multi-department approach, quite quickly and decisively.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 29: *Act to amend the Elections Act (2023)* — Third Reading

Clerk: Third reading, Bill No. 29, standing in the name of the Hon. Mr. Pillai.

Hon. Mr. Pillai: Mr. Speaker, I move that Bill No. 29, entitled *Act to amend the Elections Act (2023)*, be now read a third time and do pass.

Speaker: It has been moved by the Hon. Premier that Bill No. 29, entitled *Act to amend the Elections Act (2023)*, be now read a third time and do pass.

Hon. Mr. Pillai: I am pleased to rise at third reading of this bill. I am happy to see this bill, which amends the *Elections Act* to establish an electoral boundaries commission in advance of the next scheduled territorial election on November 3, 2025. Under current legislation, the next commission would be appointed after the next general election in November 2025. This amended bill enables a commission to be appointed no later than January 22, 2024.

The progress of this bill has been unique for the Legislative Assembly, having moved to Members' Services Board for discussions following second reading, rather than through the traditional stages of Committee of the Whole, where we would typically call officials into the House to assist in answering opposition questions. Those questions, and the corresponding answers, would have been put on the official Hansard record.

Instead, we have brief minutes from Members' Services Board that have been concurred upon.

I would like to reiterate that our government did not support that motion to send the bill to Members' Services Board as we felt that the bill put before the Legislative Assembly was a good piece of legislation.

We felt, and still feel, the urgency to start this work. We lost over a week in progressing this bill and enabling a new electoral district boundaries commission to be established and start their work.

The Members' Services Board reviewed the bill. The only amendment made was to the date of January 31, 2024, as being the latest that a commission could be appointed. It now sets the date at January 22, 2024. So, we have lost more than a week that could have been used to appoint members to the commission. This has cut into the time that all parties, and the Chief Justice, have to appoint members and the chair to the commission.

Our government is committed to seeing a commission struck to make recommendations on electoral boundaries. The past week, in my opinion, did not enhance the process, but rather delayed it. Our government will, of course, support the amendment so that this important work can commence.

This bill does amend the *Elections Act* prior to the next general election. Without this change, Yukoners would have to go to the polls with the same electoral boundaries as have been in place for more than a decade and a half. There has been significant growth and movement in Yukon's population since

the last adjustments to the electoral district boundaries were enacted in 2008. Yukoners, whether living in urban or rural settings, or in new or existing neighbourhoods, need to know that their voices are being heard and their interests are being represented.

Let's not forget that the bill also corrects two technical deficiencies in the act — one regarding the time frames for appointing commissions, and the other for implementing amendments to electoral district boundaries. The bill ensures that such errors are corrected and that the legislation is in place to protect the principle that Yukon citizens have the fair and effective representation they are entitled to.

I thank officials at the Executive Council Office and the Department of Justice for their help in preparing the bill before us. We look forward to seeing this bill proceed through the Legislative Assembly and receive assent today. Following assent, letters will quickly go out to the leaders of parties to request that they nominate their representative for appointment to the commission within 60 days. I have seen those letters and approved those letters; they are ready to go.

I look forward to receiving those nominations.

Mr. Cathers: Mr. Speaker, I would just note a few things in speaking to this at third reading. As our democratic institution's critic, of course, we do support the establishment of an electoral boundaries commission in a timely manner. We recognize that the current population numbers in a number of ridings — in fact, most ridings — are not aligned with the Canadian standard around what is an appropriate population variance. In the riding of Porter Creek Centre, in particular, the growth of Whistle Bend has led to a situation where that riding has substantially more people than the average for ridings, which is supposed to guide the representation levels in any individual riding, with the standard being a variance of plus or minus 25 percent. That, of course, is based on case law involving other Canadian jurisdictions.

My colleagues and I have consistently been clear. We believe that any changes to elections legislation, including the *Elections Act* and the *Electoral District Boundaries Act*, should go through an all-party committee. I believe that the date in this legislation could have been set earlier, especially if the government had gone through an all-party process to begin with, instead of insisting on unilaterally controlling the drafting of the legislation. That has always been the practice in the Yukon for decades under parties of every stripe until the current Liberal government.

I acknowledge that a mistake was made in regulations under the *Government Organisation Act* nine years ago that allowed government to act unilaterally. However, I do have to remind this House that, although that was in place in 2014, in 2015, when the Yukon Party government last changed the *Elections Act*, we still went through an all-party process that involved Members' Services Board and involved my colleague and me, along with the Chief Electoral Officer and a legal drafter, sitting down with other members of Members' Services Board and going through the legislation in detail and, in fact, provided the opportunity for not only questions but potential

amendments and discussion on whether the bill should be tabled.

Ultimately, that led to all members supporting the tabling of that legislation. Again, Mr. Speaker, as you know, after we went through that all-party process, the net result was that the then-Leader of the Liberal Party, the current Member for Klondike, along with the then-Leader of the NDP, joined the Premier of the day in a press release, where they all jointly supported the tabling of that legislation. The legislation itself was then passed unanimously by the House, and that process, of course, was a much better approach than we have seen used in this situation.

I would remind the Premier, as well, that Members' Services Board had previously instructed the Speaker to write to him, asking him to correct that error made in the regulation from 2014 under the *Government Organisation Act*. The Premier is in the odd situation of having two conflicting positions on record about this matter. The Premier, in the spring of this year, moved a motion supporting such a move, yet in his letter replying to the Speaker, he rejected that request from the Members' Services Board.

So, I would note, in wrapping up my comments at third reading, that we will support this legislation going forward. I do believe that the text of this legislation could have been different, including an earlier date for the establishment of a commission, if an all-party process had been used at the outset. I would urge the Premier to follow through on the commitment he made in the spring, rather than his more recent decision to say no to the request made by Members' Services Board through the Speaker, and urge the Premier to correct that error made in the 2014 regulation and ensure that it is very clear that the authority for any future changes to the *Elections Act* and the *Electoral Boundaries Act* must go through an all-party process first.

I have been on record consistently, as has my colleague, the Leader of the Official Opposition, noting that we believe that it is important that the process be aimed at reaching consensus, and that it is about ensuring that Yukoners have confidence that no party in government is in any way, shape, or form using power to their advantage in adjusting the elections rules to their own advantage, rather than in the public interest in a non-partisan manner, as developed through an all-party process.

With that, Mr. Speaker, I will conclude my remarks.

Ms. White: Mr. Speaker, in speaking today to the amended Bill No. 29, I think it's really important to note that, by moving the *Elections Act* and the proposed amendments to Members' Services Board, it really was non-partisan. There was the ability for politicians from multiple parties to have conversations at the same time with the legislative drafters and with the Chief Electoral Officer.

It's interesting to note that the Member for Lake Laberge has just twice now said that they were wrong — the Yukon Party was wrong — when they moved the *Elections Act* from a place where it was away from politicians to a place where it was closer to politicians. I do want to highlight that. I think that,

for a while, that was what was being looked for: an admittance of wrongdoing by the Yukon Party. Hopefully, now that it has been said twice on the floor, we can get back to moving the *Elections Act* away from politicians and more into a place where it's not directed by a minister, for example, which is what we've highlighted as being a concern and a problem.

Again, I do really think that, by working together — and we do see an amendment; we see an amendment by seven days of moving up that date. Regardless of what the Premier says about it taking more time, we can say that it's fair. It's fair, because all three parties had the ability to ask the same questions and hear the same answers, and there was some back and forth when we negotiated that timeline. So, I think that's important; I think that strengthens it. I think that actually insulates this decision from criticism.

So, I look forward to voting in favour of it, and more than that, I look forward to receiving my letter and appointing the person that I will to the boundaries commission.

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

Does any other member wish to be heard?

Hon. Mr. Pillai: Mr. Speaker, in closing, maybe I will clarify a few of the comments that were shared with us here in debate on third reading. I think that it's important to note that — maybe I'll speak to the comments that were made by the Member for Lake Laberge. I think that if anyone was listening closely, you would hear, in the beginning of those comments, focused on the fact that there wasn't a collaboration, or there wasn't a reflection of the Members' Services Board's work integrated into this particular bill, and then, as you got to the latter part of the comments, as I heard it, the member touched on the fact that there was specific work on correction of members' parts of the bill that were integrated from Members' Services Board.

Clearly, you would see that the approach that we took from government, and the work of the officials from Executive Council Office, was to sit with the Chief Electoral Officer to ensure that the tri-party content and work was integrated in. There were multiple conversations with the Chief Electoral Officer to ensure that the comments from Members' Services Board, that the trilateral conversation, was reflected in the bill that we did.

Also, it's important to note for Yukoners, and for the record, that what we're really talking about is shifting a period of time. We're talking about shifting this from now until what we would have seen after the next election, so that's really the work here. The content of the bill is very similar to what we have seen in the past, and there are nine key points that are reflected in the bill. I think it's also important to state that the Member for Lake Laberge speaks about some of the adjustments that were made by the Yukon Party, and it's really a "do as I say, not as I do" type of approach that's in place.

I want to reflect on the other jurisdictions that we see. I think it's important for Yukoners, as well, to have on the record just an understanding of how Executive Council Office — the

way it works here in the Yukon — or the Justice department would do this work versus what is being requested today by the opposition.

In British Columbia, this work is undertaken by the Attorney General, the Department of Justice; in Alberta, it is undertaken by the Minister of Justice and the Justice department; in Saskatchewan, it is undertaken by the Executive Council Office — similar to here; in Manitoba, it is undertaken by the Department of Justice; in Ontario, it is the Attorney General again, Department of Justice; in Nova Scotia, it is undertaken by the Attorney General and Minister of Justice, Department of Justice.

So, as you will see, many jurisdictions across the country — most of them, the majority — do the work very similar to here, but there has, of course, been a request at this time. So, I think that probably the only difference from what we have heard is that, previously, there was a press release. Other than that, the work that has been done by all parties has been tabled and has been integrated into this work.

Of course, this process — the next steps, we will see a Chief Justice move forward to either — we will see a current judge from the Yukon Supreme Court, or retired, who will move forward. We will also see work undertaken by three representatives and the Chief Electoral Officer coming together to do this work. Yukoners will have — from corner to corner to corner of this territory — an opportunity to integrate in their perspective and thoughts on this subject.

From my recollection, there will be a request that all Members of the Legislative Assembly have a chance, as well, to put their interventions in to see what they believe should be in place. Then, we will have an opportunity to see that report and reflect on it here, and again, to go through a very democratic process from start to finish — so, tremendous integrity in this work; accountability to Yukoners from end to end; the thoughts of all three parties reflected in the work — very solid work.

So, yes, there has been a bit of back and forth. I will leave it to the comments about what extra value is added, but I think I will commit to the House that we will get those letters out right away and let's get representatives appointed. We will see the work hopefully move quickly by the Chief Justice as we move forward.

With that, I will take my seat and look forward to a positive vote here today, Mr. Speaker.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pillai: Agree.

Hon. Ms. McPhee: Agree.

Hon. Mr. Streicker: Agree.

Hon. Ms. McLean: Agree.

Hon. Mr. Clarke: Agree.

Hon. Mr. Silver: Agree.

Hon. Mr. Mostyn: Agree.

Mr. Dixon: Agree.

Mr. Kent: Agree.

Ms. Clarke: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Ms. Van Bibber: Agree.

Mr. Hassard: Agree.

Mr. Istchenko: Agree.

Ms. White: Agree.

Ms. Blake: Agree.

MLA Tredger: Agree.

Clerk: Mr. Speaker, the results are 18 yeas, nil nays.

Speaker: The yeas have it.

I declare the motion carried.

Motion for third reading of Bill No. 29 agreed to

Speaker: I declare that Bill No. 29 has passed this House.

We are now prepared to receive the Commissioner of the Yukon to grant assent to a bill which has passed this House.

Commissioner Webber enters the Chamber accompanied by her Aide-de-Camp

ASSENT TO BILLS

Commissioner: Please be seated.

Speaker: Madam Commissioner, the Assembly has, at its present session, passed a certain bill to which, in the name and on behalf of the Assembly, I respectfully request your assent.

Clerk: *Act to amend the Elections Act (2023).*

Commissioner: I hereby assent to the bill as enumerated by the Clerk.

I just wanted to say good afternoon to everyone. In the last while, I seem to have been surrounded by books. I love to read. I am an avid reader, but especially about history. I am very interested in the different history that has been happening around the Yukon recently.

After listening to Minister McLean do a tribute to the Whitehorse Aboriginal Women's Circle and the work they have done, I realized how important it is to be documenting that history. First Nation history has really taken a backseat for years.

It seems like I have been surrounded by books and different things in the last month. The awarding of the BC and Yukon Book Prizes happened in Vancouver about a month ago, and they are honouring and promoting the achievements of the book community in the Yukon and British Columbia. I was really pleased to be there and see the young man Cole Pauls from Haines Junction being recognized, and his book won the award — *Kwändiir*.

The Borealis Prize, the Commissioner of Yukon's Award for Literary Contribution, was given to Katherine Munro. It was

really nice to be able to be there to present that to her on behalf of the Yukon.

One of the things that I attended last night was the book launch for the Kwanlin Dün book. I don't know if any of you have seen it so far, but it is a beautiful book. Their history is in that book. It is our story in our words.

Anyway, I have been surrounded by — it seems like a lot of book launches. In fact, I even saw Stephen Kakfwi. He was here just a couple of weeks ago, and his new book *Stoneface* is really a great book. I have been reading that. It is so important to document that type of history and there are so many more that are coming up. I know that CYFN is documenting their 50 years, and with the Whitehorse Aboriginal Women's Circle before I left them — we are also documenting the history of the Yukon Association of Non-Status Indians. All of that is really, really important and I am glad to have been part of it.

I just wanted to share that today and will share other things when I come back another time. I have been here three times this week — once in the gallery — so I just thought that it was important to say a few words.

Thank you very much for listening and I appreciate your attention.

Commissioner leaves the Chamber

Speaker: I will now call the House to order.

GOVERNMENT BILLS

Bill No. 31: *Fiduciaries Access to Digital Assets Act* — Second Reading

Clerk: Second reading, Billing No. 31, standing in the name of the Hon. Ms. McPhee.

Hon. Ms. McPhee: I move that Bill No. 31, entitled *Fiduciaries Access to Digital Assets Act*, be now read a second time.

Speaker: It has been moved by the Minister of Justice that Bill No. 31, entitled *Fiduciaries Access to Digital Assets Act*, be now read a second time.

Hon. Ms. McPhee: Mr. Speaker, I am pleased to bring forward Bill No. 31, the *Fiduciaries Access to Digital Assets Act*, for second reading today. The Government of Yukon remains committed to bringing forward modernized legislation that reflects the interests of and meets the needs of Yukoners. Today, we uphold that commitment by introducing the *Fiduciaries Access to Digital Assets Act*, which will facilitate fiduciary access to the digital assets of a deceased or incapable person while respecting the privacy wishes of that individual. In an increasingly digital-driven world, we own more digital assets than we may realize. Photos, e-mails, online blogs, e-books, and audio and video files are only just a few examples of those digital assets.

Every time an online account is created, we are also asked to agree to the online service providers' terms of service, data, and privacy policies. These service agreements often include provisions that confine access rights to the original account holder only. Although limiting access rights to digital accounts

may be intended to protect our privacy, this unfortunately may pose a problem when fiduciaries, such as a personal representative or an attorney, attempts to access these digital assets once the account holder is deceased or has become incapable.

In other Canadian jurisdictions, we have witnessed incidents where online service providers denied next of kin access to digital assets of their deceased loved ones. This proposed legislation aims to address this issue. The new act will align the Yukon's legislation with the best practices of other Canadian jurisdictions, modelled on the work of the Uniform Law Conference of Canada.

Enacting the proposed legislation will invalidate any provisions in service agreements that limit fiduciary access to a digital asset unless expressly agreed to by the original account holder through an affirmative act that is separate from their assent to the general terms of a service agreement. This proposed legislation is not intended to create new fiduciary powers; rather, it affirms and codifies the existing authority of fiduciaries to access tangible or digital assets belonging to the deceased or incapable individuals.

Fiduciary access to digital assets is subject to the terms mentioned in the instrument empowering the fiduciary, such as the will of the deceased person, letters of administration, maybe an order appointing a guardian, a power of attorney, or an instrument creating a trust, or an order of the court.

This new legislation will work to facilitate fiduciary access to digital assets while maintaining respect for the privacy and intention of the original account holder. Our government is proud to bring this bill forward to enhance protections for Yukoners and their digital assets by adapting and changing to the needs of modern-day society and aligning with other legislation in Canada as well.

I look forward to answering questions with respect to the details of this particular bill, and I also look forward to the support of the other Members of the Legislative Assembly.

Mr. Cathers: I would like to thank officials for the briefing on this legislation and their work on the legislation. We understand from that, that this is uniform law developed through collaboration between provinces and territories, which, for those not familiar with it, is intended to be a legal approach. When the uniform laws are developed, they are intended to be common across jurisdictions so that there is some consistency in the legal framework and so that best practices can be used across the country. We support the concept of the legislation and will have some questions, though, in Committee about it.

Ms. White: In speaking today to these amendments, I come at it, actually, from the aspect of having been an executor of an estate previously, and anything that we can do to make it easier for a loved one's family or someone who is dealing with the estate, I think, is really important. This really just kind of takes that step into the future, which, I guess, is kind of into the day we are in now, which is talking about digital assets.

I appreciated the briefings from the officials, and I actually won't have very many questions for Committee of the Whole, but do look forward to learning more.

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

Does any other member wish to be heard?

Hon. Ms. McPhee: Mr. Speaker, as I have said, I look forward to the questions that might come from the opposition with respect to the details of Bill No. 31, and I look forward to unanimous support, hopefully, for this bill, as it proceeds through the Legislative Assembly.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pillai: Agree.

Hon. Ms. McPhee: Agree.

Hon. Mr. Streicker: Agree.

Hon. Ms. McLean: Agree.

Hon. Mr. Clarke: Agree.

Hon. Mr. Silver: Agree.

Hon. Mr. Mostyn: Agree.

Mr. Dixon: Agree.

Mr. Kent: Agree.

Ms. Clarke: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Ms. Van Bibber: Agree.

Mr. Hassard: Agree.

Mr. Istchenko: Agree.

Ms. White: Agree.

Ms. Blake: Agree.

MLA Tredger: Agree.

Clerk: Mr. Speaker, the results are 18 yeas, nil nays.

Speaker: The yeas have it.

I declare the motion carried.

Motion for second reading of Bill No. 31 agreed to

Hon. Mr. Streicker: Mr. Speaker, I move that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. Blake): Committee of the Whole will now come to order.

Motion re appearance of witnesses

Committee of the Whole Motion No. 12

Hon. Mr. Streicker: I move:

THAT, from 3:30 p.m. to 5:30 p.m. on Thursday, October 26, 2023, Mark Pike, Chair of the Workers' Safety and Compensation Board, and Kurt Dieckmann, President and Chief Executive Officer of the Workers' Safety and Compensation Board, appear as witnesses before Committee of the Whole to answer questions regarding the operations of the Workers' Safety and Compensation Board.

Chair: It has been moved by Mr. Streicker:

THAT, from 3:30 p.m. to 5:30 p.m. on Thursday, October 26, 2023, Mark Pike, Chair of the Workers' Safety and Compensation Board, and Kurt Dieckmann, President and Chief Executive Officer of the Workers' Safety and Compensation Board, appear as witnesses before Committee of the Whole to answer questions regarding the operations of the Workers' Safety and Compensation Board.

Committee of the Whole Motion No. 12 agreed to

Chair: The matter now before the Committee is continuing general debate on Vote 2, Executive Council Office, in Bill No. 211, entitled *Second Appropriation Act 2023-24*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 10 minutes.

Recess

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

Bill No. 211: *Second Appropriation Act 2023-24* — continued

Chair: The matter now before the Committee is continuing general debate on Vote 2, Executive Council Office, in Bill No. 211, entitled *Second Appropriation Act 2023-24*.

Executive Council Office — continued

Chair: Is there any further general debate?

Hon. Mr. Pillai: I just want to take a moment to welcome the officials back in today: our Deputy Minister Justin Ferbey and Assistant Deputy Minister Kate Durand. Thank you to both officials for your support on our previous debate, and with that, I will cede the floor to questions from the members opposite.

Mr. Dixon: Madam Chair, I would like to get an update from the Premier on staking bans in the traditional territory of both the Ross River Dena Council and the Liard First Nation. Can the Premier give us an update as to where those stand, what the current extension is at, and how negotiations and discussions are for the possible eventual removal of those bans?

Hon. Mr. Pillai: I am going to give a bit of a high-level comment about this, and then I will dig in a little bit more about what is happening at our tables, as well as some of things we are watching that are playing out across western Canada within the mining industry right now.

We have continued the mineral staking prohibition within the Kaska asserted traditional territory in the Yukon to allow time to address the court declarations made in the Ross River Dena Council and the Kaska Dena Council mining cases. The members opposite will be very well aware of the elements of those declarations — declaration 1 and 2 — and the challenges that come with those court decisions. Of course, we also have, for the public record, instituted a mineral staking prohibition for the Áashú village site and surrounding area in the asserted traditional territory of the Taku River Tlingit First Nation to support our ongoing discussions.

Our goal is to identify solutions that address our shared interests in land and resource matters and provide certainty to industry and benefit to all Yukoners. We are working collaboratively with our First Nations to develop mineral legislation to replace the *Quartz Mining Act* and the *Placer Mining Act*. In that process, we are considering many of the issues raised in the court cases and anticipate that new legislation will help address those, as well as the declarations.

Again, I am looking at the work at the table right now with all First Nations in the Yukon. When I say “First Nations”, I mean the 11 self-governing First Nations; the other three nations fall under the Indian Act — but also the transboundary nations. I think there are 24 nations in all who are feeding into the process on this particular topic of new legislation.

Concerning Ross River, of course, this goes back to March 27, 2013 — the current lease is in place until April 30, 2024. It's intended to allow time to advance the consultation. I would say that there is continued conversation with the Ross River Dena Council. There will be, over this fall, active conversations. I just had briefings this week from Aboriginal Relations and some of the key negotiators at that table.

I want to make sure that I reflect on this appropriately. We are, as a government, closely watching some of the court decisions that have taken place in British Columbia as of late. We know that the 2012 court decision in the Yukon was spoken to in the court action that took place in British Columbia as of late, and so we have had an opportunity to reflect on what that means for the Yukon. We have had our legal teams sit with us to understand what that means and to reflect on what some of the pathways forward are, both with the Ross River Dena Council and Liard First Nation traditional territory and Kaska traditional territory, and how we continue to look at appropriate pathways to exploration and appropriate opportunities to stake. It has been a number of years — politely stating that the case came into play while the previous government was there — and, as mines minister, I undertook extending that. Both the previous government and current government have a clear understanding of the challenges with that court decision. I think we have all wanted to find an appropriate pathway forward so that's something we are focused on.

I would say that, at this time, we are still reflecting on what has happened in British Columbia and trying to get an understanding of what the next steps will be there. There have been about 18 months, I believe, given to the British Columbia government to respond to that legal decision. I think that this will be something that will be a significant discussion at AME Roundup this year. Within the British Columbia mining sector, of course, many of the companies that work in the Yukon are based in British Columbia as well, and many of those companies work in the Yukon and British Columbia, so I think all will be watching what this means — to understand what the ramifications are and if there have to be different elements of modernization playing out in British Columbia, and then what that will mean as we continue to the work of modernizing legislation here.

Clearly, for the member opposite, I will state that, right now, we are reflecting on what has just happened legally and we are trying to see if that will help us define a pathway forward and if it will speak to declaration 1 and 2, which were the catalysts for the prohibitions in the Kaska traditional territories.

Mr. Dixon: When was the last meeting between the Yukon government and the Ross River Dena Council about this?

Hon. Mr. Pillai: I will take a look to see if we can get the latest conversation at the officials' level. I don't have the exact date that I was in Ross River meeting with chief and council on a myriad of topics. As the member opposite would understand, when we are sitting at the table with the Ross River Dena Council, the conversation is about a number of things. Of course, going to the table with the Ross River Dena Council and just focusing on this particular prohibition and not the other challenges and opportunities within the community would likely not lead to fruitful conversations. The approach that we have had — and I think most in the Assembly can understand — is a respectful approach, looking at a number of things that are happening. There were tough discussions in May, and the focus in the community, as well, was ensuring that they find a very loved citizen of the community. They have not found success in that and Yukoners have not found any success in finding Ramona Peter. That was a key element.

But we also talked about some of the short-term priorities of the community, and those short-term priorities were around some activities that they wanted to see this summer to have their community heal, which was really around land-based cultural activities, which we committed to supporting. They wanted to talk about some short-term emergency housing options, which we have fulfilled and have put in place since that May meeting. They wanted to have discussions about safety in their community. We committed to — within the avenues that are appropriate for our government — support that work. There was a feeling at that point in time that there was illegal activity happening in the community and they were really focused on their most vulnerable citizens. We talked to them and talked to our Justice department about the best ways to support them — and also to the RCMP, which we followed up with.

That was the main focus, and then we talked about what the opportunities were around continuing to see exploration and

mining and getting to a place to unlock some of the more challenging conversations around the 2012 court decision, as well as how we look at focusing on things such as the resource roads opportunity for some of the folks who are doing construction there, as well as some of the partnerships that they are looking at.

With that, Madam Chair, seeing it's time to move onto our witnesses today, I move that you report progress.

Chair: It has been moved by the Member for Porter Creek South that the Chair report progress.

Motion agreed to

Chair: Pursuant to Committee of the Whole Motion No. 12 adopted earlier today, Committee of the Whole will receive witnesses from the Workers' Safety and Compensation Board.

In order to allow the witnesses to take their places in the Chamber, the Committee will now recess and reconvene at 3:30 p.m.

Recess

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

Appearance of witnesses

Chair: Pursuant to Committee of the Whole Motion No. 12 adopted on this day, Committee of the Whole will now receive witnesses from the Workers' Safety and Compensation Board.

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

Witnesses introduced

Hon. Mr. Mostyn: Madam Chair, the witnesses appearing before Committee of the Whole today are Mark Pike, the chair of the Workers' Safety and Compensation Board, and Kurt Dieckmann, president and chief executive officer of the Workers' Safety and Compensation Board.

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

Mr. Pike: As mentioned, I'm Mark Pike and I am the chair of the Workers' Safety and Compensation Board. With me I have Kurt Dieckmann, our president and CEO.

I just want to thank you for allowing us to be here today and, on behalf of Kurt, we do like to talk about the operations of our organization and how things have gone. We are here today to talk about our 2022 annual report, which I believe has been tabled in the House here, so everyone should have a copy.

There are many things that have happened over the last year that have affected how we do business, not the least of which is COVID and the fallout from that and how that's affected workplaces, workers, employers, remote work, and all the permutations of those that have gone on. We also are dealing with the effects of climate change and the differences that may have brought to workplaces, from the differences in

temperature and the disasters that we read about going on around the world and obviously in the north and in the Yukon as well.

We also are dealing with the changes to workplaces with respect to mental health injuries, and the things that we are now recognizing as injuries that require our assistance and the medical world's assistance to deal with, whereas in past years, they would have been sloughed off or not reported, or essentially ignored.

All those things together have made significant changes to how we have operated over the last year, and we are proud of how we have managed to handle that and how we have changed and adapted to those things as they have gone along.

With that, I will leave it to you to ask anything about our annual report so I won't spend any time talking about that, but certainly feel free when you get there to ask questions. With that, unless Kurt has anything that he would like to add, again I would just like to say thank you and we are here to answer your questions.

Mr. Dixon: Thank you to Mr. Pike for those opening remarks and to the minister for the introduction of the witnesses. Of course, we would like to welcome them both to the Legislature and look forward to parsing through some of their work.

I would like to begin on a subject that we have discussed previously with these witnesses, and that is the funding position. The range that is set for the ratio of the funded position versus total liabilities is 121 percent to 129 percent. I believe that this year, according to the annual report, we are at 131 percent. That is down from previously when it was as high as 143. I would just like to discuss that target and why it is that we never seem to be within that target. We always tend to be above it. For the last five years, at least, we have never been within the target range; we have only been above it.

I would just like to ask: How is the target range set? Does the board feel that it is necessary to comply with meeting that range, and if they do, why is it that we never seem to see the board within that range?

Mr. Pike: Madam Chair, I will start with that. Yes, in our annual report — I am just looking at the same page — we are at 131. The range that you referred to was set by the board in conjunction with our stakeholders in terms of trying to say: Okay, we are a small board and we can't afford to cut it too close because, when you get smaller numbers, the fluctuations tend to be greater. We can't afford to be too close. So, in conjunction with our stakeholders, we developed our funding policy that said we will be 121 to 129. I'm just going to say that it hasn't always been the case. We have been as low as a 100 in my time, and we have been as high as 150 — I can't remember the exact number — at some point.

We have had a significant variation over the years with respect to where we are. Our policies are set such that we are always returning to that range. That's the objective all the time.

You probably will remember that — I'm trying to remember the exact years — in 2018, 2019, and 2020, we as a board determined that we would like to get back to the range

more quickly, and we actually wrote cheques for rebates to employers to move us back to that range.

Our funding policy would have returned that money to employers over a period of time anyway, so it's not like it was changing how we deal with that excess. It was just a matter of the board saying let's get there quicker.

While we are sitting at 131, in the year 2023 and 2024, in terms of the rates that are set for employers, we have already determined that we will reduce the rate by a subsidy that will put us below the top of the range. It will return us to the 129-and-below range, subject to whatever happens in the world. We are always cognizant of that. In our annual report, you will see that our investments lost something in the range \$20 million in that 2022 year. Those are totally out of our control, and we are hoping that it's not permanent and that it doesn't continue, but those kinds of fluctuations could — and likely will — happen in years to come. They affect our funded position, depending on what the market is doing on December 31.

I don't know whether that answers the question but I will leave it at that. Kurt, is there anything you want to add?

Mr. Dieckmann: Just to expand on that a little bit, it's really important to recognize that our funded position, as reported in the annual report, is a point-in-time report. That is as of December 31, 2022. In 2022, our funded position in the worst part of the financial downturn got down to as low as — I believe we hit 119 or 120 percent. Then the markets recovered, and by the end of the year, we were back up to 131.

So, the entire idea of our funding policy is to make sure that we are always smoothing the rates so that employers don't get huge spikes. If we were to forcefully maintain that range, then what you would see would be spikes in our funded position on a year-over-year basis, which wouldn't serve our employers or our injured workers very well.

Mr. Dixon: I appreciate the response from the witnesses, and I appreciate why there is some diligence around staying above the target. Ultimately, my question is: Has there been any consideration to going back to stakeholders and reconsidering the target range? Just given the fact that — I appreciate the final point there that, at various points throughout the year, it may dip or rise, but ultimately, when it's actually reported, which is in the annual report — those are the numbers that we have in the annual report — in the last five years, it has never been within the range. Would we not consider, then, going back to stakeholders and reconsidering the range to better suit and reflect the need for maintaining the fund at a certain level, in order to accommodate the considerations that the witnesses have just outlined?

Mr. Pike: We, in fact, do that regularly. We talk to our stakeholders — our key stakeholders, our key stakeholder groups — and review that with them; we review how it works. With the leadership of those groups, we review in detail how those work. From those conversations and discussions, that I am aware of, we haven't had any — for lack of a better word — a "pushback" that we should change that.

You know, you sometimes see stuff from national publications that suggest that, but WCB is across the country. Every jurisdiction has different ways and different

responsibilities, as you know — you passed the act under which we operate. So, those don't mean as much as the feedback you get from local groups. So, we do that — and we are happy to talk about that at any point in time with any stakeholder who is interested in discussing how that works and what the effect would be if we had a different number or a different range.

Mr. Dixon: Have stakeholders of any kind ever indicated that they would like to review that range of 121 to 129?

Mr. Pike: It's hard to say at any time, because we meet with them regularly all the time, but I will say that nobody has ever said: I don't like the range that you have, and I want you to sit down and consider raising or lowering it. Nobody has said that, for sure.

Mr. Dixon: Madam Chair, I appreciate that answer. When we are above range, the board makes a decision to do what are called "surplus distributions". If I am correct, that's done per the funding policy of the board — 8.3. Can the witnesses describe how that works when a surplus distribution occurs — how that works, and how it affects local businesses?

Mr. Pike: Certainly, we can chat about that. In general, the funding policy says that, if you are over the target range, you should return the excess to employers in terms of a subsidy on their rates, and the period of time in which that subsidy takes place depends on how much over the target range you are. So, it can go from, I believe — Kurt can step in if I say something wrong here — from immediately to 10 years, I believe.

The same occurs on the other side. If you are under the target range, the employers get a surcharge to help bring you back up to the target range and, again, that surcharge will take place over a period of years, depending on how much you are out of whack from the target range.

Mr. Dixon: Thanks to the witness for that answer. My question is just about when the shift is made from simply returning the distribution of the surplus via the rate as opposed to actually writing cheques and sending cheques out to businesses.

Mr. Dieckmann: Madam Chair, I'll just elaborate a little bit on what my chair, Mr. Pike, said. The way it's laid out in our funding policy is, if we have a surplus that is less than five percent, then the entire amount is returned through the rate in a year. If you have from five to 25 percent, five percent per year over five years is how it gets rebated, so we do that.

What the board looks at when we get into a position where — if we get to where the surplus is greater than 100 percent to the annual assessment revenue, it says to return it at one tenth per year over 10 years, but if we get to a point where that won't reduce our overfunded position within the timelines laid out in the policy, then the board has the option to issue a cash rebate, as it were, to employers.

So, there is no hard, set formula for that. It really depends on what our market returns are doing, what the actuary calculates the return, and what the impact will be on rates and our funded position on a go-forward basis. There is discretion built into that, and the board, every year, whether we are in an overfunded position or not, does a thorough review of that, with input from the actuaries, and then makes a determination

whether or not it is appropriate to issue rebates in the form of rate reduction or add an additional rebate in the form of a distribution.

Mr. Dixon: So, just so that I am clear: When the decision is made to go beyond the funding policy formula with the percentages and year's return and actually issue cheques, that is a discretionary decision that the board makes. Is that correct?

Mr. Pike: Yes, Madam Chair, that is correct. I have to put in a plug here for the staff and the management of our board. We went through an unprecedented period where our investments grew a significant amount every year and that led to the board sitting down and saying: Well, we are doing so well that, in spite of our funding policy, which should be bringing us back to the range, we continue to grow outside of the range.

Although the option would have already been there, for the first time ever, the board sat down and said: We want to get back quicker than this funding policy is going to get us there. That led to the decision to give out rebates on the board's behalf, come up with the rules under which we would issue the rebates, and return money to employers with an actual cheque.

Mr. Dieckmann: Just to add to that a little bit — the board has to be really cautious, though, when they are issuing cash rebates, because what happens is, if you look at our funding policy, if we are over the target range then there is an automatic rebate built into the rate.

If the board were to then rebate too much in the form of a cash rebate and take us to a point where it would impact the amount of the rate reduction too significantly, that could actually really impact rates in a negative way. When rates come down, you want them to come down slowly.

For example, when we were 143 percent, if we issued a rebate that brought us right down into the range, the next year our average rate would have jumped by 30 cents. That's not 30 cents for any particular rate group, but it would have meant a 30-cent rate increase. In some rate groups, that could have been a rate increase of up to \$1.50 or \$2.00 on the rate, so you have to be really cautious when the board does that. The calculation has to take into consideration how much we can bring it down without seriously increasing the rate.

Mr. Dixon: I appreciate that.

I will move on through the annual report now. I noticed that there was a particular feature put on the outfitting industry, so I would like to ask a little bit about that. First of all, could the witnesses describe the particular initiative that was relevant to the outfitting industry that was undertaken and highlighted in the annual report? Can they describe why the outfitting industry was chosen for this particular feature? Then I will get into some questions about the outfitting industry.

Mr. Dieckmann: Yes, just in general, the way we classify our industries is we place industries in with other industries with like or similar costs is the way it's done so that those who are generating the most costs for the system will be paying based on what those costs are.

When we have an industry in a particular rate group and we see that their costs are starting to climb significantly, we will then engage with that industry. We will have discussions

with them to try to find out if there are things that are happening that can be influenced by introducing better safety practices, and those kinds of things, to reduce the number and severity of injuries, and hopefully to bring those costs down before we get to the point where we have to move that industry into a higher rate group.

If their costs don't come down, or we are not able to impact that trajectory, then they get moved into another rate group. That doesn't mean then, at that point, that we just wash our hands and walk away. We will continue to work with them and try to help them to establish safety programs, safe work practices, and safe job procedures that will ultimately, over the longer term, reduce the frequency and severity of injuries within that group.

What we did with the outfitters — they were in a lower rate group, and their cost experience was starting to increase fairly dramatically, so we engaged with them to see if there were ways that we could help them to address some of the issues that they were facing in the industry.

The board ended up approving the development of an industry-specific safety manual. So, the industry then hired a safety consultant of their own choosing and had that consultant work with all the industries. I don't know the exact number, but I think they visited 10 or 12 of the outfits. They worked really hard with them to develop their own safety manual. We supported them through that process, and they now have an industry-developed health and safety manual that can be used by any outfitter in the territory.

We continue to monitor how they're doing from an injury and cost perspective. Our hope is that, eventually, they will start to see a decrease in their injury costs and injury experience.

Mr. Dixon: I appreciate that response. Can the witnesses give us a little bit better sense — in the particular case of outfitting, can they discuss the calculation and assignment of risk category for a business like that?

I had been led to believe that they were in some way influenced based on their payroll and where their different positions are assigned throughout their business. Obviously, there is a difference in risk profile for someone doing administrative work or in ownership versus someone who is in the field, guiding or wrangling.

To what extent does the payroll of the individuals affect the risk category within which the business is assigned?

Mr. Dieckmann: The way we classify an industry is based on their primary function. If you are an outfitter, you are an outfitter and your primary function is hunting and guiding, and fieldwork is a large portion of it. We don't apportion different jobs within an employer as being at different risk categories. For example, if there is a construction company, we don't look at the people in the office paying the bills differently from how we look at the people in the field; it is the entirety of the business that gets classified in that industry. The costs are driven by the injuries and the risks associated with them, so if we were to pull out the admin staff and just look at the people in the field, what would end up happening is that you would pay less for your people in admin but you would be paying way more for your people in the field. It's an average across that

business is what generates the rate. It is tied entirely to your cost experience, and the cost experience is tied entirely to the type and number of injuries that you are having.

Mr. Dixon: I appreciate the response from the witness.

I will move on to a question about COVID-19 vaccine injuries. For a period of time, vaccination was a requirement for many workplaces, so a question was raised around whether or not an injury associated with the COVID vaccine would be considered a workplace injury. If so, are those numbers tracked? If so, can the witnesses tell us how many were approved for compensation based on a COVID-19 vaccine injury?

Mr. Dieckmann: If I am understanding the question correctly, it is: If somebody sustained an injury from getting a COVID vaccine, would that be a compensable injury?

Mr. Dixon: Yes, that is exactly the question. In some cases, receiving the COVID-19 vaccine was a mandatory requirement of employment and, therefore, some have asked whether or not, if someone were to receive an injury as a result of getting a vaccination — there have been a variety of different types, I understand — that would be considered a compensable injury.

Mr. Dieckmann: To my knowledge, we have not accepted any claims for individuals getting a COVID vaccine.

Mr. Dixon: I appreciate that answer.

I want to move on. In the annual report, there was a highlighted feature on work to assess psychological injuries. The work of one Dr. Dudley was highlighted in the annual report. Can the witnesses describe what that work entailed and some of the changes and the evolution that we have seen in the world of assessing psychological injuries?

Mr. Dieckmann: The work that we did with Dr. Dudley has actually been very positive for the organization and for how we manage psychological injury claims. What Dr. Dudley did was that he took a look at all the psychological injury claims that we have had from 2014 to, I believe, the end of 2021. This past year, he also has included the 2022 claims in there. Really, what he was looking for were patterns and the impacts of things like early interventions, so comparing those cases where there were delays in getting people treatment to the times when treatment was delivered in a much more expedited manner. In those instances, it became very clear that the faster we can get treatment happening, the better the outcomes that we have.

As I am sure you are all aware, we had this little thing called "COVID" happen where it was very difficult for a period of time to get injured workers — no matter what the injury was — in to see service providers, so there were some delays there.

There were actually some good comparators from before COVID. What we've done with psychological injuries — and we started doing this back in 2014, I believe. Even if we hadn't completed the adjudication on a claim, if we had a psychological injury claim, we were starting treatment right away with the person. One of the benefits of that was that it made it quicker for us to get a diagnosis and know whether or not there was indeed a psychological injury, and then we were able to move on and adjudicate and see if it did actually occur in the course of employment and move through that process.

The benefit to the person was that, whether or not it was an accepted claim, they had already started treatment and the outcomes for those individuals were considerably better than waiting. For example, for a PTSD diagnosis, it's a minimum of a month before you actually will get a diagnosis. If it occurs because of an incident, from incident to diagnosis, the psychologist or psychiatrist needs that amount of time to do the assessment. That proved to be very beneficial. Dr. Dudley looked at those types of things and things like: When we are working with workers to try to get them back to work, what was the impact of the workplace environment on the ability to return an injured worker to work?

One of the things that was highlighted in Dr. Dudley's findings was that where workers feel that they are supported in their return to work, the outcomes of return to work were far greater. In situations where the worker had a supportive team of the employer, the service provider, and our staff, that led to far better outcomes as well. Where there were challenges in the return to work was where workers felt that there weren't the supports in the workplace to help them get back to work. Those were a few of the things. I don't have all the details on the reports that Dr. Dudley did at my fingertips, but I can tell you that it really has helped us now to start to plan early when we have a psychological injury as to what interventions are going to be needed. A big part of it as well is setting expectations so that the injured worker clearly understands what the process is and what the eventual outcome is.

Mr. Dixon: Madam Chair, I appreciate that response. It's certainly sufficient for what I was looking for.

I would like to move on to the implementation of the new act. I had a question that was raised with me and I would like to explore it a little bit with the witnesses. It's in relation to division 6, which is "Prohibition against reprisals" in the new act, so it is section 54.

Section 54 of the new act outlines the process by which a worker who believes, on reasonable grounds, that they were threatened with reprisal. They are required to either make a written complaint in accordance with their collective agreement or make a written complaint to the board itself. The following section, 54(2), requires that this decision is irrevocable. The question that was put to me was: What if someone accidentally chooses wrong — where they feel that they are in a situation where there has been a reprisal and they make a written complaint to the board, only to then realize that there was actually a different process through their collective agreement that would otherwise have been appropriate?

The question is: Why is the clause included in section 54 irrevocable and what would happen if somebody were to mistakenly choose the wrong path in that instance?

Mr. Dieckmann: The reason that it is established that way — my understanding is so that — there are going to be overlapping processes in some instances, but this section is specifically designed for reprisals only. If somebody has a complaint under the collective agreement — let's say that they had put a grievance in — that grievance isn't what we are talking about here — but if, through the process of going through the grievance, there is an element of a reprisal that is

alleged, they can continue just through their collective agreement process and deal with the reprisal there, or they have the option to come to us and say: Okay, we're dealing with this grievance over here. For example, let's say that it was a harassment grievance — that process wouldn't be affected at all, but they could section out the piece on the reprisal. It could potentially speed that piece of the process up, because a lot of times grievances take a long time to settle.

If they decided to deal with it in its entirety through the collective agreement process, and they dealt with the harassment complaint and a reprisal complaint, and the individual wasn't satisfied with the outcome there, this is designed so that they can't then turn around and say: Well, I'm going to try a different process, and see if I can get a different outcome.

Mr. Dixon: I appreciate the response. The next section 55 provides for the referral of a complaint to an arbiter, so the board can determine that a complaint — sorry, there is the provision for a complaint to be referred to an arbiter. I'm just wondering if the witnesses can describe the process. Who would they use in this case to be an arbiter? Do they have any instances of having something go to arbitration or go to an arbiter in the past year?

Mr. Dieckmann: To answer the second part first, we haven't had any instances that we have referred to an arbiter at this point. The process that we would go through if somebody lodged a complaint with us is we would take that complaint and process it; we would do a review to make sure that it hadn't already gone through another process or something like that, because that would then disqualify it, and then we would do very much of a cursory review to ensure that there was enough information provided for us to be able to send it to an arbiter at that point.

One of the things in the legislation, as well, is, if it is referred to an arbiter, it is then incumbent upon the employer to prove that there wasn't a reprisal. There is a reverse onus built into it there, so we have to make sure that, when we are referring it, there is at least some evidence that there has been a reprisal. But we don't do a fulsome investigation; we leave that to the arbitrator to do.

As far as who we would use, we don't have anyone on retainer, but there are a number of qualified arbiters in the Yukon and BC, and we would find somebody who was qualified and didn't have a conflict — hadn't been involved with any of the parties previously.

Mr. Dixon: I appreciate that response.

Section 55(10) has a carveout from the *Arbitration Act*. It says, "The *Arbitration Act* does not apply to a complaint that is referred to an arbitrator under..." this section.

I was curious as to why there was that carveout. Why would the arbitration processes used by all other arbiters not be relevant here, and why would we carve this section out from the *Arbitration Act*?

Mr. Dieckmann: Madam Chair, I honestly cannot answer that. I don't draft legislation, so I really don't know.

Mr. Dixon: If I understood the witness's previous response, there has not been a case where an arbiter has been used in the last year. Could I just get that confirmed?

Mr. Dieckmann: Yes, we have not referred anything to an arbiter in the past year.

Mr. Dixon: I will move on. The annual report also highlighted some work that was done around reducing barriers to trade with other jurisdictions and a number of initiatives to either synchronize or align regulations here in the Yukon with other provinces. Can the witnesses describe what some of that work is and what is planned for the upcoming year?

Mr. Dieckmann: This is a piece of work that we think is really, really beneficial for employers in the territory.

I am sure that you have all read through our legislation and our regulations and have seen some of the standards that are in our regulations and the datedness of some of them. What has been arranged is, there is an agreement between the various provincial, territorial governments. I don't believe the federal government is a signatory to it, but I will verify that and get back to you on it.

What the governments have done is they have all agreed to update standards for certain things within the occupational safety regulations. For example, first aid kits — if you look at the regulations across the country, we typically all have a level 1, or level 2, and level 3 first aid kit. The problem with them is that the Alberta first aid kit will have a different number of Band-Aids, different number of ointments, and different types of stuff from what is supposed to be in the BC kit, which is then different from the Ontario kit. What was agreed was that we would work with the Canadian Standards Association to establish a standard for first aid kits, and we would all adopt that standard.

Fortunately, the way our regulations are written, it lists standards and says that a workplace will adhere to these standards or any other standard acceptable to the director of workplace health and safety. So, what happens is that we come to an agreement on what the standard will be, then there is a signed agreement between the various governments, and then, whatever that agreed standard is will also be included in the regulation.

So, they can follow the standard that is currently in the regulation and only have a first aid kit that can be used in the Yukon, or they can follow the new standard that's put in place and get a first aid kit that is acceptable all across the country. That has been done for fall protection, it has been done for first aid kits, and it has been done for — I'm not sure everything that has been done, but it is work that is continuing.

I just got a note that the feds have actually signed on to it as well, so they are part of that agreement.

That is work that is ongoing, and we will continue working on it. The agreement and the work is done through the Canadian Association of Administrators of Labour Legislation, or CAALL, and it's the OSH subcommittee in conjunction with the Canadian Centre for Occupational Health and Safety that does a lot of the work and the research for the group. It's quite a good agreement, and we are very happy with the way it has been working out.

Mr. Dixon: I will conclude my remarks, and thank the witnesses again for their time. I will cede the floor to my colleague.

Ms. White: Madam Chair, I, of course, welcome the officials as always, and apologize about turning my back to you while speaking toward the Chair. It's always a little bit awkward in this spot.

I just wanted to start with — I mean, there were some big changes in 2022, when we talk about the — and I am always going to get it wrong, because it was "WCB" for such a long time, and now, of course, its name is the Workers' Safety and Compensation Board, so "WSCB". I know that 2022 was a big time of change with the adoption of the new legislation in 2021, and in the annual report, it does talk about some of that progression and change. I will just ask kind of in broad strokes, and then I will go down a bit, but knowing that there were some big things happening in 2022, was there anything that the witnesses wanted to highlight before I go deeper into it?

Mr. Dieckmann: I could talk about what we do for a long, long time, so that is a big invite; I thank you for that.

I think what I would really like to highlight is some of the work that our staff have done. As the member said, the work that was done on the act and the legislation that this House gave us was a huge opportunity for us to re-look at our business. It required us to go through all of our policies — re-work all of the policies. It was a tremendous amount of work that had to be done, which is over and above the day-to-day work that we also have to do — because we still have a lot of injured workers who we need to make sure get the benefits to which they are entitled — and, you know, employers who we have to set rates for; and we do inspections; and we do all of this work — and this was layered on top of it.

We managed to in, you know, a year and a half — by the end of 2022 — for the most part, we were really ready to hit the ground running. In 2023, we have been working very, very hard on implementing all of the changes. The changes actually — the act came into force in the middle of 2022 and we had most of the work done, but then there was a lot of training, learning, and other things that had to happen. Our staff were able to do the day-to-day work that they did, and on top of that, they still managed to get the act done and still have time to do other things. I don't know if it was in this annual report or the last one where we talk about the running club with kids. That was an initiative that was brought forward by our staff to say that one of the things that we really like to do is work with young women and LGBTQ2S+ people who are somewhat left out when it comes to things happening in the schools and activities and those kinds of things. Actually, I believe that it was in 2021 that we started the Ironwomen running club and the work that they were able to do to move that forward. It is a program that has really taken off now and we see a lot of youth who otherwise may be marginalized and may otherwise be in situations that are higher risk, participating in that activity where our staff are then helping them to understand how to address risks, how to promote mental health, and how to maintain their own mental health all through sports.

Those are the kinds of things that we are able to do, in spite of all of the other work that is layered on top with the act changes.

Our new name is challenging for all of us: the Workers' Safety and Compensation Board. It doesn't slip off the tongue the way it used to, but I did note on today's agenda that we were still listed as the "Workers' Compensation Health and Safety Board", so across the board, it is a challenging one.

Ms. White: First of all, I will apologize to the witnesses, because I am just going to go all over the place and back and forth on things. One of the highlights that was talked about in the report was a focus on social media and getting out there. I was actually quite curious, because I am not sure if the board is using — I am just going to call it "the board" at this point — targeted ads or if it is just supposed to scroll through folks' social media — and I say this only because I just realize now that I hadn't "liked" or wasn't following the Workers' Safety and Compensation Board; I am now — but I haven't seen any of the ads.

Within the 2022 report, it says that there was a push on trying to get out on social media and talk about safety. I just wanted to know the kind of metrics or what that program looks like.

Mr. Dieckmann: I am a little bit of a Luddite, so how we are using social media — we have a very good team who does that. Yes, they are collecting metrics. If I get this right — and if I don't, I will hear about it later when I get back to the office — what we do is use social media to try to drive traffic to the website. One of the things in our strategic plan is that we will try to communicate and reach people where they are. We were not at all in the social media space two years ago. It was late in 2021 and into 2022 when we started to dip our toe into it. Our manager of communications has done a really good job of setting it up. When we have any initiatives and when we have anything happening, we post it on Facebook. I am not sure if we are using Instagram or other platforms but I do know that we are using Facebook. We will put little teasers on there and ads on there, and they we try to drive them to where we have the detailed information.

Actually, just yesterday, our management team got together and we were looking at some of the statistics, and we are seeing some really good responses. If I am correct, over the past month, we had 5,000 hits on Facebook, which then drove, I think, half or more of those over to the website to get more detailed information. What we are trying to put on there are some of the things that we have really been concentrating on — information that is useful to our employers and information that is useful to young workers. When we publish anything, we push it out. For example, we will do a Halloween ad. You may ask what that has to do with workplace safety, but our philosophy is if you're not safe at home, you're not going to be safe at work. Safety is all-encompassing and goes across all areas.

We firmly believe also that if we start to talk to kids and teach kids very young how to think safely, it will impact them as they get into the workplace.

We are putting out a Facebook ad just to remind parents and youth of some of the things they should do for safety while

out trick-or-treating. What we will do is post that on the website and on Facebook, and then, in a lot of instances — not this one in particular, but in a lot of instances — if they click on it, it takes them to the website where there is more detailed information on what to do from a safety perspective. That is how we're using it. I wish I was more well-versed in the social media side of things.

Ms. White: I thank the witness for that. I am on the Facebook page now and there is great content. First of all, I just want to say to your communications folks that there is great content, but I guess my concern is that, for someone who pays fairly close attention to what's going on in the Yukon and follows — or doesn't necessarily follow but gets a fair amount of information — for example, the Yukon government does lots of targeted ads — however the algorithm works — but they are targeted ads. The reason why I am bringing that up is that I don't recall seeing anything from the Workers' Safety and Compensation Board recently or at all. It's great content.

So, to follow up on the witness's point, the ad about Halloween, for example, is great. It talks about high-visibility reflective tape, good shoes, and making sure that you can move; all of those things are really important. I think that a lot of the information on the Facebook page is really relevant. It mentions the Ironwomen, of course. In July, there was a post about wildfire smoke and the things to do, which I think are all really important.

I guess what I am encouraging is figuring out a way to get that spread out further without someone necessarily having to like the page to see things — to make sure that the hard work is going further. There is the possibility that I might not fit within the algorithm but I would like to see what's going on. Now I'm following the page so that will be helpful.

There is talk in the report about the Guarding Minds at Work survey. It talks about how this was completed by board staff just recently in 2022 and how it is a proactive approach to mental health and — it has been mentioned before, but this is a different way — a point-in-time kind of snapshot of how things are going.

So, I was just hoping that the witnesses could talk a bit more about how this program was selected to be able to do that snapshot, and then I was curious if they know if other departments within Yukon government have used this as well to do that check-in on mental health. Although we talk a lot more about mental health and wellness than we did before, I still don't think that we're doing a great job — so, if they could just give me a bit more information about the Guarding Minds at Work survey, the things they found, areas to work on, and then whether or not other departments are using it as well.

Mr. Dieckmann: There again, that's a huge topic, and thank you very much for asking that question because I am actually quite excited about a lot of the work that we are doing in mental health and the work that is going on across the Yukon and across the country.

I agree completely. There is a lot more work to be done. There is an awful lot of work to be done when it comes to psychological safety and mental health in the workplace and those types of things.

The Guarding Minds at Work is endorsed by the Canadian Mental Health Association. There are a number of partners in the development of that. The Canadian Centre for Occupational Health and Safety is involved in it; I can't even remember everybody. But the reason that we selected that particular survey is because it really does a good job of laying out the 13 psychosocial factors for mental health in the workplace, and it quantifies and qualifies quite well what those 13 psychosocial factors are and does a good job of explaining how you can address those factors in the workplace and improve mental health. It's really good, and the survey gives you a great snapshot of where your organization is. What we found in our survey was that there were some places that actually also aligned quite well with the employee engagement survey that is done on a regular basis by Yukon government. I think they do that survey every two years.

Things in our organization that we found that we still need to be working on are setting proper expectations for employees and for their work. Things like autonomy in work and decision-making are some things that we really can address. I wish that I had known in advance because I would have actually brought the survey so I could have told you the various things that we found in it, but what it really came down to is that it gave us a good set of goalposts to start to work toward addressing specific issues or specific areas where staff felt that we could make improvements.

The member asked about whether government is doing it. I can say that it has been adopted in a number of departments. I sit on the Deputy Ministers Review Committee — DMRC — and we have been going through the 13 psychosocial factors at the senior level, talking about things that we are doing in our workplaces and things that we can do as a government to help improve those 13 psychosocial factors. The model was used right across government and so there is actually a concerted effort on behalf of senior leadership in government to try to introduce that tool into the whole of government. I believe that it is going to take a little while to get that done, but it is work that is being done and I have to say that I am quite happy to be part of that.

For our organization, we are using that survey; that was the second time we did it. We try to do it on the off-years from the employee engagement survey so that we can keep a running pulse of how things are going in our organization given that there is some overlap in that. I hope that answers the question.

Ms. White: I do thank the witness for that. We can find all the information on the Guarding Minds at Work and the questions and stuff online, and that is where I was. It is also a suggestion that the board encourage government departments — or through that deputy minister panel encourage that those get rolled out in maybe a more regular way through government departments.

I think people are struggling, honestly, across the board, and the more that they feel supported at work where we spend a great deal of our time, I think the better off we will be.

I wanted to get into a bit more of the statistics stuff that the witnesses have. Does the board keep track of employees — maybe not necessarily direct numbers but averages or ballpark

numbers of employees by age? In categories, for example, we have accepted claims by age group, and it goes from 15 all the way up to 65-plus. I wanted to know if the board has an idea of, for example, the numbers of employees in the Yukon in those categories?

Mr. Dieckmann: Madam Chair, we don't have numbers of people. We are not even able to reliably track the number of employees or number of workers in the territory. We rely very heavily on the Bureau of Statistics to provide us with that information. We use a lot of their data to help us with crunching the numbers on our data as well. Our legislation is not set up in a way that — we don't ask workplaces how many employees they have. What we collect is payroll, and then we can do some estimates from the payroll and from the NOC — National Occupation Classification — codes. The amount of pay per occupation — we can extrapolate from that and get a rough idea of the number of employees in certain industries, but as far as ages go and solid numbers, no, there is no way that we can do that.

Ms. White: Is there something in the legislation that prevents that kind of collection of information? Knowing that the Workers' Safety and Compensation Board is responsible for all Yukon workers, I just wonder if it would make sense if we knew how many of those workers there were and in which categories they fell.

Mr. Dieckmann: There is nothing specifically in our legislation that allows or disallows us to collect that information. I would have to check with our legal counsel to see if it is something that we can do, but it is something that we, historically, never have done.

There are certain times when we need to know the number of employees, but, really, it's on the workplace health and safety side. All we need to know is whether or not an employer has more than 20 or less than 20, because that is sort of the kick-in point for safety committees. Beyond that, we really don't have any need to collect that information, so we don't. It would be challenging, because we would basically have to be asking every employer to report on the number of employees, and the number of employees they have who are within certain age groups. I think that would be a challenging bit of a burden on employers, if we were to do that on a regular basis.

Ms. White: I think I am going to disagree a bit with the witness, but I don't think he would be surprised that I might have a different idea on it.

The reason why I asked that is that, when we look at things, like accepted claims by age group or accepted claims by events or exposure, knowing if the demographic of the workforce is changing is important. I know that Mr. Pike had mentioned that, with the changing climate, we are seeing some different things, but I would suggest that, with the cost-of-living inflation crisis that we are seeing, we are probably seeing a different demographic as well.

One of the reasons why I ask that is, in 2022, the accepted claims by age group was up in 65-plus. Although it may have only been up by seven, in 2021, it was 33; in 2022, it says it was 40 — but being able to compare between years, based on demographic, that would give us an indication — for example,

was the workforce getting younger or older? Are we seeing changes there?

I am just currently online trying to go through another report to get an idea of maybe where we were at in different years. The reason why I am asking about the collection of data is to be able to make comparisons in the demographic of workforces. Does the witness have any thoughts on that?

Mr. Dieckmann: As I said, the Bureau of Statistics actually has good information on that, and we rely on that very heavily, and we do comparisons based on that data. What I'm saying is, for us to collect really, really solid, sound data, I don't know that we could ever do it without going to every employer, and saying: How many people do you have working and what are their ages?

I mean, as soon as we got that, that would change, whereas the Bureau of Statistics really knows how to do that, and they get good information, and we use that on a year-over-year basis to do our comparators. So, we do have a fairly good idea how many — the demographics, the number of temporary foreign workers in the territory. We have a pretty good grasp on that. We work with other areas of government to gather some information, so we know where some of these people are being employed, if they are temporary foreign workers or if they are working within certain age demographics. We are able to pull that data — it is just that we don't do it ourselves; we rely on others' data for it.

Ms. White: Just because the witness just alluded to having that number, can he give me an approximate number of temporary foreign workers currently working in the Yukon?

Mr. Dieckmann: I don't have that information on me, but we can certainly get back to the House.

Ms. White: I appreciate that, and maybe I will put a plug across to your minister to bring that number forward, if that is possible — so, that was just the number of temporary foreign workers in the territory, but they could also make that information available to him as well.

One of the things that you had just mentioned in one of your answers was that more than 20 employees required safety committees. Is there any way that any employer is able to not follow that? So, for example, if an employer had 21 employees and chose not to have a safety committee, what is the consequence of that?

Mr. Dieckmann: The consequence would be the same as not complying with any of our act or regulations. There is a statutory requirement where there are 20 regularly employed, so that is a bit of a caveat. What we typically look at for "regularly employed" is, if you have 20 or more for a month or better, we are going to order you to have a safety committee, because a lot of employers — especially seasonal employers — will have 20 or more during the summer, drop down to less than 20 during the winter — we still say that, yes, even though you are dropping down during the winter, you have to maintain a safety committee, because you will be back up over that 20.

So, once they've shown that they are employing over 20, we will issue orders, if they don't have a safety committee, to put a safety committee in place. There are a number of consequences for not complying with orders, anywhere from

— we can issue administrative penalties, we can prosecute, and those kinds of things. It rarely ever comes to that. People put safety committees in place when we approach them. A lot of times, we don't even have to issue orders; we just say, you have reached the point where they need a safety committee, and they will do it. We do tell them that, if they don't, we will follow up, we will issue orders, and we will make requirements.

Ms. White: I thank the witness for that.

I guess one of the questions, when I'm thinking about safety committees, for example, and knowing that there are employers in the territory who have a large number of employees, but they might be spread out in different spots — we could talk about Air North. We have Air North employees in Old Crow, in Dawson City, and in Whitehorse. Their working conditions are quite different, and their realities are different, as the buildings are set up in a different way. Air North in Whitehorse definitely has more than 20 employees in one spot, although I would suggest there are different aspects. So, for example, an employer who has multiple locations or multiple job sites — how does that work for health and safety committees?

Mr. Dieckmann: The establishment of a safety committee is a responsibility of the employer. We don't typically tell them how to establish their committees. Where we will weigh in is where their committee isn't working, we may then order changes, but the way I've seen it work with some employers, depending on what they have and depending on if they have offices with more than 20 people in a variety of locations, which happens a lot with construction — they may have two or three projects going, so they will have a safety committee at each of the projects. Then they have a main committee that operates out of their office, and all the information flows back into the office, and that's where they maintain the records and do those kinds of things, and when the job shuts down, the committee shuts down in that area. So, that's one way we've seen it done.

Another way we've seen it done is where an organization that has a large office, say, in Whitehorse, and has satellites in other communities, they will set up so that they have a main committee in their larger office, and then they have safety reps in the other communities who then feed information into the committee and participate in the regular committee meetings.

So, there are a number of ways that it can be set up. What we look for in those cases, as I said earlier, is the effectiveness of the committee. If the committee is effective and it's functioning, then we really don't weigh in on it. If it's a dysfunctional committee, then we will require the employer to provide us with a method by which they are going to get it into a functional state. If they can't figure that out themselves, then we may issue orders. The challenge with that, though, is that if we are telling somebody how to set up their committee and don't really have a clear understanding of their corporate structure, we could introduce risk into that employer, so we are really cautious about doing that. What we will do is continue, in most instances, to push the employer to get their committee functioning and figure it out, based on their corporate structure and how they work.

Ms. White: I thank the witness for that. It seems to me that, when we talk about a larger entity, and then with satellite — and the example of the construction company with multiple projects I think was good, but also with different offices. So, as an example, if there is a central office, and there are the satellites, and the safety committee is only based in the central office, is there an ability for employees to trigger a process to become part of a safety committee, if they feel like they are not being represented, or they don't have an opportunity to feed in that information? Is there a way for employees to trigger that process?

Mr. Dieckmann: There are a number of ways that employees can trigger that. Part of the way that the act is structured is that there has to be a safety committee, and there has to be at least one safety representative on the committee who is picked by the worker members of the committee, as the safety representative — right? So, in an instance where a worker, you know, feels that talking to their supervisor or providing information to their supervisor, they are not getting through, they can always go to their safety representative on the committee, and the safety representative can bring that forward. Depending on how the organization structures themselves for the selection of committee members, they can put their name forward, or they can talk to other workers and get nominated to be put on to the committee.

If they are in a unionized environment, they can talk to the union. The union has an ability to recommend members to go on to a safety committee, so there are a number of different ways that it can be done, depending on the structure. I am not going to pretend that there aren't some workplaces out there where it would be very challenging. In those instances, they can come to us and say: We don't have a functioning committee and we're not feeling represented.

Our approach on those is, first, we will ask a few questions. We will ask: Have you spoken to your safety representative or have you spoken to your employer? If they say yes, they have tried that and it didn't work, then we will follow up.

Ms. White: I thank the witness for that.

As an example, the Yukon government is a large employer, and within that, there are departments. As a concern, for example, a department like Energy, Mines and Resources is reflective of a lot of different things. It's not just one aspect; it is a big department, and it covers a lot of different things. There are offices across the Yukon and different branches. If, for example, a department like that only had a health and safety committee that was based in Whitehorse, and employees wanted there to be satellites, and they had been unable to get that moving — either representatives outside of Whitehorse, or even setting up entirely different committees — where would those employees turn with those concerns?

Mr. Dieckmann: There again, I go back to the functioning of the committee. It is the employer's responsibility to set up the committee. That is the way the act is structured. If the committee is functioning and functioning well, I would question why they would want to set up a separate committee in other areas.

I understand the concept of there being different work happening in different areas, but part of the beauty of the safety committee system is, if you have different people from different work areas feeding information into a central committee, or it's being looked at from that corporate lens, there may be something that happens in one area that another area wouldn't even think about in their risk assessment, because they think they don't do that kind of work, but the fact that they have different work areas feeding all of the information in, it creates the opportunity to then look around and say: Okay, well, they do that kind of work over there, but we do some similar stuff here, and is that a hazard that we need to be considering and actually putting some similar controls in place to what's happening over there?

That's the beauty of having that central view on it and that corporate view on it. But if somebody were to say they feel, as workers, that there should be a separate committee in that workplace — if we received a complaint on that, we may go and investigate and take a look at it, and if we determine that committee is actually functioning well the way it is, we're not going to weigh in. Really, it's up to the employer and the workers to figure out whether or not it makes sense to have another committee in another area.

Ms. White: I was listening to the radio — I apologize, because this is going to be a little bit vague, but mostly because I just kind of caught it — it's about employer safety records. There was a report on the radio last week about employees being able to go online and check out the safety records of prospective employers before taking a job. I can't even tell you what jurisdiction it's in because I did not catch that, but I know that it was happening in Canada, and I really think that it's a good idea. I think that employees always should be able to take steps to keep themselves safe, and they should be able to find out, for example, if a prospective employer has a good or a bad track record when it comes to safety.

I was on the website for the Workers' Safety and Compensation Board but I was unable to find if that was a possibility here. I think the more that we can do to keep workers safe is important, and sometimes that is knowledge — making sure that people have access to knowledge.

Can the witnesses let us know if a person is able to find out if their employer or prospective employer has a good and sound safety record? Is there a way for us to check out prospective employers?

Mr. Dieckmann: The only thing that we post on our website is administrative penalties. If employers get administrative penalties, we will post those on our website. We don't have a rollup of numbers of orders or those kinds of things posted on the website. I don't know if there is — at this moment, we couldn't do it. We just don't have the ability to roll it up. Our data isn't organized enough and our systems aren't organized enough. It is a direction that we are moving in and it's going to take us a little while to get there, but I would certainly like to be able to do it. It's not something that we are capable of doing right now with the systems we have and the way our data is organized, so we can't publish that.

Ms. White: I thank the witness for that. I guess this is something that I am encouraging. It sounds like there is interest to collect more data and make that more readily available.

As an example, I worked at a mine site where there were two fatalities, which is brutal. They both happened after I had left, but there were probably indications that things weren't safe before that. Anytime we can make sure that someone has that knowledge going into a situation, I think that would be better.

A great number of years ago, a lot of the public information campaigns were really visible in the community. There were the big billboards. For example, coming down Two Mile Hill, on the right side, I think it was at Northern Metallic where there was a great big sign. There was also a great big sign on Main Street, I think, in the Shoppers Plaza, if that's what the building is called. There used to be these great big billboards, and I have to tell you that I remember the billboards. I remember some of the slogans, because if you drive past it enough, it really gets in there. To me, it seems like an effective campaign. If you see it so often that you can remember the slogan, and that slogan is "keep each other safe" or "young workers, know your rights" and how you are able to refuse unsafe work, those things are really important. I know that there has been a push to move toward different kinds of ways, but I have noticed in the last number of years that those billboards aren't up anymore.

Does the board continue to inform workers of their rights — and young workers of those rights — through safety campaigns and young worker safety programs? If they do, how do they do that? How is that information being shared widely and across the spectrum?

Mr. Dieckmann: Yes, I love those billboards too. Unfortunately, we were not able to continue to put them up. I am not sure why, but we had to actually go and take them all down from the properties. I think that it had something to do with them not being related to the businesses that had allowed us to put them up on their properties. No, we are not going to be doing that again anytime soon, but what we are doing, as I said earlier, is really trying to look at how we reach people where they are. That is why we have moved into the social media space — to try to reach youth where they are. There is a lot of programming that we do with youth.

We regularly have our staff going to the schools and doing a number of programs. We have a program, "Work Shouldn't Hurt", that is targeted at the youth who are entering into the workforce, so it's part of the Planning 10 program that they have in schools. We have different programs set up for the K to 3, and the 4 to 6, I believe, and then the junior high, and then the Planning 10 piece. We have programs that are actually age-appropriate safety messages targeted to the classrooms. We try to make it to every single school in the territory at least every two years. We will go every second year to some of the smaller schools simply because, if you do the K to 3, and K to 3 is the classroom, then going every year, you are doing the same thing for the same kids regularly. So we split it up.

We go to other schools at least once a year, and sometimes we will go two or three times a year, depending on how many classes they have of each cohort. So, lots of stuff is being done with youth.

We also have a young worker code of practice that is posted on our website, which is designed to explain to employers what they need to do when training and orientating new and young workers who come into their workplaces. That is a big piece.

It would be great if we were able to sort of push a little bit further into some of the areas where we know we are not reaching the youth. Kids who have dropped out of school is a difficult demographic for us to find and to provide training for, but I do think that we are working very hard, and I think we are doing a really good job on getting to the youth who are still in the schools.

Ms. White: Those school visits — is it all schools, including rural Yukon?

Mr. Dieckmann: Yes, we visit rural Yukon and communities. We go to all communities, including Old Crow.

Ms. White: That is probably why I don't see the young worker advertising anymore, because I am no longer a young worker or in any of the schools. But that sounds like probably one of the most glorious jobs ever, being able to travel out to do that.

It was touched on before, the board-sponsored health and safety program through the Yukon Outfitters Association website. The reason I bring that up is — well, actually, there are a couple of different angles. In 2009, one of my really close friends was working as a staker with an exploration company and actually died on April 28 when he was attacked by a bear just outside of Ross River. So, seeing that there are pretty specific things about outfitters, like remote work and solo work, and having gone through that, one of the things that has always troubled me with Jean-François' death is that it felt like it didn't actually change anything, to be honest. It didn't feel like the staking industry, after 2009, with his death — people weren't being sent out together. Things didn't really change. It didn't feel like a change. It didn't feel like a change to his family. It still doesn't feel like it really changed for me.

So, when an incident like that happens, one of the things is that you hope that the industry will change. Knowing that this program has been developed, for example, for Yukon outfitters, are there similar programs that have been developed for industries like the exploration industry? Knowing that, on a regular, if we are still doing exploration by individuals, we are dropping one person off at a time by helicopter into the middle of nowhere and they stake their line and get picked up at the other end. You know, it's a pretty glorious opportunity to be out in the woods like that, but again, I unfortunately know the real downfalls, because a friend of mine died. Have there been programs developed similar to the one for the Outfitters Association for industries, for example, like mine exploration?

Mr. Dieckmann: Yes, I remember that day very well, and after that, we actually did develop a guideline for safety in the exploration industry, but that raises a very good point. I should see if we still have that published somewhere, because that was before digital, and we had it developed in a booklet. I will follow up at the office and see if we still have that.

We have also worked very closely with the placer mining industry to help them with the development of a safety manual

for the placer industry, as well, under a similar situation. I mean, some serious incidents occurred; their costs were starting to climb significantly. They were actually the first ones we worked collaboratively with to develop something industry-specific.

The board of directors and the staff at the board are always willing to entertain proposals from industries that want to make a difference and do something specific. The other place where we have invested a lot of effort is in the construction industry, initially with setting up the Yukon Construction Safety Association which then transformed into the Northern Safety Network Yukon, which has programming that is available for all employers. One of the things that we are doing right now is working with the Northern Safety Network Yukon to take all of the content of the training courses that we have worked collaboratively on to develop and getting them turned into digital so that they can go on to a digital platform and then be more available to all workers and employers throughout the territory.

We're constantly trying to develop and deliver more material to stakeholders. We also do a lot of work with the Canadian Centre for Occupational Health and Safety to develop specific courses and programs for Yukon employers and Yukon workers that are available on their digital platform. We just recently worked with Yukon University to develop a first-line supervisor program for certifying supervisors in the mining industry to increase their safety knowledge and their abilities to deliver safe programming in the mining industry. It's stuff that we're continually working on. The Yukon University program is a certificate program that is now available through the Centre for Northern Innovation in Mining.

Ms. White: I do thank the witness for that. It was a terrible time. It was the first time I attended the ceremony, in 2010. I haven't stopped going since. Just knowing that if we do have that information developed and make it readily available online — in a lot of industries, whether it's in-person training or digital training, you have to go through different training modules to be able to go out in the field on your own. I guess I would say that anything that is high risk like that — or high consequence maybe — is something for which I would encourage us to figure out some kind of training requirement — for example, just basic training on how to use a satellite phone. I work as a mountain bike instructor and guide. I can tell you that using bear spray is something that everyone should try before they are in the woods and they need to use it, because it's not what you anticipate it's going to be like, and it was only because my employer insisted that we know how to use bear spray as the people who are responsible for others. I think anytime we can make safety a bigger priority is important.

Have the witnesses read an article from CBC entitled “Wildland firefighters in many parts of Canada struggle to get compensated for serious illness”. It was an article from September 25, 2023. I just wanted to know if they are familiar with this article.

Mr. Dieckmann: Actually, I haven't read that article.

Ms. White: I will say it here so that it is on record, but it is definitely something that I would suggest. Just for Hansard's

purposes, it is entitled: “Wildland firefighters in many parts of Canada struggle to get compensated for serious illness”, and it's dated September 25, 2023.

I have brought up the issue of presumptive cancer coverage for wildland firefighters before, which no one right now is surprised that I am probably veering to here, but this article from September 25, 2023, is important. In part, Mr. Pike said that we are seeing changing landscapes of jobs based on climate change. One of those things that we are seeing with climate change is an increase to the wildfire season. We saw that in Canada this year. We even saw that right here at home — the change and what that looks like. This article is important because it does a cross-jurisdictional scan, and in it, it talks about the jurisdictions that have presumptive coverage for wildland firefighters and it is more than it was when we first started having this conversation.

There is just one part of the article that I want to quote. It's under the title “Presumptions ‘absolutely vital’” — and it says: “Neil McMillan, the director of science and research for the Occupational Health, Safety and Medicine Division of the International Association of Firefighters, said the legislation governing presumptions needs to be more encompassing to recognize the science and include wildland firefighters. ‘A fire is a fire is a fire,’ he said. ‘We've seen through the studies done in the U.S., Canada and elsewhere that the toxic chemicals and carcinogens that come from biomass burning contribute to illness. It's absolutely vital,’ he said.”

The reason I want to bring this up is that, in May of this year, Manitoba passed amendments to its act to offer wildland firefighters presumptive coverage for heart injury and some cancers. Both Québec and New Brunswick do not distinguish between wildland and structural firefighters. Nova Scotia wildland firefighters are eligible for some of the same presumptions as structural fire. British Columbia has made changes.

A number of years ago, the witnesses told me that this was something that would be investigated so I am looking for an update to that investigation.

Mr. Dieckmann: I hadn't seen this particular article but we do regularly look at the scientific articles on presumptive cancers for wildland firefighters. One of the things that we have noticed is that there isn't a lot of data on wildland firefighters, but there are studies that are underway. So, as we get those studies, we will continue to inform the minister of what our findings are.

One of the things, though, that I do find challenging about the conversation is — well, there are a couple of things. One is that anybody who suffers a work-related injury — whether it's a firefighter or anyone else — is eligible for compensation. We have a presumption built into our legislation already that says that, on a balance of probabilities, if it's equally weighted, the injury is presumed to be work-related. There is a presumption built into our legislation. I am paraphrasing there; I'm not quoting the legislation, because I can't remember the exact wording in it.

But the part of the conversation that disappoints me is that there is no conversation about prevention. When we met with

the IAFF on the original presumption for the structural firefighters, one of the predominant pieces of the conversation was: How do we better protect structural firefighters from injury? There were a few things that came out of those discussions which have led to substantial changes in firefighting right across North America — across the world, for that matter — things like: proper washing facilities for turnout gear so that when they go to a fire, the first thing that they can do is wash their turnout gear so they don't continue to have carcinogenic materials on it; better use and training of self-contained breathing apparatus — the IAFF was the one that told us that a lot of firefighters, especially old-time firefighters, would go into fire situations without wearing their self-contained breathing apparatus — so a lot more training around that; a lot better turnout gear that was more resistant to the penetration of the hazardous chemicals and those kinds of things.

It was a part and parcel of the conversation, and I don't dispute for a minute that anytime you burn anything, there are going to be carcinogenic materials in it. The question that we really should be asking ourselves is: How do we adequately protect those wildland firefighters from exposures that are going to cause the cancers? I would like to introduce that into the conversation as well.

Ms. White: Deputy Chair, what does the witness suggest? If we are talking about making wildland firefighters safer — and in his capacity — what influence can we expect to see?

Mr. Dieckmann: First of all, there needs to be some research done on what effective methods there are to protect the wildland firefighters. It hasn't entered the conversation, so we, as a small jurisdiction, aren't going to influence the IAFF and the broader piece of the conversation. I think we need to look at how we can effectively put preventive methods in place. There is no way that you can have wildland firefighters running around out in the field with self-contained breathing apparatus. Carrying a tank that lasts for half an hour isn't going to be effective, but there have to be other ways to better protect them. What we have been doing is looking to see if there are effective methods, but there is no research to really show us what would be effective so it's really difficult for us to even start having the conversation. We couldn't issue an order to do something if we don't know that it's going to be effective; it could end up being more harmful. I would like to see that enter into some of the discussion.

What I have been doing, and what some of my counterparts have been doing on the national level, is starting those conversations and seeing where we can influence and where we can get some of that research happening. But, quite frankly, that is work that has to be done at a national level.

Ms. White: I thank the witness for that.

There have been changes since this conversation first started here about presumptive coverage for wildland firefighters. I just said that Manitoba passed amendments in May of this year; Victoria, Australia, wildland fire got presumptive coverage last year in November — and you can imagine that wildland fire in Australia is a pretty big deal.

Although I appreciate that the witness has just said that it's about safety equipment and that we're too small a jurisdiction, if I was told by the same witness previously that they would look into it and see what it would mean — I guess I am just asking for what that update has been.

The minister was very clear when he lobbied industry to send in letters about why we shouldn't cover wildland firefighters — because it would affect their rates. I just want to know what research has been done from the aspect of the people who are responsible for the safety of workers.

Mr. Dieckmann: We don't do the research but we do continue to monitor the research. As I said earlier, there is no real new research on wildland firefighters that shows increased levels of exposure or that is demonstrating an increased incidence of cancers.

There was one report that was recently done on occupational exposure as a firefighter. The IARC — the International Agency for Research on Cancer — did a thorough review of all the literature out there. The conclusion they came back with was that all fires should be considered as having hazards, but what they also say in that research is that you have to distinguish between “hazard” and “risk”. There isn't enough research on the wildland firefighters to make a determination of what the risk level is. I understand, if you want to apply the precautionary principle, that where there is risk, there should be some measures put in place, but it doesn't distinguish between preventive measures. It doesn't speak to presumptions or anything like that in that research.

Ms. White: I appreciate that the people here at the Workers' Safety and Compensation Board themselves aren't doing the research, but there was an indication that there would be further investigation. As an example, I was told that there would be a drastic increase in the cost of people's coverage in different industries. Maybe the witness can let me know how it was decided that there would be the increase and that different industries would have drastic increases in the cost of coverage.

Mr. Dieckmann: Deputy Chair, one of the challenges with occupational disease is that exposure does not lead to disease immediately. A good example is smoking. Some people smoke their whole life and never get cancer; others start smoking and within a year or two they get cancer. It's an occupational disease. The latency periods and body's reactions to it are not easy to predict. Because of that, if a presumption is put in place — which happened with the structural firefighters — what that triggers is the actuaries having to calculate a reserve that has to be kept to pay for any cancers that may occur in the future, and up to 20 or 30 years, from the exposures that occur now. So, we have to book a liability.

The liability that they look at, and the way they look at the liability that they book — they actually look at the general population and the occurrence of those cancers in the general population and extrapolate that, if you have this many firefighters, you can expect to have this many cancers occur in the next X number of years. Then that liability gets booked. We have to collect all the money for that the day that a presumption comes into place, we have to collect that money. That means

the rate that whatever that group falls into gets billed immediately for that liability.

When the structural firefighter presumptions were put in place, all of them work for governments — municipal governments, territorial governments, or First Nation governments — so the entire liability was applied to the government rate and the government's rate jumped when that presumption was put in place. When the cancers were expanded, we applied the cost of that immediately to the government rate.

The majority of wildland firefighters work for the First Nations fire service. They are not part of the government rate group. They sit in another rate group, so introducing that presumption would mean that rate group would get hit with that liability. The firefighter coverage expansion — that was what applied a \$3 million — the last one, the expansion of the cancer coverage — we applied a \$3-million rate increase to the government rate group for that coverage when it was introduced. That is why it would hit an industry group.

Ms. White: I do thank the witnesses, and I could probably go on for another multitude of hours about this, but I recognize that we are close to running out of time, so I will thank you for the time today, and I look forward to further conversations with the minister about this topic.

Deputy Chair (MLA Tredger): Are there any further questions for the witnesses?

Hon. Mr. Mostyn: Deputy Chair, I would like to thank the two representatives from WSCB for coming in and spending their afternoon with us. I also thank the opposition for their thoughtful questions.

Deputy Chair: Thank you. The witnesses are now excused.

Witnesses excused

Hon. Mr. Streicker: Deputy Chair, I move that the Speaker do now resume the Chair.

Deputy Chair: It has been moved by the Member for Mount Lorne-Southern Lakes 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

MLA Tredger: Mr. Speaker, Committee of the Whole has considered Bill No. 211, entitled *Second Appropriation Act 2023-24*, and directed me to report progress.

Also, pursuant to Committee of the Whole Motion No. 12 adopted earlier today, witnesses appeared before Committee of the Whole to answer questions regarding the operations of the Workers' Safety and Compensation 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.

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

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

Motion agreed to

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

The House adjourned at 5:27 p.m.

The following document was filed October 26, 2023:

35-1-159

Audit of the consolidated financial statements, letter re (dated October 19, 2023) from Karen Hogan, Auditor General of Canada, to Currie Dixon, Chair, Standing Committee on Public Accounts (Dixon)