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Tuesday, April 16, 2024 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

YUKON LEGISLATIVE ASSEMBLY

2024 Spring 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

CABINET MINISTERS

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 a change made to the Order Paper. The following motion has not been placed on the Notice Paper at the request of the member: Motion No. 948, notice of which was given by the Member for Vuntut Gwitchin.

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Pillai: Mr. Speaker, there are a number of business leaders here with us today for a tribute that we will be doing to business anniversaries. I know that my colleague the Leader of the NDP will also be introducing a number of folks who are here with us today.

I would like to welcome to the House, from the Hougén Group of Companies, Erik Hougén, Kim Hougén, Karen Hougén-Bell, Maureen Nielsen, Brooke Nielsen, Kevin Benson, and Sonja Rayo. Thank you for being here today.

As well, from T.A. Firth, we have with us today: Howard Firth, grandson of T.A. Firth; Colleen Firth; John Firth, grandson of T.A. Firth; and Shellane Kostelnik, great-great-granddaughter of T.A. Firth and present office manager of T.A. Firth. Thank you for being here with us today.

Applause

Ms. White: Mr. Speaker, I, of course, ask my colleagues to join me in welcoming the founding families of Well-Read Books — the folks who got it all started. We have Hans and Pam Herdes, Karen Walker, and Wayne Tuck and, of course, a friend and a mentor and someone I care very much about, Jan Stick.

Applause

Speaker: Are there any tributes?

TRIBUTES

In recognition of National Volunteer Week

Hon. Mr. Mostyn: Mr. Speaker, today we are tributing National Volunteer Week, April 14 to 20. We all have a finite amount of time in our lives, so it is inspiring when folks use that precious gift to selflessly better their communities, the territory, and the people who live here. Some give it to coaching kids' sports; others help our elderly; some feed those in need or

step into emergencies or reach out and soothe those suffering from any of a range of traumas.

Recently, we transitioned to a new *Societies Act* thanks to the hard work of the team at Community Services and volunteer boards. The legislation makes it easier for groups to meet their reporting obligations and maintain their society status, but what was truly revealing was the sheer number of active volunteer societies that the act implementation revealed.

Volunteers are clearly the backbone of many programs and services offered in the territory. There are more than 500 volunteer groups in the Yukon to improve our well-being through diverse cultural activities and events that flavour our lives. This includes organizations that keep our communities safe. These volunteers and the panoply of services and festivals that they support contribute to making the Yukon the dynamic place that it is. It includes emergency response volunteers, resolute volunteer firefighters, and so many of our friends, neighbours, and community members.

It is a privilege to live in the Yukon and we should recognize that much of what we value about this terrific place are the activities that connect us to each other. This doesn't happen without volunteers. This week provides an opportunity to reflect on how volunteers improve our lives and acknowledge their oft selfless labour.

Mr. Speaker, thank you to our sports coaches and the people volunteering on boards and committees across the territory. Mahsi' cho to people setting up the Dawson City Music Festival, Yukon Rendezvous, and the Paradise Music Festival. Gunalch'ish to the EMS attendants and volunteer firefighters throughout the territory and the elders who freely contribute their knowledge whenever they can.

Mr. Speaker, thank you to every person who gives their precious time to the causes that they believe in. Their efforts make our lives better.

Applause

Ms. Clarke: Mr. Speaker, I rise on behalf of the Yukon Party Official Opposition to recognize April 14 to 20 as National Volunteer Week in Canada. This year, the theme is "Every Moment Matters", a fitting phrase considering the time that countless volunteers give to community organizations, causes, and events. If it weren't for the time, energy, knowledge, and dedication of those who volunteer throughout the Yukon, most of the events and even organizations that we know and love would not be possible.

Why do they do it? They do it to help their children, families, schools, and organizations succeed — to help their communities thrive because they have a love for sport or a keen interest in an organization.

Volunteers help to run community sports organizations and youth organizations, like Guides and Scouts. They help to fundraise for worthy causes and charities, for school trips and programming for community organizations. They help medical research serve its purpose and help the community benefit from technologies that save lives. They give their time freely with no expectation other than the hope that the community will support

their initiatives. As a bonus, volunteering makes a person feel good.

I volunteer because it gives me fulfillment. A few years ago, I attended a summit on mental health and wellness. The keynote speaker, Dr. Kang, talked about the 21st health epidemic. She said that the new health epidemic is not cancer but stress. She explained that there is no medical treatment for stress. According to Dr. Kang, the prescription for stress is to volunteer and help people. This resonates with me because, when I volunteer, I get to play and spend time with other people. I become part of the community because I connect with other human beings doing good things for the community.

I want to give a special thanks to Volunteer Bénévoles Yukon for the work that they do to help bring volunteers to organizations and bring opportunities to volunteers. To the many people across the Yukon who volunteer, salamat for your support to our communities.

Applause

Ms. Blake: Mr. Speaker, I rise on behalf of the Yukon NDP to pay tribute to National Volunteer Week. Volunteers are an important part of shaping our communities, and they do so humbly and graciously.

Volunteering is an important part of our culture in Vuntut Gwitchin territory. This is a teaching that has been instilled in us by our traditional elders. I have grown up witnessing many citizens in the community volunteer lifelong on any occasion, whether it's to support the community through hardship or to bring the community together to celebrate.

I would like to thank the many folks in Vuntut Gwitchin who always step up to volunteer without hesitation: Ronald Frost for always being there as a gravedigger for the community and encouraging the young men and boys in the community to take on this role that so many of our men in Old Crow carry and Renee Charlie for her lifelong commitment to volunteering. Renee is a community auntie and elder. Throughout her lifetime, she has volunteered for numerous events, such as the biennial Gwich'in Gathering, the annual general assembly, holiday feasts and dances, culture camps, weddings, funerals, and so much more. Also, Roger Kyikavichik is always there to lend a helping hand, offer words of encouragement, and checks in on all in our community as things are coming together. Roger brings empathy, compassion, and encouragement to his volunteer role to ensure community safety and well-being. Also, Greg Charlie and the late Darius Elias for their dedication to the North Yukon Eagles hockey team. They taught many young boys about the sport of hockey and mentored the young ones who are now the coaches for the North Yukon Eagles team.

Our community elders are a huge part of the church in Old Crow: Marion Schafer, Elizabeth Kyikavichik, Mary Jane Moses, Patti Tetlich, Jane Montgomery, and Randall Kendi are there to support families and the community through loss while ensuring that cultural protocols are followed. Many young women in Vuntut Gwitchin are also taking on roles of volunteering and coordinating events for community gatherings, including Lisa Linklater, Briana Tetlich, Allison

Schafer, Marla Charlie, Tyra Benjamin, Faye Elias, Loretta Itsi, Teresa Frost, and Ashlyn Frost. These are the women you see in the community of Old Crow quietly making things happen — and Gwich'in women know how to make things happen.

Last but not least, I think about the young boys and men in my home community who are year-round providers for several households: Dean Kapuschak, Gavin Charlie, Jayce Charlie, Desmond Kyikavichik, Colton Schafer, Adam Kyikavichik, Clifton Nukon, Stan Njootli Jr., and Robert Kyikavichik. These young men provide traditional foods to households across the community. They ensure food security and access to traditional foods while providing wood to households during the cold winter months and upholding their roles as men in the community.

As we recognize National Volunteer Week, let us all recognize and celebrate the many volunteers we know in all communities who make sacrifices to take care of people and their communities across the Yukon.

Mahsi' cho.

Applause

In recognition of Yukon businesses celebrating anniversaries

Hon. Mr. Pillai: Mr. Speaker, I rise today to pay tribute to several iconic Yukon businesses celebrating anniversaries this year. These establishments embody the values of Yukoners and have set a strong standard of service for so many years. Well-Read Books, founded in 1999 by Jan Stick, Hans Herdes, and Karen Walker, is celebrating 25 years of providing an extensive collection of literature to Yukoners, owning the unique distinction of being the territory's only used bookstore.

The trade-in system that they employ makes used books more affordable and there is also the recycle-reuse aspect that reduces waste — all to say that Well-Read assists in making literacy more accessible and sustainable. Their mission and their community focus are admirable, and by promoting literacy, they are contributing to a stronger and more connected society.

Sportees Activewear is celebrating a landmark anniversary this year. For 40 years, Andrea Rodger has provided locals and their pets with custom clothing and accessories for a wide variety of purposes. Yukoners enjoy an active lifestyle, and the customer-oriented approach to outfitting customers with the stylish and custom wear that Sportees is known for has supported so many people in their recreational pursuits. A stop at Sportees is a must in prepping your Rendezvous attire, and customers appreciate the supportive environment and quality clothing offered by Sportees. I congratulate Andrea and her whole family of entrepreneurs on 40 years of excellence.

Mr. Speaker, the Hougen Group of Companies is celebrating an impressive 80th anniversary this year. The company started by Rolf and Margaret Hougen opened its first store in 1944 and is credited for bringing one of the first cable channels to the territory. This family business now employs approximately 150 people and has business interests across several sectors, including Yukon's largest retail organization, radio broadcasting, outdoor adventures, and real estate — just

to name a few. The Hougens are a true Yukon success story and have been a staple of our territory, employing Yukoners and contributing to our economic growth.

This fourth and final business is celebrating over a century of service. T.A. Firth has been a family-run business since 1906 when then-miner Thomas Andrew Firth traded his pick for pen and secured his brokerage licence. Murals on the exterior walls of their current location in Whitehorse feature Thomas Firth alongside an image of the original building in Dawson City. We celebrate their enduring legacy and continuing dedication to safeguarding the homes, businesses, and dreams of Yukoners over the years.

Mr. Speaker, these four businesses all contribute to the well-being of Yukoners, and I want to thank them for their continued commitment to providing great products and services and congratulate them on their respective anniversaries.

Applause

Ms. Van Bibber: Mr. Speaker, I rise on behalf of the Yukon Party Official Opposition to recognize several local businesses that are celebrating milestones. Congratulations to those businesses that have been part of the Yukon fabric for many decades. Many of us grew up with these names on the tip of our tongue and know most of them personally.

Well-Read Books is one of my favourite stores and I have been there since it opened 25 years ago. Friendly, helpful staff and good-quality books to swap — northern books, out-of-print books, and all manner of topics and genres to explore and read. Each month they have specials. Last month was 50 percent off historical fiction, and a great line went with it: “Thou credit doth applyeth also, I daresay”. This month, all gardening, green-thumb books are 50 percent off.

Sportees is 40 years in business and amazing growth through the years, with stock including scarves, legwarmers, dance and sportswear, and fleece garments. Many items are geared for our northern climate and this has proven successful.

Hougen’s is 80 and everyone should know about the Hougen Group of Companies — or they are living in a cave — and this amazing Yukon family.

They have been such a dynamic part of Yukon history and all that they have given back to Yukoners through the years, and they continue to do so. I love the Hougen nugget section of their webpage, as Rolf and Margaret Hougen kept a note of memories as the years passed.

T.A. Firth, an insurance company owned and operated by another well-known Yukon family, the Firths — thank you to them for being there and supporting Yukon events and helping Yukon families with their insurance needs. Since 1906 in Dawson City, T.A. Firth insurance has served Yukon.

There are also several other notable businesses that should be mentioned as well. CKRW, originally part of the Hougen Group of Companies, is turning 55 this year. Congratulations, and we wish them continued success on the airwave dial at 96.1 FM.

Another local company, Arcrite Northern Ltd., is turning 45. Formed in 1979, it served industrial, commercial, and some

residential clients with electrical and alarm systems and so much more.

This tribute to so many notable Yukon businesses and entrepreneurs can’t do them justice. But rest assured, we see you and congratulate you for all that you have accomplished and all that you do by supporting Yukoners. A successful business in any time has to be courageous and forward thinking. Well done, each and every one of those mentioned. Well done, and many more years to you.

Applause

Ms. White: Thank you, Mr. Speaker, and thank you to my colleagues for highlighting the dedication, ingenuity, resilience, and trail-blazing work of T.A. Firth, Hougen Group of Companies, and Sportees Activewear. Whether we are talking about insurance, a little bit of everything from cable TV to fishing rods, or the coziest pants made just for you, these three businesses have made impacts on the lives of Yukoners for decades, and we appreciate you.

My tribute today really hones down on a business very close to my book-loving heart, and that is Well-Read Books. Twenty-five years ago, driving home from an event in Atlin, a group of friends were considering career changes and lamenting the lack of a used bookstore. By the time these friends arrived back in Whitehorse, the name was picked, the vision was imagined, planning had started, the dream had begun, and Well-Read Books was born. Less than two months later, with 11,000 books all collected from here in Whitehorse, Karen Walker, Hans Herdes, and Jan Stick opened the doors of Well-Read Books. Twenty-five years later, there are over 55,000 books on the shelves of Well-Read Books. That vision from 25 years ago remains unchanged today: welcoming, bright, clean, organized, books catalogued on the computer even 25 years ago, a space for children, lots of comfy chairs, and the best, friendliest, and most well-read staff around.

The store grew quickly those first years, and it wasn’t long until they outgrew their space and a move was made to a larger and even brighter space. Not wanting to disappoint their customers by closing their doors for any length of time, they organized friends and family to move books, bookcases, art, plants, computers, and furniture, all in just four days.

Family and friends have always played an important part in the success of the bookstore. In the past 25 years, they have hosted a wedding and a wake. There have been concerts, plays, poetry readings, and book launches. One of the first guest authors was the award-winning Eden Robinson from British Columbia reading from her then-unpublished book *Monkey Beach*. Other Canadian authors have graced the store as have many of Yukon’s best poets, authors, and musicians.

The store has always been eager to showcase recently published books by Yukon artists and to host community arts events. Well-Read Books is more than just a bookstore; it is a space for community members to gather. Daycares and school classes show up on occasion. Tourists from around the world find their way through the doors looking for that Robert Service book or just a good vacation read.

They support community through organizations like the Yukon Anti-Poverty Coalition, which sells books to fundraise or to the food bank for the clients to take with them. They donate to countless organizations seeking prizes or auction items. For Well-Read, community is at the heart of their decisions. At a time when we see independent bookstores closing and used bookstores disappearing, we are fortunate to have this used bookstore in the Yukon. In fact, it is the only used bookstore north of the 60th parallel in Canada.

Again, we want to congratulate the owners and staff of Well-Read Books on their successful community-minded business and wish them many more years to come.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Streicker: Mr. Speaker, I have for tabling today the Yukon's 2023 tourism visitation report with the fourth-quarter highlights.

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

- Are there any reports of committees?
- Are there any petitions to be presented?
- Are there any bills to be introduced?
- Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House congratulates Gavin McKenna on being named to Team Canada at the world under-18 hockey championships and for winning the APTN Brian Trottier Most Valuable Indigenous Player Award.

I also give notice of the following motion:

THAT this House recognizes the important role that the Canadian Rangers play in the Yukon and across the north, acknowledges the need for increased infrastructure to support Arctic sovereignty and security, and encourages the Government of Yukon to continue working with the Government of Canada to establish a new armory and Canadian Forces reserve unit in the Yukon.

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

THAT this House urges the Minister of Health and Social Services to ask the Yukon Hospital Corporation to provide the following information to all Members of the Legislative Assembly:

(1) the date when the Yukon Hospital Corporation first informed the government that it was working on a plan to expand operating room capacity and modernize the surgical services area of Whitehorse General Hospital;

(2) the date when the Yukon Hospital Corporation first provided the government with its plan to expand operating room capacity and modernize the surgical services area at Whitehorse General Hospital;

(3) any pertinent documents showing the efforts of the Yukon Hospital Corporation in the year since it submitted its plan to expand operating room capacity and modernize the surgical services area at Whitehorse General Hospital to convince the Liberal government of the importance of acting on that plan to expand local surgical capacity; and

(4) a copy of the most recent version of the plan to expand operating room capacity and modernize the surgical services area at Whitehorse General Hospital.

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

THAT this House congratulates Cossette, Aasman Brand Communications, GBP Creative, Bullen Brothers Productions, Colin Prentice, Bria Rose, Mponda Kalunga, and Clark Skeleton for their shared creative contribution to the Clio award-winning ad campaign "The Yukon: It's a Little Bit Metal" filmed on the traditional territories of the Yukon First Nations.

I also give notice of the following motion:

THAT this House congratulates Mary Caesar, Rebekah Miller, Ramon Joseph Santos, Dustin Sheldon, Heather Steinhagen, and Sheelah Tolton for their artwork featured on the 2024 Yukon banners unveiled on April 16 as part of National Tourism Week.

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

THAT this House congratulates Haines Junction's Callum Weir on being named starting goalie for Team Canada at the 2024 Confederation of North, Central America and Caribbean Association Football Futsal Championship bid in Managua, Nicaragua.

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

THAT this House congratulates workers at the Faro mine remediation project on joining the United Steelworkers union.

I also give notice of the following motion:

THAT this House congratulates the United Steelworkers on once again representing workers at the Faro mine site.

Speaker: Is there a statement by a minister?
This then brings us to Question Period.

QUESTION PERIOD

Question re: École Whitehorse Elementary School replacement

Ms. Van Bibber: Mr. Speaker, in the summer of 2022, the Yukon government unilaterally decided that École Whitehorse Elementary School would be replaced and the new

building would be constructed on the Takhini educational reserve. At the time, the Whitehorse Elementary School Council expressed their wish to be consulted about the creation of the new school. The chair of the school council told the *Whitehorse Star* on June 10, 2022 — quote: “We’re eager to be a partner in this ... But it wasn’t a consultation. It was the government informing us of its decision.”

Can the minister tell us whether the Whitehorse Elementary School community, including parents, teachers, and the school council, has been consulted about locating the WES replacement in Takhini and about the design of the new school?

Hon. Ms. McLean: Mr. Speaker, I think I’ll start by saying that our government is very proud to be investing in school infrastructure to meet the needs of our growing community, and École Whitehorse Elementary School has been identified as a priority for replacement with a new, modern facility. I think this is incredibly important as we invest in our young Yukoners and for generations to come. École Whitehorse Elementary School was originally built in the 1950s and is a top priority for replacement among Whitehorse schools. I recall early days as a minister — and I know that the previous Minister of Education would have had discussions with École Whitehorse Elementary School Council and others in the school community throughout their time and throughout my time, and, of course, there was a call for a new either fully renovated building or a replacement.

We have done a tremendous amount of work as a government to ensure that we are making good decisions, that we are making evidence-based decisions, and a decision was made to replace École Whitehorse Elementary. We have identified the Takhini educational land reserve as a reserve that would accommodate this school as well as the Takhini school.

Ms. Van Bibber: From November 23 to February 24, the Takhini Neighbourhood Association conducted a survey of its residents. That engagement report is available on their website, and it states that the relocation of Whitehorse Elementary to Takhini will — quote: “This will increase traffic on Range Road, may impact green space and may necessitate the establishment of a new road through valuable green space.”

Can the minister tell us what consultation has occurred with residents of Takhini regarding the decision to relocate the largest elementary school in the Yukon into that neighbourhood and when further consultation with residents will occur?

Hon. Ms. McLean: Again, our government is very excited to be investing in educational infrastructure. We inherited a deficit when we came into government. We are working hard to ensure that we are building schools. We are proud to be finishing Whistle Bend.

We are planning for École Whitehorse Elementary. In August 2023, Kobayashi and Zedda Architects were awarded the prime consultant position in the École Whitehorse Elementary replacement project. They have done a site analysis, test fit assessment, and determined suitable locations on the Takhini educational reserve.

We are now in possession of a report that we have presented at a meeting on March 27 with many partners and

stakeholders to discuss the placement options on the educational reserve. I am proud to say, of course, that now that we do have the Takhini community association, they were part of these meetings. The session was well-attended. Further, we have offered — because these reports are embargoed at this time, just yesterday, we met with the École Whitehorse Elementary School Council to review the embargoed documents — and happy to keep having these types of meetings with partners.

Ms. Van Bibber: One of the recommended actions of the engagement report by the Takhini Neighbourhood Association is to — quote: “Request that the Government of Yukon and City of Whitehorse conduct a comprehensive, up-to-date study of traffic on Range Road prior to any final plans for the re-establishment of Whitehorse Elementary School ... in Takhini to establish a baseline understanding of traffic patterns and improve understanding of the impacts of increased school traffic through the neighbourhood.”

What action will the minister take on this recommendation from the Takhini Neighbourhood Association?

Hon. Ms. McLean: Mr. Speaker, again, as I have mentioned, Kobayashi and Zedda Architects were awarded the prime consultant contract for the replacement of the École Whitehorse Elementary School, which will be located on the Takhini education land reserve. We have finished — or we’re working toward completing phase 1, where we will make some determinations as we consult with our partners and stakeholders.

Phase 2 of the contractor’s work will entail a traffic study, which will be conducted to report on local impacts of the development, pedestrian safety, and traffic access, and egress from the site will also be assessed — certainly big considerations. We look forward to working with all of our partners, including the City of Whitehorse, which is also a part of the project advisory committee.

I have had some chances to meet with officials from the City of Whitehorse and am happy to keep having those discussions as we invest in important educational infrastructure. I’m so proud that our government is taking these steps to ensure that we have the right modern learning facilities for our youngest Yukoners for generations to come.

Question re: École Whitehorse Elementary School replacement

Mr. Kent: Mr. Speaker, last week, we asked the Minister of Education about planning around the location for the new École Whitehorse Elementary School on the Takhini education reserve. The minister mentioned earlier today that, on March 27, there was a meeting held with a number of stakeholders to discuss three potential locations on the reserve for the new school. However, to the surprise of many, there were no handouts at the meeting and no media were allowed to attend.

The minister told us on Thursday of last week — I’ll quote: “... when you are moving through a process such as this, you work with confidential documents that are considered embargoed, and that is what this is.”

Why are these discussions that affect so many Yukoners considered confidential and the documents embargoed?

Hon. Ms. McLean: Mr. Speaker, happy to rise again to talk about our investment into educational infrastructure. I'm so happy, of course, that the previous Minister of Education is now interested in this.

We actually inherited a deficit in terms of infrastructure. We just recently were completing the first new elementary school to be built in the City of Whitehorse in more than 20 years. This is an important investment in the infrastructure that we need for generations to come in the Yukon.

Certainly, as I have stated in Committee of the Whole, as the member is mentioning — what I was referring to in that comment was that he would know very well the process of, as you're making decisions, that when you are dealing with confidential documents, they are embargoed, and we have taken additional steps as we are making these decisions to work closely with our partners and share the embargoed copies of the report in these sessions — happy to be meeting with our partners as we go forward. We had such a meeting just last night where we had staff go over the documents and answer any questions that the École Whitehorse Elementary School Council may have had.

Mr. Kent: My question is around the secrecy that seems to be shrouding this consultation. Now, the Minister can choose to release these documents. That is her decision. We know that the new school could affect the softball diamonds that are used by so many Yukoners. The new school could also be built where the existing Takhini Elementary School is located, which would mean that school has to be torn down. However, many stakeholders and members of the school community are left to speculate because the Minister had decided that this information is confidential. Why won't the Minister release the options publicly so that those individuals concerned about this project can make an informed decision on the location?

Hon. Ms. McLean: Thank you, Mr. Speaker — happy to rise again to talk about this very important project for our government and the investment that we are making in school infrastructure. On March 27, we had an information session with partners and stakeholders to discuss school replacement options on the educational reserve land. This was a well-attended session, including some of the folks who were just mentioned in the preamble to this question. The project advisory committee was present, Ta'an Kwäch'än Council, Whitehorse Elementary School Council, Sport Yukon, the Advisory Committee for Yukon Education — several members — Softball Yukon, just to name a few.

I have an extensive list of all of those individuals. Again, we are happy to meet with folks to go over the reports. We have taken this additional step. We are doing things differently. I know that the member opposite may not appreciate that, as maybe they didn't make decisions in that way when they were in government, but that is what we are choosing to do — to bring our partners together to have informed discussions — happy to keep doing those types of sessions with our partners to ensure that we are working collaboratively.

Mr. Kent: Mr. Speaker, the question that I have and which so many Yukoners have with respect to this is: Why is this consultation shrouded in secrecy? Why will the minister not release these documents? Why has she put an embargo on the documents associated with this consultation?

My question for the minister is: Will the government lift the embargo and schedule a technical briefing for the media on these three options so that they can inform interested Yukoners about what is being contemplated for the location of the new school on the Takhini educational reserve?

Hon. Ms. McLean: I am happy to repeat myself today. I am not sure if the member is hearing the answers here. We are in a process of working with our partners — again, a well-attended session on March 27. We are moving toward now considering the information, comments, and feedback that we have received. We are working closely with all of our partners, including those who were mentioned in the preamble. The member chose to mention a few, but I have mentioned several others. This was a well-attended session.

This is a tremendous opportunity. Again, we are talking about French immersion programming with a new modern learning environment. We are happy to keep working with all of our partners to make an informed, collaborative decision. I am happy that we have local contractors like Kobayashi and Zedda which have done very thorough work. We are looking forward to phase 2, where we will get into more details and ensure that Yukoners are part of this discussion. Again, we are investing in important educational infrastructure for our youngest Yukoners.

Question re: Social housing

MLA Tredger: Yesterday, we asked the Premier about Yukoners who are homeless and living in tents. The Premier replied that he would personally go to people's tents in the night to offer them housing. He followed up with the media saying that if there were dozens of people out there, he would find them housing within a week. That's a welcome surprise, because we know personally about a dozen people tenting, and it seems like a safe assumption that there are more whom we haven't personally heard of. Dozens more Yukoners are sleeping at the Emergency Shelter every night, and there are 221 people on the Safe at Home by-name list of people experiencing homeless or highly unstable housing.

The Premier seemed very hung up on exactly how many people are tenting versus sleeping at the emergency shelter or in their cars or couch surfing. I can tell him that all of those people desperately need housing and they will be excited to hear that he can find dozens of them housing in the next week.

How many of the 221 people on Safe at Home's list can expect to be offered housing in the next week?

Hon. Mr. Pillai: I didn't expect that.

What happened yesterday was that the member opposite stood up and every single person in the House heard a massive embellishment. It wasn't factual. They said there were dozens of people living in tents. It was done to shame our team that is working on this file. I reached out to a number of NGOs

afterward and they said that it wasn't factual. I reached out to the member opposite.

I understand — I think that it is appropriate to reach out to folks who may be in a precarious position like that and make sure that there is an opportunity to see if they want to have that conversation. That is what I did; I will be out tonight meeting with folks at a little after 6 o'clock. We think that there are a couple of folks who are in that situation; there are not dozens.

This is an incredible spin. The member opposite knows full well that they are digging themselves out of a massive hole after the comments that were made.

We are going to continue to work on the by-name list. We are going to continue to invest in affordable housing. I met with our team at Yukon Housing today — and again, looking at different options for people.

I think that digging deeper today even — twisting some of the words yesterday — but right now, I look forward to the next question on this one and where we go from yesterday and even the start of today. Fire away.

MLA Tredger: The Premier seems very determined to quibble over the exact number of people in tents or exactly where people who are homeless are sleeping. I would rather work to house Yukoners who are homeless than argue over semantics.

He also seemed very surprised to hear that there are many people resorting to tenting because they are homeless. It is astonishing to think that he could be that out of touch. It happens every single year as Yukoners are evicted from hotels to make room for tourists. The problem is worse than usual this year, but it is not new. Every winter, the government could be planning for the summer housing crunch, but every year happens again and this year is no exception.

Since yesterday when the Premier promised to house all the people tenting, our office has been getting messages from people who want to know how they can get that help.

Can the Premier tell people who are tenting what housing is available and how they can get it?

Hon. Mr. Pillai: Actually, the reason that I was surprised is because I am not out of touch. I went just a week ago out with the Moccasin Mobile, going from individual to individual who needs support. I was there with the Grand Chief. We were all over downtown Whitehorse.

I spoke with the individuals who work on the front line in that work, and they let me know — so actually, when the member opposite — full disclosure to the House — I was very shocked yesterday and I knew that the information wasn't fair. I don't think it's appropriate to brush by it. Every one of us in here who are elected heard that embellishment yesterday, and now it's a double-down or whatever it is. I mean, there's an opportunity on a point of privilege to just get up and say: Look, I was mistaken, or: I didn't do the research. But today, we're seeing a real digging of the hole.

We'll continue to do the good work; I'll continue to be in touch, like I do. Tonight, I will go and speak with individuals in an appropriate manner. I'll continue to volunteer on the front line when it's appropriate and to understand what the needs of

Yukoners are and to really be able to see all of the different opportunities we have to help individuals who are there.

MLA Tredger: The most recent point-in-time count of homelessness in the Yukon happened almost exactly a year ago. It found that 197 people were experiencing homelessness in Whitehorse in one night; 75 of them were absolutely homeless, meaning that they were either staying at the emergency shelter, sleeping in tents or in cars, or had no idea where they were going to stay. That's a 43-percent increase in absolute homelessness over the previous count in 2021.

Clearly, this problem is getting worse, not better, and the result is that there are many Yukoners sleeping in sub-zero weather in tents, many without so much as a sleeping bag. Today, the Premier seems non-committal on his promise that he can help all of them within a week. So, can he clarify? Can he house dozens of people within a week?

Hon. Mr. Pillai: I spoke to the Yukon Housing team today. We are going to continue to do the work. I will just leave it at that.

I think — pretty clear what's happening here today. I will make sure that our team at Yukon Housing works with and supports the NGOs that work on the by-name list. We will continue to invest immensely in affordable housing.

I think yesterday I touched on one of the housing units. It's 408. We have 10 people there. I asked our Yukon Housing team today if we're in a position to fast-track renovation. I think there are about eight units available, plus the other work that we've done to renovate.

So, I appreciate the comments from the member opposite today.

Question re: Drury Creek electric vehicle charging station

Mr. Hassard: Mr. Speaker, earlier this session, I asked the Minister of Highways and Public Works a number of questions regarding a proposed new rest stop and EV charging station located at kilometre 467 of the Robert Campbell Highway near Drury Creek.

A number of residents in the area, as well as in Faro, have expressed concerns to me about the location of this rest stop. At the time, the minister said — and I'll quote: "No decision has been made until after the YESAA process is complete..." He went on by encouraging residents to continue to submit their comments to the YESA board.

Now, the YESAA process is still underway, with public comments closing just yesterday. Can the minister tell us why work has commenced on this site in the absence of a YESAB recommendation or decision document?

Hon. Mr. Clarke: Mr. Speaker, I will certainly get back to the member opposite with respect to his final question, but with respect to the issues around YESAB and the Drury Creek project, as I think both the Member for Pelly-Nisutlin and I can agree that there is a need for a new rest area between Carmacks and Faro. This is a high-priority service gap, as there are currently no outhouses between the two communities. The Drury Creek rest area and electric vehicle charging station

installation project is currently in the seeking-ways-and-information stage of the YESAA assessment process.

Once all the comments are received, the project team will respond in accordance with the YESAA process and will work to consider the concerns raised. The project team has received multiple comments so far that will undergo careful analysis as part of evaluating whether the project should move forward. The project team will be conducting additional site visits to formally review other sites within the area. Whenever appropriate, Mr. Speaker, the department plans to co-locate new rest areas and electric vehicle charging stations to ensure that outhouses are available for electric vehicle users and to avoid excess construction and maintenance costs. However, the project team will fully assess all comments and consider all options before deciding on a final location.

Mr. Hassard: I can let the minister know that there were people working there yesterday. So, by starting this work, the minister is not respecting the assessment process or the people of Drury Creek and Faro who have submitted comments on this project. A quick look at the YESAB registry suggests that the majority of public comments are opposed to this proposed location. This appears to be another example of Liberal decision-based evidence-making where they have a predetermined outcome for the project.

I will ask again, Mr. Speaker, if the minister can tell this House if he feels that it is appropriate that work has started on this project before the assessment process has even been finished.

Hon. Mr. Clarke: As I indicated in my first response, we will certainly get back to the member opposite with respect to developments between Carmacks and Faro on this project.

With respect to the rest area strategy, we will continue to meet the needs of those travelling on our highways. One of the commitments of our government under *Our Clean Future* is to make it possible for electric vehicles to reach all road-accessible communities by 2027, and we are very much on and ahead of schedule with respect to that. Creating electric vehicle charging stations at rest areas in remote areas will help to fulfill this goal.

Highways and Public Works released a request for information in March 2024 seeking an improved model of outhouse, about which we had some fulsome discussion with the member opposite in Committee of the Whole. I look forward to that important discussion continuing in Committee of the Whole with respect to the relative resilience of outhouses and to determine the level of market interest in supplying outhouse buildings. The improved models of outhouses are being assessed due to safety concerns with concrete outhouses.

There are several criteria that go into creating new rest areas. First, a safety rest area provides defined services and minimum outhouses and garbage bins at defined intervals to provide predictable, dependable service to highway users —

Speaker: Order, please.

Question re: Municipal recycling program

Ms. McLeod: Mr. Speaker, on April 10, Raven ReCentre announced that they will no longer be accepting,

processing, or shipping most non-refundable recyclables, including cardboard, paper, plastics, and tin, as of September 15 of this year.

We understand that the City of Whitehorse is in the process of considering what this will mean for residents of Whitehorse, but I would like to inquire about what this will mean for rural Yukon. Currently, all recyclables in rural Yukon are collected and sent to be processed in Whitehorse. Can the minister tell us what will happen to recyclables collected by municipalities other than Whitehorse as well as at Yukon government-run facilities in non-incorporated communities after September 15?

Hon. Mr. Mostyn: Mr. Speaker, I thank the member opposite for the question about recycling this afternoon. As the member opposite knows, we are in the midst of working across the territory to improve the way we handle garbage in our society here in the territory — modernizing, investing in our rural landfills to make sure that they are better equipped to deal with all of the garbage that we are creating in this society.

Now, the member opposite is conflating two subjects. She is conflating the shutdown of the three public drop-offs in the City of Whitehorse that Raven has announced it is doing — it is no longer going to do that. That is an issue for the City of Whitehorse, and they are currently dealing with this. It was discussed last night at city council. There was a briefing to council, and we look forward to seeing — I suppose next week — what happens with the Whitehorse council.

This government has put forward an option for Whitehorse to take us up on a curbside recycling program. We're offering \$2.4 million to Whitehorse to facilitate the start-up of this curbside recycling program, and I certainly hope Whitehorse takes us up on that offer.

Question re: Fish and Wildlife branch review

Mr. Istchenko: So, according to the contract registry, the Department of Environment awarded a contract to ERM Consultants on February 8 of this year. The purpose of the contract is to undertake a mandated review of the Fish and Wildlife branch of the Department of Environment.

Can the minister explain why this review is being done and what engagement will be done to seek the views of the hunting, fishing, and wildlife management community, especially of the UFA-mandated boards, including the Fish and Wildlife Management Board and our renewable resources councils?

Hon. Mr. Clarke: Mr. Speaker, thank you for that question. Certainly, we will get back to the Member for Kluane. The contract was awarded relatively recently, and I will receive a briefing with respect to the purpose of that review and can provide a more fulsome answer to him in short order.

Mr. Istchenko: Mr. Speaker, according to the document that the consultants have developed and that has been shared with stakeholders, the consultants will be seeking feedback about the branch's mandate. This will include both formal and informal requirements.

The formal requirements of the branch are very much linked to the Fish and Wildlife Management Board and the *Umbrella Final Agreement*. Can the minister tell us how this review of the mandate of the Fish and Wildlife branch will

intersect with the review of the Yukon Fish and Wildlife Management Board that is also currently underway?

Hon. Mr. Clarke: Mr. Speaker, once again, once I am briefed with respect to the nature of the contract and how the member opposite is indicating that it intertwines with the Yukon Fish and Wildlife Management Board, I can certainly provide a fulsome briefing. I have not received that briefing with respect to that, so I would certainly be remiss today to provide inaccurate or non-fulsome information to both the member opposite and to Yukoners listening today.

Certainly, I thank the Yukon Fish and Wildlife Management Board for all of their great work in bringing stakeholders together to move forward with respect to 21st century policies with respect to both conservation across the Yukon and for providing opportunities primarily for Yukon resident hunters, Indigenous Yukon hunters, as well as non-Indigenous hunters.

I certainly thank the Department of Environment for their work in this regard. Once again, I thank the Yukon Fish and Wildlife Management Board with respect to their work. I certainly have fulsome and frequent meetings with them to be briefed on their work and to support their very valuable work.

Mr. Istchenko: I thank the minister for that answer. I will be having more questions about this when we get into general debate on the department later in this session.

As I mentioned, this mandated review of the Fish and Wildlife branch comes on the heels of work that has been done by the government, First Nations, and the Yukon Fish and Wildlife Management Board to make changes to the *Wildlife Act* regulation change process.

According to the most recent annual report of the Fish and Wildlife Management Board, they have been meeting with the Yukon government over the past year to discuss the timing process and expectations around the review of the *Wildlife Act* regulation change process.

So, can the minister tell us what stage the review of the fish and wildlife regulation change process is at right now?

Hon. Mr. Clarke: As per my most recent answer that I provided, we met with the Yukon Fish and Wildlife Management Board, and we have provided encouragement and support for them to engage in this process. What I would say is that the review of the various regulations that will govern the Yukon in the 21st century is still in its early stages. The process is estimated to take approximately 12 to 18 months. We are in regular contact with the Yukon Fish and Wildlife Management Board, and they have agreed to take the lead in this process, and they will be meeting with various stakeholders, which include the renewable resources councils, the Yukon Fish and Game Association, the Outfitters Association, and various other impacted parties.

We look forward to their work, and we thank them for accepting this important responsibility to modernize regulations that in some circumstances go back to certainly the 1980s, the 1990s, and certainly into the 2000s. The time has come for this work to be done, but it will be done in a considered process with appropriate consultation and work with all impacted stakeholders.

Speaker: The time for Question Period has now elapsed.

Notice of opposition private members' business

MLA Tredger: Mr. Speaker, pursuant to Standing Order 14.2(3), I would like to identify the items standing in the name of the Third Party to be called on Wednesday, April 17, 2024. They are Bill No. 307, standing in the name of the Member for Takhini-Kopper King, and Motion No. 897, standing in the name of the Member for Vuntut Gwitchin.

Mr. Kent: Mr. Speaker, pursuant to Standing Order 14.2(3), I would like to identify the items standing in the name of the Official Opposition to be called on Wednesday, April 17, 2024. They are Motion No. 905, standing in the name of the Member for Lake Laberge, and Motion No. 941, standing in the name of the Member for Porter Creek North.

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

ORDERS OF THE DAY

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): Order. Committee of the Whole will now come to order.

The matter before the Committee is continuing general debate on Bill No. 38, entitled *Health Authority Act*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 38: *Health Authority Act* — continued

Chair: The matter before the Committee is continuing general debate on Bill No. 38, entitled *Health Authority Act*.

On Clause 12 — continued

On Amendment — continued

Chair: We are resuming debate on the amendment moved by the Member for Takhini-Kopper King. Is there any further debate?

Hon. Ms. McPhee: I just want to welcome back to the Legislative Assembly today Deputy Minister Tiffany Boyd; from the Department of Health and Social Services,

Jenny Imbeau, the director of legislation and partnerships; and Pamela Muir, our legislative drafter with respect to Bill No. 38. I am happy to continue the debate today.

Mr. Dixon: When we left off, we were discussing this amendment, and I had asked that the minister to table the exchanges between AFY and the Yukon government. In response to that, the minister said that she thought that I was cc'd on most of it, so it didn't need to be tabled, but I just wanted to be clear that it is my understanding that there are some documents that are part of the exchange between AFY and the Yukon government that I was not privy to and that others were not privy to. So, I am looking for a commitment from the minister to table the documents that have been exchanged between AFY and Yukon government that led to this amendment.

Hon. Ms. McPhee: I believe that there is only one letter that the member opposite wouldn't have — perhaps two — but I think you will have the other one. What we can do is look at the letters that we responded to AFY. Of course, there were a few meetings as well, but if you are looking for documents, I will take that into account and see if they can be tabled. I don't at the moment see a problem with that. I don't have them here today, so we will have to deal with that request going forward.

Mr. Dixon: The reason I asked for that information, Madam Chair, is because it helps to understand how this amendment came about. We know that there was an initial submission to the Yukon government. The first one I had seen I believe was dated in March. It included some suggestions for amendments to Bill No. 38. I know that, as the minister has just alluded to, there were a series of meetings and exchanges between AFY and Yukon government that resulted in the amendment that we see today. Perhaps the minister can give us some — again, perhaps it is the tabler of the motion; I'm not sure — can somebody tell us how this amendment came about, where AFY's position started, and how they were engaged as a way to provide some clarity about where this amendment actually came from?

Ms. White: I will try to weigh in and add some clarity. To be perfectly frank, it was my suggestion that we add “linguistic” there. It has to do in large part with trying to honour the francophone community's constitutionally protected right to language and understanding that another action that I was interested in pursuing on their behalf was going to have effects — unintended consequences, let's say — and so, I had initially suggested the term “linguistic” to the minister. In more than one conversation with both the president of AFY and her supports, they had indicated to me and then to you, as the Leader of the Official Opposition, that they were satisfied with the proposed amendments as they were going to come forward.

Mr. Dixon: Again, going back to my earlier comment, it would be helpful for everyone if we could see the exchange between AFY and the Yukon government in its entirety, but as the minister has noted, that is not available now. Perhaps it can be tabled at a later date.

So then, based on the April 12 letter from the minister to me which outlined the three amendments that are intended to be made to Bill No. 38 — this is one of them — I wanted to

ask: Did the Yukon government conduct any analysis of its legal exposure as a result of not making these amendments? Could AFY have challenged the bill in its current form under their constitutionally protected rights? Is the government aware of whether or not failure to pass this amendment would leave the Yukon government exposed to legal challenges?

Hon. Ms. McPhee: I'm happy to add to this conversation. As the Leader of the Third Party and the mover of this amendment noted, there were conversations about the potential to add the word “linguistic”, which is what is being proposed here, to that section 12, the purpose of that being to enhance the concept of languages and linguistics — and the study of languages and the purpose of languages — to enhance the word “culture”, which appears just before that. Culture, in our conversations and certainly in the work that has been done to get Bill No. 38 here, does include languages. There is no question in our minds, but in order to enhance that, as the Leader of the Third Party has said, that was a conversation that came forward as a suggestion.

We were committed to engaging with the Association franco-yukonnaise on behalf of their community to advance the work as we work to establish the health authority. I was really thankful for the conversations that we had with them and for their sharing of input on how we could better reflect their concerns in the proposed Bill No. 38.

We did not speak about legal exposure, and it wouldn't be appropriate for me to give you the advice that has been provided to me with respect to that if there was such a thing. What we talked about was being cooperative and finding solutions as we go forward. The conversations were very cordial, polite, and in-depth. We spent time with a focus on our shared interest in having the health authority be the best possible bill going forward. In consideration of AFY's request, we examined their requests and how to incorporate provisions that — not word for word, because some of the suggestions were not suggested to go in the right section, for instance, et cetera.

Just to correct, I believe the letter that I wrote to the Leader of the Yukon Party mentions four amendments going forward. I think he referenced three, but I'm happy to take a look at that letter and make sure that the details were accurate there. Certainly, our government recognizes the official languages of Canada and promotes the use of French in the Yukon, and this is legislated through the *Languages Act* under its purpose that the Yukon wishes to extend the recognition of French and the provision of services in French in Yukon and in particular in Bill No. 38 for health care and the protections therein.

Mr. Dixon: Indeed, the minister is correct. I misspoke; it is four total amendments that are being made to three sections and the preamble. I forgot the preamble, so apologies there.

Again, going back to the back-and-forth between AFY and the Yukon government, I note — and the minister mentioned this — that there is a difference between what was originally proposed by AFY and what we have ended up with vis-à-vis the April 12 letter to AFY — and sent to me as well. I would like to understand that a little bit more, so perhaps the minister can tell us a few things.

First of all, when did AFY first reach out to the Yukon government? How many meetings did they have with AFY and Yukon government present, and when did those meeting occur?

Hon. Ms. McPhee: I will have to get the dates if that is necessary. I appreciate that these questions are kind of about this amendment, but I want to provide as much information as possible. I don't want to guess on the dates, but I received a letter from AFY, which was copied to the Leader of the Yukon Party and to the Leader of the Third Party. I responded back. We had a meeting almost immediately.

We worked to make sure that we were putting in writing, as best we could, some of the conversations that we had. I believe that the Association franco-yukonnaise then responded back to me in writing. We then had another meeting, and the conversation included the word "linguistic". I then wrote to the Association franco-yukonnaise to confirm that in writing, and a version of that letter was the one that I sent to the Leader of the Yukon Party.

I met personally and some members of the senior staff met with the president and executive director and then the president and the acting executive director on April 2 and April 12.

Mr. Dixon: So, there were a significant number of meetings and a lot of time spent going back and forth, which is good. The result of that was this amendment. We will be supporting this amendment, but my question is simply: Why wouldn't the minister have these conversations before the bill was tabled?

Hon. Ms. McPhee: I believe that question was asked by the same member opposite when we were doing general debate. As I said then, I wasn't aware of the concerns when they were presented in writing to me on, I think it's — sorry, I'm looking for the date of that letter.

I think it's at the end of March. I think you quoted March 27 or March 29 — I don't want to get that wrong, but I will look it up and tell you that it is when they wrote to my office and that is when we started these conversations in earnest. The purpose of that was to respond to their concerns. I did not have this conversation before we tabled the bill because I was not made aware by the Association franco-yukonnaise that they had specific requests in this way.

I can indicate that at a stakeholders meeting on February 12, there were no such concerns raised. When they were raised, we worked in earnest to make sure that we could come to a mutually agreeable result.

Mr. Dixon: Madam Chair, I would suspect that AFY didn't raise the issues with the bill sooner than the date that they did because they didn't know that they had issues with the bill until they had seen the bill. Of course, as we pointed out, the minister's failure to consult properly prior to tabling the bill resulted in this mad scramble of meetings and back-and-forth of letters where there seem to be fairly intensive negotiations between the government and an important stakeholder organization that has constitutionally protected rights.

That is what led us here, Madam Chair. I think it's probably worth moving on at this point. We will support the amendment, but I want to note that this amendment wouldn't have been necessary if the minister had simply consulted prior

to the tabling of the bill and actually engaged with AFY in a meaningful way prior to the tabling of Bill No. 38.

Chair: Is there any further debate on the amendment? Shall the amendment carry?

Amendment to Clause 12 agreed to

Ms. White: Madam Chair, moving down on clause 12, of course, which is "Competencies, diversity and residency requirements of board members", (3) says that the chair must be a Yukon resident; (4) says that the majority of members of the board must be Yukon residents; and (5) says that, if a member of the board ceases to be a Yukon resident during their term of office, they may continue as a member of the board until the expiry of their appointment.

I would like the minister to talk about the importance of, first of all, the chair being a Yukon resident, about the majority of the board being from the Yukon, and how, if someone moves, they can serve out their term.

Hon. Ms. McPhee: In the provisions asked about in section 12, this section of the bill is the requirement for the Minister of Health and Social Services and the Yukon First Nation health committee to make their recommendation for board appointments based on a set of competencies that will be determined through a process pursuant to section 15 of core competencies bylaw.

Individual board members will not be required to have all competencies. The board will collectively meet all the necessary competencies. Appointments to the board will also reflect the cultural, regional, now linguistic, and gender diversity of the Yukon. This section also accounts for a situation where there are competencies that are perhaps missing from the makeup of the board or there is not a sufficient and skilled candidate pool from which to select members from within the Yukon. That is certainly not expected, but we have to write this enabling legislation for all possibilities to address this situation.

The bill includes a provision that allows an appointment of a non-Yukon resident to the board. For example, there could be a person with specific competencies who may be no longer living in the Yukon but has a deep understanding of the Yukon context and would be an asset to the Yukon as a board member. Most of the board members and the chair of the board must be Yukon residents as noted in that section. That, of course, makes sense. It will be the rule rather than the exception that individuals would reside in the Yukon Territory and that's the reason that the section is written that way.

The bill is based on best practices from across the country with respect to the complex organization that the health authority will be should Bill No. 38 pass — such as a health authority — and we have examples in other places that have been a benefit to research.

A health authority will be set up in a way that there are no guaranteed seats for any particular group, culture, gender, or region, but the other parts of section 12 that we have been discussing are intentionally required. The minister must make best efforts — which, as I said yesterday, is a very high standard — to ensure that the membership of the board reflects the Yukon's cultural, linguistic, regional, and gender diversity

should the bill pass with the amendment that has just been made.

“Best efforts” is a high standard and the intention is that the board will have diverse representation after meeting the required competencies identified through a jointly designed competency matrix. The Yukon First Nation health committee must also consider the competencies, the diversity, and the residency requirements when they are nominating board members.

The minister and the Yukon First Nation health committee must also make reasonable efforts to reach consensus on the appointments within 60 days, which may move us into section 13, but that is part of the overall concept, reading the legislation together. The design of board governance is different, of course, from the *Hospital Act*, as it aims to strike a balance between having a diverse representation while ensuring that the competencies of the board are fulfilled. Again, this is intentional to ensure that the board can undertake the challenging job of governing a complex organization through a professional board that represents the diversity of the Yukon.

This section also accounts for a situation where local residents may not be available to fulfill the required competencies that I have spoken about already and the provision that perhaps a non-Yukon resident may be appointed to the board. That option is not available for the chair.

Chair: Is there any further debate on clause 12 as amended?

Clause 12, as amended, agreed to

On Clause 13

Clause 13 agreed to

On Clause 14

Ms. White: Clause 14 talks about a change in the size of the board, and I think that this is an important point for the minister to get up and discuss, as there was a lot of conversation in general debate on it. If the minister can let us know the intentions of what clause 14 talks about as far as a change to the size of the board.

Hon. Ms. McPhee: This section allows for flexibility for changing the size of the board should circumstances require it. If it is ever to be changed, it is to be changed by an even number to maintain the number of nominees. I will get to section 14(4) where it can be no fewer than five members.

This is based on the jurisdictional scan of health authority boards, and that was determined to be a reasonable number. This provision also — 14(4) — establishes that the board must have a minimum of five members and that any decrease of the size of the board is not to be less than five, so that has to be maintained. It also notes, I believe, that it would have to change by two members either way, but it certainly does allow — this section does allow — for the board to be increased if that is determined to be appropriate.

The board size is set at seven. That is included in section 11, but if there is a recommendation to decrease or increase the board, section 14 confirms that the Commissioner in Executive Council, also known in the Yukon here as Cabinet, may make this change on the recommendation of the minister. Of course, that would be in collaboration with the board and the partners

with respect to the reasons why that might be considered and recommended. The change can be made by adding or removing even numbers of members to the board. Before the minister would make such a recommendation to Cabinet, the minister and the Yukon First Nation health committee must make reasonable efforts to reach a consensus about the issue. To ensure continued representation of Yukon First Nation health committee nominations and minister nominations, this section includes provisions that require changes to the board to be by two members at a time so that there is a corresponding change to the number of individuals to be appointed by the Yukon First Nation health committee and by the minister. As I have noted, there cannot be fewer than five people.

Chair: Is there any further debate on clause 14?

Clause 14 agreed to

On Clause 15

Ms. White: So, clause 15 is the core board competencies bylaw. I think this is important. As the minister has referenced before, the need for core competencies — in section 15, it talks about the bylaws that need to be created to capture that — so, if the minister can just walk us through this section.

Hon. Ms. McPhee: The Shāw Kwā’ą board is required to develop and implement a bylaw that sets out the required core competencies for board members. They may make changes to these bylaws as required. The board must submit the proposed bylaws and any amendments to the minister. Upon receipt, the minister and the Yukon First Nation health committee must make reasonable efforts to reach consensus on the competency bylaws or any amendments to those bylaws. They must make reasonable efforts to reach consensus within 60 days, as detailed in section 71(2)(c), and as is the process for all bylaws, section 65 establishes time limits for the minister and the health authority to make reasonable efforts to reach consensus on any changes to be made to the bylaw — this time limit is also set at 60 days.

The provision requires that the board made a bylaw on the core board competencies that will be required for directors, and the bylaw may be changed from time to time with the minister’s approval, and the provision confirms that a bylaw made by the board does not come into effect until it is approved or made by the minister. That is under section 65 of the bill. This provision requires that the minister and the Yukon First Nation health committee, as I have noted, must make reasonable efforts to reach a consensus. That is, as I have said, in section 71(2)(c), and that will be the requirement for the work and responsibility of the board and the competency bylaws following the transition provisions that are much later in the legislation.

Clause 15 agreed to

On Clause 16

Clause 16 agreed to

On Clause 17

Clause 17 agreed to

On Clause 18

Clause 18 agreed to

On Clause 19

Clause 19 agreed to

On Clause 20

Ms. White: Clause 20 talks about eligibility. The subclause says, “The following individuals are not eligible to be members of the board: (a) a member of the Parliament of Canada; (b) a member of the Legislative Assembly; (c) an individual holding the office of Chief or an equivalent office of a Yukon First Nation under the constitution of the Yukon First Nation...”

It goes on to list out folks who are not able to be on the board. Can the minister tell me why these positions specifically were chosen?

For example, it says “chief”, but it doesn’t say “councillor”, whereas the Members of the Legislative Assembly aren’t Cabinet or the Premier, so it’s not necessarily in comparable ways — so if the minister can just help me understand why some have been selected and others have not.

Hon. Ms. McPhee: Thank you for the question. The provisions of section 20 that prohibit individuals who hold other possible positions from being eligible to serve on the board of directors is relatively standard. It is designed throughout — well, health authority legislation but other important boards as well. There are individuals who are prohibited to avoid conflicts of interest for the most part, and the design is incorporated into legislation so that there is no question. The section describes individuals who are not eligible to be members. For instance, non-eligibility is for the most part determined to be based on a conflict of interest. Some examples would be: another position that they might hold or, in this case, there is also the concept of medical staff, and you must abide by the medical staff bylaws that we spoke about earlier.

This, as you’ve noted, includes a number of particular individuals, politicians, and others — employees and senior officials with the department. I can note that this was a conversation in particular with respect to councillors and First Nation governments. There was a conversation with the Health Transformation Advisory Committee, as informed by the Chiefs Committee on Health. There are some First Nation government constitutions, for instance, that have councillors only serving part time. Also, they might permit their councillors to have other positions during their term as councillors on the First Nation government.

If someone did have such another position, that will have to be taken into account when determining eligibility. If it was not determined to be a conflict of interest, presumably that person would be eligible, and if it was a position that they held that would put them into a conflict of interest in making sure that they were dedicated to the health authority direction and responsibilities there first and foremost, then they would quite possibly be ineligible.

Chair: Is there any further debate on clause 20?

Clause 20 agreed to

On Clause 21

Ms. White: Clause 21 is revocation, which means the ability to revoke an appointment of a member to the board, including the appointment of the chair. I think that this is important. I believe that this is a safety measure, like an emergency brake on a car, so if the minister could walk us through the importance of clause 21, I would appreciate it.

Hon. Ms. McPhee: The section is quite self-explanatory, but I appreciate the opportunity and the question because section 21 does establish the process and criteria for removing a member of the board prior to the expiry of their term, and this would include the chair.

The board members can be removed on the recommendation of the minister for cause or for incapacity. The request may come from the board with a sufficient vote or direction, or it happens automatically if a board member does not attend at least half of the board meetings in a year and is not otherwise excused by the board — which means they are considered as having resigned. That is set out in section 21.

This is a board that will be responsible for the delivery of front-line and acute health care to all Yukoners. It is incredibly important that this is done on the basis of individuals who are dedicated to that work, who will be well-prepared when doing that work. They first come with eligibility and then they come with competencies. They will be well-prepared to do that work; they will be well-prepared to make the decisions necessary and to guide the governance of the proposed Yukon health authority Shāw Kwā’ā, and it absolutely requires the dedication that is set out in this section. To maintain that commitment otherwise would be considered inappropriate, and a board member who would do such a thing will be considered as having resigned.

Chair: Is there any further debate on clause 21?

Clause 21 agreed to

On Clause 22

Clause 22 agreed to

On Clause 23

Ms. White: Clause 23 talks about the duties of board members and it has a list. I’m guessing that the reason this language was chosen is because it does actually have legal ramifications. So, if the minister can help me to understand, for example — subclause (1) says: “The members of the board must, when exercising the powers and performing the functions of a member of the board, (a) act honestly and in good faith with a view to the best interests of the health authority; (b) exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances...”

Can the minister let me know if those have legal ramifications and the importance of them with that in mind?

Hon. Ms. McPhee: Thank you for the question. This is section 23. It identifies the fiduciary-like duties of the board, which must be exercised and performed — those appropriate and conceptual duties of a board of this nature. This section lays out the general fiduciary-like duties of the board members when exercising the powers and performing the functions of a member of the board. It requires that members participate on the board as individuals rather than a delegate of a party who nominated them to the board.

So, as best possible, they leave their responsibilities — if they are members of other identifiable groups — at the door. Their job as a member of this board is to ultimately, first and foremost, exercise the powers and perform the functions that are necessary to be a board member and to run the health authority. They are not a delegate of other organizations even

if they are ultimately involved in them or of a party that might have agreed to or put forward or supported their nominations to the board.

The duties of the board members include, as the member opposite said: acting honestly and in good faith; exercising due diligence with the best interests of the health authority first and foremost; and exercising the care and the due diligence and the skill that a reasonably prudent individual would exercise in comparable circumstances. They must manage and operate the health authority in accordance with its purposes for the benefit of all Yukoners — so, both parts of that requirement — and they must act in accordance with the act and the regulations. They are a creature of statute; they will be a creature of the *Health Authority Act*, and their powers, duties, responsibilities, and authority will all come from this piece of legislation.

Ms. White: So, finally, on clause 23, “Duties of board members”, I think that subclause (2) is really important. It says: “For greater certainty, members of the board are not delegates of the party that nominated them for appointment to the board.” The reason I think that this is important — and the minister mentioned before — is that First Nations are able to nominate three, as was the minister, but I think that this really will help the general public understand that those nominees do not represent the views of the people who nominated them.

Hon. Ms. McPhee: I did comment on that earlier, but I think it is also important to say that this is a general concept of board governance throughout the legal world, throughout the legal responsibilities, that bring boards into operation and to the concepts of administrative law and natural justice and how they apply to boards and the way that boards are governed and govern organizations like what will be the health authority.

Clause 23 agreed to

On Clause 24

Clause 24 agreed to

On Clause 25

Ms. White: Clause 25 is “Committees of the board”. The one that I would like to draw attention to and ask questions about is subclause (5): “The board may appoint an individual who is not a member of the board to sit as a member of a committee established under paragraph (1)(b) or subsection (2).” I think that this is probably filling in some of the blanks that the minister gave us before, which is looking for people with specific skillsets.

Can the minister help me understand a person who can sit on a committee who is not part of the board?

Hon. Ms. McPhee: Thank you for the question. It starts at subsection (5) of clause 25, but there are several other provisions that I would like to mention because of the emphasis that is of assistance here into understanding how these sections interrelate. This provision in subsection (5) supports the board in appointing individuals other than members of the board to serve as a member of a committee based on section 1(b) or subsection (2) of this section.

This provision requires that any such appointment of individuals sitting as a member of the committee established under the board must also meet the eligibility requirements — that is in subsection (6) — the same eligibility requirements as

the board as per section 20 of the bill. There is a “but” because then there is subsection (7), which says that the provision extends the permissions within section 25(6) — so, must be the same eligibility as for the board members. But here, this subsection enables the board to appoint a member of the medical staff of the health authority or an individual who might be under the age of 19 to a committee established under the board based on the conditions set out in (a) and (b) of this subsection. This really allows for specific and broader input. These are mechanisms to allow that to happen under the board.

Subsection (8) of that section goes on to emphasize that the board must make best efforts to ensure that membership of a committee appointed under subsection (5) includes diverse representation, including from Yukon communities other than Whitehorse, and Yukon First Nations. It also notes in subsection (10) that the board must ensure, either through a committee of the board or other mechanism, that it makes provisions for community perspectives to be included in the work of the board.

As I have said, these are mechanisms that allow broader input through the committee process to the operation of the health authority board. The medical staff in particular — we have been asked about that and I have spoken about it a bit. But the medical staff can participate on committees such as the ones contemplated under section 25, and these are critical front-line perspectives. They will be captured on things like quality assurance, patient safety, and cultural safety committees — and important input to others. Medical and health professionals will also be key contributors to the accountability framework. All health authorities have medical or clinical committees that advise the organization or its board on medical matters. I not only expect that to be the case but look forward to having that method of input from our health professionals.

Chair: Is there any further debate on clause 25?

Clause 25 agreed to

On Clause 26

Clause 26 agreed to

On Clause 27

Clause 27 agreed to

On Clause 28

Clause 28 agreed to

On Clause 29

Clause 29 agreed to

On Clause 30

Ms. White: Clause 30 is titled “Employees”. Subclause (1) says, “The health authority may employ or engage any staff it considers necessary to carry out its responsibilities, and may, subject to the regulations, establish associated terms and conditions of employment, policies and directives.

“(2) For greater certainty, the *Public Service Act* does not apply to the officers or employees of the health authority.”

I just wanted to ask the minister to just, I guess, expand on these two sections.

Hon. Ms. McPhee: Thank you for the question. As the health authority will be, as we have spoken earlier, a non-agent of the government, this statement makes it clear that the *Public*

Service Act, which applies to government employees, has no bearing on officers or employees of the health authority. That's in subsection (2).

Also, in subsection (1), it's the general authority for the health authority to have employees, which is required by law. The section allows the health authority to employ or engage any staff that it considers necessary to carry out its responsibilities and may, subject to regulations, establish applicable terms and conditions of employment, policies, and directives. So, this is a general authority. If it did not exist in this legislation, there could be an argument that the health authority did not have any ability to have employees. Clearly, this is just a general authority for that to occur. It is certainly not designed in any way to deal with how those employees, which we have talked about at some length during this debate, might be ported to a new employer or how they might become — and the protections that they would take with them — employees of a new health authority.

Clause 30 agreed to

On Clause 31

Ms. White: So, clause 31 is “Representative workforce plan”. I think there are really important things throughout this, including what may be included in that plan from training, public information, counselling, workplace support, targeted recruiting, et cetera.

Could the minister please talk about clause 31?

Hon. Ms. McPhee: Thank you for the question. Section 31 speaks to the requirement of the health authority to establish a representative workforce plan that aligns with its purpose. While generally modelling on the concept of the representative workforce plan required by the final agreements, as per chapter 22 in relation to the public service, section 31 is specific to the employment context of the health authority and to make improvements to representative workforce outcomes.

Measures here include: attaining the goal of a representative health authority workforce, considering the Indigenous, non-Indigenous, and gender makeup of the population of the Yukon — this includes both Indigenous health professionals as well as other Indigenous members of the health authority's workforce; retaining the number of Indigenous professionals in the Yukon communities outside of Whitehorse is critical; and provides for periodic review and amendments following a review as applicable; it is also subject to timelines in the bill.

The health authority and the Yukon First Nation health committee are to make reasonable effort to reach consensus on a plan or amendments to the plan. The bill proposes elements to be included in that plan, which include training, public information, counselling, workplace support, targeted recruiting, the designation of positions to be held by Indigenous people, hiring preferences, and other measures that may reasonably contribute to the goal of a representative work force of the health authority.

The bill also requires that the health authority develop job descriptions and positions in a manner that reduces barriers for Indigenous people to gain and advance their employment in the health authority. This is a commitment that has been made by

our government. It is a requirement pursuant to final agreements chapter 22. It is a recognition that this is a progressive and appropriate policy that a representative workforce plan is required by way of the work of the health authority, and to achieve that, there are provisions on how that can happen here.

When Bill No. 38 passes, should it do so, it is an entrenched version of the representative workforce plan taken on by Yukon government in the past and appropriately so going forward.

Clause 31 agreed to

On Clause 32

Clause 32 agreed to

On Clause 33

Clause 33 agreed to

On Clause 34

Ms. White: I think that clause 34 is very important, as it is entitled “Public accountability.” In subclause (1), it says: “The board must hold at least two public meetings each year so as to allow members of the public to obtain information and provide input about the health and social services the health authority provides, and the budget, facilities and operations of the health authority.” In (2), it says: “At least one of the public meetings must be held in a Yukon community other than Whitehorse.”

My first question is in subclause (1): What happens if they don't hold two public meetings a year? What is the recourse for that? I will start with that question.

Hon. Ms. McPhee: This section requires the board of the health authority to hold at least two public meetings per year, with at least one being in a Yukon community other than Whitehorse. It's not just the requirement — the purpose of these meetings must be allowing members of the public to obtain information and make recommendations about the health and social services that the health authority provides under this legislation — also its budget, facilities, and operation of the health authority — so, it is a broad purpose and responsibility for the board to be publicly accountable and do public engagement.

This is, as we spoke earlier — although I don't have the section in my head anymore, but there are fiduciary duties for the board, one being, of course, that they must comply with the legislation to which they are accountable and from which their authority comes. Should they not comply with the sections of the legislation, that could be cause for removal. In addition to that, there is the public accountability that is necessary. There are annual reports that are necessary.

Ultimately, the faith of the public must be in the operation of the health authority, and to lose public support or trust would be a difficult situation. It certainly would lay on the shoulders of the government to make sure that the fiduciary duties required by the law are met.

Clause 34 agreed to

On Clause 35

Clause 35 agreed to

On Clause 36

Ms. White: Clause 36 is titled “Accountability agreement”, and subclause (1) says, “The Minister must, in consultation with the board, establish an accountability agreement to be entered into by the Minister and the board, that is consistent with the approved strategic plan, for the purposes of setting out the roles, responsibilities, obligations and fiscal resources to achieve the strategic priorities and the expected results for the health authority.”

Can the minister help me understand that clause?

Hon. Ms. McPhee: Thank you for the question. The accountability agreement is a contract of performance expectations between the minister and the health authority. It is set out in section 36. It provides a mechanism for the minister and the health authority to assess the needs of Yukoners and how the health authority is responding to those needs on an annual basis. The accountability agreement describes roles, responsibilities, and obligations in achieving strategic priorities and the expected results for the health authority. The minister is required to consult with the Yukon First Nation health committee before approving or amending the accountability agreement within the timelines that are provided for it under section 71(1).

The bill also includes various accountability mechanisms that involve the Government of Yukon and Yukon First Nations and Yukoners. We just spoke about one of them: public meetings and those responsibilities. By way of example, with respect to the health authority, mechanisms include: the development of an accountability agreement at various places through the legislation; financial reporting requirements; public meetings; a cultural safety framework; and a patient safety and quality assurance framework. For example, the health authority will demonstrate public accountability by responding to the public in a timely manner and in carrying out the responsibilities that it has, including, as I have noted, public meetings in communities and in Whitehorse.

The health authority’s operation and board deliverables will also be assessed against the accountability agreement. Ensuring standards of patient safety and quality assurance will be monitored against outcomes from implementing its patient safety and quality assurance framework.

I know that I’m going through these quite quickly, but these are incredible responsibilities and changes to the way in which the health system operates. There are no such accountability standards; there are no such measurements against patient outcomes, patient safety, and quality assurance existing in an overall focused health care system-wide situation at this time. This is one of the achievements of the health authority and the goals for which it must operate.

The health authority must also follow accountability, transparency, and privacy requirements under the *Access to Information and Protection of Privacy Act* and the *Health Information Privacy and Management Act*, the *Ombudsman Act*, and the *Public Interest Disclosure of Wrongdoing Act*. I believe that those are also in the act at different places, including some transition provisions.

Chair: Is there any further debate on clause 36?

Clause 36 agreed to

On Clause 37

Clause 37 agreed to

On Clause 38

Clause 38 agreed to

On Clause 39

Ms. White: Clause 39 is “Medical Staff Privileges Appeal Board”. Subclause (1) says: “The Hospital Privileges Appeal Board consisting of either three or five members, established under the *Hospital Act* as that Act existed immediately before the coming into force of section 86, is continued as the Medical Staff Privileges Appeal Board.”

My question is: Does this have an accreditation impact?

Hon. Ms. McPhee: Thank you, Madam Chair, and thank you for the question.

I am going to answer the question about accreditation first, I think. If the question involves the idea of accrediting a particular medical practitioner — if it is a physician, that is done by the Yukon Medical Council, and this does not affect that; it is quite separate from that. If we are talking about the facilities — for instance, the hospital — being accredited, that is a separate process and is not impacted by this at all. This subsection incorporates the Hospital Privileges Appeal Board — which is what it is currently called under the *Hospital Act* — and that concept into this bill but replaces the name of the Hospital Privileges Appeal Board with the “Medical Staff Privileges Appeal Board” to recognize that the appeal board could deal with privileges other than facilities under the responsibility of the health authority — so maybe broader facility questions other than just the *Hospital Act*. This is a provision where individuals who have a decision of the medical privileges have the opportunity to appeal that decision.

The section includes regulation-making powers and appointments by the Commissioner in Executive Council to that board in accordance with regulations. While this board is currently established, as I have said, under the *Hospital Act*, known as the “Hospital Privileges Appeal Board”, it has not been terribly active, but the board is continued under this bill because there may be a need and, with respect to the concepts of administrative law and natural justice, individuals who have a decision made that affects them should have a well known and appropriately set up independent place in which or at which to challenge that decision.

Clause 39 agreed to

On Clause 40

Clause 40 agreed to

On Clause 41

Clause 41 agreed to

On Clause 42

Mr. Dixon: I have some questions on Division 3 here. We will start with clause 42. I would like to ask about this section. How will this section be implemented, and what sort of tangible differences can Yukon patients expect to experience in contrast to what they receive in experience today?

Hon. Ms. McPhee: Thank you for the question. This section reflects the standard elements of health and social services and prescribes the requirements in more detail. Of note, the framework established by the health authority must

include a quality assurance and patient safety framework complaint procedure and must include cultural safety as a component of quality assurance. This entrenches a process to lead to better outcomes, including tangible experience changes. It incorporates a broader mandate into quality assurance and patient safety than currently exists. It is a system-wide focus.

It requires continuous improvement and ultimately a review of those quality assurance and patient safety outcomes. It requires First Nation input for the concept of cultural safety and to improve experiences. The health authority must develop a patient safety and quality assurance framework that ensures that it continually improves the quality of services it provides and maintains a safe environment for staff, those receiving care, and their families, which does not exist currently in our health system.

Elements of this include the importance within health care of ensuring safe spaces, inclusive language, engagement processes, complaint procedures, and response and reporting protocols. It includes quality assurance in operations and in the client experience.

The framework will be developed in consultation with Yukon First Nations and input will be sought from health professionals, from employees, and from other stakeholders to ensure a comprehensive approach to safety. That will include cultural safety.

Implementation must be overseen by the quality assurance, patient safety, and cultural safety committee, which is also established under the bill.

Periodic feedback must be sought by the committee from the Yukon First Nation health committee, employees of the health authority, medical staff, other labour unions or representatives, and from any other persons as considered appropriate by the health authority or as may be prescribed in the regulations.

Clause 42 agreed to

On Clause 43

Ms. White: Madam Chair, we spoke about this earlier. Clause 43 talks about cultural safety for board training. I would just like to give the minister an opportunity again to talk about the importance of cultural safety — especially when we talk about cultural safety and cultural humility — because I had asked previously if the same training for the board would carry through toward the staff.

Hon. Ms. McPhee: As I said, I think that it was yesterday when we talked a bit about this and the importance of making sure that not only the board members but perhaps even more importantly the employees and staff of the health authority and all of them having cultural safety training that will be developed with members of the community and Yukon First Nations to make sure that it is appropriate and that such cultural safety training in this section, required for the board, will be aligned with what is otherwise provided for staff and professionals at the health authority. Cultural safety is further integrated into this bill by requiring that the board training in cultural safety is done so that the duties are conducted in a culturally safe manner. Specific training will be determined by the minister and Yukon First Nation health committee, and they

must make reasonable efforts to reach a consensus on the training program and to consider input from other persons and groups impacted by issues of cultural safety and humility in relation to the delivery of services.

I can assure individuals and members of this Legislative Assembly as well as Yukoners that when I have the honour to sit in this chair, experts in this particular field will be engaged to determine how to best reach the goals of our Yukon communities, our Yukon cultures, to make sure that board members are properly and specifically educated and that the same education is provided to staff and medical professionals and that the entirety of the health authority has this at the top of their mind.

Chair: Is there any further debate on clause 43?

Clause 43 agreed to

On Clause 44

Mr. Dixon: I have some questions on section 44. I'll start with (a) and (b). In regard to both (a) and (b) of this section, can the minister explain how these will be implemented in practice? What tangible changes can we expect that will improve the experience for Indigenous and First Nation citizens as a result of the implementation of this section specifically and the bill more generally?

As well, in regard to section 44(c), there are a number of First Nation health programs and services that are currently offered in Yukon hospitals. How will these programs change as a result of this bill, and how can First Nation patients expect to see the delivery of their health care change as a result of this section as well?

Hon. Ms. McPhee: Thank you for the question. The cultural safety is crucial to improving Yukon's health and social services system. It is built in several places in the bill. The bill seeks to integrate cultural safety throughout those aspects of the health care system that are under the purview of the health authority by setting out requirements for a cultural safety framework. The goals of this framework include respectful engagement that recognizes and addresses that there are power imbalances, and an environment that is free from all forms of racism and discrimination is the goal.

It also establishes requirements for collaboration with various stakeholders and partners. The quality assurance, patient safety, and cultural safety committee of the board is responsible for overseeing implementation of the framework, and the framework is reviewed by the Yukon First Nation health committee and other groups.

As with provisions on quality assurance and patient safety, this framework is meant to be regularly monitored, and periodic feedback must be sought by the committee from the Chiefs Committee on Health, employees of the health authority or their labour unions or representatives — or all of those — and medical staff, and from other persons or representative groups that are impacted by issues of cultural safety in relation to the delivery of health and social services. This feedback must also be sought from those considered appropriate by the health authority or as may be prescribed in the regulations — and certainly taking into account the views of the organizations and persons with lived experience, which I've mentioned already.

The committee of the board will be required to make best efforts to reach a consensus with the Yukon First Nation health committee on the framework, and both the committee of the board and the Yukon First Nation health committee must include input from other equality-deserving groups impacted by cultural safety issues, employees, and medical staff.

I can also note that the tangible changes contemplated by 44(c) are all of what I have just noted. A cultural safety framework is not required currently in the health care system. Although there have been great efforts, it is not required at the Hospital Corporation. Under the health authority, these will be system-wide opportunities for improvement.

Discussions at the Health Transformation Advisory Committee included highlighting issues with the current committee. There is currently a Yukon First Nation committee and health program, as has been noted by the member opposite. The committee became a place where all things about Yukon First Nation or Indigenous individuals, people, and programs were landing. The legislation here captures the intentional shift to weave Yukon First Nation perspectives, their health needs, and their health outcomes throughout the bill. Therefore, the Yukon First Nation health committee to date has not been legislated.

The First Nation health program will transfer to the health authority when the *Hospital Act* is repealed and the health authority assumes responsibility for the operations of the hospitals in the territory. We hope, certainly, to also enhance that program and learn from the experiences of the individuals who work in that program and incorporate them into the work of the new health authority through the cultural safety framework.

I should also note that the cultural safety framework will also require that Bill No. 38 be inclusive — and the responsibilities of the health authority under Bill No. 38 be inclusive — of equity-deserving groups, as referenced in the preamble, which we will get to, and include not only 2SLGBTQIA+ communities and other gender-inclusive, diverse identities but also groups such as racialized minorities and, as I have noted, Indigenous persons.

As drafted, the bill includes all Yukon population groups and importantly allows all Yukoners to see themselves in this legislation. Yukon First Nations have been mentioned specifically to honour the government-to-government partnerships of this work.

Ms. White: One group or equity-seeking group that hasn't been mentioned at this point is people with disabilities. I know that the minister definitely holds that group in mind, but I just wanted to say here that, when we talk about equity-seeking groups, that it has to be full spectrum, including those with disabilities.

Hon. Ms. McPhee: Yes, I apologize for speaking first. I apologize for not specifically noting that this is designed — as are all sections of Bill No. 38 — to be as inclusive as possible. I certainly agree that the definitions or the terms here in particular about inclusivity, equity-seeking and -deserving groups, cultural safety, humility, and discrimination will — and

must — apply to all such groups and, of course, including those with disability.

Clause 44 agreed to

On Clause 45

Ms. White: Earlier on, we had been talking about whether there had been any engagement with the non-insured health benefits when we talk about the Government of Canada, under section 45, which is — division 4 is “Miscellaneous”, but section 45 is “Agreements”. Subsection (2) says, “Subject to subsection (3) and the regulations, the health authority may enter into an agreement with a Yukon First Nation, the Government of Canada or the government of a province for the purpose of a delegation of power to the health authority to provide health or social services in Yukon that are otherwise the responsibility of the Yukon First Nation, the Government of Canada or the government of the province, as the case may be.”

My question is, does this, for example, take into — we could talk about Atlin or Lower Post, which are British Columbia; we could talk about folks who are covered by non-insured health benefits. Could the minister help me understand subclause (2)?

Hon. Ms. McPhee: Thank you for the question. Section 45(2) could be a mechanism to be used for all of the examples that have been mentioned in the question — specifically, could be for NIHB or other arrangements. This section includes provisions stipulating that the health authority is authorized to enter into agreements with the minister and health service providers, Yukon First Nations, and other government bodies and people to provide health and social services. Of course, this is a broad, enabling section to allow for this kind of work going forward.

The section also allows other governments to delegate the delivery of their health and social services responsibilities to a health authority, so there could be organizations or other governments that have certain services. This is a great example for someplace like Atlin or other places in British Columbia.

This also could occur through agreements entered into by the health authority with a Yukon First Nation government or with the Government of Canada, so potentially either in relation to NIHB, if the First Nation government had responsibility for its health care in that way — or any way. These agreements are subject to any restrictions that are imposed in the regulations and require the minister to approve the terms and conditions, because, of course, the health authority would ultimately then be responsible for those activities. The section is written quite broadly. It is noted there but could or may ultimately include the examples that have been given here by the member opposite.

Clause 45 agreed to

On Clause 46

Clause 46 agreed to

On Clause 47

Clause 47 agreed to

On Clause 48

Clause 48 agreed to

On Clause 49

Ms. White: Clause 49 is “Grants to health authority”, and I believe that this is referenced in section 4(i), and this is how the minister will be able to transfer funds, so maybe the minister would like to mention that in this section.

Hon. Ms. McPhee: Thank you for the question. This is a reference, as we spoke earlier, about the opportunity for this section that authorizes the minister to provide funding or loans with conditions as necessary to the health authority based on the approved budget, operations, and capital plans.

The reference to the conversation that we had yesterday about not being able to go overbudget and restrictions therein do — as I noted yesterday, there are provisions at several opportunities in Bill No. 38 to make sure that work can be done cooperatively and together, and this is an enabling section for that purpose.

Clause 49 agreed to

On Clause 50

Ms. White: I was actually hoping that I could try to jump some lines ahead.

Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 50 through 56 of Bill No. 38, entitled *Health Authority Act*, read and agreed to.

Unanimous consent re deeming clauses 50 through 56 of Bill No. 38 read and agreed to

Chair: The Member for Takhini-Kopper King has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 50 through 56 of Bill No. 38, entitled *Health Authority Act*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 50 to 56 deemed read and agreed to

On Clause 57

Mr. Cathers: Madam Chair, so, with this section, as I raised yesterday during debate, this section is to prohibit the new health authority from incurring an annual operational funding deficit. As I noted yesterday, we know that the Yukon Hospital Corporation has struggled with inadequate resources from the current government for years. Ernst & Young covered four years and determined during that time that the hospital suffered from a chronic cash-flow shortage and chronic underfunding.

We also know that, according to the hospital’s annual report, in two of the last three fiscal years — according to their annual report — expenses exceeded revenues. So, if a similar provision to this section had been in place, it would have resulted in the Yukon Hospital Corporation having to make cuts to hospital services sooner than they did last fall, and in 2022-23, that could have meant cutting over \$7 million in services because, of course, they covered their shortfall with capital funding.

So, this section appears to be setting the health authority up for the potential of future service cuts or layoffs if, at any time in the future, the health authority corporation doesn’t have

adequate funding from government because government, of course — Cabinet — controls the purse strings and is the major funder for this health authority.

So, Madam Chair, we will be voting against this section of the act. We believe the act would be better without section 57 in here. We do not support setting this health authority down the track for future service cuts or layoffs if they have an operational deficit.

Hon. Ms. McPhee: This section that is being noted here conveys that the health authority is not to be in a deficit. It also notes that, should the health authority incur a deficit, they must follow the prescribed process which is here for addressing that deficit. In this section, a surplus is noted to be a surplus of funds that the health authority has and must use to offset a deficit.

It is actually interesting to me that the member opposite is interested in removing the responsibility that is here in this section for the health authority to act pursuant to its budget, pursuant to its financial limitations. This section also notes that the section requires a health authority to pay for any deficits incurred.

It also has to be read in connection with other sections in this legislation. Section 58 removes the liability for actions that are done in good faith and in the exercise of their powers by board members — again, protections for individuals and for employees of the health authority. This is a standard limitation of liability provision. It is very important that the deficits and surplus be taken into account here. The health authority must not incur annual operation deficits. It is recognized that, on occasion, this could happen, and the bill here presents provisions for this situation to which the health authority must abide.

This is about accountability to community, to Yukoners, to the board, to its employees, and to the operations of health care in the Yukon to prevent the health authority from accumulating significant debt over time. This section requires the health authority to develop a plan with the minister to eliminate any debt within three years.

Conversely, this section incentivizes the health authority to be financially prudent. Again, I am not sure why the Yukon Party is not interested in requiring financial prudence from a new health authority. It requires this by allowing the health authority to use any surplus funds which are not needed to offset deficits toward its objectives, rather than having to return those surplus funds to government. So, there are protections there for the work that we will do together with a health authority and their responsibilities.

I will speak against removing section 57. I probably will speak against removing any sections, but I will speak against removing section 57 because it does, as I noted, require financial accountability. The government will have an accountability agreement in place with Shāw Kwā’ą for the transition period and standing up. This section also requires immediate notice to the minister and the minister could adjust funding if necessary. I think that is what the Yukon Party has been asking all along with respect to the Yukon Hospital Corporation by way of example. Of course, it is what we have

been doing all along despite the Yukon Party not understanding the facts with respect to how the hospital has been funded.

But we are talking now about a health authority and the responsibility of financial accountability laid out in section 57, called “Deficits and surplus”. It is a protection for Yukon citizens with respect to what will be a complex corporation, and it involves the appropriate responsibilities on behalf of the health authority board. I urge everyone to keep this section in this bill.

Chair: Is there any further debate on clause 57?

Some Hon. Members: Count.

Count

Chair: A count has been called.

Bells

Chair: All those in favour, please rise.

Members rise

Chair: All those opposed, please rise.

Members rise

Chair: The results are nine yea, eight nay.

Clause 57 agreed to

Chair: Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: Committee of the Whole will now come to order. The matter before the Committee is continuing debate on Bill No. 38, entitled *Health Authority Act*.

On Clause 58

Clause 58 agreed to

On Clause 59

Clause 59 agreed to

On Clause 60

Clause 60 agreed to

On Clause 61

Amendment proposed

Hon. Ms. McPhee: I move:

THAT Bill No. 38, entitled *Health Authority Act*, be amended at page 37 by:

(a) deleting the expression “and” in the English version of paragraph 61(1)(a);

(b) replacing the expression “agreement.” with the expression “agreement; and” in paragraph 61(1)(b); and

(c) adding the following paragraph after paragraph 61(1)(b): “(c) information on health and social services available or provided in French.”

Chair: The amendment is in order.

It has been moved by the Member for Riverdale South:

THAT Bill No. 38, entitled *Health Authority Act*, be amended at page 37 by:

(a) deleting the expression “and” in the English version of paragraph 61(1)(a);

(b) replacing the expression “agreement.” with the expression “agreement; and” in paragraph 61(1)(b); and

(c) adding the following paragraph after paragraph 61(1)(b): “(c) information on health and social services available or provided in French.”

Is there any debate on the amendment?

Hon. Ms. McPhee: I’m pleased to introduce this amendment further to our discussions, which we spoke about earlier today with Association franco-yukonnaise. We have identified this section of the legislation and the bill that can be enhanced to further highlight the significance and to report on the *Languages Act* provisions.

Therefore, I am proposing that section 61(1) be amended to add subsection (c), which would include the addition of stating that the annual report for the health authority will provide information on health and social services that are available or are provided for in French.

That is an improvement. We look forward to support for this amendment.

Ms. White: I thank the minister for that. It’s important to note that Association franco-yukonnaise, when originally requesting the reporting mechanism, had put it in the beginning of the report that talked about the formation of the health authority. So, by moving it to section 61, it means that it is in perpetuity and it continues on, and that is really what they were looking for: making sure that there would be progress and acknowledgement that French services were required.

Hon. Ms. McPhee: Sorry, I just want to clarify — because we have been talking about the letters back and forth, I think that the suggestion by the Association franco-yukonnaise was to have it around section 103, which is a transitional provision, and so our conversations and this discussion — rather than at the front, it was at the back. So, I just — not to correct anyone, but I just wanted to clarify that what was said today wouldn’t necessarily align with the letters.

Mr. Dixon: We will be supporting the amendment — of course, with the proviso that it be recognized that this would not have been necessary had the government properly consulted prior to the tabling of the bill.

Chair: Is there any further debate on the amendment?

Shall the amendment carry?

Amendment to Clause 61 agreed to

Clause 61, as amended, agreed to

Ms. White: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 62 through 69 of Bill No. 38, entitled *Health Authority Act*, read and agreed to.

Unanimous consent re deeming clauses 62 through 69 of Bill No. 38 read and agreed to

Chair: The Member Takhini-Kopper King has, pursuant to Standing Order 14.3, requested the unanimous consent of

Committee of the Whole to deem clauses 62 through 69 of Bill No. 38, entitled *Health Authority Act*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

*Clauses 62 through 69 deemed read and agreed to
On Clause 70*

Hon. Ms. McPhee: Madam Chair, I am happy to inform my colleagues that I will be making an amendment to clause 70, but for this amendment, I am asking at this time for support from the Committee to stand over clause 70. I intend to propose amendments to section 103 which will have an effect on clause 70, so I ask that we agree to stand over clause 70 and come back to it after considering the amendments that I will propose to clause 103. As I understand, this is a practice so that, while the clauses will be done out of order, they will become more relevant should clause 103 be amended.

Chair: Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

The matter before the Committee is continuing general debate on Bill No. 38, entitled *Health Authority Act*, on clause 70.

Hon. Ms. McPhee: I move that clause 70 be stood over until after clause 103 has been cleared.

Chair: It has been moved by the Hon. Ms. McPhee that clause 70 be stood over until after clause 103 has been cleared.

Clause 70 stood over

On Clause 71

Clause 71 agreed to

On Clause 72

Ms. White: I think that this is a very important clause to highlight, as clause 72 is “Application of *Human Rights Act*.” It says, “Section 15 of the *Human Rights Act* applies to the health authority.” This is mostly a comment, but if the minister would like to add to that, please do.

Hon. Ms. McPhee: Thank you for the question. To be clear, the *Human Rights Act* applies to every organization in the Yukon, with the exception of section 15, which only applies to government. This provision here in the *Health Authority Act* extends the application of section 15 of the *Human Rights Act* to the health authority. Section 15 is about equal pay for equal work of equal value.

I can also say that this section makes it clear that section 15 of the *Human Rights Act* extends to and is applicable to the health authority even though it is not a government agent, and the rest of the *Human Rights Act* also will apply to a health authority.

Clause 72 agreed to

On Clause 73

Clause 73 agreed to

On Clause 74

Mr. Cathers: With regard to this area of the legislation, one of the things that we are concerned about, particularly based on what we have heard so far from unions and labour organizations about how the government has failed to engage them properly and failed to consult with them — we saw the Yukon Federation of Labour come out with a press release last week describing the government’s efforts to date as “horrendous” and expressing their very strong concern about how things had transpired.

With this particular section here, I noted again the Yukon Federation of Labour — again, quoting from their press release: “The Yukon Federation of Labour calls for a commitment to a transparent and inclusive approach that includes regular consultations with unions, mechanisms for feedback from workers, and opportunities for meaningful input into the development and implementation of policies related to the health authority transition, including representation on Advisory Committees, Transformation Networks, and any other working groups. This must include the existing unions representing healthcare workers directly impacted by the creation of a Health Authority including the Public Service Alliance of Canada (PSAC) and the Professional Institute of the Public Service of Canada (PIPSC).”

They went on to say, “The unions must be actively involved in all aspects and discussions throughout the transition process. These engagements must not just be government briefing unions on how they will be engaged or how a health authority will be established, but must allow for input, feedback and shaping of policy, legislation, and direction from those that represent the workers.”

Madam Chair, with that in mind and in the interest of providing protection for workers of the Yukon government who may be transferred to a health authority, I would like to propose an amendment to Clause 74.

Amendment proposed

Mr. Cathers: I move:

THAT Bill No. 38, entitled *Health Authority Act*, be amended by deleting clause 74 at page 49 and replacing it with the following:

“74 Transfer of employees between Government of Yukon and health authority

“(1) The Commissioner in Executive Council may make regulations, subject to any terms and conditions, respecting

“(a) the transfer of employees or classes of employees from the public service, as defined in the *Public Service Act*, to the health authority; and

“(b) the transfer of employees or classes of employees from the health authority to the public service, as defined in the *Public Service Act*.

“(2) Before the Commissioner in Executive Council makes regulations respecting the transfer of employees or classes of employees from the public service, as defined in the *Public Service Act*, to the health authority, the Minister must

“(a) consult with health professionals who may be affected on the details of the proposed transfer, and its effect on the health system, patient care, and employees;

“(b) consult with health stakeholders, including, but not limited to, any union or unions representing employees who may be transferred, on the details of the proposed transfer; and

“(c) negotiate a clear plan showing how pay, benefits, and pensions will be affected with the union or unions representing employees and provide that plan to each employee affected by the proposed transfer.

Chair: The amendment is in order.

It has been moved by the Member for Lake Laberge:

THAT Bill No. 38, entitled *Health Authority Act*, be amended by deleting clause 74 at page 49 and replacing it with the following:

“74 Transfer of employees between Government of Yukon and health authority

“(1) The Commissioner in Executive Council may make regulations, subject to any terms and conditions, respecting

“(a) the transfer of employees or classes of employees from the public service, as defined in the *Public Service Act*, to the health authority; and

“(b) the transfer of employees or classes of employees from the health authority to the public service, as defined in the *Public Service Act*.

“(2) Before the Commissioner in Executive Council makes regulations respecting the transfer of employees or classes of employees from the public service, as defined in the *Public Service Act*, to the health authority, the Minister must

“(a) consult with health professionals who may be affected on the details of the proposed transfer, and its effect on the health system, patient care, and employees;

“(b) consult with health stakeholders, including, but not limited to, any union or unions representing employees who may be transferred, on the details of the proposed transfer; and

“(c) negotiate a clear plan showing how pay, benefits, and pensions will be affected with the union or unions representing employees and provide that plan to each employee affected by the proposed transfer.

Is there any debate on the amendment?

Mr. Cathers: Madam Chair, in proposing this, I would also just note that I think that the amendment speaks for itself in the fact that it is intended to — actually, I guess I should explain for the record that the first part of this section reflects what was already in Bill No. 38. The part under section 2 is an addition, which I think speaks for itself. It is intended to protect employees and classes of employees in the public service if they are being transferred to the health authority by requiring the minister to consult with health professionals who may be affected on the details and its effect on the health system, patient care, and employees, to consult with health stakeholders, including unions, to provide a clear plan, and also to work with the unions on that.

To be very clear, the word “negotiate” in this context is not intended to be part of the collective bargaining process. It is intended to be separate from that but to compel the government to provide a clear plan, to seek agreement from the union or unions on the contents of the plan, and to consider in a

reasonable fashion the input received from unions on the content of that plan prior to proceeding with it.

As well, that section speaks to providing the plan to each employee who would be affected by it so that they are also aware of it.

Chair: Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: Committee of the Whole will now come to order. The matter before the Committee is continuing debate on Bill No. 38, entitled *Health Authority Act*.

We are resuming debate on the amendment moved by the Member for Lake Laberge. Is there any further general debate on the amendment?

Hon. Ms. McPhee: Let me say first that this section, section 74, in the *Health Authority Act*, Bill No. 38, is, in fact, an enabling section and is read in conjunction with section 73. This section sets out a mechanism for transferring employees between the Government of Yukon and the health authority subject to provisions of labour relations legislation.

It is also critical to understand that an almost identical section exists in the *Hospital Act* for the purposes of the transferring of employees to and from the Yukon Hospital Corporation to Yukon government. It is an enabling section.

What I can note is that what is suggested as wording for the amendment to section 74 would be inappropriate for several reasons. First, the actions noted to be added to section 74 in this amendment — and ultimately to require the minister to do certain things — are things that are already required for the minister to do, pursuant to the *Canada Labour Code*, in dealing with the transfer of employees, should that be the case, and successorship rights. This is a mechanism that can be used, as I’ve said, in 74 for the purposes of transferring and, if necessary, to implement the transfer and agreements under the collective agreement as required.

There are hours of debate in Hansard with respect to what is required by law for the minister and for the government to do, what is required with respect to the collective agreements, and what is required for the purposes of consulting and collaborating with individual employees who may move to a new employer. As I have said, these protections already exist under the collective agreements and the *Canada Labour Code*, and it is appropriate that the section remain as it is for the purposes of the transfer and the enabling opportunity between section 74 and section 73 to permit employees to change employers through this process.

Is there a better place for what is being suggested to amend this section in the legislation? I don’t know because the Yukon Party has not told us about this amendment. They are not required to; I agree, but they had not told us about this. There may well be an opportunity to put it in a different place in the legislation if that was appropriate, but I say that it’s not appropriate. In fact, these are describing responsibilities that are

required for the government and the minister to abide by for law.

Most importantly, the terminology in (c) — to negotiate a clear plan with the union representing employees — is not appropriate language to be included here. The concepts in (a) and (b) — to consult with health professionals, individuals, employees, et cetera — are also completely inappropriate because individuals who are represented by unions are not to be individually negotiated with. That would be outside the collective agreement. It would be against the law, quite frankly. Adding a section into a part of section 74 of this bill that would contemplate us breaking the law is completely unacceptable in my view.

Section 74(2)(c) — I know the members opposite think that this is funny. It is not funny; this is serious business. The collective agreements, the *Canada Labour Code*, require actions of government and of the health authority as it proceeds, and those actions have to be respected.

Section 74(2)(c), which is proposed, about negotiating is problematic — about consulting or consultation could be better, but again, outside of the collective agreement is not acceptable. Individual employees can have collective interests of a bargaining unit as a whole, and that is why we bargain with the representative agent with the unions.

Unionized employees are represented by their unions, and the minister does not deal directly with employees, and it is not appropriate for even consideration for her to do so.

Section (b) already requires consultation to be done as per the collective agreements, and with respect to (c), the *Canada Labour Code* and successorship rights lay out the plan of collective agreement consultation requirements that exist. Those are the responsibilities that a minister will have going forward. Those are the reasons that section 74 was drafted as it is: for the purposes of making sure that the mechanism exists to transfer employees between the Government of Yukon and the health authority and for no other purpose.

The suggested amendments in my submission to this Legislative Assembly, in fact, would weaken the section and ultimately require actions that could be seen to be outside the collective agreements and the *Canada Labour Code*, which absolutely must be respected.

Mr. Cathers: Well, Madam Chair, the minister's spin is clever, but in reading section (c), contrary to the minister's assertion that we were suggesting that they negotiate with each employee, if she would actually read that section, she would see that it requires negotiating a clear plan showing how pay, benefits, and pensions would be affected with the union or unions representing employees. The latter part of that sentence then speaks to providing that plan to employees affected by the proposed transfer. They wouldn't be negotiating with the employees individually; they would be negotiating with the union or unions but requiring that the employees also be informed.

The minister has also consistently referenced the *Canada Labour Code*, but we know from advice from our legal counsel that there is, in fact, a gap in the protection provided by the

Canada Labour Code which the minister is not advising people of.

What I want to note as well in speaking to this amendment is that we shared the draft language that we were working on for this with the Yukon Federation of Labour, with the Yukon Employees' Union, and with PIPSC as well. We are pleased about the feedback we received. I would note that the original version that we provided was slightly different in clause (c). It said: "provide a clear plan showing how pay, benefits, and pensions will be affected to the union or unions representing employees, and to each employee affected by the proposed transfer." Then, based on feedback that we received from the Yukon Employees' Union, we felt that the stronger language of requiring negotiation instead of simply government presenting the plan that could be viewed as a fait accompli would give more protection for employees.

Again, as I noted in speaking to this earlier, to be very clear, we are suggesting this not as a part of collective bargaining negotiations but as a separate discussion wherein government proposes a plan, hears feedback on that from unions, considers that feedback, and in a fair process is trying to negotiate an outcome in that plan that is reasonable and fair to employees.

The amendments noted that the Yukon Federation of Labour, in their letter to the minister of April 11, 2024, said — and I quote: "The Federation of Labour is in support of the amendments calling for consultation with unions representing affected employees, we believe that it is essential to ensure that no employee would lose negotiated benefits or pensions during this transition." I note that this letter was based on the original text of this and there was an adjustment, as I mentioned, based on trying to address the concerns that we heard from the Yukon Employees' Union. I have, however, spoken to the president of the Yukon Federation of Labour about the changes to that based on YEU's input, and the indication was that there were no concerns with that. I have shared as well the revised text with them as well as with PIPSC.

I would note that, after receiving the text to the amendments, we received an e-mail from Nicholas Pernal, senior advisor to the president of the Professional Institute of the Public Service of Canada. The president, of course, is Jennifer Carr. Nicholas Pernal stated in an e-mail that was addressed to the president of the Federation of Labour but copied to me — quote: "PIPSC is in support of these amendments."

Again, what I would just emphasize — and noting that the concerns we received from the Yukon Employees' Union included suggestions and discussions today. As well, I spoke to the president of the Federation of Labour on the phone regarding this on multiple occasions. We met with the president of the Yukon Employees' Union and I also met with the president of the local chapter of the Professional Institute of the Public Service of Canada, and we believe that these changes would strengthen the legislation and clearly these changes are also welcomed by unions and by the Yukon Federation of Labour, acknowledging that there has been some back-and-forth on the best way to address this between ourselves and the

Yukon Employees' Union. We have tried to reflect that to the best of our ability since we are debating it here today and time is, of course, at the government's direction.

Hon. Ms. McPhee: I am wondering if the member opposite would be so kind as to provide me with the correspondence that has just been mentioned as well as a meeting schedule with the unions and the Federation of Labour with respect to the amendment that has been moved today. That would be helpful with respect to further consideration.

Madam Chair, I move that you report progress.

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

Some Hon. Members: Count.

Count

Chair: A count has been called.

Bells

Chair: All those in favour, please rise.

Members rise

Chair: All those opposed, please rise.

Members rise

Chair: The results are nine yea, eight nay.

Motion agreed to

Chair: The matter now before the Committee is general debate on Vote 10, Public Service Commission, in Bill No. 213, entitled *First Appropriation Act 2024-25*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Deputy Chair (MLA Tredger): Committee of the Whole will now come to order.

Bill No. 213: *First Appropriation Act 2024-25* — continued

Deputy Chair: The matter before the Committee is general debate on Vote 10, Public Service Commission, in Bill No. 213, entitled *First Appropriation Act 2024-25*.

Public Service Commission

Deputy Chair: Is there any general debate?

Ms. Clarke: Deputy Chair, I would like to thank the officials for joining us here today and also for the briefing that was provided on the main estimates. I don't have many questions today, so I will get right to them.

The next employee engagement survey will take place in the spring of 2024. Federal, provincial, and territorial counterparts are working together to examine a survey model nationally that could inform potential changes to our survey. When will it go out, and when can we expect the results to be presented?

Hon. Mr. Silver: Deputy Chair, I am with the Acting Assistant Deputy Minister of People and Culture Ash Kayseas, and my deputy minister or the Public Service Commissioner, Sherri Young.

The next employment engagement survey will be taking place in May, and the federal, provincial, and territorial counterparts are working together to examine a national survey model that could inform potential changes to our survey. We expect the survey results to be available in the fall of this year.

Ms. Clarke: With respect to the Yukon Association of Education Professionals collective bargaining, the current agreement expires on June 30, 2024. Has the union provided notice to commence bargaining?

Hon. Mr. Silver: Yes, on March 5.

Ms. Clarke: Can the minister provide the number of cases currently before the Labour Relations Board? How many of those are from Health and Social Services? Can the minister provide a breakdown of all of the departments?

Hon. Mr. Silver: I believe that this question was asked during the briefing. We don't have it broken down per department, but we can endeavour to get back with that information. I believe that answer from the total was answered to the members opposite.

Ms. Clarke: During the briefing, we learned that Respectful Workplace investigations will no longer be carried out within the Respectful Workplace Office but from an internal investigation unit. Can the minister please describe this further and explain the process for a complaint that would require an investigation?

Hon. Mr. Silver: The employer has a duty to investigate and to respond to allegations of serious incidents related to anything from discrimination, harassments, or violence in the workplace. In this duty, the Yukon government is taking proactive steps to bolster its capacities by establishing an internal investigations office within the Public Service Commission. This move is aimed to be more effective in our jobs to address the serious incidents, ensuring a swift and comprehensive response. The commission, through our Respectful Workplace Office, will continue to take that restorative approach.

I think that what is important to know at this point is that the Public Service Commission does have a verbal agreement with PSAC and YEU to extend the LOU with YEU to April 30 of this year, and that is going to allow transition measures for the RWO complaints and grievances on an interim basis until the Respectful Workplace Office policy is updated and the investigating office established. The amended LOU is currently with the unions for signature.

Ms. White: Deputy Chair, I thank the minister. It feels that there was only one thing that moved fast today, and that was the minister making comments, so I thank him for that and, of course, I welcome the officials.

I do have a question actually that would be quite helpful with your officials here because it is specifically about the *Public Service Act* and about casual employees.

I realize that we are not having a conversation on the *Health Authority Act*, but I am going to seek clarification based

on the definition of “employee”. This is actually something that we were just dealing with, and it’s quite helpful because you have, right now, with you the people who are hopefully most able to deal with it.

In the *Health Authority Act*, it is talking about the transfer of employees or classes of employees from the public service, as defined in the *Public Service Act*, to the health authority. The reason why I want to ask specifically is because my understanding is — I am just trying to make sure that casual employees would be captured under that so that those employees would also move. So, when we talk about employees or classes of employees from the public service, as defined in the *Public Service Act*, does that include casual employees?

Hon. Mr. Silver: I believe the answer is no. Casuals are usually on a relatively short-term basis, and they are not covered under the collective bargaining agreement.

Ms. White: I thank the minister for that.

I think I probably have more questions around that than I can actually fully vocalize right now. I do appreciate that the minister’s answer was so solid.

I am actually just going to take my seat for a second as I try to regain my composure, and I am going to hand it over to the Leader of the Official Opposition while I try to form the next question in my seeking information about employees.

Mr. Dixon: I appreciate the opportunity to ask a very brief question of the minister. It was brought to me by a teacher. I just wanted to ask — a few years ago, the government implemented their representative public service plan, which included preferential hiring for Indigenous people.

I am wondering if that policy does indeed apply to teachers as well despite the fact that they are under a different union?

Hon. Mr. Silver: Always great to be able to talk about the representative public service plan — especially when it comes to the Indigenous hiring preferences project. The department has worked very hard on some of the key actions under the plan to provide preference for all Yukon government competitions to qualified Canadian Indigenous applicants, with a priority given to qualified Yukon First Nation applicants.

There have been big conversations at the Yukon Forum about this pursuit as well. They do apply to teachers — this representative plan. It’s different language because it is a different collective agreement, but it is applicable to teachers as well.

Mr. Dixon: Can the minister give me a little bit more information about what is different in the language?

The reason I ask is because I was told — and if this incorrect, I stand to be corrected — that the preference for teachers only applied if the individual was returning to their First Nation traditional territory — their home community, and it didn’t apply more generally. If that’s incorrect, I stand to be corrected.

Hon. Mr. Silver: I guess the best way of saying it is, under the current collective agreement, yes, the member opposite is correct; it applies to those who are returning to their own traditional territory.

Ms. White: I am going to try this again.

What role does the Public Service Commission have in supporting the transformation to the health authority? During the briefing, we were told about the working group, pension implications, and classification, pay, and benefits for employees. Can the minister help me understand what role the Public Service Commission will have as the health care system transforms toward the health authority?

Hon. Mr. Silver: I will start, but I don’t think that in the minute I have I will be able to get through all of it. We will start with union engagement and go from there.

We started communication with the Yukon Employees’ Union regarding *Putting People First* and the transition to the independent health authority in February 2022. We have had progress toward that transition. We have increased the frequency of engagement as we have gotten closer and closer to today, really. We have maintained regular communications with the Yukon Employees’ Union since the fall of 2023.

In accordance with our collective agreement, we are committed to consulting with the Yukon Employees’ Union and we will provide them with formal notice of consultation regarding the transfer of any programs involving bargaining unit employees when appropriate, focusing on matters such as pay, benefits, and pensions — also extremely important.

I will note as well that it is important to note that, under the *Canada Labour Code*, successorship rights are in place for all bargaining unit employees — Health and Social Services and Yukon Hospital Corporation — giving protections to terms and conditions of employment through a transfer of operations. Health and Wellness Yukon is going to be operating independently, so just making sure that it is known that labour relations, including collective bargaining, will be governed under section 1 of the *Canada Labour Code*. It is extremely important to note that, unless otherwise agreed, employees represented by a union will continue to be represented by a union and will port their existing negotiated collective agreements as well as their rights to a pension and comprehensive benefit packages in that transfer. I know that there has been some confusion as to that. We just want to make sure that people recognize this result.

If there are any resulting inequalities, such as difference in pay for similar work, then those inequalities will be addressed at bargaining with unions representing the employees.

Deputy Chair, seeing the time, I move that you report progress.

Deputy Chair: It has been moved by the Member for Klondike that the Chair report progress.

Motion agreed to

Hon. Mr. Streicker: 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. 38, entitled *Health Authority Act*, and directed me to report progress.

Committee of the Whole has also considered Bill No. 213, entitled *First Appropriation Act 2024-25*, and directed me to report progress.

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. tomorrow.

The House adjourned at 5:28 p.m.

The following written question was filed April 16, 2024:

Written Question No. 49

Re: Whitehorse General Hospital operating room capacity (Cathers)