



# Yukon Legislative Assembly

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Number 38

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35<sup>th</sup> Legislature

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## HANSARD

Thursday, November 25, 2021 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

# YUKON LEGISLATIVE ASSEMBLY

## 2021 Fall Sitting

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

### CABINET MINISTERS

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

### OFFICIAL OPPOSITION

#### 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
Emily Tredger	Third Party House Leader Whitehorse Centre
Annie Blake	Vuntut Gwitchin

### LEGISLATIVE STAFF

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

\*Government House Leader: Hon. Tracy-Anne McPhee to November 4, 2021; Hon. John Streicker from November 5, 2021

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Thursday, November 25, 2021 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

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

Introduction of visitors.

## INTRODUCTION OF VISITORS

**Mr. Kent:** I would like to ask members to join me in welcoming two very special guests to the gallery here today: my wife, Amanda Leslie, and our young son, Eli Aviugana Kent. They are here to listen to the tributes on Adoption Awareness Month. Welcome.

*Applause*

**Speaker:** Tributes.

## TRIBUTES

### In recognition of the 16 Days of Activism against Gender-Based Violence

**Hon. Ms. McLean:** I rise today on behalf of our Yukon Liberal government to pay tribute to the 16 Days of Activism against Gender-Based Violence.

Every year, the 16 Days of Activism against Gender-Based Violence launches on November 25, the International Day for the Elimination of Violence against Women, and ends on December 10, Human Rights Day. We know that gender-based violence is a very real problem in the Yukon, with rates nearly four times the national average. However, it does not affect us all equally. Eighty percent of victims identify as women, and indigenous Yukoners are three times as likely to experience domestic violence.

Across the country, 25 percent of intimate partner homicides are committed against members of a visible minority in Canada. This is not the first time that I have stated these numbers here in the Legislative Assembly; however, I think that they are important to repeat. It is a stark reminder of the violence that so many people are experiencing in our territory right now.

This year has put that into sharper focus. This past October, the territory was shocked by the tragic killings in Faro. My heart goes out to the families and the community of Faro who lost their loved ones. I am sure many Yukoners never thought something like this could happen in our territory.

Although we will not know the details until the case works its way through the justice system, we do know that one of the victims was in a long-time relationship with the accused. This event shows us that these statistics on violence are not just numbers. Intimate partner violence, domestic violence, and

gender-based violence of all kinds is a tragic reality in the Yukon. There are people behind these statistics.

As I was preparing for this tribute, I went looking for what is happening throughout the Yukon, and I want to highlight the Dawson City Women's Shelter. They have launched a blog, starting today, on various topics related to gender-based violence. I encourage folks to check it out. The information is so well put together, and I am so impressed with this organization and how they have worked in the Yukon. They are very active on social media and can be found on Twitter, Instagram, and Facebook.

I want to thank all of the organizations supporting victims and survivors of gender-based violence all across the territory.

I call on Yukoners to be an ally in the fight to end gender-based violence. How can you do this? Listen. Believe. Educate yourself and others. Speak out. Intervene when it's safe, and act.

To those in the territory affected by violence, I believe you. I stand with you.

*Applause*

**Ms. Clarke:** I rise on behalf of the Yukon Party Official Opposition to recognize today as the beginning of the 16 Days of Activism against Gender-Based Violence, which runs until December 10.

The global theme for this year's 16 days of activism is "Orange the World: End violence against women now!"

According to Women and Gender Equality Canada, 30 percent of women and girls in our country — for transgender or gender-diverse people, this number almost doubles at 59 percent. This is not acceptable. The violence happens behind closed doors and out in the open, at home, at school, at the workplace, and on the streets.

On this day and throughout the next 16 days, individuals, organizations, and governments around the world raise awareness of gender-based violence. People share stories and experiences in an effort to inspire change.

There are a number of important dates coming up in the next 16 days. Today marks International Day for the Elimination of Violence against Women. December 10, day 16, is world Human Rights Day. In between these two important days, we acknowledge World AIDS Day and also the National Day of Remembrance and Action on Violence against Women in Canada, which marks the anniversary of the Montréal massacre.

Gender-based violence can take any form: physical or emotional violence, sexualized violence, harassment, or discrimination. We need to consider what type of world that we would like our children and their children to grow up in — to take action, to put an end to gender-based violence, and to teach our kids about tempering their emotions, respecting others, doing good, and doing right.

We must do all we can to lower the staggering percentages of people who have experienced some form of violence, down as close to zero as possible, for future generations to live without fear. Violence against women and girls is a human rights violence that has been perpetuated for decades. It is

pervasive, but it is not inevitable unless we stay silent. Speak out and break the cycle of abuse.

*Applause*

**Ms. Tredger:** Mr. Speaker, I rise on behalf of the Yukon NDP to honour the 16 Days of Activism against Gender-Based Violence, and I want to thank my colleagues for their words today; they were very powerful.

I would like to read a poem called *Pocket-Sized Feminism* by Blythe Baird:

The only other girl at the party  
is ranting about feminism. The audience:  
a sea of rape jokes and snapbacks  
and styrofoam cups and me. They gawk  
at her mouth like it is a drain  
clogged with too many opinions.  
I shoot her an empathetic glance  
and say nothing. This house is for  
wallpaper women. What good  
is wallpaper that speaks?  
I want to stand up, but if I do,  
whose coffee table silence  
will these boys rest their feet on?  
I want to stand up, but if I do,  
what if someone takes my spot?  
I want to stand up, but if I do,  
what if everyone notices I've been  
sitting this whole time? I am guilty  
of keeping my feminism in my pocket  
until it is convenient not to, like at poetry  
slams or women's studies class.  
There are days I want people to like me  
more than I want to change the world.  
There are days I forget we had to invent  
nail polish to change color in drugged  
drinks and apps to virtually walk us home  
at night and mace disguised as lipstick.  
Once, I told a boy I was powerful  
and he told me to mind my own business.  
Once, a boy accused me of practicing  
misandry. You think you can take  
over the world? And I said No,  
I just want to see it. I just need  
to know it is there for someone.  
Once, my dad informed me sexism  
is dead and reminded me to always  
carry pepper spray in the same breath.  
We accept this state of constant fear  
as just another part of being a girl.  
We text each other when we get home  
safe and it doesn't occur to us that  
our guy friends do not have to do the same.  
You could saw a woman in half  
and it would still be called a magic trick.  
That's why you invited us here,  
isn't it? Because there is no show

without a beautiful assistant?

We are surrounded by boys who hang up  
our naked posters and fantasize  
about choking us and watch movies  
we get murdered in. We are the daughters  
of men who warned us about the news  
and the missing girls on the milk carton  
and the sharp edge of the world.  
They begged us to be careful. To be safe.  
Then told our brothers to go out and play.

Mr. Speaker, we look forward to the day when this poem  
doesn't hit so close to home.

*Applause*

### In recognition of Adoption Awareness Month

**Hon. Ms. McPhee:** I rise today on behalf of our Yukon Liberal government to acknowledge Adoption Awareness Month, which is recognized in a number of Canadian jurisdictions every November. Here in the Yukon, we also recognize Yukon Caregiver Appreciation Week in the third week of October. No matter the place or the month, the intent is the same: We want to acknowledge and thank people who have opened their hearts and their homes to a child or a youth in need.

Our communities recognize that there are times when a child or a youth cannot remain with their parents or guardians. Sometimes this is a temporary situation. In those cases, extended family caregivers and foster parents step in to provide the love and care that these children need in a time of turmoil.

Ultimately, though, our goal is to reunite children with their parents and families. We believe the best place for a child is with their family in their home community, if that is a possibility. Sadly, there are times when family reunification is not an option. We are so fortunate that there are people here in the territory who have made a huge leap into the unknown, taken a child more permanently into their lives, and formally adopted a child or children.

This selfless act is humbling, but we must also acknowledge the beauty and joy that fostering and adoption brings to the entire family.

Over the past decade, Yukon had made many positive changes to its child welfare system to help children and youth stay immersed in and connected with their families, communities, and cultures, no matter the situation. When children can no longer be with their parents, helping them to maintain these connections is our utmost priority, and I know that it is the priority of adoptive families and parents. The Department of Health and Social Services is working in full partnership with the Council of Yukon First Nations and First Nation governments to ensure that all children involved in the child welfare system get the best possible care and support. We want to ensure that they are given the opportunity to grow up fully aware of who they are and where they come from so that they can mature and grow to their greatest potential.

At the core of this collaboration is the understanding that all children have the right to be emotionally, physically, and

spiritually safe and to feel loved, valued, and respected. I would like to express my sincere gratitude to all adoptive parents, foster parents, and extended family caregivers in our territory. Some of us here in this very Legislative Assembly have these connections to families, and they are so important. These families' compassion, kindness, and generosity give children a warm and loving place to be and to grow into the best version of themselves.

*Applause*

**Ms. Van Bibber:** I rise today on behalf of the Yukon Party Official Opposition and the NDP to pay tribute to Adoption Awareness Month. The topic of adoption can be many things — moving, emotional, thought-provoking — and is a viable option to many families who struggle to have children or want to expand their family.

I know from stories and reports that it is a chore to navigate the checks and balances of adoption, but these checks and balances are to ensure the safety of a child and to consider other factors like age, location, and health of those involved. There are children of all ages waiting in foster homes or group homes for permanent placing or for adoption into a forever home.

With the uptake of adopting foreign children or children from war-torn countries, people do become aware of the plight and pain of so many children and youth.

To the birth mother or parents, it may be a difficult decision to give a child up for adoption, but they know in their hearts that it is for the best. Each mother has a unique story and we should not be so quick to judge. I am sure that they pray that this is a gift of hope to some family who wants a child.

There are also many orphaned children who are just waiting for a safe haven. In the past, orphanages were commonplace, and whether abandoned or had parents who died, children were taken care of in these institutions. I grew up with the comic strip *Little Orphan Annie* and watched the movie based on this Annie. The spunky, red-haired, freckled Annie was taken in by a rich businessman, Daddy Warbucks, who wanted to shore up his public image. She went from *It's the Hard Knock Life to Tomorrow* — “the sun'll come out tomorrow”. Of course, that is Hollywood, and as with any system, there are good and bad stories.

We, as a society, try to ensure what is best for children in care, and if the child is adoptable, every effort is made to ensure a match. Babies, children, and young teens don't have a choice. If they are not able to remain in their birth homes, many can be adopted into a home that will love them.

But the stats are not in their favour, Mr. Speaker. Of the thousands, only a small percentage are adopted each year. Whether domestic adoption, agency or private adoption, or kinship or stepchild adoption, arm yourself with the information that you will need. The care and well-being of children and youth has to be a top priority. They represent the now and the future.

The older I become, I know so many families that are tangled, interesting, and interwoven. I also know many families in the Yukon that have fostered and adopted little ones. I was raised by amazing foster parents who provided a stable, caring,

forever home, and they gave me every chance to achieve my full potential.

So, a huge thank you to all foster and adoptive parents for giving a young soul a chance to reach for the stars. You do not have to be blood-related to be a good parent; you only need the will to love and cherish a child.

*Applause*

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

Are there any reports of committees?

Petitions.

## PETITIONS

### Petition No. 6 — response

**Hon. Ms. McPhee:** I rise in response to Petition No. 6, tabled in the House on November 10. I would like to thank the signatories who brought forth this important issue.

COVID-19 vaccinations remain our best tool available to protect the health and safety of Yukoners, and we encourage all eligible Yukoners to complete their primary series and boosters of the vaccination. Six days ago, we received the welcome news that Health Canada approved the COVID-19 vaccines for children ages five to 11. We expect to receive these vaccines in the Yukon within days, and the vaccination of children will begin in early December.

Our robust COVID-19 testing and surveillance strategy features a number of different tests. The Yukon's main testing stream involves the use of the British Columbia Centre for Disease Control's gold standard PCR testing technology, which can produce results within 48 hours of being received. Although wait times can be as high as five days, most results are available in less than three days.

We also use a rapid point-of-care testing program in specific scenarios to assist with testing and surveillance. The Abbott ID NOW is the main test used in our rapid point-of-care testing program and can produce results in 15 minutes. The test is used by our rapid-response testing teams to provide testing support in communities and other situations. COVID-19 testing is available in all communities through the community health centres and in Whitehorse at the COVID testing and assessment centre and at the drive-through testing centre.

As part of our comprehensive testing strategy, the lab-based GeneXpert testing device has been used in cases such as physicians, nurses, and teachers when they have symptoms of COVID-19 and a quicker result is required to ensure the health and safety of patients or school communities. Teachers and school administrative staff who are symptomatic can seek testing at the COVID testing and assessment centre. If they declare their profession, they will have their results processed using the GeneXpert so that they do not need to wait for the results from British Columbia. This practice ensures that, in urgent scenarios, symptomatic teachers and administrative staff can have timely access to results so that the appropriate steps can be taken to limit the spread of the disease or to minimize the length of time that someone needs to be away from work if their result is negative.

Rapid antigen testing is a tool that can be used in schools when recommended by the acting chief medical officer of health. At this time, the acting chief medical officer of health has not recommended introducing widespread use of rapid antigen testing in school settings and instead recommends strengthening existing public health measures and enhancing the testing capacity of the COVID testing and assessment centre. COVID-19 transmission is rare within schools, but we know that children are acquiring COVID-19 in the broader community.

On November 8, 2021, our government declared a state of emergency under the *Civil Emergency Measures Act*. Under the *Civil Emergency Measures Act*, masks are now required in all settings inside a school, including the classroom. When a case is identified in connection with a school community and there is a potential exposure, specific directions are provided to the school community, including staff, students, and families, by the Yukon Communicable Disease Control Unit.

The priority for COVID-19 testing continues to be for symptomatic individuals. The office of the chief medical officer of health has not recommended widespread asymptomatic testing, except for in some very limited instances. Widespread asymptomatic testing can increase the pressures on our testing and contact-tracing abilities without benefiting our ability to control disease. A negative result using a rapid point-of-care test does not guarantee that an individual does not have COVID-19. Positive results must be verified using the gold standard PCR test in partnership with the British Columbia Centre for Disease Control and our other testing centres.

All Yukon schools have comprehensive COVID-19 policies in place and are following public health recommendations provided by the acting chief medical officer of health. Work is currently underway to assess the role of home testing for COVID-19 as part of the Yukon's COVID-19 testing strategy.

Our government will continue to work closely with the office of the chief medical officer of health and school administrators to ensure the health and safety of staff, students, and families. We agree that we must use every tool available to us to reduce the spread of COVID-19 and to mitigate the negative social and economic impacts —

**Speaker:** Order, please.

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

## NOTICES OF MOTIONS

**Hon. Ms. McPhee:** Mr. Speaker, I rise to give notice of the following motion:

THAT the Yukon Legislative Assembly, pursuant to subsection 22(2.01) of the *Human Rights Act*, does designate Judy Hartling as Chief Adjudicator for a term of three years, effective immediately; and

THAT the Yukon Legislative Assembly, pursuant to subsection 22(2.01) of the *Human Rights Act*, does designate

Julie Jai as Deputy Chief Adjudicator for a term of three years, effective immediately.

I also give notice of the following motion:

THAT the Yukon Legislative Assembly, pursuant to subsection 17(1) of the *Human Rights Act*, does appoint Samantha Dawson and Rosemary Rowlands to the Yukon Human Rights Commission for a three-year term, effective immediately; and

THAT the Yukon Legislative Assembly, pursuant to subsection 17(1) of the *Human Rights Act*, does appoint Keely Bass and reappoint Michael Dougherty to the Yukon Human Rights Commission for a three-year term, effective December 11, 2021.

I also give notice of the following motion:

THAT the Yukon Legislative Assembly, pursuant to subsection 22(2) of the *Human Rights Act*, does reappoint Vincent Larochelle to the Yukon Human Rights Panel of Adjudicators for a term of three years, effective immediately.

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

THAT this House urges the Yukon government to recognize that over one-fifth of Yukoners do not have a family doctor by:

(1) working with the Yukon Medical Association on improving recruitment and retention, including increasing incentive programs; and

(2) increasing the medical education bursary amount for each student, which is currently just half of what it was 15 years ago.

I also give notice of the following motion:

THAT this House urges the Yukon government to use the digital information signs to display actual highways information.

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

THAT this House urges the Government of Yukon to support the development of seniors housing in Haines Junction by taking the following actions:

(1) initiating consultations with the St. Elias Seniors Society, the Village of Haines Junction, and the Champagne and Aishihik First Nations on the construction of phase 2 of seniors housing in Haines Junction;

(2) including a line in the 2021-22 budget for this project; and

(3) completing consultation and design of this seniors housing project in 2022.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to move quickly to develop a Yukon forestry strategy in consultation with Yukon First Nations, the wood products sector, and other stakeholders with goals including:

- (1) providing long-term tenure for wood supply;
- (2) fixing the permitting system to address delays;
- (3) improving community protection from wildfire through planned harvest in and near communities; and
- (4) making effective use of locally grown trees for biomass energy production.

I also give notice of the following motion:

THAT this House urges the Minister of Highways and Public Works to work with the communities of Beaver Creek, Burwash Landing, Destruction Bay, Haines Junction, Canyon Creek, Champagne, Mendenhall, and Takhini to improve the current standard of highway vegetation control, including ensuring that contracts are issued early enough in the year to allow brushing to be done before the end of the construction season.

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

THAT it is the opinion of this House that the Government of British Columbia should honour the *United Nations Declaration on the Rights of Indigenous Peoples* by intervening in the ongoing incursion and occupation of Wet'suwet'en territory by Coastal GasLink work crews and the Royal Canadian Mounted Police.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to impose a moratorium on mining of undisturbed wetlands until the completion of land use planning and the establishment of ecological thresholds.

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

THAT this House provide the public with the number of Yukoners under the age of 18 who have tested positive for COVID-19.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to relieve the backlog of scheduled infant vaccinations by requesting the help of the Canadian Red Cross to administer vaccines in the Yukon.

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

THAT this House urges the Government of Yukon to ensure that unvaccinated Yukon University students living in student housing are not evicted due to a COVID-19 vaccine mandate.

**Speaker:** Is there a statement by a minister?

## MINISTERIAL STATEMENT

### Quill Creek timber harvest plan

**Hon. Mr. Streicker:** Winter is now in full swing, and it's important for us to make sure that all Yukoners stay safe and warm.

We recognize that wood supply is very important to Yukon communities, and many Yukoners rely on wood to heat their homes. We know that there has been some uncertainty around securing adequate fuel-wood supply, but we want to reassure Yukoners that there is enough wood for this winter and many winters going forward.

During the summer months, harvesting capacity is typically lower than during the winter, which is when the majority of harvesting occurs. It's a busy time for harvesters. Anyone who is eligible and has applied for a commercial permit has now either received a permit or is in the process of receiving a permit. It is great to see this activity as Yukoners prepare for the winter ahead.

I am here to announce that we will be moving forward to the next stage of approving the Quill Creek timber harvest plan. The project scope is for the harvesting of 136,726 cubic metres of beetle-killed spruce and 26,429 cubic metres of green spruce over a 15-year time frame. This is more than 70,000 cords of wood for our homes.

This is important progress being made to ensure that the Yukon continues to have a sustainable timber supply to meet the growing demands that we are currently seeing here in the territory. I would like to thank the Yukon Wood Products Association for meeting with the forest resources branch this summer to express their concerns about fuel-wood supply and, in particular, their concern about the time that it was taking for the Quill Creek project to go through the assessment process.

Now that the Government of Yukon has accepted the Yukon Environmental and Socio-economic Assessment Board's recommendations, our next step is to revise the timber harvest plan to be consistent with these recommendations. Harvesting in Quill Creek can commence in the beginning of December to get more fuel wood into the homes of those who need it. Our government believes that forest management planning is a key strategy for adapting to our rapidly changing climate and the increasing risk of wildfire, for supporting our local economy to help heat our homes and buildings with a renewable resource, and for incorporating sustainability objectives within our harvest strategies.

We apply an adaptive approach in the planning of harvest areas to reflect the individual needs of communities and the ongoing economic demands and to ensure the health of our forests. Planning new harvesting areas can be a complex procedure, and we honour the collaborative process that considers multiple values. We are working with the Yukon Environmental and Socio-economic Assessment Board to address concerns of the forestry assessment process and timelines. We're also working to make the planning and assessment process more efficient so that harvesters, homeowners, and businesses have adequate supply going forward.

Implementing the Quill Creek timber harvest plan will provide long-term opportunities for commercial fuel-wood harvesting and help to ease pressures around future supply. Within the scope of this project, beetle-killed spruce and a small portion of green spruce will be harvested to support

Yukon's wood supply. We are eager to implement this harvest plan as it will provide more certainty to Yukoners.

Through the access management plan, we will continue to work with the Champagne and Aishihik First Nations and the Alsek Renewable Resources Council. We are also working closely with First Nations to discuss the broader considerations of forest management across the Yukon. Forestry officials are expanding personal fuel-wood areas and making maps available that will allow the public to locate salvage wood from FireSmart areas.

These additional measures are being put in place to secure future supply while continuing to work with industry and fuel-wood suppliers to ensure that Yukoners have the wood they need. We are moving in the right direction to ensure Yukoners have local fuel wood to stay warm this winter and in future years.

**Mr. Istchenko:** Winter has certainly settled into the Yukon. Many Yukoners who rely on firewood to help heat their homes have already stocked up for the winter and, as we have learned, an unfortunate amount of that firewood will come from outside the Yukon. In August, the Yukon Wood Products Association had to go to the media to raise their concerns about this. In an August 11 *Yukon News* article, the executive director of the Yukon Wood Products Association said — and I quote: “Our licensees or operators had wood until March of this year. When we started the process, it was inconceivable that we would be sitting here three years later ... and still looking at no permits coming out of that thing for five years due to the administrative processes.” He went on to say: “From our perspective, the problem is the administrative processes are just so complicated. The way it’s working was the way it was designed to work. And the way it was designed to work isn’t working for us, as an industry.”

Mr. Speaker, while we are glad to see the development that the minister has announced today, there is still a lot of work to be done, and we are concerned that the government isn’t moving fast enough to address it. In my riding alone, there are hundreds of thousands of cubic metres of wood that could be harvested. My colleague in Watson Lake has the same story in that area, but unfortunately, as the Yukon Wood Products Association noted, we’ve seen no progress in addressing the administrative, bureaucratic process over the past five years. I would be interested to see what the minister is doing about that.

According to some industry representatives whom I’ve chatted with, the harvestability of our wood in my riding is starting to rot, and there are not many years left of it. In January 2016, the previous Yukon Party government finalized the Yukon biomass strategy, and we still very much believe in the goals set out in that plan because we believe in the potential of a strong wood resource industry here in the Yukon and think that forestry and fuel wood both offer huge economic and environmental opportunities for us.

So, while we are pleased to see development, we remain concerned that this has taken so long to get here. There is so much more work to do. We hope that the Yukon government

agrees and starts to move more quickly to support this important industry.

**Ms. White:** Biomass energy use can be a win-win for greenhouse gas reduction and climate change adaptation. Yukon’s road map for climate action, *Our Clean Future*, stresses the importance of using our local renewable biomass sources for heating as ways that the Yukon can reduce our emissions and support the local economy. But, Mr. Speaker, this will only be effective if there is an ability to harvest lumber in the territory.

I, like many, am breathing a sigh of relief knowing that harvest permits will soon be released to Yukon’s woodcutters in the Quill Creek area. With the implementation of the Quill Creek harvest plan, Yukon will have long-term opportunities that will allow commercial timber harvesters to plan, and that will allow Yukoners the ability to purchase biomass heating fuel that is both grown and harvested locally and is hopefully affordable.

This long-term plan is important if we are going to meet commitments in *Our Clean Future*, like installing renewable heat sources such as biomass energy in Government of Yukon buildings by 2030 to create long-term demand for renewable heating and contribute, as it says, to a 30-percent reduction in greenhouse gas emissions.

Mr. Speaker, I appreciate that this new plan took time, but I’m hopeful that, for future planning, we don’t find ourselves short of timber fuel again.

**Hon. Mr. Streicker:** I’m happy to rise to agree with the members opposite.

First of all, I will note that the Minister of Highways and Public Works is working with the Yukon Wood Products Association, talking about biomass in buildings. I know that he has been in dialogue with them directly. I understand that this is progressing well.

Second of all, I will say that the Department of Energy, Mines and Resources — the direction that I gave to the department, the forest resources branch, was to please work in support of the Yukon Wood Products Association because this is really important on several fronts, as the members opposite and I noted. It’s smart to prepare against the impacts of climate change and the risk of wildfire. It’s also smart because it’s a locally grown economy and it’s a renewable economy, as long as we harvest sustainably.

I asked for that work to be redoubled over the past fall, late summer, fall, and up to today. I just want to say thank you to the forest resources branch. They really hustled. They did a terrific job. They got some quick cut blocks out around Fox Lake and around Haines Junction. This was important in the interim. We sat down with YESAB. We had a good conversation with them. We talked about how to keep processes moving. I want to thank them for that work.

It had been slow to get to Quill Creek, but they worked to get it over the finish line, and our team has been working hard to get the decision document done. I am very glad for all of that.



I will say that somewhere today, I think, we are putting out a news release about the Dawson regional area and an annual allowable cut. That cut is going up to 28,000 cubic metres per year. Again, we are working with the First Nation and working with the renewable resources council. Those are important steps, and this is all in the vein that I think all of us are agreeing on here, which is that local wood supply is important.

Again, I will continue to work on this because we believe that this needs to be strong going forward into the future. The branch has been working to try to make sure that there is a continuous supply over time and that we don't end up in a situation again where we were waiting for this large cut block to make its way through the system. That work is ongoing.

I have sat down with several chiefs of First Nations to talk about the broader picture, and I have requested that we discuss it at the Yukon Forum.

It is an important piece of the puzzle. I agree with the members opposite. Again, I want to say thank you to all at the Yukon Wood Products Association and to the forest resources branch for working to get this supply online for Yukoners.

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

## QUESTION PERIOD

### Question re: Mayo drinking water reservoir

**Ms. Van Bibber:** This fall, I visited the Village of Mayo and had a chance to tour the faulty water reservoir that has become the subject of a court case between the Department of Community Services and a contractor.

Can the minister give us an update on the court case and tell us what the government is doing to assist the Village of Mayo with their drinking water needs in the meantime?

**Hon. Mr. Mostyn:** Yes, I was up in Mayo this summer as well. I have toured the water facility in question. It is indeed a serious issue for the community of Mayo. I am not going to comment on the status of the court case on the floor of the Legislature, but I am going to say that I am working with the community of Mayo to make sure that their water supply is kept safe and whole over the coming winter months. It is an issue that we have to deal with.

**Ms. Van Bibber:** We witnessed first-hand the steady stream of water flowing from the reservoir and the visible bulging of the tanks. The reservoir is leaking so badly and the department is so concerned about the entire facility bursting that they have set up a wall of super sacks to protect the rest of the village from flooding in case the reservoirs fail. While the sandbags are a precaution, they certainly aren't a long-term solution.

What is the government doing to prepare for the structural integrity of the reservoirs, should they fail?

**Hon. Mr. Mostyn:** The tanks in question are very similar — I am told — to tanks that were successfully deployed in Faro. The fact that they are in such poor shape, so soon after construction, is certainly a concern to the community and to me and my officials. We are working with the community of Mayo. They are going to have to be replaced, so we are working with

the community of Mayo to make sure that we get new tanks installed.

**Ms. Van Bibber:** We realize that these court cases can take some time, so we hope that the longer term solution to address the safety concerns of the current reservoirs will be found soon. We also understand that the Department of Community Services is still managing the project and dealing with the ongoing concerns.

Can the minister confirm that the department is absorbing all of the costs associated with the management of this ongoing issue and that the Village of Mayo isn't bearing any additional operation and maintenance costs associated with this unfortunate issue?

**Hon. Mr. Mostyn:** Yes, indeed, it is an unfortunate situation. It's certainly not a situation that we wanted to be in after spending millions of dollars replacing Mayo's water infrastructure. As I said, I have been up in Mayo; I toured the very same facility. I have seen the state of the water and how we have a flow of water from those tanks. I have seen the status.

We have been discussing alternatives with the community of Mayo. I do know that the community of Mayo is a small community. It has its own challenges as far as its finances, and we will work with the community to make sure that it keeps its water supply and actually has the capability to deal with the issue.

### Question re: Biomass heating fuel

**Mr. Istchenko:** Mr. Speaker, on November 17 of this year, the Minister of Highways and Public Works told the Legislature about the installation of a biomass system at Elijah Smith school as an exciting project that will reduce the school's use of propane and reduce emissions. The previous minister, during his ministerial statement, talked about this.

However, the Yukon Wood Products Association has recently expressed concern about this project and the development of the tender for it. They say they are worried that it is being stacked to ensure that the primary fuel source will end up being imported wood pellets from the south, rather than locally harvested wood.

Can the minister tell us what he is doing to ensure that the installation of a biomass system actually supports our local, made-in-Yukon biomass heating fuel industry?

**Hon. Mr. Clarke:** In response to this question, as the member opposite indicated, the Yukon government is excited to be moving forward with key actions for renewable energy, including the installation of a new biomass heating system at the Elijah Smith Elementary School in Whitehorse.

The biomass system will offset the building's propane use, reducing emissions by an estimated 130 tonnes each year. This is one of the many steps that the Yukon government is taking to meet our goals of *Our Clean Future*. In July 2021, we engaged with biomass contractors to discuss our plans for the Elijah Smith school biomass project and to listen to their suggestions and feedback.

A tender for the installation of the biomass system closed in October, and the department is reviewing bids.

Thank you, and I look forward to subsequent questions.

**Mr. Istchenko:** I don't think I got an answer to the first question I asked, which was: What is the minister doing to ensure that the installation of the biomass system actually supports our local made-in-Yukon biomass heating fuel industry?

The Yukon Wood Products Association has made it clear to the government, over a series of meetings, that they want the contract structured in a way that will actually help develop a biomass industry in the Yukon. Unfortunately, according to an e-mail sent to the government last week, they feel their recommendations have been completely ignored.

Going forward, will the minister agree to consult and actually listen to the Yukon Wood Products Association before developing these types of tenders?

**Hon. Mr. Clarke:** Mr. Speaker, I am certainly prepared to meet with the Yukon Wood Products Association, although I may not be the primary person on this file, but if I am, I will.

We have heard from industry that there is a strong desire to tender our biomass projects through a build-operate-maintain model. This gives industry the opportunity to determine which systems they would be operating and maintaining, while the government invests in the system. It also allows fuel suppliers the time to source the heating materials while construction is occurring. It allows the development of a source-to-service biomass industry.

The Elijah Smith Elementary School biomass system is the first Yukon government biomass project that gives private industry the opportunity to build, operate, maintain, and fuel the biomass system. Several members of the Yukon Wood Products Association made key contributions to the procurement of this project through their request-for-information process undertaken earlier this summer.

The answer to the member opposite's question: We are always prepared to meet with the Yukon Wood Products Association and listen to their input on this project.

**Mr. Istchenko:** We know that, this winter, a significant amount of Yukoners' firewood will be coming from outside the territory due to Liberal inaction, and now, according to the Yukon Wood Products Association, the Elijah Smith school biomass system will rely on wood pellets shipped from the south. The establishment and growth of our local forestry industry, which the members keep saying they are trying to do here, requires support from the government to create demand. This will help our local economy.

Will the Minister of Highways and Public Works agree to work directly with the Yukon Wood Products Association and find ways to use government procurement to further support this local forest industry?

**Hon. Mr. Streicker:** Yes, I think that the answer is yes, of course, we will continue to meet with the Yukon Wood Products Association and harvesters. Economic Development is in on these meetings. We have Highways and Public Works in on these meetings. We also have the Department of Community Services, because we are talking about wildfire risk and how to reduce that wildfire risk. So, yes, this requires us to meet with the Yukon Wood Products Association and all

stakeholders on this. I said earlier that I am looking to raise this topic at the Yukon Forum. I think that it is important.

Some of the wood that came here every year is coming from just across the border, so we have some Yukon harvesters who harvest in British Columbia, across the border. I am not that worried about that; I am worried about wood coming from far afield, and I appreciate the Yukon Wood Products Association's concerns about making sure that this is local and sustainable. I agree with them — we agree with them; we will work with them.

#### **Question re: Mining project oversight**

**Ms. White:** Mr. Speaker, the Yukon's largest industry is mining, but it's also one of the least regulated. This summer, the public was made aware of Rio Tinto's \$25-million investment in the Casino mine project. As one of the largest mining conglomerates in the world, Rio Tinto has a less than glowing reputation. In Australia, the company recently blew up a 46,000-year-old sacred indigenous site. In Papua, New Guinea, Rio Tinto abandoned its mine, leaving behind millions of tonnes of waste that poisoned rivers and entire communities downstream. The company has faced little to no consequences for these violations. To Rio Tinto, a \$25-million investment is chump change. To Yukoners, it raises concerns.

Is the minister aware of Rio Tinto's violation of environmental and human rights across its mine sites?

**Hon. Mr. Streicker:** I think that it is incredibly important that all of the mining companies that work here in the Yukon do so with an understanding that we require them to have environmental responsibility, social responsibility, and governance responsibility. That means working with our local First Nations; that means working with communities. No matter which company it is that comes here, that initiates work in the Yukon, or continues to work in the Yukon, that is where we are going with them.

I will also say that we are very happy to be advancing successor legislation. I was happy yesterday to understand that the Official Opposition also supports that work. That is terrific. That work is ongoing right now. I think, this week, we had another meeting of the steering committee. I get reports back fairly frequently. That is important, because our legislation is out of date, and we want to update it. It's about making sure that, when companies work here in the Yukon, they do so in a way that serves our environment, serves our communities, and leaves no bad legacy that the Yukon has to deal with.

**Ms. White:** I am sure that the minister is well aware that investments like these have strings attached. Rio Tinto has many rights as an investor. They will appoint a member to the Casino projects technical committee and will have an observer at all board meetings. Casino is a massive project. While it's in its very early stage, aerial images of the site show cleared-out roads, trailers, equipment, and even an airstrip; yet, somehow, the security deposit that the Yukon government holds is a whopping \$672. This is the money that the Yukon government requests as a deposit, just in case projects don't go as planned and are abandoned. Mr. Speaker, \$672 barely even covers one trip up there.

Can the minister explain in what world \$672 would be enough to clean up any part of a mine site?

**Hon. Mr. Streicker:** Of course, the way that we assess how much money to hold as a security is based on the reality that is on the ground. If there were a mine there, yeah, of course, that would not be enough — absolutely, it would not be enough, but there is no mine there. So, security — the way that I have had it described to me by the department and the officials is that they assess the situation on the ground; they work diligently to update those assessments, as changes happen on the mine site and also based on — just over time — doing reassessments, and at all times, that security is calculated to make sure that it will be there for Yukoners.

I know we had a mistake that was made previously for the Wolverine Mine. We have inherited that mistake, and we will have to address it here. I do not ever want to end up in that situation. So, what I have asked the department to do is to make sure that we are diligent around assessing for securities.

**Ms. White:** Mr. Speaker, it's a concern that the minister is suggesting that Rio Tinto's security deposit, that is less than one-month's rent deposit for a basement apartment, would be adequate to clear up roads or trailers or even an airstrip.

So, Rio Tinto has already left a trail of destruction behind them. Norway — the country of Norway called them out for — and I quote: "... grossly unethical conduct..."

In Canada, they've locked out unions and exposed hundreds of workers to toxic levels of lead and radiation. It's not just investing in Casino — Rio Tinto is spreading across the north. This company is used to sitting in court over worker abuse, environmental damage, and human rights violations. But Rio Tinto, like many multinational companies, has deep pockets, and this government — this Liberal government — is no stranger to mining money. They have accepted thousands in corporate donations over the years.

How does the minister plan to regulate big mining players when, at the same time, his own party accepts cash from the industry?

**Hon. Mr. Streicker:** Mr. Speaker, I expect us to secure and regulate all mining, based on the values that I just talked about in my previous answer and in the first answer. When I sat down with mining companies and when I sat down with the chamber and with the industry and when I sat down with environmental groups, I have talked about the direction that we need to head. It is environmental, social, and governance responsibility. There is an acronym that mining industry uses; it's ESG. This is critical.

I think that mining is critical. If we want to talk about transforming our energy economy, we need copper; we need cobalt; we need zinc. We are going to need minerals for our economy — in particular, for transforming our energy economy, and we critically need that mining to be done responsibly. This is the key. It is to make sure that mining is done appropriately.

I will say that any company that comes into this territory to work will have to abide by this scrutiny, producing security to make sure that mining is safe and secure here in the territory.

### Question re: Faro area mining claims and leases

**Mr. Kent:** Mr. Speaker, a quote from an August 2021 Yukon government news release stated: "The Government of Yukon, Government of Canada, Ross River Dena Council and private entity Broden Mining have agreed on the basic terms and framework for the sale of mining claims and leases on the Vangorda plateau..."

Of course, this is part of the property that makes up the old Faro mine site.

On October 26, based on industry feedback, we asked why there wasn't a competitive process used to transfer the properties on the Vangorda Plateau, as has been done with past deals, such as Keno Hill and Mount Nanson.

At the time, the minister wasn't sure. He didn't know why this was done and was going to look into it with Canada. Can the minister tell us if other companies besides Broden Mining were given the opportunity to submit proposals for these claims?

**Hon. Mr. Streicker:** I can say that the governments of Canada and Yukon are working closely with the Ross River Dena Council and the Tse Zul Development Corporation as they move to acquire and assess the development potential of the Vangorda lands within the Ross River and Kaska Dena Council's asserted traditional territory.

I think this is an important new partnership, and the opportunity it provides for responsible mining in a brownfield area, meaning Faro, is quite the historic legacy. It does need to be cleaned up, and if you can have some activity there right now and clean it up at the same time, you can convert an environmental liability into an opportunity.

This partnership has the potential to bring real benefits to Ross River and nearby communities. Supporting this process is another important step toward reconciliation with the Ross River Dena Council and the Kaska. It provides a significant opportunity for renewed socio-economic and cultural growth in the area.

The Vangorda sale framework provides an opportunity for Ross River Dena Council to have a lead role in the project and to directly select a partnership arrangement that aligns with their visions and values.

I'll continue my response, Mr. Speaker.

**Mr. Kent:** Thank you very much, Mr. Speaker, and just for the minister, what we heard from other industry players was why there wasn't a competitive process to sell these claims and leases in the Vangorda Plateau. Again, during debate on October 26, the minister said — and I will quote: "... there have been many meetings with Broden Mining Ltd. over the past several years..." He said that these meetings took place with Broden Mining and a predecessor company called Oxygen Capital. So, can the minister tell us how many meetings were held, when they started, and when discussions between the Liberal government began with respect to the Faro project?

**Hon. Mr. Streicker:** Mr. Speaker, I would be happy to turn back to the department to try to get some sense of timeline. I just want to be clear that, while I have the responsibility for Energy, Mines and Resources, the meetings that I was referring

to were between the department, the mining company, and Ross River Dena Council.

I also want to say that the process, as I understand it, and our involvement in it are to make sure that whatever is happening in this area is going to live within our regulatory framework here in the territory, but Vangorda and Faro are a federal government responsibility and they have the lead in working on this file. I did offer, when we were here in Committee of the Whole, to turn back and have a conversation with Canada to find out their process. I would like to welcome Minister Wilkinson into the role. I have had one brief meeting with him. I have another meeting coming up with him. I am working to get that information for members opposite.

I am happy to say that, in process here, the department had been working with — or had some meetings with — the mining company and I'll work to get specific information for the members opposite.

**Mr. Kent:** Mr. Speaker, just to remind the minister again that, from that news release in August, the Government of Yukon was one of the signatories to the framework agreement, so there is a role and a presence of the government with respect to this particular project.

So, Mr. Speaker, in December 2017, the Liberals held a high-profile fundraiser in Vancouver in a private suite at a hockey game. A number of industry members have given us a copy of an e-mail sent in November of that year by the founder and CEO of Broden Mining in which he was promoting this major Liberal fundraising event. This individual was also a partner of Oxygen Capital.

So, can the minister tell us: Is the CEO of Broden Mining still promoting fundraisers for the Yukon Liberal Party, and if not, when did he stop doing so?

**Hon. Mr. Streicker:** First of all, we are involved in the project. I just stood up and said so. It is to make sure that, as the project moves forward, it is appropriate within our regulatory framework here in the territory. That is our responsibility, and we will carry out that responsibility.

I am afraid that I don't know any questions about the specifics of a mining company and their contributions to us, as a political party, but I believe that there are mining companies and other companies that have donated to us as a party and other parties or unions —

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

**Hon. Mr. Streicker:** To the Third Party — okay, Mr. Speaker.

What I am trying to say is that I don't think these things are in any way related. I believe that there is a role for Energy, Mines and Resources to make sure that, when mining companies come into the territory, they do so appropriately, and that is what we will do with this mining company. I am happy that there is work happening on a brownfield site. It is good news for Yukoners that we will see a way to start cleaning up Faro and maybe get some opportunity for the Ross River Dena Council out of it at the same time.

### Question re: Political party fundraising

**Mr. Cathers:** Mr. Speaker, a 2018 *National Post* story about political fundraising states that the Yukon Premier says his party has not held any out-of-territory fundraising events. However, we know that there was a 2017 Liberal hockey fundraiser that my colleague just referenced. The \$20,000 raised for the Liberals at this hockey box represents 40 percent of their total fundraising in 2017, but the Premier told the *National Post* that his party does not hold out-of-territory fundraising events.

Can the Premier confirm how many out-of-territory events his party has actually had since he made those claims to the *National Post*, and does he have more planned?

**Hon. Mr. Silver:** Yes, we absolutely do have more planned. I can get some information for the members opposite from our executive. I don't have that information on the floor of the Legislative Assembly right now.

**Mr. Cathers:** Well, the Premier didn't say how many events they have had, contrary to what he told the *National Post*. In the 2017 financing report for the Liberals, they originally did not report \$20,000 in corporate donations that they were given at this hockey game. That year, the legal filing deadline for their report was April 3, 2018.

It wasn't until the former NDP leader asked about this hockey box fundraiser on April 9 and 10 that anyone other than the Liberals were aware of it. After being caught hiding this fundraising information from Elections Yukon, the Liberals were then forced to release it.

To quote from Elections Yukon's report: "The Yukon Liberal Party filed an annual revenue return by the filing deadline..." — which was April 3 — "... but subsequently reported that 10 in kind contributions had been omitted. A revised annual revenue return was filed on April 20, 2018."

Can the Liberals tell us why they originally tried to hide the \$20,000 that was fundraised at this hockey event from Elections Yukon and from Yukoners?

**Hon. Mr. Silver:** Mr. Speaker, I believe that this issue was addressed by the executive and all of this was laid to rest in those interviews.

**Mr. Cathers:** The Premier can try to dismiss it, but I remind him that his party did not comply with the law in filing the return. Of course, this wasn't the last time that the Liberals have hidden political fundraising information from the public. In 2020, the Liberals hid over \$100,000 in sources of revenue from the public, using a loophole in the *Elections Act*.

Will the Liberals agree to fix this loophole?

**Hon. Mr. Silver:** I think that we have had an awful lot of conversations about fundraising on the floor of the Legislative Assembly. What the member opposite is drumming up right now is old news, and I believe that our executive has addressed these issues in the past. We have talked about the difference between us not piggy-backing and holding the mining industry hostage at the Roundup, as the Yukon Party used to do. If you wanted access to the ministers back then, you had to jump on the party yacht, which was quite an interesting approach from the previous party.

We have an excellent relationship with the mining industry, and we're glad to see that. It talks to the mining companies recognizing that, if you are going to do business in the Yukon, you have to consider the environment, you have to

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

### Point of order

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

**Mr. Cathers:** The Premier, in inventing facts and casting aspersions, seems to be contrary to Standing Order 19(i) and, I would suggest as well, Standing Order 19(g). I would ask you to have him retract his comments and apologize to this House.

**Speaker:** Government House Leader, on the point of order.

**Hon. Mr. Streicker:** Standing Order 19(i) talks about abusive or insulting language, including sexist or violent language, in a context likely to create disorder. I don't see any disorder here, so I think that this is a dispute among members.

### Speaker's ruling

**Speaker:** There is no point of order. This is a dispute between members. Please continue.

**Hon. Mr. Silver:** Mr. Speaker, as I was saying, we do have a great rapport with the mining industry here. We have instructed anybody we have talked to in the mining industry that they need to have a great partnership with First Nations, they need to consider the environment, and they need to consider community. That's our relationship with the mining community.

I think that the members opposite are a little upset — when, in their final years, mining was leaving the Yukon. We were in a recession. Since we came into power, we have seen more mining happening in the Yukon with companies that consider the environment and have an excellent rapport with indigenous relations. A lot of the stuff that is being drummed up by the member opposite is a revisionist history of some questions that they asked the last time we sat in the Legislative Assembly. We have answered those questions in the past and so we are already on record with those answers.

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

## GOVERNMENT BILLS

### Bill No. 7: *Act to Amend the Family Property and Support Act (2021)* — Third Reading

**Clerk:** Third reading, Bill No. 7, standing in the name of the Hon. Ms. McPhee.

**Hon. Ms. McPhee:** I move that Bill No. 7, entitled *Act to Amend the Family Property and Support Act (2021)*, be now read a third time and do pass.

**Speaker:** It has been moved by the Minister of Justice that Bill No. 7, entitled *Act to Amend the Family Property and Support Act (2021)*, be now read a third time and do pass.

**Hon. Ms. McPhee:** I appreciate the opportunity to address the Legislative Assembly with respect to Bill No. 7. Thank you to the members of the Assembly for their contributions to the debate with respect to this bill. I will now take just a few moments to revisit the amendment that we are proposing in Bill No. 7, which is entitled *Act to Amend the Family Property and Support Act (2021)*, and just speak briefly to implementation.

As mentioned in my earlier remarks, the *Family Property and Support Act* does not currently reflect best practices across Canada and certainly not here in the territory. The Government of Yukon is committed to ensuring that our legislation keeps up with the changing realities of Yukon and Canadian society. The proposed amendment will allow greater access to spousal support for former common-law spouses by removing the time limit for spousal support applications. The proposed amendment will ensure that former common-law spouses will not be disadvantaged in comparison with married spouses by short time limits that currently apply only to them for applications for spousal support.

The Government of Yukon is pleased to bring forward this amendment that will modernize family support legislation in the Yukon and mirrors legislation in other jurisdictions across Canada. We know that passing this legislation is a progressive step forward, one that is necessary for enabling former common-law spouses to have the same supports as married spouses, which fulfills our obligation to ensure that Yukon legislation is inclusive and accessible — just one of the many ways that we have done that.

With respect to implementation, we are proposing to bring the amendment into force during the winter of 2022. This timeline will allow the Department of Justice to communicate the upcoming changes to the public, to the Law Society of Yukon, and to others so that they may prepare accordingly. Of course, if Bill No. 7 is to pass this House, that is the plan.

The proposed amendment will enable us to ensure that family support legislation in the Yukon Territory meets the needs of today's Yukoners and protects their interests.

In conclusion, I recommend that members of this Assembly support the passing of Bill No. 7, the *Act to Amend the Family Property and Support Act (2021)*.

I would like to take one last opportunity to thank the individuals who have worked on this bill, bringing it before the Legislative Assembly. It is a small amendment. It will have a big effect on Yukoners, as we heard in the debate earlier. There is a large percentage of Yukoners who live in common-law relationships and this has been a significant issue for them. Either they have had to work very quickly to make sure that their rights are protected or, perhaps more importantly, they have not had their rights protected and they have been ineligible for applications for spousal support through no operation of their own, but simply through the fact that our law was outdated and did not reflect modern family situations and was frankly unfair. I know that there will be support for this, I hope, in the Legislative Assembly so that this can be corrected.

**Mr. Cathers:** Mr. Speaker, we have indicated our support previously. I would just note that, while not out of order, the minister's speech was basically repeating what she has already told this House a couple times and it's unfortunate, as we hit the dwindling days of this Fall Sitting, that the government is so desperate to not debate the Department of Health and Social Services that they are repeating themselves on other legislation.

**Ms. White:** Mr. Speaker, as indicated by my colleague, the Member for Vuntut Gwitchin, the Yukon NDP will be supporting this motion.

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

Does any other member wish to be heard?

**Hon. Ms. McPhee:** Mr. Speaker, I am sorry that at least one of the members opposite thought that my two-minute address to the Legislative Assembly was too long, but I appreciate the indicated support.

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

**Some Hon. Members:** Division.

#### Division

**Speaker:** Division has been called.

#### Bells

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

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

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

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

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

**Hon. Mr. Clarke:** Agree.

**Hon. Ms. McLean:** Agree.

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

**Mr. Dixon:** Agree.

**Mr. Kent:** Agree.

**Ms. Clarke:** Agree.

**Mr. Cathers:** Agree.

**Ms. McLeod:** Agree.

**Ms. Van Bibber:** Agree.

**Mr. Hassard:** Agree.

**Mr. Istchenko:** Agree.

**Ms. White:** Agree.

**Ms. Blake:** Agree.

**Ms. Tredger:** Agree.

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

**Speaker:** The yeas have it. I declare the motion carried.  
*Motion for third reading of Bill No. 7 agreed to*

**Speaker:** I declare that Bill No. 7 has passed this House.

**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

**Deputy Chair (Ms. Tredger):** Order, please. Committee of the Whole will now come to order.

#### Motions re appearance of witnesses

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

**Hon. Mr. Streicker:** I move:

THAT from 3:30 p.m. to 5:30 p.m. on Thursday, November 25, 2021, Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Kurt Dieckmann, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole to answer questions relating to the Yukon Workers' Compensation Health and Safety Board.

**Deputy Chair:** It has been moved by Mr. Streicker:

THAT from 3:30 p.m. to 5:30 p.m. on Thursday, November 25, 2021, Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Kurt Dieckmann, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole to answer questions relating to Yukon Workers' Compensation Health and Safety Board.

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

**Deputy Chair:** The matter before the Committee is general debate on Bill No. 6, entitled *Act to Amend the Safer Communities and Neighbourhoods Act (2021)*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

**Deputy Chair:** Order, please. I will now call Committee of the Whole to order.

#### Bill No. 6: Act to Amend the Safer Communities and Neighbourhoods Act (2021)

**Deputy Chair:** The matter before the committee is general debate on Bill No. 6, entitled *Act to Amend the Safer Communities and Neighbourhoods Act (2021)*.

Is there any general debate?

**Hon. Ms. McPhee:** Deputy Chair, I would like to ask my colleagues in the Legislative Assembly to welcome two of the Department of Justice officials who will be assisting us in our conversation today. They are Jeff Simons and Andrea Bailey, both immediately to my right. I would also like to welcome them here. I think that this is Jeff's first time here in the Legislative Assembly in this role, and I really appreciate their support in bringing this bill forward and also all the work that they do at the department that does not involve them being here today, which is extensive, and I would like to take the opportunity to thank them while they are here in person.

Deputy Chair, I do have some remarks. I made some earlier upon second reading with respect to Bill No. 6, which is the *Act to Amend the Safer Communities and Neighbourhoods Act (2021)*. I reviewed legislative changes that we are considering for this bill in my earlier remarks, but today I would like to discuss the bill in just a bit more detail as well as the context for these changes. To begin, I would like to review the *Safer Communities and Neighbourhoods Act* not section by section but briefly and how it allows for the safer communities and neighbourhoods unit to operate.

I think that it is important for Yukoners to know some of the detail with respect to how this piece of legislation operates practically in the world and how the folks who work in the SCAN unit are regulated by this legislation and work to keep Yukoners safe. This legislation was enacted in May 2006 and is administered and enforced by a team of investigators.

They are known as the "SCAN unit" — Safer Communities and Neighbourhoods. The unit responds to complaints from citizens about activities that are having adverse effects on their communities and neighbourhoods. It is important to emphasize that the unit responds to complaints. They don't have their own investigative powers outside of that complaint process.

The act enables the SCAN unit to investigate complaints received from the public and to take action when illegal or dangerous activity is occurring on a local property and that activity is negatively affecting the neighbourhood or the community. It could be that one of those factors is happening. There could be illegal action, or there could be something that is negatively affecting it that is not subject to the SCAN act. Both of those conditions must be happening and occurring in order for the SCAN unit to become involved.

The *Safer Communities and Neighbourhoods Act* defines the types of activity that the SCAN unit can investigate. As we heard earlier in the conversations, those are defined as a "specified use". "Specified use" includes the illegal sale of liquor and other contraventions of the *Liquor Act*; contraventions of the federal *Controlled Drugs and Substances Act*, the federal *Cannabis Act*, and Yukon's *Cannabis Control and Regulation Act*; the use or consumption of intoxicants; prostitution and activities related to prostitution. Those are the current specified uses in the legislation.

It is important for me to note that the entire process is complaint-driven, as I have emphasized, and works through civil remedies, rather than criminal cases. This is not about criminal charges. These are civil remedies set out in the *Safer*

*Communities and Neighbourhoods Act*. Furthermore, the legislation and the work undertaken by the SCAN unit are strictly property-based; it is not person-based. It has to do with the use of property.

The SCAN unit may resolve a complaint by addressing the problem informally with the tenant and/or property owner. They can address the issues by sending a formal warning letter or an agreement to cease illegal activities. Those are set out in the act. They can serve an eviction notice issued by the landlord, if the situation involves a landlord and a tenant, or they can apply to the Yukon Supreme Court to close the property for up to 90 days through a community safety order. It should be noted that the vast majority of situations involving the SCAN unit are dealt with by addressing the problem informally or by sending a warning letter.

I have some statistics I hope we will get into later.

Moving on to the bill before us today, we are specifically seeking to amend section 1(1) of the act to expand the definition of "specified use" to include illegal activities that are related to child sexual abuse and sexual exploitation, to gangs and criminal organizations, and to firearms. This amendment will allow the SCAN unit to investigate and take action on these additional matters, or specified uses, with the ultimate objective of increasing public safety in Yukon communities.

It is important to recognize that the amendment focuses only on illegal activities and will not encroach on the rights of law-abiding citizens.

I would like to spend a bit of time discussing why these activities are being included in the proposed amendment. I think it's important for Members of the Legislative Assembly and for Yukoners to understand why this is being sought at this time.

In relation to illegal firearms activity, the Commissioner of Firearms for the RCMP's Canadian firearms program reports that the number of firearms seized in the Yukon between 2015 and 2019 is 101. Specifically, there were 18 in 2015; 16 in 2016; 20 in 2017; 17 in 2018; and 30 in 2019.

In relation to child sexual exploitation, Statistics Canada reports that there was a total of 141 reported sexual violations against children between 2015 and 2020 in the Yukon. Specifically, there were 26 in 2015, with about the same average in each of the other years. In 2019, it was again 26; in 2020, there were 27 such reports.

Finally, when looking at organized crime in the territory, the SCAN unit reports that approximately 31 percent of their investigations in 2019 are believed to have involved gangs or criminal organizations.

The reason this is absolutely critical is that it is a tool — remembering that it's complaint-driven — it has to adversely affect the safety of a community or a neighbourhood, but it is one tool in the toolbox to address the opioid crisis. The gang activity is almost always involving drugs, and those drugs are getting into the hands of Yukoners and ultimately killing them.

In total, the SCAN unit received 61 complaints in 2017; 79 complaints in 2018; it jumps to 92 complaints in 2019; and 105 complaints in 2020 — remembering that this is about gang and organized crime activity.

Forty-three percent of the complaints in 2020 were related to suspected organized crime. This shows a significant increase from 31 percent in 2019 and 26 percent in both 2018 and 2017, and 31 percent of the complaints in 2019 were related to suspected organized crime, which shows an increase from 26.2 percent in 2017 to 26.3 percent — let's try that again. That shows an increase from 26.2 percent in 2017 to 26.3 percent in 2018. So, a significant increase in 2019 and 2020.

It's also important to note that the SCAN unit has received over 1,000 complaints since the act came into force in 2006. The number of complaints received by the SCAN unit continues to increase annually.

Just before I finish, I would just like to highlight how SCAN works with partner agencies — again, important for the Members of the Legislative Assembly to know, but also important for Yukoners to understand.

SCAN has entered into agreements with nine Yukon First Nation governments. These agreements support First Nation community safety. I'm proud, on a personal note — I want to say, back in 2013 or 2014, when one of the Yukon First Nations first came and spoke about a partnership with the SCAN unit, I had the pleasure of working on that case in concert with the Yukon First Nation government and the operation of the SCAN unit for the purposes of making their community safer. Since that time, nine Yukon First Nation governments have entered into agreements with respect to community safety and are supporting that operation of SCAN as one tool in the toolbox for them to use in working to keep their communities safe.

Not only is SCAN working with First Nation governments, they are engaging with communities outside of Whitehorse on a regular basis. It is complicated for the investigators to do that, because communities in the Yukon are relatively small and tight-knit, but they are also seeking tools to help make their community safer and are reaching out to SCAN on a regular basis. SCAN has seen an increasing number of complaints from the communities, which demonstrates the work that the unit has been doing to build relationships with Yukoners, as well as a strong need for this service. It also indicates the growing sophistication of the SCAN unit and the opportunity for their work to be meaningful in communities and neighborhoods.

SCAN also works with our policing partners at the RCMP, when it is appropriate, by sharing information and evidence that is related to complaints. It should be noted that the SCAN unit does not investigate on behalf of the RCMP; they do not do that work. They work in concert with the RCMP, but should the SCAN unit be investigating a matter that ultimately results in criminal charges, all of that investigative work is done by the RCMP.

The relationship with the RCMP has resulted in 22 combined actions with the RCMP or other law enforcement between 2017 and 2019. Our communities and our partners benefit from the SCAN unit's hard work. This amendment would allow the unit to further improve safety for Yukoners.

As I noted, statistics and the known increase in organized crime in the Yukon have allowed us to gain essential insight so that we can deliver this bill to the legislature.

One last note that I should make with respect to this legislation is that I have had some, albeit brief, discussions with the Leader of the Third Party. I know that one of the issues that was brought to the Legislative Assembly floor was the concept of a review in this legislation.

As I said, it came into effect in 2006 and it did not include a review clause, as some pieces of legislation do from time to time. I agree with the members of the Third Party and the Leader of the Third Party that it is high approaching time for a review of this legislation. There are always questions about how it operates, and I think that the statistics show that the operation of SCAN has been very specific. It has been well within the legislation and the opportunities that the legislation provides, and it is also an opportunity for folks to question that or to make suggestions with respect to how SCAN could be improved. With respect to those conversations, I have committed to members of the Third Party and commit here, on the floor of the Legislative Assembly, to begin a review of the *Safer Communities and Neighbourhoods Act* in 2023, based on the current legislative agenda and some of the work that is set out in the work plans well into the future. We will need to make room for that to happen.

I can also indicate that we will return with this piece of legislation at the spring legislative Sitting — on the spring legislative agenda — to introduce an amendment to the act to include a review every five years after that. As I spoke with the Leader of the Third Party, it is complicated to achieve some of those reviews, especially if there are many, many of them that are happening on a five-year cycle, but nonetheless, I appreciate that this is an active and important piece of legislation to Yukon communities. A review, as I have noted, to begin in 2023 will be welcome to many of the stakeholders and an opportunity for a better understanding of the SCAN and how it operates. Any room for improvement is always welcome, so I look forward to that. I have made that commitment here and I have done so in writing to the Leader of the Third Party, and I know that this will address some of the questions that she has had about how we are going forward with the amendments here in Bill No. 6.

I look forward to the opportunity to answer questions from my colleagues across the way if there are any specific questions in relation to Bill No. 6, which, as I have said, is quite a specific opportunity and request to add three other offences and activities to the specified use that exists in the SCAN act.

**Mr. Cathers:** The minister is trying to downplay the scope of this and the fact that there was no public consultation on the provisions. But, in fact, these are significant increases to powers that would be provided under the *Safer Communities and Neighbourhoods Act*.

I would note that, of course, the *Safer Communities and Neighbourhoods Act* was brought in over 15 years ago. The act has value, but there have also been concerns about the scope of it.

The government, I believe, is still dealing with outstanding court action related to this legislation. I would remind the minister, as I did earlier, that the government has a clear double standard when the former Minister of Community Services, the



Government House Leader, indicated previously — when we were proposing changes to the *Civil Emergency Measures Act* — that they couldn't contemplate that while they were facing court action related to that legislation and that it would be irresponsible. But it's quite convenient that, when the Official Opposition wants to amend legislation that the government is being sued in court by Yukoners over, the government takes that as an excuse to rule out the possibility of amendments, but when the government wants to proceed with amendments themselves, it apparently, in their view, becomes irrelevant and a different standard applies, despite the fact that they are being taken to court over the provisions of this legislation.

I do want to note again that the *Safer Communities and Neighbourhoods Act* was brought in in 2006. There are good reasons for it because of the challenge of using a criminal standard, and the act has been successful in many ways. It is also very important to emphasize and note that there is a reason for using the criminal standard of "beyond a reasonable doubt" and that is to provide protection to people who may be innocent from being wrongly convicted. Lowering the standard, while it does make it easier for law enforcement, does come with some degree of increased risk of unintentionally punishing or taking enforcement action against somebody who is innocent because a lower standard than the criminal standard of "beyond a reasonable doubt" is being applied. That, of course, is a concern.

It is also important to note that, while the minister couches this in terms of going after organized crime, et cetera, there have been times in the past when a previous government considered a civil forfeiture act and then, at that point, based on outcry from Yukoners who felt that it was going too far, did not proceed with trying to pass that act.

We have heard very clearly from Yukoners that there is a point at which Yukoners feel that applying the civil standard to make it easier for law enforcement to go after organized crime carries with it too much risk of innocent people being harmed in the process because of lowering that standard.

I would also note, as I did earlier, that there are elements of this bill that I believe are worth considering. Had they gone through public consultation, there are elements of this proposed amendment that we would very likely be supporting. There are elements of this proposed legislation that we would certainly be happy to consider if there were public review and public consultation on those provisions — and if the general indication from Yukoners was supportive with no major, significant issues identified during that consultation that might necessitate change.

We do have concerns with the application of this part of the bill to prohibited firearms. That is, of course, in large part because Yukoners have that concern. It doesn't start with guns that were illegal at the time of purchase; it relates to firearms that Yukoners lawfully acquired and that the Trudeau Liberal government, on May 1, 2020, reclassified through an order-in-council that targeted over 1,500 firearm types that had previously been legally purchased as either "non-restricted" or "restricted" weapons. They chose to reclassify those as "prohibited" firearms. Contrary to the long-standing practice of

previous federal governments, which, when they have brought in legislation that classifies a firearm as "prohibited", has grandfathered in people who own it, the Trudeau government stepped forward with what they classified as a "buyback" but is really confiscation by a friendlier name.

Because it relates to property that was lawfully acquired by citizens, including Yukoners, this has been something that is very upsetting and offensive to millions of Canadians, including here in Yukon. Because that approach had bypassed Parliament and was done through order-in-council — and bypassed any public consultation as well — it is again a situation where people are facing a situation where they have done nothing wrong and committed no crime, but property that they lawfully acquired is at risk of being confiscated by the government through changes to regulations that they had no opportunity for input on. It is very concerning to many Yukoners.

The provisions of this legislation do create the possibility that the very same firearms that were targeted by the Trudeau government's order-in-council could be confiscated by the Yukon government through this expansion to the legislation. So, we do have concerns with that. Yukoners have concerns with that, and the fact that these current provisions are brought forward without public consultation adds more concern to that specific issue.

I would note, as well, that when it comes to the topic of the federal government's legislation related to firearms, it is not just ourselves or Yukoners or other Canadian citizens who are arguing against that legislation. In fact, the union representing RCMP members, the National Police Federation, issued a position statement, which I have quoted previously right here in this Legislative Assembly. That statement was issued in November 2020. I am not going to read from it, as I did at length previously during second reading on October 18, but I will just highlight a couple of quick excerpts from it which are in that position statement and also, for the reference of Hansard, are on page 434 of Hansard from October 18: "Costly and current legislation, such as the Order in Council prohibiting various firearms and the proposed 'buy-back' program by the federal government targeted at legal firearm owners, does not address these current and emerging themes or urgent threats to public safety.

"It also does not address: criminal activity, illegal firearms proliferation, gang crime, illegal guns crossing the border or the criminal use of firearms.

"In fact, it diverts extremely important personnel, resources, and funding away from addressing the more immediate and growing threat of criminal use of illegal firearms."

Again, what I am pointing to here is the fact that the issue around those specific guns — that, in many cases, were legal, non-restricted rifles at the time of purchase and have been targeted by the federal government and would be caught up as prohibited firearms in these changes brought forward by the government —

Again, I have to remind the government and emphasize that it's not just a question of whether, if someone unlawfully

has or is unlawfully using a prohibited firearm, enforcement action should be taken, but what the legal standard is for taking action and for potentially confiscating that property.

Again, as I noted in introducing my comments on this in Committee of the Whole, while we do agree that the *Safer Communities and Neighbourhoods Act* has value, it is important to note, and Yukoners have been clear in the past, that there is a point at which applying a lower standard than the criminal standard of “beyond a reasonable doubt” can be problematic. As I mentioned before during one proposed piece of legislation back in 2010, the minister, after hearing from many Yukoners, including me, with concerns on behalf of constituents about the legislation, did choose not to proceed with that because of public opposition to the civil forfeiture act. While the specifics of the legislation are different, it does relate to the same general principle.

At a time, as well, when business owners and other people are upset about the ongoing practice of this government of implementing major measures and not consulting with the public — whether it be ministerial orders under CEMA or other changes — the fact that the government chose not to consult on this piece of legislation is our single biggest problem with the proposed bill.

With that, Deputy Chair, I am sure that I am not going to get any different answers from the minister, but I do feel that it is important to put this on the record, especially in case the government guillotines this bill, to again note our specific concerns and note that, first and foremost, they are concerns we have heard from Yukoners and our concerns about the lack of consultation. We do believe, as the Third Party has also indicated, that the *Safer Communities and Neighbourhoods Act* should have a public review. We would encourage the government to, in fact, move up the review from when the minister indicated that she was planning it for, because timing-wise, the government is likely to not even still be in office by 2023, when she indicated that would occur.

You shouldn't make significant changes like this before consulting on them. You should consult first and then listen to Yukoners and hear what concerns they identify — or perhaps they support it. The important thing is, in a democracy, public consultation matters.

Unfortunately, this government, especially the current Minister of Community Services, the Member for Whitehorse West, has a record of ramming things through and not doing consultation properly, which of course is why their so-called “better building program” is becoming a colossal failure that has municipal leaders opposing it. Unfortunately, if this government were a little more open to public consultation and consulting with municipal leaders, they could avoid these problems instead of continually embarrassing themselves through their refusal to consult with the public on major policy matters and legislative matters.

**Hon. Ms. McPhee:** I think there are a number of points raised by the member opposite, not necessarily questions in there, but I am happy to address them. Let me start by saying that the example given with respect to consultation at the beginning of the member opposite's comments is not at all

comparable to the situation we have here. I've said clearly before that no public consultation was done with respect to the amendments being brought forward in Bill No. 6. I can tell you that they were not done because the statistics, as I've laid them out — and I have lots more — speak for themselves. Adding these three criminal activities to the specified uses under SCAN that can be investigated, if there is a complaint and if the activity is affecting the safety of a community, are required to make Yukoners safe and to make Yukoners' communities safer.

The member opposite spoke at some length about a criminal standard. I think this SCAN situation has nothing to do with “beyond a reasonable doubt”. It does not require a criminal standard because it's not a criminal process. I said that quite clearly when I stood the first time. This is a civil remedy; it is property-related; it is not related to individuals' activities; it is not related to individuals being ultimately charged with a crime, unless there is criminal activity that is ultimately investigated by the RCMP, but that's not to do with the SCAN process.

The SCAN process does permit individuals in the community to launch a complaint. An assessment is done by the SCAN unit to determine if and when that complaint is substantiated and how and if it should be investigated. Some are; some are not — based on the ways in which the complaint comes forward, based on the activity that is complained about, and based on the criteria that are set out in the *Safer Communities and Neighbourhoods Act* and whether or not that criteria are met in the complaint.

Clearly, I've noted this is a civil remedy — for those students of that kind of thing, which is on a balance of probabilities — but I want to be clear that the comments made by the member opposite about “beyond a reasonable doubt” and a criminal standard being applied here or possibly being applied here in this situation — just is not the case.

I could also note that in the *Safer Communities and Neighbourhoods Act*, there is oversight by the Supreme Court, and the most intervention-related matters, should they get that far, are done in partnership with — as I've said — sometimes First Nations or landlords, depending on the circumstances and the situation. In the event that the most serious remedy of closing a property under SCAN is sought, it is done with the oversight of the Supreme Court of this territory.

I want to speak for a second — I know we are, I think, running out of time, but I would like to speak about prohibited firearms. The SCAN focus is on firearms that are used in criminal acts, firearms that are used to intimidate, to hurt, or to kill. It does not permit the investigation of the ownership or the registration of firearms.

I can also indicate that — and I really want this to be on the record — I know that there will be other opportunities, I hope, to make this clear, but Yukoners need to know that these changes will not affect the legal ownership of firearms, nor will they affect the legal possession, use, sale, purchase, storage, or transportation of firearms. This amendment will only apply to firearms-related activities that are currently illegal under the *Criminal Code* — to repeat, as I said, when firearms are used

in criminal acts to intimidate, to hurt, or to kill, not to investigate the legal ownership of firearms.

I'm sure the member opposite is aware of this. I hope he is, by reading Bill No. 6, and I am concerned that he is straying from the focus of this for individuals who may be concerned about their firearms here in the territory, and it's simply not the case and not the submission of Bill No. 6 and not what is included in this amendment going forward.

I do have more to comment on with respect to the member opposite's comments so far, but I know that the time has come to 3:15 p.m., so pursuant to Committee of the Whole Motion No. 4, I move that you report progress.

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

*Motion agreed to*

### Appearance of witnesses

**Deputy Chair:** Pursuant to Committee of the Whole Motion No. 4 adopted earlier today, Committee of the Whole will receive witnesses from the Workers' Compensation Health and Safety Board.

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

*Recess*

**Deputy Chair:** Order, please. Committee of the Whole will now come to order.

### Appearance of witnesses

**Deputy Chair:** Pursuant to Committee of the Whole Motion No. 4 adopted on this day, Committee of the Whole will now receive witnesses from the Yukon Workers' Compensation Health and Safety Board. I would ask all members to remember to refer their remarks through the Chair when addressing the witnesses, and I would also ask the witnesses to refer their answers through the Chair when they are responding to the members of the Committee.

I would also ask that, when the witnesses are finished an answer, they just indicate that they are finished so that I can pass the floor on to the next member.

The Member for Whitehorse West, I believe, will introduce the witnesses.

*Witnesses introduced*

**Hon. Mr. Mostyn:** This afternoon, we have Mark Pike, the chair of the Yukon Workers' Compensation Health and Safety Board, and the president, Kurt Dieckmann, here to answer questions on behalf of the House.

**Deputy Chair:** Would the witnesses like to make brief opening remarks? You have five minutes.

**Mr. Pike:** My name is Mark Pike, and I am chair of the board for the Yukon Workers' Compensation Health and Safety Board. I am joined here today by Kurt Dieckmann, our president and CEO. We want to thank you for the opportunity to come before you today and participate in what we expect will

be an informative discussion about the board, our annual report, our business, and the culture of workplace safety in the Yukon.

The *Workers' Compensation Act* requires us to appear in this House on an annual basis. We always enjoy this appearance because it provides us with the opportunity to talk about the work and duties that every member of our organization is proud to perform.

For decades, the past two years will be stamped into our collective memory. The COVID-19 pandemic has transformed the way we work, connect with our loved ones, and move through our day-to-day lives. As chair and on behalf of the board of directors and all of our staff, we recognize the amount of change and uncertainty that every Yukoner has experienced over the past two years.

While we couldn't anticipate a global pandemic of this scale, we have worked diligently to create a stable foundation with a strong, funded position in preparation for issues that we have faced during this pandemic. It's a foundation that allowed us to serve Yukoners when it was most needed.

We recognize that there have been many challenges for both employers and workers in the workplace. From a business owner struggling to stay afloat to a young worker who has suddenly lost their job, navigating the pandemic has challenged the mental health of so many Yukoners. The situation has reminded us that we must take care of our minds and not just our bodies. Our organization remains steadfast in our commitment that all Yukoners participate in a culture of safety and prevention.

In September 2020, the Government of Yukon approved a regulation to prevent violence and harassment in the workplace, alongside amendments to the general safety recommendations that clarify employer responsibilities. The *Violence and Harassment Prevention Regulation* and the hazard assessment amendment to the general safety regulations came into effect on September 4 of this year. These new laws will help employers and workers to develop a workplace culture that promotes physical and psychological health and safety. We extend our thanks to everyone for their work, support, and contributions to that effort.

We have to take action every day to prevent disability, whether it is through safety training, planning, or education. Preventing disability is a shared responsibility, and we all need to put safety at the forefront of every single activity we do.

I'm happy to appear before you today with Mr. Dieckmann. We welcome any questions that you may have about our 2020 annual report and any other aspects of our business. I note that in our annual report on the inside front cover is a summary of our "year at a glance", which is quite informative. With that, I would like to thank you, Deputy Chair.

**Ms. McLeod:** I want to thank the witnesses for joining us here today. We always have pretty good discussions here, so I'm happy to participate with you.

I would like to begin with some questions that I have asked the minister in Committee, but I would like to get some feedback from the witnesses today. I will start with the level of the compensation fund. I asked the minister about whether or not there was ever consideration of legislating a fixed target for

the rate. We know that, at various points, the compensation fund has strayed beyond the policy targets that are set.

Can the witnesses give us their take on this?

**Mr. Pike:** In response to that, certainly it's not our role to legislate anything. That is the role of this House, but we certainly look at that, and whenever we are outside our target range as set out in our funding policy, we take specific steps to move back to get within that target range.

As an aside to that question, I am actually proud of our staff. One of the reasons we have been able to be outside of our target range is because of the great job that our CFO and all of his staff have done with respect to managing our funds. That is really what has created, for lack of a better word, the excess in our funding position.

**Ms. McLeod:** Thank you for that. I am going to move on to changes that are coming to the legislation. In particular, I would like to ask the witnesses about the changes to the list of presumptive cancers for firefighters. Has the board done any analysis on what impact these changes will have on the compensation fund and the potential downstream impacts of doing so?

**Mr. Dieckmann:** Yes, we actually have done some analysis on that. Essentially, whenever a presumption is put in place for occupational diseases, it does have impacts on the compensation fund. It requires the board to book liabilities based on the list of diseases and the people included in those diseases.

Bill No. 8, as it currently stands, includes an expansion of cancers for structural firefighters. That expansion will result in some rate impacts on the government rate. Essentially, what we would see is that it would provide an ongoing increase in the rate for government of about 2 cents, but also it will result in the liability increasing by about \$2.7 million. That \$2.7 million will have to be recovered, and the board of directors typically amortizes that over a 10-year period, so that would mean another 6 cents amortized over that 10-year period, so a total of an 8-cent increase to the government rate for that 10-year period.

**Ms. McLeod:** I would like to inquire about the recent addition of PTSD and injuries related to mental health. Can the board discuss how these additions have impacted them and whether or not there has been any impact on the fund and/or the rates?

**Mr. Dieckmann:** I am assuming that you are referring to the proposals put forward in Bill No. 8.

The change to Bill No. 8 in regard to the PTSD presumption actually won't have any effect on the fund. That is not a liability that has to be booked. Only occupational disease liabilities are booked.

With the expansion of the PTSD presumption, it actually aligns very well with our policies as they currently stand, so it won't mean that we are accepting any more claims than what we already do. All that it really does is align very well with what our current practices are.

Now, if you want to talk about the impact of psychological injury over the past number of years, we are seeing an increase in the number of psychological injury claims, and those claims

are very expensive. The return to work is difficult. Lots of times people will return to work, but there will be some recidivism and they go back on claim.

For the most part, people do eventually get better and back on claim, but the duration of those claims can be considerably longer. That does add to the cost to the system. Currently, the costs of psychological injuries account for almost 20 percent of the total cost of injuries for claims that we accept.

**Mr. Pike:** I just wanted to add a point there that, with respect to the amount of funds that need to be set aside to look after aged workers, those are not decisions that the board itself has made. There is a very, very sophisticated world of actuarial science where our actuary determines the amount of money that we need to set aside. Those are out of our control.

I guess, in theory, we could do something different, but nobody would want to violate what the actuary says you need to set aside. So, when we talk about whether something needs to be funded up front, or gets funded as it happens, that is the world of actuarial science and that's where the numbers that Mr. Dieckmann is talking about come from.

**Ms. McLeod:** So, I'm not going to pretend that I understand actuarial science or even ever want to, but I do find it interesting that a condition that affects up to 20 percent of claims has no impact on the rates — if I take your point correctly there.

I'm going to move on from there.

Regardless of the presumption of cause for those types of injuries, the worker in question would still need to seek diagnosis before they can receive compensation — at least that is my understanding. Is the board aware of the level of difficulty in getting a diagnosis these days in the Yukon? Are they able to give us any information on what their understanding is in this respect?

**Mr. Dieckmann:** So, first of all, just to clarify that, when I say that it doesn't have any impact, it does have considerable impact, but we have also done a really good job on claims management over the year, and so costs have come down for claims in other areas while they have gone up for psychological injury. So, in effect, our claims costs have remained constant, but there is always the chance that, if other claims costs start to go up, we could see significant spikes occur. It really comes down to how we do with case management, the ability to get people back to work, the employer's willingness to participate in the return to work, and the worker's willingness to participate in return to work. Those are all really important factors, and we have seen improvements in injury rates over the years as well, which have also impacted those claims costs. You can't look at any one item in isolation; you have to sort of look at the whole.

The second part of your question — sorry, Deputy Chair, can I get that repeated?

**Ms. McLeod:** The second part of that question was about the difficulty in getting a diagnosis to seek a claim for a mental health claim or compensation. So, I was wondering what the witnesses' understanding was of that situation and how the board is dealing with that.

**Mr. Dieckmann:** You are absolutely correct. I mean, it does — diagnosis of psychological injury does take a while. It takes, you know — for a PTSD diagnosis, it takes a month from when they are seen by a clinician to when we would actually get a diagnosis, because there is a period of examination that has to be undertaken. We are fortunate in the territory that we do have some very good clinicians, but we do also, quite often, have to send injured workers out in order to get the diagnosis.

The way that we handle those claims is that, even though we don't have a diagnosis yet and may not have necessarily accepted a claim, we still — when a worker files that claim, we send them for initial examination and treatment. We don't require them to find a psychologist and get a diagnosis and then file a claim; we encourage them to file the claim right away — we take care of the rest. So, then it doesn't matter — if they have a claim, that's great — they have already started. We have a treatment plan already being worked on; we are working through that. If it turns out that it didn't occur in the course of their employment or because of their employment — we have spent some time and money on getting that diagnosis, but it really is better for the person, as well, because they also have an understanding of what the issues are and what treatments they need. They can then, you know, continue through their medical providers.

**Ms. McLeod:** Thank you for that. I recall from the briefing that the witness had indicated that they may have some avenues that others don't have, so that is good.

Now, in Committee, we asked the minister about this whole situation with the psychiatrists, and he said that a diagnosis from a psychiatrist or a psychologist was indeed required. So, we pointed out that psychology is not regulated in the Yukon, so I would like to get the board's thoughts on how they determine the qualifications of a psychologist, given that there is no regulatory framework for that profession in the Yukon.

**Mr. Dieckmann:** In order for us to use any service provider, the board requires — we first will have to enter into a contract with them. We don't work with any service providers that we do not have a contractual arrangement with. We will not enter into a contract with a service provider unless they are registered with either a governing body here in the territory or in another province. All of the psychologists whom we deal with are registered in another jurisdiction. That is how we manage that piece of it.

**Ms. McLeod:** I understand that the professionals are registered in some other jurisdiction, given that we don't have a regulatory body here for them to register with. I am guessing that is where that comes from. I just want to clarify if you are sending people outside of the territory to see these professionals or if these professionals are operating within the Yukon without regulation in the Yukon.

**Mr. Dieckmann:** Anyone who we deal with is registered either in Yukon or in another jurisdiction. There are a number of psychologists who are here in Yukon who are registered in other jurisdictions, so those are the ones whom we will deal with. As far as the regulations go, that is not for me to weigh into. That would be a question for the minister.

**Ms. McLeod:** Thank you for that. I would like to turn to the issue of subrogation. I know that the witnesses are aware of the position that has been taken by the Northern Air Transport Association regarding this matter. They, of course, would like to see a change to section 127 of the act to change the way liability works for employers in the transportation industry because they argue that they are unfairly targeted. Can the witnesses comment on this position and provide us with their response? As far as we can tell, the Yukon is a bit of any outlier in our part of the country, so has the board ever considered moving to a system similar to what is in place in other territories or provinces?

**Mr. Dieckmann:** There again, that is a policy question, so I can't really speak to policy questions. I am more than happy to speak to some of the research we have done and the information that we were able to provide to government to make those policy decisions, but I can't speak to the policy decisions themselves.

**Ms. McLeod:** I wonder if the witnesses could provide us, by a future return, with the information that they have on that matter.

**Mr. Dieckmann:** I am more than happy to speak to information that was provided. Like I said, it's the policy decision question that I can't speak to. What was considered for the policy is not my purview, but I am more than happy to talk about the information we were able to provide, if the member would like me to speak to that information.

**Ms. McLeod:** Yes, please.

**Mr. Dieckmann:** The way the act is currently set up for the vested actions is actually quite consistent with most jurisdictions. When you look at how the various jurisdictions have approached vested actions, there are a number of jurisdictions that do it the same way we do or similarly. There's an ability to take a subrogated action on behalf of a worker when a motor vehicle is involved in a crash. In instances where another insurer is covering a motor vehicle and there is negligence on the part of the operator of the vehicle, we are able to go after that other insurer to recover the costs.

Government asked us to engage on this issue. When we went out and engaged on the issue and we brought it to stakeholders, the majority of stakeholders actually supported the way the status quo works.

What we did is we explained to them that, if we limit the ability to recover, or if we don't recover from a third-party insurer, it could result in increased costs to employers and decreased benefits to workers, because when we're able to recover through a third-party insurer, that amount of money that we recover is not applied to the rates of the local employers.

When you look at the size of the insurance pool that we have here in the territory, we have a very small pool of insured individuals — like, we have about 4,000 companies that are insured. When you look at something like a large insurer, like Meloche Monnex or something like that, they have thousands and thousands of insured individuals. So, the impact on the rate, when it goes through a third-party insurer, is a lot less than if we apply it to the rates of Yukon employers.

Now, one of the things that I really want to sort of stress with this is that, whenever we pursue a vested action, it is very much because there was negligence on the part of the operator. The way it works here is, if an employer's workers are injured in one of their vehicles or two of their workers have an accident, we don't take action against a worker's own employer. It only applies when there is another employer or somebody who is outside the system.

So, when those actions come forward — and one of the things that has been requested or that was suggested during consultation was that it be limited to the amount of the insurance. We have never had an instance with a properly insured individual where the action exceeded the amount of the insurance they carried. The danger you run in going that route is, if somebody under-insures or doesn't insure and you limit it to the amount of the insurance, then there wouldn't be a recovery, and Yukon employers are picking up that cost.

As far as targeting a particular industry, this doesn't target the transportation industry at all. As a matter of fact, most of the subrogated actions that we have are motor vehicles outside of our system. It is car crashes; it is individuals operating their vehicle running into an employer's vehicle. It doesn't just apply to one industry; it does apply to every industry.

So, when we look at where we get the recoveries, individuals outside the system account for about 42 percent of the recoveries that we get. That could be an employer who has come into the territory, is here for less than 10 days, has an accident, and causes injury to a Yukon worker. Another 13 percent of the subrogated actions that we have are actually in relation to occupational disease — not associated with motor vehicles at all. The aviation industry accounts for about 23 percent, and car accidents actually account for 65 percent.

**Mr. Pike:** I just want to add one point — and Kurt is going to smile when I talk about this because I am going to talk like an accountant.

From our point of view, it is a zero-sum game. If you were to change that provision, our costs are still the same and so the only other place where we actually get money is from employer assessments, so it's a matter of trying to figure out what the right thing to do is. From the point of view of the board of directors, that again is the purview of this House, but we are in a situation where somebody is paying for the tragic injury that has occurred to an individual.

**Mr. Dieckmann:** I didn't answer the second part of that question, which was about the approach that Yukon takes as compared to other jurisdictions. So, when you look at the approach that Yukon takes — as I have said, it is vested action and it applies to vehicles. So, the approach that is used in the Yukon is very similar to three other jurisdictions; they take the same approach that Yukon does.

The limiting of the liability to the insurance amount — the Northwest Territories and Nunavut are the only jurisdictions that do that, but they do have vested actions for vehicles. In Yukon, the NWT, and a couple of the other jurisdictions, it does apply to aircraft and watercraft in those as well. There are a couple of jurisdictions that restrict the definition of “motor

vehicle” to “vehicles that travel on the highway only”, essentially.

The larger jurisdictions — BC, Alberta, Ontario, and Québec — do not do vested actions or subrogated claims, but what they do is that they allow workers to opt out of the system and pursue an action by themselves. So, it really does have the same effect as allowing for a subrogated action. In those instances, there is no limitation on the amount of the action to the insurance amount either. So, we are actually aligned with all of the smaller jurisdictions that have smaller funds, and those smaller funds would take a much larger hit in the case of not collecting from those vested actions from larger insurance providers.

**Ms. McLeod:** Thank you for that.

I am going to move on here. I have a few questions around the refusal of work provisions. There are a number of steps laid out, including the reporting obligation, the investigation obligation of the employer, the appeal process, and the consequences.

Can he take us through how the board understands that this process should work under the current legislation in sections 15 through 17?

**Mr. Dieckmann:** We are talking about the right to refuse unsafe work. So, under the current legislation, if a worker exercises their right to refuse unsafe work, there is an obligation immediately for the employer to contact Occupational Health and Safety and for an Occupational Health and Safety officer to come and do an investigation.

The way that the government has laid out the legislation under Bill No. 8, what there would be is an interim process that is really important to have. So, if a worker is assigned to do a task and they feel that they are unable to do it or that it is unsafe to do it, they should immediately be letting their supervisor know. The supervisor should, at that point, immediately be trying to take steps to remedy the problem.

In a lot of instances where we have gone and investigated work refusals, the workers themselves have told us, “Well, I didn't know what to do and I talked to the supervisor, but once I talked to the supervisor and they showed me or they got somebody else to come and help, it was good and I was able to do the work.” The current act is not consistent with the way that other acts have laid this out — where there is an opportunity for the employer or supervisor to remedy and help the worker to understand how to do the work, remedy it or get somebody more experienced to do the work, or whatever needs to be done, before they have to engage a safety officer.

If they have reported to the supervisor, the supervisor has come up with methods to remedy, and the worker still feels that it is unsafe to work, then at that point the employer is obligated to call in a safety officer to do an investigation.

**Ms. McLeod:** Let's say that there is a finding by a safety officer that the work is safe; what are the outcomes then, given that the employee has obviously refused to do the work?

**Mr. Dieckmann:** At that point, the employer can move forward with any actions that would be available to them under a collective agreement if they have one. They could provide additional training. If it was outside the employment contract,

they could take disciplinary action. It would really depend on the situation. It's not up to the board to determine what happens at that point. Our job would be to make a determination if there was an unsafe condition and the right to refuse work was justified.

On that note, in most instances where there has been a disagreement — and even in instances where we haven't found that the right to refuse work was not properly exercised — we typically do find that there was some sort of minor deficiency, like lack of training or lack of mentoring and those kinds of things. We will typically have a discussion with that employer and try to coach them into how to make sure that they don't have work refusals in the future.

**Ms. McLeod:** Thank you for that. I wonder if the witnesses could provide a little bit of clarity on what the threshold would be under those sections of the act for the employer to implement some sort of disciplinary measure if the final decision finds that the worker abused their rights under this section.

**Mr. Dieckmann:** That is not within our purview. The act does not provide us with any opportunity to guide employers on how to deal with what at that point would be part of the employee-employer contract.

**Ms. McLeod:** Now, let's say that this is outside of a union arrangement. Some jobs, obviously, are inherently more dangerous than others.

Is the witness able to comment on what would be considered an abuse of the right to refuse work?

**Mr. Dieckmann:** I don't like to use the words "abuse the right to refuse unsafe work". We typically don't find that people abuse that, as a right. In most instances, it is a misunderstanding. In some instances, it does arise because of other internal conflicts in the workplace, and we actually do have some tools now in the form of the regulations for the prevention of violence, bullying, and those kinds of things. These disagreements aren't necessarily because of violence and bullying — don't get me wrong there — but because there is perceived injustice within the workplace.

So, by putting appropriate processes and programs in place, employers can usually ward off any sort of situations that might arise with a refusal to work, based on a perceived injustice in some other area.

That being said, when we do an investigation on work refusals, we will look at the physical plant — for example, are there guards missing, or is equipment properly maintained? Is there a hazard or a risk that could arise from the equipment being used? We will look at processes and say, "Are there issues with processes? Is there a lack of procedures? Are policies not clear and up to date?" We will go through those types of lists. We will look to see if the employer has properly assessed the hazards associated with the work that is being done. Did they properly assess the risk to the employees and provide good, solid, safe work practices and safe job procedures in order to do that work correctly? Was the worker properly trained and instructed and supervised in the course of doing that work?

If we find that all those things are in place — and I will tell you that we rarely find that all those things are in place — then the conclusion would be that the worker's work refusal or — I won't say the worker did not have the right to refuse to work; they always do — but the refusal is not justified.

As I said, it is rare that we find all those things are in place. We also find very, very rarely that the employer intentionally put the worker in a position where they are in jeopardy. A lot of times, it is a communication issue that has arisen.

**Ms. McLeod:** Thank you to the witness for that.

Have the processes on how to deal with these right-to-refuse-work sections changed substantially from the old legislation to the new amalgamated legislation?

**Mr. Dieckmann:** As it is written in the legislation, it appears like it has changed dramatically, but with how it has been practically applied and the guidance we have provided to employers over the years, it actually reflects what we have been telling employers and workers since I have been working at the board as to how to apply the work refusal provisions.

So, it has shifted from the way we have applied and enforced the act; it is now clearer and laid out in the act so people can understand it without calling us in to explain it to them.

**Ms. McLeod:** I have been to your new website, and under the "Workers" tab in the section "Right to refuse unsafe work", the processes that are there now appear to be developed under the new legislation, and the witness can confirm that when he next gets up, if he doesn't mind, but it seems that the investigation by the supervisor in the presence of the employee is step 2 in the process, as opposed to step 1 in the old legislation.

Can the witness just comment on that, please?

**Mr. Dieckmann:** The steps that we have posted currently on the website are aligned with our current act, and those have been on there for a while. Bill No. 8 hasn't passed, so we would not make changes based on what is contained in the bill. Those processes — as I have said, we laid that out a number of years ago. Those have been on our website for a while so that it does lay out the process. Essentially, the process that should always be gone through — and if Bill No. 8 does pass, it won't change dramatically from what we are telling employers now: If something happens in your workplace, a worker states that they refuse to do the work, contact the supervisor, have a discussion, and see if the supervisor can resolve the issue. If the issue can't be resolved, contact a safety officer, and we will come in and investigate. That's pretty much the way it works, and it will continue — if Bill No. 8 passes, it will be very similar.

**Ms. McLeod:** Looking at the website, it would appear that it's the responsibility of the employee who is reporting unsafe work, and the employer to report concerns to the Workers' Compensation Health and Safety Board, but the act seems to indicate that it's the responsibility of the employer only. If you could just clarify that for us, I would appreciate that.

**Mr. Dieckmann:** Yes, the responsibility to report, if the issue cannot be resolved, rests with the employer — absolutely.

But it does not preclude the employee from following up and reporting it to us, if it is not reported by the employer. That would form part of our investigation. If we get the report from the worker and we do find that there was some justification for the refusal, we would hold the employer accountable for having not reported that to us. So, it is absolutely their responsibility, but workers are not precluded from doing it.

**Ms. McLeod:** Thank you for that. Now, my next question is related to section 18 under the current act, which involves prohibited reprisal of complaints. How would an employee initiate an investigation by WCB into that process? What would the investigation process look like?

**Mr. Dieckmann:** If any individual has a complaint, we would encourage them to report an unsafe act, unsafe condition, a reprisal — report it to our office. Once the reprisal is reported, then we will dispatch a safety officer to the workplace to do an investigation.

Investigations, as I'm sure everyone understands, can go down a number of different routes, but essentially, a safety officer will attend the site. They will start to look into it. They will ask for records from the employer as to actions taken against a worker. They will interview the worker. They will interview other workers in the workplace. Based on those interviews and the documentation, they would make a determination as to whether or not there was a reprisal against the worker.

If there was a reprisal against the worker, then the only avenue of recourse at this point, under the current legislation, would be to prosecute the employer in court, and the courts would then be able to — if the prosecution was successful, the courts would make a determination as to what reparations would be made.

**Ms. McLeod:** Thank you for that.

So, if WCB was to take the employer to task for reprisals, that would be in the form of a court action, rather than fines or something under the *Summary Convictions Act*?

**Mr. Dieckmann:** That is correct.

**Ms. McLeod:** So, given that these penalties are applied between the board and the employer, if a safety officer or director found a violation under section 18, what is the recourse for the employee? In the penalties that are identified in the legislation, it doesn't look like they address the status of the employee, so can he indicate what redress would be there for the employee, if there was a violation proven under section 18?

**Mr. Dieckmann:** If the director initiated a prosecution under section 18 and the prosecution was successful in a court of law, it would fall upon the judge, at that point, to make a determination as to what remedies would be put in place. Once it is in the hands of the courts and the courts have made a finding, it is out of our hands. We no longer have any say as to what happens.

**Ms. McLeod:** Thank you, Deputy Chair, and thank you for that information.

So, a worker who is fined an administrative penalty for a violation under the act also has recourse to an appeal panel, as I understand it, but I would like the witness to confirm that. I was wondering why no information found under the "Workers"

tab on your website advises workers that they can appeal the imposition of an administrative penalty — to appeal to the panel — and there doesn't seem to be any guidance on how to do that, so if you could just comment on that, please.

**Mr. Dieckmann:** Yes, anyone who is aggrieved by a decision of a safety officer under the *Occupational Health and Safety Act* has an ability to appeal that decision. The "Workers" tab — you are right; it isn't under there. It's actually under the "Appeals" tab on our website — as to where appeals are. That deficiency was actually pointed out to me a while ago. I have asked our comms people to correct that.

**Ms. McLeod:** Excellent, thank you. I just had one further question. I am going through the "what we heard" document. On page 23 where we talk about first-aid regulations, there is a comment here that the requirements for first-aid kits should be more flexible. I wonder if you can talk about that a little bit. Is it going to be more flexible depending on the type of workplace? Just what is that, please?

**Mr. Dieckmann:** Actually, that is an issue that has sprung up in all jurisdictions. When you look at the requirements for first-aid kits, every jurisdiction has very specific contents that need to go into first-aid kits. The regulation is too prescriptive in that area, in my view. There is a working group through the Canadian Association of Administrators of Labour Legislation — the occupational safety and health group — that has been directed by the Premiers, essentially — by COF — to find ways to harmonize regulations as much as possible. That is one of the areas where there has actually been some harmonization. We now accept first-aid kits from other jurisdictions.

What we have done is a level 1 in Yukon — we will accept a level 1 from BC, Alberta, and other jurisdictions. The other jurisdictions all do the same. So, through the agreement, we have gotten away from the specific contents and gone more to the level of the kit, which has to be able to meet certain needs. It's dependent on the level of the first-aid attendant that you have and what their skill sets are. They have to have the equipment in the first-aid kits to provide care for the types of injuries that may occur, and we have gotten away from the prescriptive that you have to have 15 Band-Aids and three tubes of disinfectant and that sort of thing.

**Ms. McLeod:** I can appreciate that. I hope that everybody applies the same kind of yardstick when they are determining what they think should go in them.

That is the end of my questions. After the briefing, we were promised a certain number of documents, and I want to say that I was very happy with the speed with which those were delivered to our inboxes, so I want to thank you and your organization for that, for sure.

I want to thank you for your time today, and I am going to turn it over now to the Third Party.

**Ms. White:** I thank the witnesses for being here, and I do appreciate you attending today.

It probably won't surprise anyone to know that I have more questions about the legislation that has been tabled than necessarily about the annual report, so I want to start with the "what we heard" document.



I am a sure that it is not a surprise to anyone at this point in time that I have a deep interest in including wildland firefighters in the presumptive cancer coverage. I just wanted to reference page 31 in the “what we heard” document where it does actually highlight that this was brought up.

Can the witnesses share with me more of, for example, the organizations or the number of folks who would have participated in the review and participated in this “what we heard” document?

**Mr. Dieckmann:** I do have that information.

I will just start with how we did our consultation. When we did the public engagement, we did a number of things. We contacted multiple stakeholders — employer groups, worker groups, health care providers. We went through associations mainly, but we also did reach out to individual employers and some individual workers who had expressed that they would like to participate.

We did an outreach at first, and then we advised everyone of where our engagements would occur, and we held public open houses in Whitehorse, Haines Junction, Watson Lake, Mayo, and Dawson City. We asked for written submissions. Any organizations or individuals could arrange for one-on-one meetings with us to go over the materials.

I don’t know if you have looked on our website and found them, but we developed issues papers for each of the issues that the government had asked us to consult on. We developed all of these issues papers, and we sent them to all the stakeholders that we had contacted.

Just to give you an idea of the organizations that we talked to, we talked to the Association of Social Workers of Northern Canada, Association of Yukon Communities, Association of Yukon Fire Chiefs, Association of Occupational Therapists, BYTE Empowering Youth Society, Canadian Federation of Independent Business, Canadian Mental Health Association, Canadian Society of Safety Engineers, Carcross/Tagish First Nation, Challenge Disability Resource Group, Champagne and Aishihik First Nations, Chartered Professional Accountants Yukon, the Chiropractic Council of the Yukon, City of Whitehorse, Council of Yukon First Nations, Dawson City Chamber of Commerce, Engineers Yukon, First Nation of Na-Cho Nyäk Dun, International Brotherhood of Electrical Workers, Kaska Dena Council, Klondike Placer Miners’ Association, Kluane First Nation, Kwanlin Dün First Nation, Liard First Nation, Little Salmon Carmacks First Nation, Northern Air Transport Association, Northern Safety Network Yukon, Physiotherapy Association of Yukon, Public Service Alliance of Canada, Ross River Dena Council, Selkirk First Nation, Silver Trail Chamber of Commerce and Tourism Association, St. Elias Chamber of Commerce, Ta’an Kwäch’än Council, Teamsters Local 31, Teslin Tlingit Council, Tourism Industry Association of Yukon, Town of the City of Dawson, Town of Haines Junction, Village of Mayo, Town of Watson Lake, Tr’ondëk Hwëch’in First Nation, Volunteer Ambulance Services Society, Vuntut Gwitchin First Nation, Watson Lake Chamber of Commerce, White River First Nation, Whitehorse Chamber of Commerce, Wilderness Tourism Association of the Yukon, Yukon Women in Trades and Technology,

Women’s Directorate, Workers’ Advocate Office, Yukon Chamber of Commerce, Yukon Chamber of Mines, Yukon College, Yukon Contractors Association, Yukon Employees’ Union, Yukon Federation of Labour, Yukon First Nation Chamber of Commerce, Yukon government Department of Economic Development, Yukon government Public Service Commission, Yukon Hospital Corporation, Yukon Human Rights Commission, Yukon Medical Association, Yukon Outfitters Association, Yukon Registered Nurses Association, Yukon Teachers’ Association, Yukon Carpenters Union Local 2499.

**Ms. White:** That’s an extensive list, and I appreciate that it went across many different industries.

When a call for submissions was sent out — and part of the reason why I’m trying to get — so, when I look at the “what we heard document” on page 31, where it’s “Firefighter cancer presumption”, it does say, in the first point: “Expand the cancer presumption to include all Yukon firefighters, including wildland firefighters.” One group I noticed off your list was, for example, First Nations Wildfire, who are wildland firefighters, so they would have things to say.

But I do know that the Yukon Employees’ Union did make a submission on January 15, 2020. I want to know how, for example, when people made submissions, that all got included. So, of course, the Yukon Employees’ Union represents the vast majority of Yukon government employees, including Wildland Fire. How would their submission, and others, be viewed in the act review?

**Mr. Dieckmann:** We invited written submissions from everybody. That list that we have there, we had provided them with multiple channels in which they could provide us with information. The Yukon Employees’ Union actually provided a written submission and did attend a number of our open houses, and so they were very active in it, but the way that we provided the information back to government was we put in that “what we heard” report everything that came through submissions, as well as what we heard when we were doing the general engagement through our open houses, through our community tours, and through all that. It was all put together.

The areas where there was general consensus, based on what we had provided as topics for engagement — we actually were pretty clear in there that, whether or not people were generally in favour, or whether or not people were not in favour, the ones where we just got submissions saying you should also do this, they were just noted in there as that these came in as part of the — this is what we heard as part of the consultation or part of the engagement. It doesn’t necessarily mean that we had engaged all stakeholders on that particular issue.

**Ms. White:** I do thank the witness for that.

I do just want to go back to the submission by the Yukon Employees’ Union, just because they made nine recommendations out of their submission. Out of the nine recommendations, two of them include wildland firefighters, and both of those asked that their wildland firefighters be included in the presumptions that other firefighters are on. The reason why I want to highlight that is that, out of the nine recommendations that the Yukon Employees’ Union made,

those were two of them. So, two out of nine is a substantial amount, and it was brought up in January 2020.

When the consultation was going on, did anyone from the Workers' Compensation Health and Safety Board, the organization, reach out to Wildland Fire Management directly for feedback?

**Mr. Dieckmann:** We did not reach out to Wildland Fire directly, no.

**Ms. White:** I guess the reason why I am asking that is that my understanding is actually different. I actually thought that WCB had reached out directly and that a response was actually supplied in February 2020 from Wildland Fire Management, but I will send that information on.

So, when firefighters were initially covered under presumptive cancer legislation — I mean, that was a really big deal; it is a huge deal. What was the cost when that first happened? So, when structural firefighters were — when the presumptive cancer legislation was originally brought forward, what was the cost to the system?

**Mr. Dieckmann:** When the original presumption was put in place, the cost to the fund — so, the increase in the benefits liability was \$5 million.

**Ms. White:** So, the initial cost was \$5 million. Do the witnesses have any idea of the number of structural firefighters in the territory — so, those who work for municipalities, volunteers, and others? Is there a number of how many firefighters there are in the territory?

**Mr. Dieckmann:** If you can just give me a second, I will see if I have that information. We do have it; I don't know if I have it with me.

**Mr. Pike:** It appears that it was from several years ago, and we don't have that number at our fingertips, but we will get that information and provide it back to the minister.

**Ms. White:** I will just signal to anyone in my office who is listening right now. I know, during the Community Services debate, we did actually get a list of all of those firefighters or how many existed. The surprise for me is that there are not nearly as many as I would have expected. The reason why I think that is relevant is that municipal firefighters — for example, for the City of Whitehorse — work full time. Other volunteer firefighters might be part time, and they might only go to a couple fires. That brings me back to wildland firefighters. One of the things I tabled, I believe, last week — maybe it was this week — was a letter in support from the BC union encouraging Yukon to follow British Columbia's example. In the document from 2018 that encouraged the BC government to do that — and I am just quoting from the document: "Each year, there are only about 1,000 frontline BCWS wildland firefighters employed, and we estimate that in a given year, less than 100 of these workers have spent more than ten years on the job. In comparison, annually there are almost 12,000 municipal and volunteer structural firefighters working in B.C., more than ten times the number of BCWS firefighters.

"Because most forest firefighters have short careers in the occupation (1-5 year), extending coverage under Section 6.1 to forest firefighters would capture a very small cohort of the

longest-serving workers" — those who may be at the greatest risk of developing cancer because of occupational exposures. In short, this means making the change would represent a negligible cost to government.

The reason why I bring this forward is based on the numbers I was trying to access about wildland fire in the territory. I think, seasonally, in 2019, there were fewer than 80 wildland firefighters in the territory — less than 8, and seasonal. Based on BC's example, they are short careers, one to five years. For those who go longer, it dropped; it was just 10 percent of that number.

That brings me back to the next point, because in an e-mail that the minister sent out to an airline owner — and I am quoting from that e-mail: "Expanding the presumption to Wildland firefighters has a profound impact on the workers' compensation rates. Doing so will increase the costs to Resource and Transportation Low — the aviation industry, farmers, trappers, prospectors, surveying, adventure tourism, metal mining among them — as much as 45 cents according to actuarial analysis."

I wanted to know if the witnesses could walk us through the analysis that is being referenced — based on what numbers? How much would that fund need to grow in that 10 years to cover wildland firefighters?

**Mr. Dieckmann:** I would just like to add — I just found it in my notes — that you are correct. We did reach out directly to Wildland Fire Management at Government of Yukon. I apologize for my answer on that.

It's very, very difficult to compare Yukon to BC. We have about a \$230-million fund. Theirs is almost \$2 billion — more than that. Yes, they have a multi-billion-dollar fund. Taking the number of firefighters that they have and spreading that over a much larger insurance base would be considered a negligible effect because their rate would be significantly lower. It is the same issue as what I tried to elaborate on when it comes to the vested actions.

When we asked our actuary to look at the numbers and the years of service, there are a number of pieces that the actuary pulled into it. When we reached out to Wildland Fire Management and asked them how many firefighters there are in Yukon Territory, they told us that there were about 130 — 80 or so working for First Nations Wildfire and about 50 working for the Yukon government. I don't have the exact numbers, but that's what I recall.

When we look at the impact, as I said earlier, and if we just include the current structural firefighters in the Bill No. 8 cancers, that would increase the benefits liability by about \$2.7 million. If the Yukon government were to include the wildland firefighters in the presumption — so, the reason that it is \$2.7 million for the Bill No. 8 current firefighters only is because, for some of those cancers, that liability is already booked. So, the first set of cancers — that liability is already booked. They would have to be booking the rest of them. For wildland fire, there is no liability booked for any of those cancers right now. It would be including the entire list.

The increase in the benefits liability would go from \$2.7 million to between \$6 million and \$9 million. There are

still some variables in there. The actuary would have to dig into it a lot deeper. We had started crunching these numbers a couple of weeks ago, so it will be refined, but the actuary is very confident on the low end and said that the high end is a distinct possibility. It could be from \$6 million to \$9 million.

The way that would impact — from an actual dollar value — and I want to clarify one thing as well. If this is booked — as Mark has said, it's a zero-sum game. The board will have to make a determination in how and where they are going to collect. We had asked the actuary to run the numbers based on the "resource and transportation low", because that is where the First Nations Wildfire is currently situated in our rate structure, but the board of directors would have to take a look at it and determine how they were going to spread that liability out. One of the main jobs of the board of directors is to ensure that assessments are fair, defensible, and appropriately classified. There are a number of ways that the liability could be spread out in the fund, but what we asked for is to have this, in a short amount of time, for illustrative purposes only.

So, with the addition of wildland fire, what we would see is: For the government rate — that would be including Bill No. 8 and the wildland fire — their rate for an ongoing rate would increase by about 3.5 cents, and the amortized rate for the 10 years to make up the difference in the liability would be about 11.5 cents, for a total of a 15-cent increase in that rate over a 10-year period.

For "resource and transportation low" — and, as I said, this is for illustrative purposes only because the board would still have to make decisions on how it would be applied. But, for illustrative purposes, for the impact on resource and transportation low, where wildland fire currently sits, adding the Bill No. 8 cancers for wildland fire would result in an ongoing rate increase of 10.5 percent. There would be an amortized cost of between 20 cents and 35.5 cents, depending on some of the actuarial assumptions that would be put into it, for a total of between a 30.5-cent and 46-cent increase to the rate for that rate group. In real dollar terms, what that means — and this is another way of looking at it — is that adding the Bill No. 8 cancers would mean that industry would absorb an ongoing cost of \$112,000 — that would be ongoing — and industry would absorb an amortized cost of between \$214,000 and \$380,000, for a total of between \$326,000 and \$492,000 over the 10-year period. So, that would be an annual increase in cost to industry.

As far as government goes, their ongoing dollar cost would be \$211,000 a year added to their rate. The amortized rate would be between \$550,000 and \$700,000 per annum, for a total of between \$750,000 and \$900,000 additional cost added every year for the 10-year period.

**Ms. White:** I do appreciate that from the witness.

So, now that it has just been quoted out and we know that it has been sent around by the minister, could the WCB share a copy of that analysis with members of the opposition?

**Mr. Dieckmann:** Yes, I have those numbers and I can send them to you.

**Ms. White:** Just to follow up on that, at this point in time, we know that YEU has come out in support, we know that

Wildland Fire has come out in support, and we know that the firefighter's association itself has come out to support.

So, when we say that the liability could be spread out differently — so we've just used two examples, you have used government, and you have used resource and transportation low — and you said that it was up to the board to decide how that could be spread out. What other options exist?

**Mr. Pike:** I think that there are no options that are not on the table. It is the purview of the board of directors to decide how the collective liability of the workers' compensation system gets paid for.

Traditionally, the board has said that, within reasonable groups — and that's how we end up with our nine groups. For the industries that have similar claims histories, we're putting them together. So, we call that "resource and transportation low", but — I'm just looking at our list here — that includes things like adventure tourism and other groups. So, we have attempted to group similar industries in terms of cost together, but it is entirely the purview of the board to decide how we do that. Traditionally, again, it is the amount of injuries, and costs for a particular industry have been allocated to that particular industry or the group that industry is in.

**Ms. White:** I thank the witness for that. So, right now, where do firefighters lie in those groupings?

**Mr. Dieckmann:** So, currently the structural firefighters sit under the government rate group. So, they are entirely in the government rate group, and the 54 wildland firefighters who currently work for YG would also — that would still go into the government rate group. The board would not move them out of government — in my past experience. I don't mean to speak for the board. But the First Nations Wildfire sits in resource transportation low. That is why we looked at it in that industry being impacted the most.

One of the things that I would like to sort of elaborate on here is that — when we did our engagement, employers weren't engaged at all on this discussion. They weren't included in any of the discussions around it.

These came in to us as written submissions and so were passed on, but the industry hadn't been included, so they aren't, at this point, aware that there could be impacts to the rate, as far as we know.

**Ms. White:** Just for clarification's sake, we're saying that wildland firefighters who don't work for Yukon government are only viewed as working for First Nations Wildfire and therefore they are underneath the resource and transportation low category. The reason I ask is that I would think that it's about the jobs that are done, as opposed to the employer directly. I am just looking for clarification on how that is decided.

**Mr. Pike:** I don't know if this answers the question, but the First Nations themselves are under the government rate group, so all the things that they do directly as a First Nation are in there. If they choose to have a development corporation, or some other incorporated entity, to accomplish other objectives, those entities get slotted into where their historical injury costs suggest they should be. Without going back to look at it, I am going to say that this is where the Yukon wildland

firefighters — I don't know the name of the corps — but that's where they ended up being, again, because of their claims history and their costs.

As soon as you get outside of the actual operations of the government itself and into some corporation, then it gets slotted into different groups, and you're out of the government group.

**Ms. White:** Do municipalities exist underneath the government title as well?

**Mr. Pike:** Yes, they do. I am just reading from my notes. There are three: the government rate, which is for municipal governments, First Nations, and the Yukon government.

**Ms. White:** I thank the witness for that. I guess that the direction I am going in right now, when I ask about what these rates would be covered for, is it's actually each of those governments that would stand to benefit from the work done by wildland firefighters. They are protecting communities, protecting infrastructure, and protecting our common resources. I guess that would be a conversation that the board could have.

It has been an interesting conversation, and I appreciate it. I say this because we haven't had a chance to have this conversation in the Legislative Assembly yet. This isn't your typical year when you come in, because normally we don't have legislation on the floor. Just in case we don't get the opportunity to debate that legislation again, I just have a congratulations for, for example, seeing PTSD coverage for all employees. I am sure that the witnesses know that, for the previous Member for Whitehorse Centre, that was something that we really championed for. So, there are really exciting things to see under the legislation, and I do look forward to having more conversations about that, and I am going to pass the floor over.

**Mr. Pike:** I just wanted to add one last comment to that. I think that I am safe in saying, on behalf of the board, that we are champions of wanting updated and better legislation, and we are all about preventing disability. We care about the Yukon, we care about the workers, and we care about the employers. We want the system to work for us all.

**Mr. Dixon:** Thanks to the witnesses for the opportunity to ask a few questions. I would like to just build on some of the questions that have been asked previously, and so, if there is some repetition, I do apologize, but based on some of the answers that I heard, I would just like to follow up. Before I do that, the first thing I wanted to ask about is: Has the board done any preparation or given any consideration to the implications of the vaccine mandate, and has there been any preparation done to date for that?

**Mr. Dieckmann:** As an employer, we have done a lot of preparation for the vaccine mandate. We have had many discussions with our staff about the vaccine mandate, what that means, and steps that will be required for them to follow and to be compliant. We have developed some contingency plans if there are staff who choose not to get vaccinated and go on leave without pay, so yes, we have done a lot of planning, based on our operational needs.

**Mr. Dixon:** Thank you, I appreciate that. It is a question that we have asked a number of witnesses about both in their

role as employers — but in the case of WCB, obviously there is a unique relationship with the employers in the territory who often look to the WCB for guidance on various matters in relation to their interaction with employees. I know that, as the mandate proceeds, I am sure that employers will have questions about their obligations and their requirements. Likewise, I am sure that employees will as well.

I appreciate that the board has answered as an employer themselves, which I appreciate, but I just wonder if they can expand on the discussions, or guidance, that they have provided so far to employers.

**Mr. Dieckmann:** We don't weigh into it from the position of vaccine mandates. The approach that we have been taking, whenever we are working with employers, is more from a hazard and risk perspective. Based on the hazards that they face as an employer, the hazard that COVID presents to them as an employer, we are encouraging them to do those hazard assessments, look at the risks to their staff, and come up with processes, safe work practices, safe job procedures, administrative procedures in order to reduce the risk of exposure to their workers and to provide for that safe workplace. That is the type of advice we are giving.

We also have a lot of material available through our website. We have worked closely with the Canadian Centre for Occupational Health and Safety. We have followed the advice of the chief medical officer of health and other agencies to ensure that any information related to COVID is readily available to employers and to workers on our website. We are always willing to go and help employers by looking at their workplaces, helping them with hazard assessments, and making suggestions on things that they can put in place to provide protection for their workers.

**Mr. Dixon:** I appreciate that answer. I will move on.

The witness began to touch on an issue I would like to expand on a little bit. When my colleague asked about the alignment of workplace first-aid kits and training, as the witness alluded to, that came about as a result of the commitments made to the *Canadian Free Trade Agreement* and the subsequent Reconciliation and Cooperation Table Agreements. In particular, the 2020 agreement of the RCT committed to a number of safety alignments among jurisdictions. The witness did note that work has already begun for first-aid kits. I just wanted to double-check. Was that a regulatory change that was made as a result of the commitment that was made under the CFTA? And are there further actions to follow through on those commitments coming as well?

I note that, in the 2020 RCT report, the first-aid kit commitment was meant to be completed by December of this year. By December of next year, the various boards across the country were going to look at aligning their occupational exposure limits.

So, I'm wondering if that work is underway. It's sort of a two-part question. On the first-aid kits, was that work a regulatory change or a policy change? Is there work underway on occupational exposure limits as well?

**Mr. Dieckmann:** I would say that regulatory change depends on the jurisdiction that you are in. We are fortunate in

Yukon in all of the standards that have been addressed to date. Our regulation is actually established in such a way that it says that we must follow this particular standard or another standard acceptable to the director, so we have been able to handle it through administrative direction. The director just simply has to make note and advise industry that we do accept those standards. For us, it has been fairly easy. For some jurisdictions, they do have to make regulatory change. The work is being done. The work plan is being followed quite well.

The occupational exposure limits are set to be, hopefully, done next year, but that is a really large body of work. It is underway. Whether or not it will get done in the timeline that is laid out, I'm not sure. I certainly hope that it does because, in Yukon, our occupational exposure limits are actually still from the 1980s. They are very, very out of date and do need to be worked on, but we have not done any work on it or approached government to bring it to their attention yet because we did know that this work was being done and had already been agreed to through the RCT, and it is being done. We are hopeful that it does happen in the time frame that is laid out.

**Mr. Dixon:** The witness brings up a very good point that, of course, with regard to our exposure limits, they are at a certain level. In general, I wonder — the reason I'm asking is because oftentimes, in a situation, the board finds itself compelled to action as a result of an agreement made at a national level and a work plan developed by trade policy folks, to be simple about it. Then it often falls to the board to implement those actions and make those changes. Sometimes the commitments that are made at the trade policy level are made without recognizing the amount of work that goes into alignment.

The reason I ask about this particular one is that I know that the exposure limits regulation or policy is one that I think will require a fair amount of consultation with industry, so what I would like to hear from the board is — I mean, I don't think that the private sector needs much consultation around aligning first-aid kits. That is fairly simple, but something like exposure limits may have implications for various workplaces in the territory. I just wanted to ask if there is a general commitment to undertake either targeted or general consultation before those changes are made or considered.

**Mr. Dieckmann:** Yes, we are still awaiting the report to come from Cal/OSHA — California Occupational Safety and Health. They are working in conjunction with the Canadian Centre for Occupational Health and Safety, so that report will come out with recommendations. At that point, we will seek permission to consult on that from government. That is definitely part of the process. It is a very major change, so that is definitely something that we would want to be consulting on.

**Mr. Dixon:** I appreciate the answer.

The board is currently operating under a strategic plan, which runs from 2018 to 2022, so I assume that there is some work underway to begin the planning for the next iteration of the strategic plan. First of all, has work begun to launch a new strategic plan beyond next year? If so, what work has been done?

Obviously, the 2018 to 2022 strategic plan focused on a number of relevant issues that are currently before employers and employees — cannabis legalization, mental health — and so I'm wondering if the witnesses can give us a glimpse into what they are thinking will be priorities for the coming four-year strategic plan — if it is going to be a four-year strategic plan. Can they give us some discussion about what the issues are that they see needing to be highlighted in the next strategic plan?

**Mr. Pike:** I would just comment on that. In a normal situation, we would already be starting that process in 2021. We are hoping to finish it by the fall of 2022 and being able to approve it. Because of the legislation that is now before this House, the board chose to put that off until we have either new legislation, the same legislation, or whatever it turns out to be.

So, at this point, we have not actually gone out to start that process. When we do — you may have followed that — we do extensive consultations with groups all over the place. We call them out and ask them what they see going on, what is happening in their world, what we could be doing better, and all kinds of things. I am speaking on behalf of myself personally, but I would anticipate that we would be doing that again. But again, we chose to put that off. Then our strategic planning could be — for lack of a highly technical term — out to lunch if legislation was introduced that is different from what we had in the plan.

**Mr. Dixon:** I appreciate the answer.

I apologize if I did miss the witnesses providing this information earlier. If I have missed it, I apologize. But, with regard to the compensation fund, we have had a number of discussions in the Legislature over the years about the level that the compensation fund is at in terms of the policy parameters that the board is given to operate in.

Can the witnesses give us a sense of where the fund is at today, what level it is funded to, what the parameters are currently, and whether or not the fund is within those parameters?

**Mr. Pike:** I could provide some very broad comments. Obviously, in our report, you will see that it was at 132 percent at the end of 2020. In order to have a number that you could rely on, we would need actuarial valuation at every single date that you wanted to do that. In some of the discussion, you have already heard how complicated that is, not to mention how expensive it is. As a board, we have chosen to do that once a year. I believe that, under the act, we could do it every three years, but we do it every year.

So, really, the definitive number would be on December 31 of each year when they are finished that work and we have a valuation. The markets are a huge part of that, and the markets have been pretty solid in 2021, although in the last month or month and a half, they have taken somewhat of a fallback. I don't want to say that we are up from there, but the board is constantly looking at that, and we look at that every fall to see where we think we are — you know, with our crystal ball — and whether there is any specific action that we need to take. For the last four or five years, I think that we are only missing 2019 when we had a big market crash.

The board has actually approved a rebate to employers. Again, that is to get us back into the range that the board has determined, in consultation with our stakeholders, is appropriate. That is somewhere between 121 and 129, so I am guessing here that the situation is somewhat improved from the end of 2020, but I would need really concrete information from an actuary to determine that.

Of course, the other thing that happens is that, if approved, Bill No. 8 has an effect on that as well.

**Mr. Dixon:** It's at level 132. I know that the minister alluded to this when we were in debate a few weeks ago — or something close to that. I ask because, over time, there are years when the fund is quite a bit higher than that range. I know that last year it was at 141 percent, so when you see the fund get to that level, the questions are sort of raised about where it needs to be and how high it has gotten. I appreciate that rebates occur when that is the case.

What sort of actions can the board take to stay within the parameters that have been given to it? The witness mentioned that range of, I think, 122 to 129 or something like that. What are the actions that the board takes on an annual or ongoing basis to try to find itself in that range?

**Mr. Pike:** On behalf of the board, first I will just comment that our investments are actually split between two different advisors, with essentially the same mandate to invest and earn us a rate of return in order to be able to provide for injured workers into the future.

As a board, we actually have a funding policy — and you will hear that referred to — that is actually designed to always bring us back into that range. Essentially, it says that, if we get over that, we reduce the rates to employers such that we start to migrate back into that range.

We've had some really, really great success over the years with our investments. As a result of that, the board says, "Let's move a bit quicker to get back into that range." The result of that has been the rebates that we have put out there. The board will be looking at that again before the end of 2020 just to see where we think we are and what we need to do.

We're absolutely committed to getting back in that range. We want to be in that range, but I also love the fact that our investments are doing so well that it keeps bobbing us up. It's hard for me to complain about that, but we will be looking at that, and we are committed to being in that range.

**Mr. Dixon:** I appreciate that, and I appreciate the answer. Like the witness says, it's not a bad problem to have for your investments to be doing better than anticipated.

I would like to move back to the issue of presumption. The general sense of the issue of presumption has sort of changed over the last number of years fairly rapidly. A number of years ago, there was the addition of cancers for specific types of employment, and then more recently, we have seen presumption added for mental health injuries and psychological injuries. Then of course now, with Bill No. 8, there is the expansion of that to a range of other types of employment.

I'm curious about what the cost implication has been of that growth of the expansion of presumption and what sort of — my colleague earlier asked about what the implications

would be for Wildland Fire, but would Bill No. 8 also contemplate the expansion of presumption for psychological injuries as well? I'm wondering what the witnesses can tell us about the implications on the fund, or the implications for the board, of that expansion of presumption.

**Mr. Dieckmann:** The implications for the expansion of presumption, from a technical perspective, isn't really going to change where we are right now. The claims that we are accepting — the majority of the claims for the PTSD presumption actually come from outside of the current group where the presumption applies. It applies, at this moment, to emergency response workers, but they account for sort of 30 to 40 percent of those PTSD claims that we get. The rest comes from all other industries. We have a variety of industries. We have had PTSD claims come from, well, pretty much every industry that we have, because a lot of times, people think that PTSD occurs because generally somebody witnessed something horrible or something happened to them. We actually get a lot of PTSD claims that arise because of physical injuries to workers as well. So, you have a traumatic incident; you fall off a ladder and break your leg — that can result in a psychological injury as well.

PTSD is just part of the claims that we accept. There are a number of other psychological injuries that we accept, and we accept those currently. Making the PTSD presumption more inclusive isn't going to really affect what we are seeing now. When the original PTSD presumption came in, we did start to see an increase in the number of claims coming in, which, in my view, is a good thing, because that says to me that there were probably people who were not seeking the help they needed and not putting in the claims when injury had occurred, but it has plateaued over the last three years.

As I said earlier, the PTSD claims do account for upward of 20 percent of our total costs of claims, but we are also seeing decreases in the cost of physical injuries and some of these other injuries, so our overall claims costs haven't gone up dramatically. We look at claims costs in two different ways: We have our current year claims costs, and we have previous or past year claims costs that we look at. Our current year claims costs have remained pretty steady, but with our previous year claims costs, we are starting to see the impact of those psychological injuries on those, just because the duration of them tends to be longer.

Employers have done a good job, and we have done a good job on injury prevention and return to work on those current year claims and reducing those costs, but the gains that we got there have been offset by the previous year claims.

**Mr. Dixon:** Thank you, I appreciate the answer. That leads to my next question, which is: With these types of injuries, they tend to have a longer tail, so to speak. If someone breaks their leg and misses work, their leg heals and they go back to work. With stress-related injuries, there can be a much longer duration of support needed. When we started introducing these types of injuries, I would anticipate that the growth won't be a dramatic increase at the beginning, but there will be more sustained, longer term cost implications. Is that

the general understanding? Has the board done any preparation for that in considering how to handle those additional claims?

**Mr. Dieckmann:** The way that our adjusting for cost works is that, in the first seven years of a claim, we don't start to really look at that long-term implication until those claims reach that maturity of about seven years. So, the original presumption, when it was put in place — we are starting to get those claims now, kind of reaching out to that seven years and getting the booking for the long term.

So, we will start to see impacts on the rates potentially, but as I said, other physical injuries and some of the other injuries are going down, and current year claims costs on those are going down. To this point, they have been offsetting. The picture will become clearer in sort of the next three to five years as to what those long-term implications are. As I have said, we seem to have levelled off in the numbers, and we are hoping that stabilizes. We are actually hoping that starts to go down with the introduction of the regulations for the prevention of violence and harassment in the workplace. We are hoping that will start to have an impact.

In our business, there are so many different factors that feed into it that you can't really say cause and effect — you know, one thing leads to a definite response in another.

**Mr. Pike:** Just one quick comment — what Mr. Dieckmann has already said — it is really safe to say that psychological injuries, in general, last longer and are more expensive.

**Mr. Dixon:** I appreciate both the answers and agree very much.

I think it is obviously something we will have to monitor as the years go by. My last question, and Mr. Dieckmann alluded to it already, is in relation to the new violence and harassment in the workplace regulations. I am wondering if the witnesses can just provide us a brief update on where those are at and the current status.

**Mr. Dieckmann:** Yes, we spent quite a bit of time over the past year — since those regulations were passed by government, and that was September 4 of last year. They came into effect, and so we had a full year for implementation. We did a lot of work in that year. We developed a lot of materials for employers, for workers, and for the workplace. We developed sample safe work practices, sample safe job procedures, a number of materials — we developed a guide book for employers. We have provided training sessions for employers and for workers.

We have done a lot of work in that area and it has gone really, really well. Through all of last year, our safety officers, when they were out doing inspections, were also providing information to employers so that they could get prepared for the regulations coming in. Now that they are in place, the safety officers are going back and checking up and seeing if these are in place and we have found that people have been putting the policies and the procedures in place that they need.

From an enforcement perspective, we had anticipated quite a large uptick in complaints and that's something that we didn't actually see. I mean, we have seen an increase, but not as much as what we had originally anticipated. What we have done from

an enforcement perspective is, when we do receive a complaint, we go into the workplace and the first thing we do is we start asking: "Show us your policies; show us your procedures." We determine whether or not the measures that have been put in place by the workplace have actually been followed. It creates a really good opportunity for those conversations. In most instances, when we're dealing with the workers, they have been quite satisfied with the fact that we have gone in and looked and that the employers, in a lot of instances, have put things in place and we have found that they haven't actually followed them and so then we tell the employers that they need to follow through and they start working through those processes and they seem to work toward resolution. It would be a good question to ask us again next year because we're still in early days.

**Mr. Dixon:** Duly noted. With that, I'm happy to thank the witnesses, Mr. Dieckmann and Mr. Pike, for their time today on behalf of my colleagues. I'll turn it over to the minister to thank them as well.

**Deputy Chair:** Are there any further questions for the witnesses?

**Hon. Mr. Mostyn:** On behalf of Committee of the Whole, I would like to thank Mark Pike, chair of the Workers' Compensation Health and Safety Board, and Kurt Dieckmann, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, for appearing as witnesses today.

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

*Witnesses excused*

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

**Deputy Chair:** It has been moved by the Government House Leader 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 the Committee of the Whole?

### **Chair's report**

**Ms. Tredger:** Mr. Speaker, Committee of the Whole has considered Bill No. 6, entitled *Act to Amend the Safer Communities and Neighbourhoods Act (2021)*, and directed me to report progress.

Also, pursuant to Committee of the Whole Motion No. 4 adopted earlier today, witnesses appeared before Committee of the Whole to answer questions related to the Yukon Workers' Compensation Health and Safety Board.

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

Are you agreed?

**Some Hon. Members:** Agreed.

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

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

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

*Motion agreed to*

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

*The House adjourned at 5:23 p.m.*