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Tuesday, November 15, 2022 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

YUKON LEGISLATIVE ASSEMBLY

2022 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

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NAME	CONSTITUENCY	PORTFOLIO
Hon. Sandy Silver	Klondike	Premier Minister of the Executive Council Office; Finance
Hon. Tracy-Anne McPhee	Riverdale South	Deputy Premier 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

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Yukon Party

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

THIRD PARTY

New Democratic Party

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

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

Prayers

Speaker's statement

Speaker: The Chair would like to make a brief statement on the tabling of documents. Yesterday, during the rubric “Tabling Returns and Documents”, the Minister of Tourism and Culture, in tabling two documents related to the Department of Tourism and Culture, stated: “If I could just ask the Assembly for a little bit of flexibility, I just want to thank the department for their work...” — and so on. I am not going to repeat the whole statement. Members should not use the time for tabling returns and documents to make speeches. This is out of order, and I will ask the Minister of Tourism and Culture not to do that again. There is plenty of time to debate in this House, and there are more appropriate times to thank the department officials.

Speaker's ruling

Speaker: Yesterday, during debate on Bill No. 20, the *Animal Protection and Control Act*, the Member for Lake Laberge rose on a point of order after the Government House Leader stated in his remarks: “Beyond this, the Yukon Party sought to create fear around a range of issues”.

Yesterday, I cautioned members about phrasing around the word “fear” in the Assembly. For further clarity, members should not imply that other members are deliberately setting about to create fear. Members should seek different phrasing with respect to the word “fear”.

Withdrawal of motions

Speaker: The Chair wishes to inform the House of changes made to the Order Paper. The following motion has been removed from the Order Paper as the action called for in the motion has been taken in whole or in part: Motion No. 479, standing in the name of the Member for Vuntut Gwitchin.

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Pillai: Following protocol and doing things right, I would like to welcome to the House today, Sophie Tremblay Morissette, our director from Tourism and Culture. I would also like to welcome Casey Prescott, the chief executive officer of the Yukon Arts Centre. She is with us today, as well as our co-chair for the board, Line Gagnon. Thank you for coming today for our tribute to the Yukon Arts Centre.

Applause

Speaker: Are there any tributes?

TRIBUTES

In recognition of the Yukon Arts Centre 30th anniversary

Hon. Mr. Pillai: Mr. Speaker, I rise today on behalf of the Yukon Liberal government to pay tribute to the 30th anniversary of the Yukon Arts Centre, which first opened its doors on May 29, 1992. Thanks to the vision and efforts of the Arts Canada North Society, Whitehorse proudly boasts a multicultural visual and performing arts centre up on the hill overlooking downtown.

Prior to having this world-class performance and exhibition space, events were held either in the former F.H. Collins Secondary School gym or the courthouse.

The Yukon Arts Centre is an accessible 428-seat theatre with professional sound and lighting, a green room, rehearsal space, dressings rooms as well as three galleries and office spaces.

Since 1985, the Yukon Arts Centre has also held the permanent collection that includes over 100 works from northern Canadian artists. While some of the collection is periodically on display, the entire collection can be viewed online.

For three decades, the Yukon Arts Centre has provided an incredible space for artists and audiences. Milestone dates such as this provide us a moment to pause and reflect on all that has been accomplished and experienced and how to appreciate how much the centre has enriched the lives of Yukoners. The Yukon Arts Centre has enabled our community to benefit from the countless performances and art exhibitions from local, national, and internationally renowned talent.

Over the years, the Arts Centre has grown and expanded to include programming at the Old Fire Hall, as well as the wharf space along the waterfront in downtown Whitehorse. The programming offered continues to evolve and create opportunities for performers, exhibitors, and audiences to connect and be exposed to new ideas and fresh perspectives.

The venue and its accomplished staff were integral to the recent hosting of the international arts summit and received high praise from the delegates. I know that over 3,000 Yukoners were thrilled to take in the birthday bash last month at Shipyards Park with national talent Serena Ryder and the Strumbellas performing alongside a host of homegrown local talent.

During COVID-19, the centre staff swiftly adapted and were able to continue to offer programming in safe and innovative ways. In fact, they are one of the few theatres in all of Canada that stayed open and maintained operations during the pandemic. A sincere thank you for the exceptional efforts to ensure access and enjoyment of the arts through the challenges of the past two years.

Please join me in extending congratulations and gratitude to the founders, organizers, technicians, volunteers, and, of course, the countless artists and performers who enrich our community through their talent. We look forward to many more

provocative and inspiring performances and exhibitions in the years to come.

Applause

Ms. Van Bibber: I rise on behalf of the Yukon Party Official Opposition to recognize the Yukon Arts Centre as they celebrate their 30th anniversary. There is so much to expound upon when we speak of this facility that our tribute time cannot do it justice. Since its opening, the Yukon Arts Centre has been a community hub and showcased so many performances and art displays, and for that, we are richer.

But let's concentrate on this celebration year. At the end of June, Their Excellencies Governor General Mary Simon and Mr. Whit Fraser completed a short Yukon visit. Included in the itinerary was to attend the opening of the *Tether* exhibit and view the film *Dreaming Roots*. This exhibit was in conjunction with the Arctic Arts Summit and the artwork displayed by northern indigenous artists. It showed the bond between diverse groups across the north and that the northern cultures, in art, have threads beyond regions and communities. We are tethered together. *Tether* celebrated the knowledge and stories of the artwork and our shared practices and kinship across the northern globe.

Then, on a beautiful Saturday, at Shipyards Park, the 30th birthday bash happened. Throw a party, and it's free, and the organizers were still surprised at the turnout — an estimated over 2,000 guests. An opportunity to gather in the post-COVID world was just what Yukoners needed, and it helped that the headliners were soloist Serena Ryder and the band Strumbellas, along with many local artists. It was a huge success, and Yukoners appreciated the wonderful concert in the park.

As the Yukon Arts Centre continues to champion and support the art world, thank you to the staff, organizers, volunteers, partners, and artists who do the hard work — thank you. We recognize and we congratulate you on the last 30 years of accomplishments, and we wish you many more years of success.

Applause

Ms. White: The NDP add our voices in celebration of the Yukon Arts Centre's 30th anniversary. From before shovels were even in the ground, there was a buzz about what could be. Now, looking back on a generation of programming, you can see that all of those hopes and wishes for what could be have indeed become reality. From hosting nationally and internationally recognized performers and artists to developing and encouraging homegrown talent, the Yukon Arts Centre is truly a jewel of the north.

Thank you to those who dreamed big about what could be; thank you to those who nurtured the dream into reality; thank you to those who keep it going, forever-evolving and growing with our northern community. Mr. Speaker, I would be remiss if I didn't give a nod of thanks to the foresight of Tony Penikett's government for investing in the arts in such a meaningful way.

Applause

TRIBUTES

In recognition of World Diabetes Day 2022

Hon. Ms. McPhee: I rise today on behalf of the Yukon Liberal government to recognize November 14 as World Diabetes Day. World Diabetes Day 2022's theme is "Access to Diabetes Education".

Canada's contribution to diabetes treatment is unquestionable. In 1922, 100 years ago, Leonard Thompson, a 14-year-old boy who lay dying from diabetes at the Toronto General Hospital, was given the first injection of insulin. That insulin was discovered and isolated by Frederick Banting and Charles Herbert Best, who went on to win the Nobel Prize in Medicine the following year.

Almost half of adults with diabetes remain undiagnosed, of those living with diabetes, and 10 percent have type 1 diabetes and 90 percent have type 2. Early screening is important, because people who are undiagnosed may not be managing their blood sugar levels, which can put them at higher risk of complications. Currently, in the Yukon, our community health centres and other programs, such as the Diabetes Education Centre and the Chronic Conditions Support Program, help Yukoners with regular screening and diabetes education. Managing diabetes can be made easier with education about nutritional counselling, exercise planning, and glucose management medications.

There have been some recent changes in the chronic disease formulary that make access to certain medications, like Jardiance and Ozempic, easier. The Yukon government is leading the country by providing access to technologies that are proven to help people manage their blood glucose and avoid medical emergencies. The Yukon was the first jurisdiction in Canada to provide coverage for continuous glucose monitors to individuals 18 years of age and younger who have type 1 diabetes, and we joined Ontario and Québec in providing coverage for flash glucose monitors in 2022.

Now, the Yukon is providing continuous glucose monitors for all Yukoners with type 1 diabetes. Monitors change lives and allow those with type 1 diabetes to live fuller lives by preventing low blood sugars and staying safe while doing activities, such as exercising or driving. Monitors provide information about the relationship between someone's blood sugar and the food or the insulin or the other medications they may take. It's important to remember that everyone's journey is different and what works for one person may not work for another. There are many risk factors that can contribute to diabetes that are not manageable, such as age or gender or genetics. Therefore, early screening, diagnosis, and education is so important in managing and reducing complications from diabetes.

I would like to thank our Yukon Diabetes Education Centre and the Chronic Conditions Support Program, community health centres, and all of our dedicated health care professionals who are helping support Yukoners living with diabetes.

Applause

Ms. McLeod: I rise today on behalf of the Yukon Party Official Opposition to recognize November as National Diabetes Awareness Month and November 14 as World Diabetes Day.

November 14 is the birthday of Dr. Frederick Banting, winner of the Nobel Prize in Physiology or Medicine in 1923, after his incredible discovery of insulin in 1921. It was this discovery that saved the future of every individual to be diagnosed with some form of diabetes. Without insulin, diabetes would have continued to be a tremendously fatal disease over the last 100 years. It is estimated that over three million people are diagnosed with diabetes in Canada. It is also estimated that another two million have the disease and are unaware, and six million more are living with a condition known as prediabetes, placing them at a serious risk for type 2 diabetes.

I would like to recognize the incredible efforts of the Yukon T1D Support Network. This organization started small, but the power and drive behind the few moms who started it has allowed this group to gain momentum and make great leaps for the type 1 diabetes community. This organization continues to be a valuable resource for Yukoners with type 1 diabetes and their families. Their advocacy has secured life-changing technology for Yukoners, and their efforts throughout the year provide support and services to so many.

Thank you to all those in the health care field who work to support and treat Yukoners with type 1 and type 2 diabetes, gestational diabetes, and prediabetes, and to those who help monitor and support children in the school system with diabetes. Your support makes a tough disease a little easier on individuals and families throughout the territory.

Applause

Ms. Blake: I rise today on behalf of the Yukon NDP to pay tribute to World Diabetes Day, which took place on November 14. Today, I think about what needs to be done, collectively and individually, for better prevention, diagnosis, and management of diabetes. I want to especially thank the Yukon type 1 diabetes support network for their hard work advocating for Yukoners living with type 1 diabetes. Their efforts do not go unnoticed. I know so many Yukoners who are so grateful for all that they have done.

Many Yukoners still face health inequities. First Nation people also continue to face higher risks of developing type 2 diabetes, more than any other group in Canada. With the legacy of colonization, including residential schools and lasting inequality, our communities lack access to health education and nutritious, affordable foods.

Yukoners continue to face inequity through the shortage of primary care providers in their communities. As a territory, we still have work to do. With our continuous glucose monitoring program, we have seen what support can do for Yukoners with type 1 diabetes. We also have the unique responsibility to advocate beyond the territory. With access to primary care, community support, and education, we can leave so many of the issues faced by those living with diabetes behind.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Pillai: Pursuant to section 12(3) of the *Arts Centre Act*, I have for tabling the Yukon Arts Centre annual report.

Speaker: Are there any reports of committees?

REPORTS OF COMMITTEES

Hon. Mr. Mostyn: I have for tabling the *Sixth Report of the Standing Committee on Rules, Elections and Privileges*.

Speaker: Are there any further reports of committees? Petitions.

PETITIONS

Petition No. 15 — response

Hon. Ms. McLean: I'm pleased to respond to Petition No. 15 regarding a downtown Whitehorse elementary school, brought forward by the Member for Whitehorse Centre. I would like to thank all citizens who signed the petition. Thank you for your deep care about education and for speaking up about your values for your community.

Healthy and happy neighbourhoods are made up of many important elements: access to public services and buildings, such as schools; access to grocery stores; recreational opportunities; gathering places; transportation; history; design; and having safe, stable, affordable housing. Implementing all of these elements is an important part of urban planning, which is needed to create and sustain good neighbourhoods. Just as it is for neighbourhoods, there are many elements to create and sustain schools that uphold the tenets of today's modern programming and curriculum. Location, access to greenspace, technology, modern and experiential facilities, inclusive and cultural spaces, and design are all important elements. The spaces in which children learn need to be safe, comfortable, and functional, as well as culturally rich, in order to create a positive learning environment.

We will be undertaking a public engagement to hear from Whitehorse residents about how important these factors are for each school community, including downtown residents. As we know, École Whitehorse Elementary School is an old school and due to be replaced. Replacing École Whitehorse Elementary School is an important priority for us, and there are many sound reasons for doing so.

I wish to be clear that this decision does not close conversations in respect to future learning facilities in the downtown core. I met with downtown residents who are concerned about having an elementary school in the downtown core, and I hope that they will continue to contribute and share their views in upcoming public engagements. The upcoming public engagement will be where voices of communities will shape the long-term plans for replacing and renovating aging Whitehorse schools. We want to hear from the public and the

school communities to better understand their user experiences with their school facilities and how to better reflect Yukon's K to 12 programming and neighbourhood needs.

As I mentioned, there are many factors that contribute to thriving schools and neighbourhoods. We want to hear what residents value most, including those who are thinking of starting families.

We will continue to invest in all schools to ensure that they remain safe places to learn. It is great to see citizens engage with us on important matters, and we hope that you continue to contribute when public engagement is launched. Creating positive learning environments is our goal, as the education of our children today is the foundation for our future.

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

NOTICES OF MOTIONS

Ms. White: I rise to give notice of the following motion:
THAT this House supports the people of Taiwan.

Ms. Blake: I rise to give notice of the following motion:
THAT this House urges the Government of Yukon to work with the Vuntut Gwitchin Government to establish a safe house for men in Old Crow.

Speaker: Is there a statement by a minister?

MINISTERIAL STATEMENT

Charting the Course: Living with and managing COVID-19

Hon. Ms. McPhee: *Charting the Course: Living with and managing COVID-19* is our government's new guide for ongoing response to the pandemic. *Charting the Course* will shift our management of COVID-19 to resemble how we treat our other respiratory viruses in the territory. That is now possible because of a number of factors.

First, new COVID-19 variants are more transmissible but are leading to less severe outcomes. We also have high vaccination rates in the territory due to the availability of safe and effective vaccines. We also now have the availability of treatments, like Paxlovid, that lessen the severity of COVID-19 for those at high risk of severe outcomes.

Charting the Course lays out a number of changes to manage COVID-19 in a more sustainable way. While Yukoners should continue to stay at home when they are sick, the need to self-isolate has shifted away from a specified number of days to staying home until symptoms resolve.

Most Yukoners can safely manage COVID-19 at home. As a result, self-isolation facilities will close on December 16, 2022, because they are no longer needed. Testing is no longer routinely recommended for Yukoners with COVID-19 symptoms unless indicated by a health care provider in a clinical assessment.

As we announced last week, the COVID-19 testing and assessment centre will close on November 18, 2022. Yukoners

can use the self-assessment tool online to see if an assessment from a health care provider is recommended, or look at the latest spotlight guidance to help determine if kids can get back to their regular activities.

At-home rapid tests remain available, free of charge, at a wide range of locations throughout the territory. Whether you choose to test or not, please stay home while you are sick to avoid spreading any illnesses to others. The paid sick leave rebate program remains available to help Yukoners prioritize their health and reduce the spread of COVID-19.

Some places, such as long-term care homes, health centres, Yukon hospitals, and other settings may continue to require public health measures, like masking, to protect vulnerable populations. We ask that Yukoners respect these measures and each other's personal health decisions as we learn to live with COVID-19.

Vaccination remains the best way to protect yourself, your loved ones and your community from severe outcomes related to COVID-19. If you are not up to date, please book an appointment or call your health centre today.

Mr. Speaker, I want to thank all of the health care workers across the territory who have worked to protect the health and safety of Yukoners throughout the pandemic.

I also thank all Yukoners who have made sacrifices and followed public health advice to protect their health and the health of our communities. Without their dedication, we would not be in the position that we are in today.

Mr. Dixon: I appreciate the update from the minister on this announcement that was made last week. We have reviewed the news release and had the opportunity to ask several questions of the chief medical officer of health yesterday in the Legislature. The CMOH did answer all of our questions yesterday, and I would like to thank him again for his time.

Ms. Blake: I want to first thank the chief medical officer of health for appearing as a witness yesterday and for answering our questions. It has been a difficult three years, living under the weight of this global pandemic. It has been hard on people across the territory in different ways, and while many may celebrate this plan as the end of the pandemic and the end of public health measures, I know that many also read it with dread.

Watching the headlines in other provinces is difficult — emergency rooms overrun, children's hospitals working well beyond capacity, and staff being faced with difficult triage decisions with each new patient arrival. I remain hopeful that we don't get to that point in the Yukon, but *Charting the Course* does not reassure me of that.

I want to use this time to speak about the concerns that Yukoners have shared with us about this plan. The plan is to end all COVID-19 measures and treat it like other respiratory viruses, but that approach is already proving ineffective in Ontario and elsewhere. If the minister is really going forward with this new approach, we need to change the way we do public health.

The plan will end the mass vaccination clinic, but so many children still haven't had the opportunity to get their shots. We have heard that the Whitehorse Health Centre is already triaging its vaccine delivery. Will the government instead offer vaccines in schools or at medical clinics?

Yukoners have expressed concerns about their ability to receive timely boosters under this new plan. The plan asks for Yukoners to stay home when they are sick, but so many still don't have access to adequate paid sick leave. The plan says that it will only release data for a technical audience going forward, but how will Yukoners make good decisions about their health without access to robust data?

Current estimates are that as many as 40 percent of COVID infections result in 12 weeks or more of recovery. That's three months of illness, and many are taking much longer. The plan calls for an end to all COVID-19-specific working groups, but makes no mention of the many Yukoners living with long COVID. Will that working group be cancelled too?

I asked this of the chief medical officer of health yesterday, and the response was not clear. I would appreciate a follow-up from the minister.

If the government has decided to give up on controlling the virus, what supports are being planned for those who continue to suffer its effects long term? The plan mentions strategic goals and actions, but those are nowhere to be found. What are the goals? What new actions will the government take to protect our health and our health care system? I see only a plan that calls for an end to action.

Lastly, I want to also acknowledge the hard work of our health care professionals in the territory over the course of the pandemic. I thank you for going repeatedly above and beyond to support all Yukoners.

Hon. Ms. McPhee: I think it is imperative to say, if it isn't clear, that *Charting the Course: Living with and managing COVID-19* is not declaring any end to a pandemic; it is simply charting the course forward. It is a plan that clearly sets out what Yukoners can expect, and that is what Yukoners deserve.

From the start of the pandemic, our government took immediate action that helped to prevent the most severe health outcomes due to COVID-19. We worked closely with the office of the chief medical officer of health and followed the science throughout the pandemic. The Yukon was one of the first jurisdictions in Canada to roll out COVID-19 vaccines, and we now have the highest vaccination rates in the country.

Following the recommendations of the chief medical officer of health, we made tough decisions to place limits on gatherings, require masks, and require vaccinations. The opposition objected, and the Yukon Party, in particular, consistently undermined public health advice. Mr. Speaker, our focus has always been on protecting the health and safety of all Yukoners, and our leadership helped prevent the most severe health outcomes here in the territory.

Our government also took swift action to provide financial support to Yukoners and Yukon businesses, and that is not ending. At the beginning of the pandemic, we immediately launched a paid sick leave rebate program that is continuing to

ensure that Yukoners can stay home when they are sick. This program sparked national conversations and served as a model for employee support. We created the Yukon business relief program that delivered millions of dollars to businesses across the territory to help cover their fixed costs and loss of revenue. This program was recognized as the best and most generous in the country.

We launched the Yukon's tourism relief and recovery plan, providing almost \$15 million to support the tourism sector and develop innovative programs, like Great Yukon Summer, to support tourism businesses. These measures were comprehensive and effective and helped us to avoid the most severe economic impacts of COVID-19.

In fact, our economy grew during the pandemic, and Yukon now has the strongest economy in the country. Our government was here to support Yukoners throughout the pandemic, and we will continue to provide support as we learn to live with COVID-19 going forward.

There are lingering challenges, such as long COVID or post-COVID condition. Our government has already started the conversation on this issue with affected Yukoners. The post-COVID-19 working group was established in May and has been using emerging research and personal experiences to develop information and resources to help support those who are impacted by the lasting effects of COVID-19. There is nothing in *Charting the Course* that indicates that these working groups will not continue to be supported, and they will.

The chief medical officer of health will continue to closely monitor the situation and to make recommendations to the Government of Yukon that will continue to inform our public health response.

We would not be in the position that we are in today without the hard work of many partners across the territory — our dedicated public servants, our dedicated medical professionals, and Yukoners who stepped up and supported one another. I thank them all. We will continue to foster those relationships and to support Yukoners going forward.

Charting the Course is what Yukoners deserve to know about how their expectations can be met, and, as we go forward, we will continue to respond, as necessary, when this pandemic — which is, frankly, not through with us yet — manages to change and evolve, and we will do the same.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: Rent control

Ms. McLeod: Since the Liberals implemented rent control as a commitment in the confidence and supply agreement, the results have been exactly as predicted. There have been evictions; there have been steep rent increases; and there has been a large sell-off of rental units.

In the spring, the Minister of Community Services said this — and I quote: "The rental index aims to offer stability in rent for Yukoners..."

So, will the minister now admit that the flawed rent caps that this government brought in have done anything but create stability, and that this policy experiment has been a failure?

Hon. Mr. Mostyn: What I want to do in my introduction to this question this afternoon is to remind the House and Yukoners that the Yukon Liberals entered into a confidence and supply agreement with the New Democrat caucus shortly after our election, and it was shortly thereafter that the Yukon Party endorsed the confidence and supply agreement.

So, surely that year, the Yukon Party again also threw their support behind a rent cap and a number of other objects within our confidence and supply agreement that we struck with the NDP. So, I wanted to start there.

I will say that the rent index was a commitment that the NDP campaigned on and brought to us as part of our confidence and supply agreement. The index is temporary; it will end in January, Mr. Speaker. That is the intent. We are working with partners to address affordability across a spectrum of services and supports in the territory. Stable, affordable housing is a foundation to the health and well-being of Yukoners. Meeting increasing housing demands in the territory is not something that any one government or organization can accomplish on its own, and we continue to develop and support partnerships and innovative approaches to address housing needs in the territory.

Ms. McLeod: The effects of this flawed policy on the Yukon housing and rental market have been disastrous. The only hope that Yukoners who own rental units have had is that the Liberals have been clear that this flawed policy will end with the CASA. In advance of the Sitting, the Premier made this clear in an interview with the CBC Yukon that ran on October 5: “No more CASA, no more rent cap” was the byline.

So, will the Minister of Community Services commit to immediately repealing this flawed policy on February 1, 2023?

Hon. Mr. Mostyn: As I said in my last statement, the policy stays. We are honouring the agreement that we have with the New Democratic caucus. It is clear that the Yukon Party caucus tried to enter into this same agreement with the NDP, and they are not honouring that agreement. We have seen that again and again. We don't know where the NDP stands on any of these policies, Mr. Speaker.

Some Hon. Member: (Inaudible)

Hon. Mr. Mostyn: The Yukon Party — sorry — my apologies. We don't know where the Yukon Party stands on any of these policies, Mr. Speaker. They are for carbon pricing, then they're not for carbon pricing. They are for the rent cap, but then they're not for the rent cap. They are for — I mean, I could go on and on, Mr. Speaker. They say one thing and do another. They are really difficult to follow. We don't know where they stand.

We know where we stand, Mr. Speaker. We are working very hard for people in the territory. We are moving the territory forward. We are trying to make sure that we address the housing situation in the territory. We are working diligently to get 1,000 lots online. My colleague, the minister responsible for housing, has a number of initiatives that he is doing to make sure that affordable housing is available for Yukon. Housing is a spectrum, and we are working across the spectrum to make

sure that Yukoners have a place to live, and this is an issue that is near and dear to our hearts.

Ms. McLeod: As it stands, Yukoners who own rentals are able to increase rent once a year at a rate that is set on May 15 based on the rate of inflation. So, many Yukoners would like to know: Will they be allowed to change the rent based on the market, or will they be bound by the regulation brought forward by the Liberal government as a commitment under CASA?

The CASA expires on January 31, so will the minister tell us if the regulations setting out rent control will be repealed on February 1, 2023, or will it stay in place and bind the ability of rental owners to control the rent that they charge for their property?

Hon. Mr. Mostyn: I will say again that the rent index was a priority for the New Democratic caucus, and we agreed to support that policy. We appreciate the New Democratic Party's willingness to work together to address housing pressures in the territory.

The Yukon Party's only solution is to develop land, which we are already doing and at a faster clip than the Yukon Party when they were in government. We have talked at length in this House recently about how little they spent on land development and how much we are spending on land development in the territory.

Since 2006, our population has grown by 12.1 percent. That's how we are moving the territory forward, and housing construction has kept pace with that. The number of private dwellings has increased by 12.9 percent, so more, actually, than our growth rate. There was \$267 million in residential construction in 2021, shattering the 2020 record of nearly \$200 million. This year's budget includes more than \$60 million for housing. That is for initiatives across the territory. This year's budget also includes hundreds of new housing options, either recently completed or currently underway, including the 46-unit Cornerstone community housing development to provide supportive housing in Whitehorse. We had an agreement with Da Daghay Development.

Mr. Speaker, we are working diligently to move the territory forward on behalf of all Yukon residents.

Question re: Health care services

Mr. Kent: I also have some questions on the 2021 confidence and supply agreement.

That agreement between the Liberals and the NDP calls for the creation of — and I quote: “A seven day per week walk in/call-in mental health clinic will be opened in Whitehorse to service the entire territory.”

Can the Minister of Health and Social Services tell us if this commitment has been fulfilled?

Hon. Ms. McPhee: The establishment of the seven-day-a-week service for Yukoners with respect to mental health is an initiative partnership that the Department of Health and Social Services has entered into with the Yukon branch of the Canadian Mental Health Association.

Funding has been provided to that organization to provide that service, seven days per week. I understand that they are in the process of staffing — that they have gone to six days a week is the most recent information I have — and that soon, if they can resolve their staffing issues, they are fully intending through that partnership to provide that service seven days per week to Yukoners.

Mr. Kent: Based on the minister's answer, it seems that the full extent of this commitment made in CASA to create a seven-day-per-week walk-in mental health clinic in Whitehorse has not yet been fully achieved. So, can the minister say definitively when this new walk-in mental health clinic will be open?

Hon. Ms. McPhee: I truly appreciate the opportunity to talk a little bit about CASA and the commitments that are made there. We have committed to upholding the confidence and supply agreement here in the territory because it's good for Yukoners. Yukoners deserve stable government, they deserve government to have the members of this Legislative Assembly work together to provide them service and opportunities, and, not the least of which, certainty is required. There has been much progress on health care, climate change, dental care, and electoral reform through the agreement and the working together of the Yukon Liberal government and the Yukon New Democratic caucus. The Yukon Party — I think we should remember — endorsed the confidence and supply agreement. It seems like today they don't like it.

We are committed to working together to move Yukon forward. Mr. Speaker, our agreement with the Yukon NDP has allowed for stable government over the past 18 months. Yukoners deserve that stable government. Our strong leadership has guided us through the pandemic and kept us going, helped to keep the economy going, and helped to keep Yukoners safe and healthy. We are focused on moving the territory forward and making life more affordable for Yukoners. The commitments in the CAS agreement allow that to happen.

Mr. Kent: So, the confidence and supply agreement also committed to a territory-wide dental care plan that the minister just mentioned in her previous answer. This summer, the Liberals and NDP issued a report card on their progress. At that time, they committed that a new income-tested, public dental care program would be launched in December of this year. So, can the minister confirm that a new program will launch in the next few weeks?

Hon. Ms. McPhee: The Government of Yukon is taking steps to establish the territory-wide dental care program, as noted in the preamble to the question, as per our commitment in the confidence and supply agreement. Our government is working to expand access to the extended benefits services, including implementing a territory-wide dental program.

This fiscal year, we are investing \$1.8 million in the territory-wide dental care program. A request for proposals seeking a contractor to process the claims for the new Yukon public dental plan for a three-year period will start in January of 2023, and has, in fact, been awarded. Yukoners who are registered in the pharmacare and extended health benefits

program, social assistance clients, non-insured health benefits clients, as well as children from kindergarten to grade 8 in Whitehorse, and kindergarten to grade 12 in communities, currently have access to dental care. This program will begin to support those who do not qualify for those programs that will continue to exist here in the territory. It is anticipated that the implementation date for this coverage is January 1 of 2023. I am very pleased to say that this is part of this CAS agreement.

Question re: Whitehorse Correctional Centre substance use issues and supports

Ms. Blake: Since the substance use emergency was declared almost a year ago, very few people have received the support they need. This is especially true for folks at the Whitehorse Correctional Centre. People at WCC have shared that the time they spent there left them with the highest mental health risk and very few supports. Some have reported that they used moderately before being incarcerated, and left the WCC heavily dependent on street drugs. We have heard from others that there have been multiple overdoses at the WCC.

Can the minister tell us how many overdoses have occurred at the WCC this year?

Hon. Ms. McPhee: I appreciate the alarm sounded on the other side of the House, but these are pieces of information that should be brought to my attention, through my office to the Department of Health and Social Services, as well as through to the Department of Justice. It is not something that I have been advised of at this point.

I think that what is incredibly important for Yukoners to know is the response that the Government of Yukon has made with respect to the substance use health emergency. We are committed to working with our partners to take action to respond. Mental Wellness and Substance Use Services has increased services in response to the substance use health emergency. I will take a moment to say just a few of those.

Mental Wellness and Substance Use Services has increased medical capabilities at withdrawal management by adding a physician clinical head. The Referred Care Clinic and the opioid treatment services have expanded their services and added seven new individuals, which includes an overdose outreach team to provide harm reduction education, to support clients with system navigation, and to provide connections to other services related to substance use. There has been an expansion of the services at 405 Alexander, Car 867 — I would like the opportunity to continue to advise Yukoners of these important services —

Speaker: Order.

Ms. Blake: This isn't just one story. This issue is systemic, which is why I am asking about it in the House. Safe supply is only available in Whitehorse at the Referred Care Clinic, which Yukoners can walk into and self refer if they need to. For folks at WCC, the process to see someone at this clinic is unclear and many do not get the help that they need. Instead, they struggle alone and end up using a toxic drug supply to cope.

Is the Referred Care Clinic accessible to people at WCC who want to access safe supply?

Hon. Ms. McPhee: It has long been a strategy and plan of the departments of Justice and Health and Social Services to work together to provide the services to individuals who happen to be at the Whitehorse Correctional Centre in a more seamless way, because it certainly hasn't been that way in the past. Mental Wellness and Substance Use Services continues to expand their services, and we will support any individuals, including those who happen to be in the care of the Whitehorse Correctional Centre for whatever period of time that may be. It is not the policies of this government that individuals who spend time at the Whitehorse Correctional Centre do not have the services they need while there. I certainly would appreciate the individual cases or stories being brought to my attention by the member opposite.

The Department of Health and Social Services has continued to work with the Yukon RCMP to implement Car 867. The objective is to provide trauma-informed, client-centred responses to mental health emergencies. Mental Wellness and Substance Use Services has also expanded its services at the supervised consumption site to include inhalation as the approved method. We have continued to provide expansion of services to Yukoners and will do so.

Ms. Blake: People at the WCC are struggling, but they still have the strength to reach out for help when they need it. We know this, because they call our office regularly, seeking advocacy support. We hear regularly from folks who are advocating for themselves to recover and repair harm. People at the WCC have asked to be sent into treatment programs outside of the territory, so that they can learn the tools to cope and to stay sober.

The minister declared a health emergency. She has also claimed that her justice system is restorative — yet this government continues to harm people at the WCC who struggle with health issues. Will the minister allow more folks at the WCC to attend treatment facilities as part of their release plan?

Hon. Ms. McPhee: As I have said, it may have been the policies in the past, quite frankly, that individuals who are at the Whitehorse Correctional Centre were not provided the services that they needed in a way that would assist them in recovering and to provide the opportunity for them to change behaviour and to become the contributing members of their communities that I know that they all wish to be. That is not the policy of this government.

We have worked very diligently to make sure that individuals who are in the Whitehorse Correctional Centre have the services that they need. I encourage them to reach out to the medical staff who is employed to work at the Whitehorse Correctional Centre, and that they can be connected to programming through that route.

I also encourage the member opposite to describe to me, however she may wish to do that, if there are specific matters that I can bring attention to and resolve.

Question re: Whistle Bend development

Ms. Clarke: Last week, on November 10, the Minister of Community Services told the Legislature that he was on track to release over 200 lots this year. We know from his

ministerial statement earlier this year that the 200 lots that he is referring to include phase 6B, phase 7A, and phase 8 in Whistle Bend.

Can the minister confirm that the Yukon government will be releasing more than 200 lots this year, as he said last week?

Hon. Mr. Mostyn: What we are talking about his afternoon is our commitment to make more housing available to Yukoners in several spheres.

Again, I have said it before and I'll say it again, we agree that lot development is very important to Yukoners in the territory. That's why we have increased our budget to \$30 million this year for new lot development — \$30 million.

The member opposite has been told now, in their last year in office, the Yukon Party invested \$7.7 million. We are spending nearly four times the amount of money spent by the Yukon Party in their last year in office this year.

We are making historic investments in development in housing. We have \$30 million, as I just said, in the budget for lot development in the Yukon this year, and we are working to develop 1,000 lots in the coming years.

Ms. Clarke: Earlier this month, I asked the minister about phase 6B and he didn't answer.

According to the minister's briefing notes, phase 6B was originally scheduled for completion in July of this year and included 101 lots. Can the minister confirm if phase 6B was completed this summer as planned, or has it been delayed?

Hon. Mr. Mostyn: I will give a little bit more history this afternoon. I want to say that, during the Yukon Party term, they averaged just \$6 million a year in lot development. We are investing more than five times that amount for Yukoners.

The goal that this government has put forward is to actually develop 1,000 lots for Yukoners. We made that commitment during the election. We are committed to doing that. We have done this deliberately and intentionally to make sure that Yukoners have a supply of homes they can rely on.

We hear from businesses — I hear from Yukoners all the time that they need more housing in the territory, and we are fulfilling that commitment. Our Liberal government has built strong, collaborative relationships with municipalities, private landowners, developers, and First Nation partners across the territory to speed up lot development for Yukoners.

Our government is working hard to increase the supply of lots in Yukon communities for housing, as well as business and economic opportunities. Fixing the territory's housing shortage is not something one government organization can accomplish alone. We need to work in partnership to increase the housing options.

As I have said, the Yukon Party record on housing is embarrassing. They sat on millions of dollars and refused to invest in affordable housing. We are still paying the price for the Yukon Party's inaction on housing. We have tripled investment in lot development compared to the Yukon Party. I understand the Yukon Party is upset with our initiatives, and we are going to continue.

Speaker: Order, please.

Ms. Clarke: With due respect, the minister has not answered my question, so I am going to ask it again: Can the

minister confirm if phase 6B was completed this summer as planned, or has it been delayed?

Hon. Mr. Mostyn: I will say that this fall and winter, we are working toward tendering up to three new phases. A lift station, landscaping projects, and storm water outfalls will be constructed next year. I will also say that we continue to advance Whistle Bend as quickly as possible in phases, and we see progress every year — releasing lots by way of lottery for private citizens and contractors before the spring construction season.

Now, I will say, as well, that in the last two years, municipalities across the territory have issued almost 1,300 permits for residential construction — a significant increase over the historic average — and over the last four years, we have seen the addition of more than 1,000 new homes in Whitehorse, a 60-percent increase over the previous four-year period. Residential investment has reached a record high in the Yukon with \$267 million in residential investment construction in 2021, shattering the 2020 record of nearly \$200 million, and in the coming years, our goal is to develop 1,000 new residential lots across the territory — as I said before, \$30 million this year.

Question re: Diabetes treatment

Ms. Van Bibber: In May of 2021, this House unanimously passed Motion No. 30, urging the Government of Yukon to develop a territory-wide type 1 diabetes strategy, to be completed by September 2022. The Minister of Health and Social Services said at the time — and I quote: “Yukoners have sent a clear message that we need to work together for the benefit of the territory and that this is what we are committed to doing...” — and went on to say that the government would be supporting the motion.

Unfortunately, it has been 18 months since the motion passed and two months past the deadline, and the strategy has not been completed. Can the minister explain why the deadline agreed to in the motion has not been met?

Hon. Ms. McPhee: Thank you, Mr. Speaker. I think that today — well, one day past the anniversary of Diabetes Awareness Day, but during Diabetes Awareness Month here in the territory, it is incredibly important to address this issue. The Government of Yukon has committed to working with our partners to develop a type 1 diabetes strategy here in the territory, and our work is ongoing with Yukoners with type 1 diabetes, their families, local advocacy groups, and service providers. That work aligns with the recommendations in *Putting People First* to enhance supports for individuals to improve health outcomes.

As noted back in May 2021, the Yukon Legislative Assembly unanimously supported that motion, and the work is underway to complete the type 1 diabetes strategy. The focus, in doing that work, is working with families, local advocacy groups, and service providers, so that we get it right as we go forward. The date has not been met, unfortunately, but I think what is more important here is to make sure that the individuals who are guiding and doing that work with us are satisfied.

Question re: Chilkoot Trail Inn social housing

Mr. Dixon: Earlier this Sitting, we asked a series of questions of the minister responsible for housing about the purchase of a local hotel to convert into housing, using a combination of territorial and federal funds dedicated to affordable housing. Here is what the minister said on October 27, 2022 — and I quote: “The risk-taker primarily on this project was CMHC, which I was very clear about yesterday. They undertook a series of due diligence. On the mortgage, as it’s stated, if there is a challenge with this, CMHC will be first charge, and they will have to take on the responsibility of the asset”.

Can the minister confirm if that statement is indeed accurate? If there is a challenge with ownership, or operation of the former hotel by the NGO, will the CMHC take on full responsibility, as the minister said?

Hon. Mr. Pillai: Just before getting into the core of the question, I want to just touch on a bit of background for Yukoners on this. So, it was announced again last spring that the Safe at Home Society was a successful recipient of funding from the Canadian Mortgage and Housing Corporation, and that was to deliver 55 units of permanent, supportive housing. The dollars that were allocated — it was \$10 million through the northern carve-out of the National Housing Co-Investment Fund, and another \$5 million that was provided by CMHC to the City of Whitehorse.

If I understand the question correctly, it is: Who would be the first charge on the mortgage? As I was briefed by our department, the first charge on the mortgage, after the NGO, would be the Canada Mortgage and Housing Corporation.

Mr. Dixon: I appreciate the answer from the minister, because that is, actually, not what the audited financial statements of the Yukon Housing Corporation say in the recently tabled Public Accounts. The Housing Corporation’s financial statements, that were reviewed and signed off on by the Auditor General of Canada, say that if the Safe at Home Society is unable to operate and maintain these housing units for 20 years, it’s the Yukon Housing Corporation that — and I quote: “... would need to determine an appropriate course of action to endure the Corporation’s adherence to any potential obligation arising from this flow through arrangement.”

So, it’s clear that there is an obligation on the Yukon Housing Corporation, because of their role in flowing through the funding. So, can the minister explain this discrepancy between what he has told us and what exists in the financial statements of the Housing Corporation that were signed off by the Auditor General of Canada?

Hon. Mr. Pillai: Sitting with our leadership team at the Yukon Housing Corporation, I was made aware that the CMHC — the Canada Mortgage and Housing Corporation — was first charged on mortgage and that the Yukon Housing Corporation was second to that. I know that there were some conversations that happened directly, I think, from the Canada Mortgage and Housing Corporation, as we were going through this process, and really, with a focus on what their responsibility was.

Certainly, if I have provided information that was incorrect, I’ll come back and correct the record, but, again, from

what I have been briefed on and sat down with leadership team and the president of Yukon Housing Corporation and focused on understanding any liability around this — also, looking at all the opportunity that's here, specifically, again, as my colleague said, we're trying to look at a number of different avenues to deal with increasing the housing stock — especially for vulnerable populations. And it's true, when you go back on the record, there is certainly a large gap that has been left here in the Yukon, and we're trying to make sure that we use innovative ways to support this. So, again, my understanding — our briefing material, sitting down and having conversations with our team — that has been our understanding.

Mr. Dixon: So, the minister's comments were not just inconsistent with the Yukon Housing Corporation's financial statements, they were also inconsistent with what the Yukon Housing Corporation told the City of Whitehorse late last year. Here's what the December 2021 administrative report on this said: "YHC has also indicated that it will require that it be listed as the owner of the property should the society collapse or fail financially... This will allow..." — YHC — "... to assume responsibility for the ownership and operation of the facility, and ensure funding conditions are fulfilled."

How can the minister explain what he told the Legislature last week, as well as today, that is so completely different from what his own financial statements for the Yukon Housing Corporation say and what the Yukon Housing Corporation told the City of Whitehorse just last year?

Hon. Mr. Pillai: I might have misheard, but I think that, in closing that question, the Leader of the Official Opposition said what was said to the City of Whitehorse just last week —

Some Hon. Member: (Inaudible.)

Hon. Mr. Pillai: Last year, yes, thank you. Yes, that was last year. During that process, there was a bilateral agreement that CMHC had. I know that CMHC had requested some changes. The president of the Yukon Housing Corporation and the senior team sat down with me. We went through this and there seemed to be a change.

I appreciate the fact that you are pulling minutes up from the meeting with the municipality a year ago. As soon as this had come to the House — of course, I would sit down with our senior team. We went through this. There was a request by CMHC to make a change. That was based on the money that was flowing. We have no problem coming back to the House if I have to correct the record. I believe that, at this particular time, the information that was provided with me is the correct information. It is prudent in how it was transferred to me. If there is any issue with that, we will come back and check the record.

We are trying to ensure that we are investing in affordable housing. I think that is the key. As my colleague said, there is a massive gap — two large funding sources that came to the Yukon were buried and were never used. We will look at innovative ways. We will work with our partners, and if there is any change in the information, I will make sure to bring it back to the House.

Speaker: The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

Ms. White: Pursuant to Standing Order 14.3, and notwithstanding Standing Order 12(2), I request the unanimous consent of the House to move without one clear day's notice Motion No. 530.

Unanimous consent to move without one clear day's notice, and notwithstanding Standing Order 12(2), Motion No. 530

Speaker: The chair of the Special Committee on Electoral Reform has, pursuant to Standing Order 14.3, and notwithstanding Standing Order 12(2), requested the unanimous consent of the House to move without one clear day's notice Motion No. 530.

Is there unanimous consent?

All Hon. Members: Agreed.

Speaker: Unanimous consent has been granted.

Motion No. 530

Clerk: Motion No. 530, standing in the name of Ms. White.

Speaker: It has been moved by the chair of the Special Committee on Electoral Reform:

THAT the terms of reference for the Special Committee on Electoral Reform, as established by Motion No. 61 of the First Session of the 35th Legislative Assembly, and amended on October 25, 2021, with the adoption of Motion No. 167, be further amended by changing the special committee's reporting deadline to the House from the 2022 Fall Sitting to the 2023 Spring Sitting of the Legislative Assembly.

Ms. White: First of all, I would like to thank my colleagues for unanimous consent today. That actually really aligns with the work that we have been doing on the Special Committee on Electoral Reform. My colleagues, the Member for Mount Lorne-Southern Lakes and the Member for Lake Laberge, and I have put a huge amount of time into this committee since it was first established. One of the reasons why we are looking for an extension right now is to continue on with the really hard work of consensus that we have been working on. The three of us have been working really hard at reaching consensus in our decisions, and this is that one last point.

We are asking for an extension to actually be able to go out and reach out and survey the population one more time before we make our final recommendations. What we have heard in our travels — at this point in time, we have in time been all over the territory. We have had more than 6,000 people participate in the survey, and we have had lots of people send in information. We believe that this one last step is the step we need to do together to be able to come back with the strongest recommendations we can to this House, based on, what I would suggest, is going to have been a very thorough engagement process with the people of the territory.

We know that it's not ideal. This is the second time we are asking for an extension, and it turns out that if you want to do

this kind of work well, you really need quite a bit of time. We appreciated that first extension we were given last fall, and we are here again asking for another extension.

Again, this is us working on consensus. This is taking all voices from that table and coming together. I hope that we will get the support of the House, and I thank you for the ability to share where we are at and where we hope to go.

Hon. Mr. Streicker: I will just add a few thoughts to the comments of the Leader of the Third Party. I would like to also begin by thanking the members of this committee for the hard work and thanking Yukoners for all of the input that they have been giving us. I think we toured seven of the communities — so, lots — I will just run through the list in my mind: Haines Junction, Teslin, Watson Lake, Dawson City, Mayo, Carmacks, and Whitehorse, of course. So, lots of meetings in the communities — lots of feedback.

We had this great survey with lots of people providing information. But the one thing that we have not yet gotten to is that we heard from citizens, as we talked to them about a desire for a citizens' assembly — but on the first survey that we did out to Yukoners, which did get a great response, it was pretty lukewarm on that. We thought that if we went back out to Yukoners and gave them more background information, we would get a clearer idea of where things sat, and that would allow us to reach a consensus as a committee.

I would like to acknowledge that the committee has met — I think that it is coming up to 25 times — and it has met with a dozen expert witnesses, so it is a lot of work. We are very close with our report, except for that one question, which we would like to resolve, and what we would like to do is to talk to Yukoners to get that information.

So, I would appreciate the support of the House to allow us to do that work and to come back with a more informed report for the House.

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

Does any other member wish to be heard?

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.

Ms. McLeod: Agree.

Ms. Van Bibber: Agree.

Mr. Hassard: Agree.

Mr. Istchenko: Agree.

Ms. White: Agree.

Ms. Blake: Agree.

Clerk: Mr. Speaker, the results are 16 yeas, nil nays.

Speaker: The yeas have it.

I declare the motion carried.

Motion No. 530 agreed to

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

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

Motion Agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

Committee of the Whole Motion No. 9

Hon. Mr. Streicker: I move:

THAT from 3:30 p.m. to 5:30 p.m. on Tuesday, November 15, 2022, Mark Pike, chair of the Workers' Safety and Compensation Board, and Kurt Dieckmann, president and chief executive officer of the Workers' Safety and Compensation Board, appear as witnesses before Committee of the Whole to answer questions regarding the operations of the Workers' Safety and Compensation Board.

Chair: It has been moved by the Government House Leader:

THAT from 3:30 p.m. to 5:30 p.m. on Tuesday, November 15, 2022, Mark Pike, chair of the Workers' Safety and Compensation Board, and Kurt Dieckmann, president and chief executive officer of the Workers' Safety and Compensation Board, appear as witnesses before Committee of the Whole to answer questions regarding the operations of the Workers' Safety and Compensation Board.

Committee of the Whole Motion No. 9 agreed to

Chair: The matter before the Committee is continuing general debate on Bill No. 206, entitled *Second Appropriation Act 2022-23*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 206: *Second Appropriation Act 2022-23* — continued

Chair: The matter before the Committee is continuing general debate on Bill No. 206, entitled *Second Appropriation Act 2022-23*.

Is there any further general debate?

Hon. Mr. Silver: Before we launch into today's questions, I did have a follow-up from yesterday. I was asked about annual reports for tourism and why the reports for recent years have not been posted to the Tourism and Culture website. So, I went up and curiously just searched on our website for annual reports for tourism and, right away, you get the answer to the question. They are now quarterly. We stopped doing annual reports in 2018, but if you take a look, the annual tourism indicator reports are listed, and right below it is listed as the "quarterly" and "monthly" indicator reports. The reason for the change that was done four years ago is based on data, basically — in a nutshell. If it is too late coming, then the data won't necessarily give the information out to the users — that they need it in a timely manner. That is why there was a change. On the website, the information has already been posted for quarter 2 of this year, and we expect that quarter 3 data will be released within the next month or so.

Mr. Kent: I know that my colleague, the Member for Porter Creek North, will appreciate that response from the Premier on the reporting for Tourism and Culture.

I am going to focus today, in the limited time that we have, on some questions with respect to Energy, Mines and Resources. The first topic that I wanted to discuss with the Premier is one that a lot of Yukoners are thinking about or talking about, which is the supply of fuel wood. The government has recently announced a couple of different subsidy programs: one for the consumer at a \$50-per-cord rebate, and another one for commercial harvesters at \$10 per cubic meter. I should step back — the consumer is purchasing from a commercial operation at the \$50-per-cord rebate.

So, I am curious if the minister can tell us the total budgeted amount for both of these programs. Obviously, they are not in the current supplementary. I would expect to see them in the supplementary for later on this fiscal year. I am just curious as to the cost per program — the amount of resources per program — that the government has allotted.

Hon. Mr. Silver: Again, a lot of those numbers are going to flow in as these programs get accessed and used. A little bit of background to this — the firewood situation is a top priority, and we are doing everything we possibly can to secure and to expand access to timber, looking at every option to support the forestry industry and to access those sources of firewood for Yukoners, not only this winter but moving forward as well.

As the member opposite mentioned, we have launched a timber harvest incentive for registered Yukon timber harvesting businesses for \$10 per cubic meter of timber harvest sold between April 1, 2022, to March 31, 2023 — so, retroactive to

last April. The timber harvest incentive will provide immediate and direct supports to registered businesses and, of course, if folks are looking to get more information about that, all of this information can be found on yukon.ca.

Of course, this is just one-half of the incentives that the minister has put forward, and we are hearing positive feedback from industry about this incentive.

Now, given the high price of fuel wood, we launched a fuel-wood initiative as financial relief for Yukoners buying fuel wood — firewood to heat their homes — so Yukoners can also receive a rebate of \$50 per cord of firewood up to a maximum of 10 cords. Most information on eligibility and application requirements also can be found on that website — yukon.ca. Yukoners interested in harvesting their own firewood can apply for a free permit to harvest up to 25 cubic metres — 11 cords — of firewood for personal use.

Although a significant volume of fuel wood is under active permits, some of the wood is challenging to access, as we have heard in debate in the Legislative Assembly, or is not economically viable. Working with the producers to make sure that we are getting them into places where they can operate to find better areas of harvest is extremely important to the department. We are working with industry and also with the Yukon Wood Products Association to help to expand timber and to move firewood to market.

The minister and the team at Energy, Mines and Resources have met with the Liard First Nation. They have met with local operators — again, the Yukon Wood Products Association in Watson Lake — to identify new harvest areas and begin planning for a more sustainable wood supply in that region.

The estimates of costs — for the consumer rebate, we are estimating that we would see this come in at around \$500,000 or \$510,000. For the supplier initiative, we have put aside \$300,000 for that initiative.

Mr. Kent: I appreciate those numbers from the minister. We will, obviously, look toward the end of the season to get a better sense, and then we will circle back with the government at that time to see how much the cost came in — whether it was over or under that budgeted amount.

With respect to the \$10-per-cubic-metre subsidy, one of the harvesters that we heard from was curious as to the rationale for some of the exclusions that were part of that, whether it was government contracts — or, I believe, there is an exclusion for harvesting on First Nation land. I am hoping that the minister can explain to us what the rationale was for those two exclusions when it came to developing this program.

Hon. Mr. Silver: There's lots of information coming in as to how we develop all of our different types of incentives, whether it be for fuel wood or other initiatives here to help to make lives more affordable for Yukoners. As we were developing this program, the harvesting opportunities in some areas — for example, Fox Lake, where fuel-wood harvesting had been focused — had ended. There had been no recent fires near Whitehorse that would have created new, readily accessible fuel-wood supply as we came up to taking a look at opening up different areas.

And then, of course, with inflation — also an extremely important variable as to how we design this program. A portion of firewood burned in the Yukon is being harvested as well, as the members opposite know, in a northern part of British Columbia. We are not only looking just in Whitehorse, but also in other areas as well.

Industry is extremely experienced in helping us to develop programs, so we did work alongside them, knowing the current situation that we are in. Again, we are relying very heavily on that Blue River burn that is in northern BC, just south of us. It's about 20 kilometres south of our border along the Stewart-Cassiar. That burn crosses the highway and has good access to optimal terrain as well as economical timber. Now, timber from this burn is closer to the Whitehorse market than timber in the northern and eastern areas of Watson Lake. I know that, in past years, Yukon operators imported a significant portion of fuel wood into the territory from here.

When taking a look at, first and foremost, how we are expanding opportunities to increase harvest areas permitting — a significant amount of firewood, developing new commercial and personal harvest areas throughout the territory — a lot of work and planning goes into that. We are listening to industry, workers, and harvesters in each of our communities to understand the concerns and to find suitable wood for their operations. Again, a lot of the work that we do is based on the work that we have done with the Yukon Wood Products Association, helping us to move firewood to market. That's extremely important work.

With specifics to which areas we are going to be permitting, all wood within timber harvest permitting areas are eligible for incentives under the Yukon licensed businesses part of this rebate.

Before I cede the floor, I will just mention again the important work that we do with the association — building and upgrading forest roads to expand access to timber, and connecting harvesters with commercial purchasers and fuel-wood suppliers. We are meeting with British Columbia officials, as well, to address the permitting issues there — permitting operators in Quill Creek and starting the work on the firebreak and also identifying sources of previously harvested wood to be moved to market.

Mr. Kent: Just so we can get back to the individual who reached out to my colleague from Pelly-Nisutlin, I am curious about the rationale that the government used when designing the \$10-per-cubic-metre subsidy program to exclude government contracts and also exclude opportunities to harvest on First Nation land. Just so we can get back to this individual, I am curious if the Premier can answer that question — so we can provide an answer to this individual who reached out to us.

Hon. Mr. Silver: I am actually not aware of any exemptions to the initiative program. If the member opposite can pass along that contact information, we will work directly with them. Otherwise, we can get back to the member opposite after the department looks at Hansard.

Mr. Kent: I believe it is in the news release that was put out with respect to this program — that there were those exemptions for wood harvested for government contracts or

wood harvested on First Nation land. I don't have the news release in front of me, but I will see if I can track it down and, perhaps before we finish up here this afternoon, I can quote that for the Premier.

One of the other questions that I had with respect to the wood supply — the Premier mentioned that the government is looking at other options for expanded timber opportunities. I think he mentioned the southeast Yukon and working with the Liard First Nation. I am wondering what the Premier can tell us about other opportunities. I know that the Whitehorse and Southern Lakes forest plan was finalized almost three years ago — two years ago, anyway — so I am curious if there are any opportunities for harvesting, either if there are any standing dead wood opportunities there or green wood harvesting opportunities.

In speaking and debating with the Minister of Energy, Mines and Resources on the *Clean Energy Act*, we talked about the priority of that plan, which was to identify harvesting areas within that planning region. So, I'm wondering if the Premier can give us an update on working on that specific priority to identify harvesting areas in the Whitehorse and Southern Lakes area.

Hon. Mr. Silver: So, when it comes to any of the forest resources management and the planning therein from the Department of Energy, Mines and Resources, the work is extensive and collaborative — working with First Nations, with forestry industries, and, also, as I mentioned, the Yukon Wood Products Association — to identify timber harvesting and to provide wood supply for those commercial operators.

Through the forest management planning, we created short- and long-term timber supply for firewood and also wood products while incorporating other important landscape values, such as wildlife habitat and heritage. We know that it's essential to have that timber supply that's economically viable for now and also in the future. That planning is an extremely important process that the department undertakes with its partners.

Now, currently, all Yukon communities accessible from highways have access to fuel-wood and sawlog harvesting areas, and new areas are being planned right across the Yukon. Seasonal restrictions ensure that fuel-wood harvesting does not overly affect wetlands, forest soils, seasonal wildlife habitat, or even increase the risk of fires. Now, we have the contract that we had mentioned before for Quill Creek for fuel break that has been issued. Construction has begun. The work should be completed by March 1 of the next year. We did amend a permit in Quill Creek to allow for the use of a central processing area during low fire conditions. This will allow the licensee to produce and to haul the timber year-round that is harvested from winter-only cutting areas. That's extremely important.

We are working to develop more areas that can support summer harvesting, and we work directly with harvesters to find areas that can support their businesses. In addition to new planning areas, we have extended forest resource roads and expanded existing personal-use harvest areas to ensure that there is made available access to timber supply right across the territory.

Just to get back to the member opposite on the eligibility criteria, what is not eligible would be timber harvested under a Yukon government contract, including, but not limited to, fuel abatement projects, land clearing, right-of-way establishment, or maintenance and campground wood supply — that would be obvious why. Also not eligible is timber harvested on mining claims; timber harvested on agricultural lands, like agreements for sale or lease; timber harvested on settlement land; or harvested on private land — so, commercial suppliers who purchase timber from a commercial timber harvesting business and re-sell the purchased timber as well. So, I think those are very fair stipulations, as far as where you can and cannot, on certain lands, go ahead and harvest without the right of the proper authorities.

I don't have too much more to add for the member opposite when it comes to other potential opportunities, but I do know that in planning new areas, they have extended, as I said, those forest resource roads to expand existing personal-use harvest areas, but when the department is ready to announce other areas, I am sure that they will do that in a timely fashion.

Mr. Kent: The Premier read out — it wasn't actually in the news release, but it was part of the link from the news release that took you to the eligibility requirements, and what is ineligible. So, the Premier mentioned the ineligibility, so I guess, again, just looking for a response that we can get back to this individual with is: What was the rationale used to make timber harvested for Yukon government contracts ineligible? That is the question that this person involved in the industry had for us, so I was just sort of hoping that the Premier can give us an answer on that.

I will just ask a couple more questions to close out the forestry and wood supply part of my questions. There was an area close to Johnsons Crossing that was identified a few years ago for harvest, and then went through YESA, and the YESA process recommended that project not proceed, but in subsequent discussions on the floor of the House with the current Minister of Energy, Mines and Resources, he had mentioned some discussions going on with the Teslin Tlingit Council about that area. So, I'm curious if the Premier has any updates for us on that Johnsons Crossing fuel harvesting area. It was an area that would have supported a small mill operation in the Whitehorse area, and which has subsequently had to close its doors, or severely curtail any of the activity they have been doing.

Then, one other question with respect to the harvesting subsidy program — I believe it was in the media after we talked about this on the floor of the House in Question Period one day. The minister mentioned that wood harvested in British Columbia was eligible for this, but I think — just to paraphrase it — I believe he said there were only certain parts. So, I'm just curious where those lines are drawn on — those invisible lines are on the map, for which areas of BC are eligible for this harvesting subsidy, and obviously, which ones are not eligible. Where is that line on the Alaska Highway, and where is that line on Highway 37 that wood is eligible and then not eligible? So, there is that; there is Johnsons Crossing, and a rationale for

making wood harvested under a Government of Yukon contract ineligible.

Hon. Mr. Silver: Some things, from my perspective, look obvious, as far as why somebody can't harvest without other permits. I would have to ask the member opposite if there is a specific case, if he could share that information with me, so we can get the answer to that specific question. If there is a particular contractor he is working with, I would be happy to look into that specifically and take a look at why somebody wouldn't be able to access.

Again, from the parameters that I see, these are pretty self-explanatory as to why there are certain areas where timber could not be harvested — like, for example, on private land.

Looking at all commercial harvesting opportunities in the Yukon, a lot of work goes into the planning of those areas, requiring the harvesting licences and the cutting permits. Before an authorization is permitted, there is a legislative process and timelines that include approving a timber harvest plan.

We are working through all that system. When it comes to southwest Yukon — Haines Junction and the Quill Creek timber harvest plans — Quill Creek reopened for timber harvest in October of this year. We talked a bit about this already earlier. Restrictions on harvest timing in this area come from terms in the environmental assessment decision documents to address that fire risk and seasonal road conditions as well.

There have also been situations with high moisture in certain areas that prevent vehicles from accessing these places during frozen conditions, but we are working on a fuel break to allow for more summer harvest blocks and year-round timber hauling in that area, based on what we are seeing, as far as the land that's there.

Also, along with that, there was a contract for a fuel break design and fire modelling. That was issued in June, and it was completed in September. In October, we engaged with Champagne and Aishihik First Nations, the Alsek Renewable Resources Council, and the St. Elias Firearms Association on the design there.

One last thing to say there: The contract to construct the fuel break in Quill Creek was issued in October of this year, and construction has begun, as I mentioned before. So, that's good to know. The Forest Management branch is working with Wildland Fire Management to explore options on fire season restrictions for commercial harvesters as well, so there's more to come on that.

We have amended, as I said, the Bear Creek logging permit to allow for the use of central processing, so that's good additional information for the member opposite.

Up in Dawson, we completed the Goldfields timber harvest plan near Dawson, and this provides opportunities for both personal and commercial firewood — about 19,000 cubic metres, roughly 8,400 cords of fire-killed spruce — so, there are two new harvest plans under development that will provide additional fuel wood and sawlog opportunities in the Dawson region. There are also new personal-use firewood areas in the Dawson region as well, which is good to see.

In southeast Yukon, there is a multiple approved timber harvest plan in the southeast Yukon with approximately 30,000 cubic metres of timber volume available there. The department has heard from the large operator in the district that the timber profile in the available blocks was of concern, not necessarily economically viable, so a new cutting permit was issued to the operator just a little, short while ago in October — October 21 — so, we are continuing to plan for new areas for the operators as well.

Through field work and meetings, department officials were working with the local operator, the Liard First Nation, and also the Wood Products Association to identify short-term and long-term harvest areas there. We do know that the Liard First Nation has approached the Government of Yukon to help identify potential options for areas to harvest to provide fuel for citizens for the winter under their aboriginal right. The Forest Management branch staff are travelling to Watson Lake to assess the possible options. Much of the firewood in the Yukon is harvested, as folks know, in northern BC, and this year, operators don't have the same amount of access to that timber, so are looking for these other options.

When it comes to the Teslin area, we are working with the Teslin Tlingit Council to implement the Teslin timber harvest plan. This area will provide fuel wood and sawlog opportunities in that region, so available timber supply supports the Teslin Tlingit Council and also the Village of Teslin to feed their 13 biomass boilers, and also to provide heat to several of the buildings.

Whitehorse and the Southern Lakes area management plan is underway and will focus on balancing the need to harvest timber within the Yukon's most populated region with the values of community wildlife protection and the preservation of important caribou wintering harvests as well.

When it comes to that implementation agreement that was signed by Kwanlin Dün, the Ta'an Kwäch'än Council, Carcross/Tagish First Nation, and the Government of Yukon in February of this year — so that is an extremely important opportunity as well.

I will just say, as well on this, that the last phase of this project — the Copper Haul Road north fuel break is currently going through the YESAA process there. There's a little bit of background on the opportunities there that are presenting themselves this year and the work that the department has been doing with the associations.

So, to be clear, the minister had said that the harvester needed to be a registered Yukon business, so there is not a concern, necessarily, where the wood comes from. Any permitted area in British Columbia will suffice.

Mr. Kent: I appreciate that. To sort of circle back in the Teslin area, the question that I was hoping to get a response to was with respect to that parcel in and around Johnsons Crossing that went through YESAA, and then YESAB sent a recommendation that it not proceed, and the minister had indicated that there were some ongoing discussions with TTC about that. We are looking for an update on those discussions.

The Member for Pelly-Nisutlin — the MLA for the Teslin area — has just sent a note to me, and he wanted to find out

why TTC was told to stop providing heat from biomass to the Teslin school. I believe that was last week, so I am wondering if the Premier has a response to that as well.

Hon. Mr. Silver: Other than what I said about the Teslin part — where they are working with the Teslin Tlingit Council to implement the harvest plan and working with the Village of Teslin — I don't have any update as far as how that is going, nor do I have any information about a stall on biomass, but I will endeavour to get the answers for the member opposite.

Mr. Kent: With respect to the ineligible timber under the harvesting plan, I appreciate the Premier saying that as long as you are a Yukon-based business, you can harvest anywhere in British Columbia and bring that wood north. I think that is what he mentioned about there being no line on Highway 37 or the Alaska Highway where you are no longer eligible. So, I appreciate that response.

Then, with respect to the government contracts, there was a concern raised with us around the supply of campground wood. My colleague, the Member for Pelly-Nisutlin, who heard from the individual who has concerns, will send an e-mail to the Minister of Energy, Mines and Resources about that and the rationale so we can get back to that individual.

I did want to pivot to some mining questions, with the limited time we have left before witnesses arrive here later. The first topic that I wanted to discuss with the Premier is the status of the collaborative framework, which was a commitment made to the Yukon mining industry to take a look at timelines of reassessments around YESAA assessments for mining projects. That commitment was initially made back in, I believe, 2017.

Last year, we found in one of the briefing binders that the Council of Yukon First Nations and the Yukon government sent a joint letter to the federal minister, asking to take a look at YESAA. The response that came back from the federal minister was favourable to it. Again, looking at timelines and reassessments on projects, I believe that in the fall of 2021, according to that briefing note, there was to have been a meeting where this was discussed. I'm looking to get a sense of where the government is at with respect to the collaborative framework, or the YESAA reset MOU, or perhaps this letter that was sent to the federal minister and the response and any subsequent work since then.

Hon. Mr. Silver: So, in general, the YESAA oversight group is a joint effort between the Government of Canada, Yukon, and also Yukon First Nations to work together to define deficiencies and ongoing improvements to the YESAA process. We have heard the members opposite call it "red tape". We don't agree that YESAA is necessarily red tape. It's an important part of the *Umbrella Final Agreement* — where it got its loans from.

The oversight group has made progress in identifying a targeted amendment, as the member opposite talked about, to the *Yukon Environmental and Socio-economic Assessment Act* to address the issue of whether an assessment is required when a project's authorization is amended or renewed. That issue has a huge history to it that I won't get into. The oversight committee approved a consultation plan and a work plan for advancing this amendment.

Phase 1 consultations of the concept of the proposed amendments are currently underway. An engagement workshop with industry and First Nations was held just a couple of weeks ago, on October 25, and another one is planned shortly, actually — it is starting tomorrow.

We have raised amendments to the YESAA activities list regulations as possible next projects to the oversight group to advance. We are expecting that the oversight group will facilitate, review, and continue to work with the YESA board to advance further improvements to that process. The oversight group — I'm going to catch folks up from the summer here — met on May 4 and approved the work plan and consultation plan for the concept of proposed amendments regarding assessments and amendments and renewals, as well as planning for the upcoming YESAA forum. That was, of course, in May when they did that planning. They met at the end of the summer, on September 7, to continue to advance work on the assessment and amendments and renewals, as well as the YESAA forum.

At that time, Council of Yukon First Nations brought forth regional land use plan conformity checks to the oversight group, and the oversight group members asked that the technical working group do a scan of where the conformity checks issue is being discussed and make recommendations on whether to further work through the OGs, as we like to call them — the oversight group. So, that work went on in the summer.

There was a technical working group that was there, supporting the representatives, and again, these representatives are from the Government of Yukon, Canada, and First Nations. The Council of Yukon First Nations determines two of those four people. So, in those workshops with industry and First Nations — working on targeting YESAA amendments to address the assessment of amendments or renewals. That was kind of the planning work that went into the October meeting and the meeting that is going to be happening tomorrow. This oversight group is targeting early in the new year to advance a recommendation to the Minister of Northern Affairs on a YESAA amendment.

Mr. Kent: Hopefully we have time before the end of the Sitting to catch up and ask some more questions with respect to that specific YESAA amendment that is going forward and is in early-stage consultation right now.

Madam Chair, seeing that we have witnesses who are arriving at 3:30 p.m. and seeing the time, I move that you report progress.

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

Motion agreed to

Chair: Pursuant to Committee of the Whole Motion No. 9, adopted earlier today, Committee of the Whole will receive witnesses from the Workers' Safety and Compensation Board. In order to allow the witnesses to take their place in the Chamber, the Committee will now recess and reconvene at 3:30 p.m.

Recess

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

Appearance of witnesses

Chair: Pursuant to Committee of the Whole Motion No. 9, adopted on this day, Committee of the Whole will now receive witnesses from Workers' Safety and Compensation Board.

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

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

Witnesses introduced

Hon. Mr. Mostyn: The witnesses appearing before the Committee of the Whole today are Mark Pike, chair of the Workers' Safety and Compensation Board, and Kurt Dieckmann, president and chief executive officer of the Workers' Safety and Compensation Board. These two gentlemen are old hands at this, and I have had the pleasure of working with them for years during my tenure in the civil service.

The Workers' Safety and Compensation Board is committed to making our workplaces safer and better, so folks don't have to worry at breakfast whether that farewell to their family or their friends is their last. It is committed to zero entries in a year. That's the goal. It may seem like an unrealistic goal, but I have heard that argument before, and the response is simple. Look around the room. Whom are you willing to sacrifice? Zero must be the goal.

The board — this institution — is dedicated to safety first. That's job one — hazard identification and injury prevention. The board is also there to compensate those injured on the job. If you are a worker injured on the job, you are eligible for assistance, absolutely and completely. Let me repeat that. If you are injured on the job, you are eligible for compensation.

Finally, the board provides insurance for businesses so that when injuries happen, the resulting settlement does not bankrupt the workplace, depriving others of livelihood. It's elegant.

I look forward to hearing questions this afternoon about this important corporation from my colleagues in the House.

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

Mr. Pike: Thank you, Madam Chair. I am Mark Pike, and I am chair of the Board of Directors for the Workers' Safety and Compensation Board. I know I will get that name wrong a few times today. I am joined today by Kurt Dieckmann, who is our president and CEO. I would like to thank you for the opportunity to come before you today and participate in what we expect to be an informative discussion about the board, its business, and the culture of workplace safety in the Yukon.

The *Workers' Safety and Compensation Act* requires us to appear in this House on an annual basis. We are always eager for 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. It has been a long journey to arrive where we are today, a journey that began over five years ago, when our latest strategic plan was in development. It was during that process that it became clear that, for the benefit of all Yukoners, the *Workers' Compensation Act* and the *Occupational Health and Safety Act* needed to be modernized and harmonized.

During the fall of 2019 and early 2020, we conducted public engagement on behalf of the Government of Yukon. Throughout the engagement, we looked to our community and asked this simple question: What do you need? From the public open houses, written submissions, online surveys, one-on-one meetings, and external advisory group meetings, what we heard was loud and clear: our stakeholders wanted change. They wanted legislation to be clear, simple, and accessible. They wanted mental health to be treated with just as much weight as physical health. They wanted legislation to reflect and accommodate the diversity of Yukon workplaces and workers. We are proud of how Yukoners came together with such openness, honesty, and integrity to advance our territory's safety and compensation systems.

In December 2021, the Legislative Assembly unanimously passed the new legislation that supports the primary goal of preventing workplace injuries and caring for injured workers. The *Workers' Safety and Compensation Act* came into effect this summer on July 1. The new legislation aims to enhance worker safety, reduce workplace injuries, streamline the appeals process, and improve return-to-work practices.

With our new act, our name changed to Workers' Safety and Compensation Board. We would like to extend our heartfelt thanks to everyone for their work, support, and contributions to that effort.

Again, we are happy to appear before you today. We welcome any questions that you may have about our 2021 annual report, or any other aspects of our business. I would like to just 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, Madam Chair.

Mr. Dieckmann: I don't have any statements to make, thank you, Madam Chair.

Ms. McLeod: Thank you, Madam Chair, and I want to thank the witnesses for joining us here today. I have had a chance to look at the 2021 annual report and have just a few questions for the witnesses.

So, in looking at the figures — and actually, I found the chart on page 1 to be quite handy and quite informative — thank you. So, in looking at that, there are a fair number of changes between 2020 and 2021. One of the changes is the total number of workers covered by WCB, and the number seems to have increased by 2,320 workers. Does the board have any statistics available to break down this number a little further —

for instance, whether they are public sector or private sector employees?

Mr. Dieckmann: Thank you very much for that question. We don't have a breakdown of the private sector and public sector employees.

The increases that we have seen are reflective of — really, increases in the activity in the territory, that's really all we know, but we don't have definitive numbers on how many people are working in the public sector and how many people are working in the private sector.

Ms. McLeod: Another big change is the increase in claims — and I think this is broken down a little bit — claims and open claims. I'm not sure what the difference is between those two things, so maybe the witness can explain that, but my question is whether or not the witnesses have any further information about what types of claims these might be. My question becomes, are these workplace injury claims, as we would traditionally look at them, or what percentage of these might be due to the inclusion of adding mental health injuries to the roster of acceptable injuries?

Mr. Dieckmann: I'll try to break this down to the best of my abilities. First of all, the difference between the types of claims, what we have in here: open claims are the total number of open claims that we have in the system. So, there are historic claims in there; those are some of the new claims that would have occurred in the past year, but it's the total number that we have of open claims. The figure of claims — 961 for 2021 — that is the number of claims that were filed during the course of the year, and they represent a wide variety of claims, both physical injury and psychological injury. Then, when we get to the accepted claims — 793 claims — that's the number of claims that were filed that were actually accepted for compensation. So, about 80 percent of the claims that come in are accepted. Of the ones that aren't accepted, some of them don't meet the criteria of occurring out of and in the course of employment. Others might be claims that came in where we didn't get any additional information to back up the claim, so maybe a worker didn't actually file a claim. We got a medical, and we got an employer's report of injury, but a worker chose not to file. So, that's the difference in there.

When it comes to the nature of injury, we are seeing slight decreases in the number of physical injuries. I would like to draw you to — if you want to look in the report — page 15, "Lost-time injury rate per 100 covered workers". When you look at that, you can see that over the past 10 years, we have seen a decrease in the lost-time injury rate, and we are actually seeing slight decreases in the total number of injuries coming in, but on the psychological injury side, we did see increases — you know, going back to about 2014, we saw a spike in the number of psychological injury claims coming in, but that has levelled off. We get, on average, about 25 of those a year. So, the number of physical injuries has been declining; the number of psychological injuries has somewhat stabilized.

Going back to that "open claims" piece, what we are seeing is that the psychological injury claims are remaining open for longer periods of time, and that is having an impact on resources of the board — you know, the case management of

the claims. It's also having impacts on claims costs. The good news is that the lost-time injury rates are coming down, and we are seeing a change in the nature of injury.

Ms. McLeod: I thank you for that answer. I guess, when I'm looking at these numbers — although, of course, everyone wants to see less injury in the workplace; just these numbers — so, I'm happy for that explanation, because just looking at the numbers, it looks like there is an increase in the number of incidents, as well as the increase in deaths, which would be alarming as a stand-alone thing, but with that explanation, it clears it up for me somewhat.

So, there are 138 new businesses registered with WSCB. Can the witness give us any information about what types of businesses are starting up?

Mr. Dieckmann: We did see an increase in the number of construction businesses or companies coming into the territory and starting up. I would say that probably accounts for most of it — the mining, construction, heavy industry type businesses.

Year over year, it's kind of an interesting thing. We do have businesses starting up and businesses closing down. The churn is typically around 30 percent of businesses turn over in the territory on an annual basis. A lot of that is companies coming from outside the territory, doing work for a period of time, registering with us, spending a season, going out, not registering the next year; a different business comes in and registers. That is typically in the mining, construction, and consulting areas where we see that kind of churn.

Ms. McLeod: If I understand what you say, there may be more than 138 businesses that have registered, but some have dropped off.

Mr. Dieckmann: That is correct. It's really difficult to put a number on the new business start-ups that have remained as operating businesses in the territory, because a lot of the churn we get is transient employers coming through the territory for a season or for two seasons.

Ms. McLeod: It's my understanding that a new business has to prepay the WCB premiums when they register. Can the witness confirm that? We will start there.

Mr. Dieckmann: When a business registers with us, we ask for an estimate of their assessable payroll, and then we will charge them the cost of compensation based on that estimate that they provide to us. As we get closer to the end of the year, we will send out notification, asking them if they would like to revise their estimate. They can revise it up or down. If they were busier than they thought they would be, typically, they will revise it up and pay the remainder of the compensation owed for the year. Then at the next year, when they register, we will do a verification on their actual payroll for the previous year, and get the estimates for the upcoming year, and charge them the compensation based on that.

Some companies do choose to operate on their actuals, so that's usually the larger and established businesses that are operating year over year. With those businesses, we will set it up so that they can, on a monthly basis, report their earnings for the previous month and pay the compensation based on that, so

they base theirs on actuals. It really depends on the businesses and how they want to operate.

The other thing that we will do with some businesses, if they give us an estimate and then want to set up a payment plan, so maybe they want to pay quarterly, we will also work with them on that, so we really try to work with the business to meet their needs and set it up for their business operations to make it suit their needs, but we do ask for the estimates on the front end, even if we do set up payment plans.

Ms. McLeod: Where I was going with this questioning was that I had also heard that there was some kind of base rate, or something that was embedded into the rates that are due. I will just start there.

Mr. Dieckmann: If I understand the question correctly, it is: Is there a minimum compensation amount that people have to pay on? If that is the question, then yes, there is a minimum compensation amount.

Ms. McLeod: The minimum that is required — maybe you can explain to me how that works with, I guess, working with these businesses to see what works best for them, and whether or not that is dependent on the type of business.

Mr. Dieckmann: When we are working with an employer, the majority of individuals who employ people — well, actually, I shouldn't say the majority.

All people who employ other people have to provide us with an estimate on the earnings that the people who they are employing pay. If somebody is a proprietor — so they are not a corporation — a proprietor doesn't actually have to pay compensation for themselves. So, an individual who has a truck and a chainsaw and cuts wood doesn't have to register with the business, as long as they are a proprietor and they are operating, and not employing anyone.

With the proprietors, we ask them to estimate what their earnings will be. For some, that isn't easily done because, especially if they have just started out — we will ask them to give us an estimate, and, at the minimum, we are going to charge them \$150 for compensation in order to be able to register in the system. But we do want them to provide us an estimate and, especially once they have been operating through the year, to actually update that estimate.

The way that the policy that we have works is that, if they make an estimate that is significantly less than what they actually earn, we will only pay indemnity payments, or loss of earnings wages, on what the estimate that they gave us was, and what they paid compensation for. So, it is really in their best interest to make an accurate estimate of what their assessable payroll will be — or what they are going to earn themselves — so that if they do get injured, they are getting paid compensation based on what their actual earnings would have been.

Ms. McLeod: This is an issue that has been raised with some of my colleagues. I guess that the prepayment of WCB is kind of seen as a bit of a detriment to someone who is starting out in business because start-up businesses don't have a lot of cash to pay out. What can the board do to make things easier for start-up businesses?

Mr. Dieckmann: What I would encourage any business that is starting up to do is to have a conversation with the

assessment officers and see if there is the possibility to set up a payment plan, because we do that with a lot of employers. We do it with new employers; we do it with established employers. I would encourage them to have the conversation with the assessment officers and see what can be done, because we do really try to tailor to the unique needs of the individuals.

Now, if we do have a history with a business where we have set them up on a payment plan and they haven't paid — they don't stick to what the plan is — then we are going to require them to pay the full amount up front, but that is generally once we have an established history. Our outstanding unpaid assessments are extremely low. Most people do pay their assessments, and we have very few that actually go to collections.

Ms. McLeod: I thank the witness for that.

I want to talk a little bit about the funding position. Of course, it's noted — and we all know this — that the policy requires that WSCB maintains a funded position between 121 and 129 percent of total liabilities in order to provide rate stability and ensure the stability of benefits for workers. I see that the board reported a funded position increase from 132 percent in 2020 to 143 percent in 2021, so I'm wondering what the projection is for 2022, given the board's desire to get that number down to their optimum funded position.

Mr. Pike: The numbers quoted are obviously right out of our report, so there's no argument about those. In the current market, we are around 124 percent. As any of you know who have investments in the market, since January 1, life has not been that good. I am just picking round numbers here, but the value of our investments has gone down by \$20 million-plus, so right now, we are sitting right in the range. I think it's at about 123 or 124 percent. In and of itself, the market — if you want to call it a problem — has cured the problem. I would much rather it had not happened, but that's where we're sitting right now.

At this point, the board is not looking at any further action as a result of that. We will just have to see how the markets play out over the next periods of time.

Ms. McLeod: It's good to hear that. Yes, I know the pain. In fact, I was going to hand my money over to you, because I see that you are recording a 12.7-percent increase in your investments, so good on you.

So, those are the current markets. We understand, of course, that investments are taking quite a blow from that.

What is the current rate of inflation? What is the net effect of that on the rates for the businesses and your funding position?

Mr. Dieckmann: That's a really good question. As our chair pointed out, we are currently in our range and at around 123 or 124 percent. That is actually looking at it from the lens of our benefits liability at the end of last year. We don't actually know what our benefits liability is going to be, calculated for 2022. We typically will see a fluctuation of one or two percentage points over the previous year. But when you add inflation into that — inflation is running at around a seven-percent annualized inflation rate. That actually has an impact on our benefits liability going forward, so it could

increase our benefits liability if inflation remains as high as it is, so there could be a downstream, long-term negative effect.

On a one-year basis, the effect shouldn't be too dramatic. As I said, we may see a one- or two-percentage point shift in our total liabilities, but persistent inflation does have an effect on our funded position. If our funded position does fall below our target range, then we do get into a position where we have to start surcharging on the rates, so it does have an impact on the rates.

Our current rate is actually subsidized because of the high funded position that we have had previously — so, in 2020 and 2021 — and the rates that were set for next year were based on our funded position at the end of 2021, so they also have a subsidy built in to them.

So, going forward, if our investments remain within the current range, then the board may have to start to remove those subsidies, so there could be impacts on the rates down the road.

Ms. McLeod: So we can anticipate that rates will remain somewhat stable over the next year — if I'm hearing you correctly. How will you inform the businesses and organizations that are paying these rates? How much lead time will you give them, or how will you keep them informed as to what's happening with their rates and the board's position?

Mr. Dieckmann: I will start, and I will let our chair add to it. I'm sure that he will have pieces he would like to add.

We're actually starting into our audit cycle now. We run on the calendar year so, as of December 31, we will start closing our books. By April of next year, we will have produced an annual report, and I know that you all will be eagerly awaiting that — to pick up the report and read through it to see where we are.

After the release of our annual report, we have our annual information meeting. At the annual information meeting, that's where we give an update to all our stakeholders as to our status — where we are, where we were. At the end of the year, we give them an idea of where we are at that point in time. You have to remember that at all times, when you are looking at the financial information — or any information that we're providing — it is point in time information. So, if the markets do recover over the next year, we will be in a position to announce good news. If the markets continue in a downward trend, then there could be some challenges going forward, and if we remain within our funded position, that is actually the ideal place where we really would like to be.

But we do advise, in advance, where we are, and then we get into our rate setting, and generally, we are able to announce the rates for the upcoming year. By September or October, we try to get our rate announcement out for the next year.

Mr. Pike: Kurt stole all of my thunder, but essentially, we do try to use our best crystal ball and let the world know what the rates will be for the next year by September or October of the previous year. There is a lot of crystal ball gazing in there and a lot of balancing.

Just a comment — when you talk about whether inflation will stay high or not — inflation is a two-pronged sword for us. If it stays high, it increases our benefit liability, which means that we have to collect more money, but, in general, your rate

of return on investments should go up as well, because all of a sudden, you are getting three-, four-, or five-percent interest where you were only getting one percent before. So, you try to balance all of that, use your crystal ball, and set rates for the next year. We set the 2023 rate in September or October — I can't remember. Anyway, we are trying to do it ahead of time so that the business community has time to adapt and deal with that as one of the costs of running a business.

Ms. McLeod: I just have one further question, and then I'm going to turn it over to the Member for Takhini-Kopper King. When reading through the report, there are some programs in there that seem to have been created and/or led by WSCB. One of them is the Ironwomen running club, and there are various programs that are mentioned. I'm wondering if you can provide us with a breakdown of the costs of those programs.

Mr. Dieckmann: The Ironwomen running club — well, the programs that we have in the schools are essentially our staff going into the schools and providing those services. I don't have a breakdown of the costs. We could break it down by looking at the salaries of the employees who provide the service, the travel costs, and those kinds of things. I don't have that broken down, but I can get that for you if you would like that presented in the House.

Ms. McLeod: No, I'm not looking for you to break out those salary dollars. My interest was whether or not that was an added cost to your operations, and, of course, that means it is paid for the ratepayers, so that was my only question.

Mr. Dieckmann: Thanks for that clarification. Those programs — all of the training and education programs that we do in the schools are programs that we have developed internally. The running club was really a response to trying to help instill physical activity and mental wellness in younger female students — they are the target of the running club. One of our staff leads that. Then what we do with those types of things is that we work with the Department of Education and with the schools to set the program up and then help it be sustainable as part of the schools' own programming. Then we will go in and supplement.

With some of the other programming that we have, we actually have two education consultants who we employ — both of whom are teachers. When we're looking at programs like "Susie, the Safety Squirrel", for example, it is a program that is targeted toward — I believe that it is the K to 3 group. It is really about teaching kids about general safety. We have a program where we use Lego, and we discuss safety with them and we have them talk about what unsafe things might be and then use Lego to actually build out a scene and then explain to everybody in the class what that is.

So, the programs are designed and developed internally by our staff, in consultation with the Department of Education, and they are designed very specifically to meet the learning outcomes of the specific grades. We have programs that are delivered right from K through 12. It has really proven to be a valuable program, just for introducing youth — especially when we get into the high school ages and it is part of the Planning 10 program, helping them to understand that they do have rights when they are in a workplace and they do have

responsibilities when they are in a workplace. It tries to help teach them how to ask the appropriate questions and explore the hazards that they may face in different particular workplaces.

What it's really all about is trying to set students up for the future when they enter into the workplace and to give them a really good perspective on what "hazard assessment" means, and what they need to be looking for when they are going into a workplace. But even more importantly, I think, is how to assess the hazards just in life in general. One of the programs that we do have actually looks at safety online for younger students, so it's trying to teach them how to do an assessment of whether what they are doing online is actually safe behaviour.

This is programming that I'm really proud of and the board is really proud of the programming that we do there, because when we can reach out to youth and get youth thinking about workplace safety and safety in general, we really do believe that it will translate into safer workplaces downstream.

Mr. Pike: I just want to reiterate what Kurt has said. From the board's point of view, we believe strongly in education and in talking to younger people. It's all about prevention and, for sure, there is a cost to that. Obviously, we employ two consultants and have the costs associated with that, but we strongly believe that, in the long run, it will prevent injuries and prevent disabilities. Our record shows that, in fact, it's working. It's hard to be very specific about which items allowed our last high injury rates to fall, but certainly that's a program that we believe strongly in.

Ms. White: As per always, I welcome the witnesses and appreciate your attendance. I apologize about the metre away from us as I turn my back to face the Chair to ask the questions.

Just to jump right into it, looking at the numbers between 2020 and 2021, can you let us know if there have been any worker fatalities this year to date?

Mr. Dieckmann: Can I just ask for a clarification? Is it for fatalities this year or the year 2021?

Ms. White: It's published in the reports of 2022 — please.

Mr. Dieckmann: To date, we have not had any fatalities.

Ms. White: That is fantastic news, Chair, and I hope we continue that streak to the end of the calendar year. Unfortunately, I know three people who died in workplace injuries. It's a really big deal, and it affects communities, obviously, and families, and things like that.

When an incident like that happens, what sort of investigation takes place? By that I mean, how do work situations change, or how do safety practices get developed or amplified or changed to prevent incidents happening in a similar way in the future?

Mr. Dieckmann: Actually, I do apologize. We did have a fatality this year. It was not one that fell under our workplace health and safety. There was a motor vehicle crash that did result in a fatality. In that particular instance, we provide whatever assistance we can to the investigating agency, so in this particular incident, it was Transport Canada. We offer up

our assistance. We do attend the site. We collect evidence. We work with the RCMP.

In those instances, the RCMP collects most of the information, and we are there to assist. We do offer our assistance. Sometimes the federal agencies do take us up on it. If they don't have anybody in the area, they may ask us to gather certain bits of evidence; we will do that for them, and hand it off to them, but if they have investigators nearby, they will handle it.

When we do have a fatality that falls under the jurisdiction of workplace health and safety under our act, we do fulsome investigations. We also work very closely with the RCMP and with the coroner, because we all have certain things that we need to determine. Generally, the RCMP are the first ones on scene and will start the investigations. When we show up on scene, then they will hand it off to us, and we will work with them to exchange any information that they may have had.

Then we look at causation. We try to make a determination as to what the root causes were and what any contributing factors might have been to lead to the incident that caused the fatality. We also work with the RCMP on the front end, because they have an interest to see if there is any criminal activity. I am sure that all of you know that there is a section of the *Criminal Code* that does establish certain criminality on workplace fatalities and incidents. So, they'll have to make a determination as to whether or not they believe there is any criminal activity, and if there isn't, they will leave it to us to do the examination and to do the investigation.

Once we've gone through an investigation and we've determined what the root causes were, then what we do is take measures to inform industries of what our findings were. If we find that the workplace had not exercised in due diligence in trying to prevent the injury, we may lay charges; we may issue administrative penalties. There are enforcement actions that we may take, but the reality is what we're really looking to try to do is to provide information to the workplace, specifically, and other workplaces, to let them know what conditions existed to result in the incident and in the fatality.

When we do find that there are things that were not done correctly, we are very specific as to how to prevent it from happening in the future. If it's not as clear-cut, a failure of something that couldn't have been anticipated, then we might put out general statements to make sure that you examine equipment on a regular basis to determine whether or not there are any deficiencies or defects in the equipment. We will get that out to specific industries. Especially if we see mechanical failures that could happen on anybody else operating similar type equipment, we'll let the industry know what failed, where the failure was, and what they should be looking for.

Ms. White: Of course, we acknowledge the loss for that person's family. I was reminded by the incident when the witness said so. Looking at the report and understanding that we're nearing the end of 2022, what category has seen the largest increase in claims this year?

Mr. Dieckmann: So, I would direct you to page 14 and 15 of the annual report. While this isn't definitive, you can see where we are seeing the injuries. So, in 2021, you know,

"Contact with objects and equipment", there was an increase in there, and "Falls", there was an increase in that area. So, "Contact with objects and equipment" are struck by, struck against — they typically result in physical injury — breaks, lacerations, and those types of things. If you take it and then look at it in conjunction with the "Accepted claims by part of body affected" — you know, upper extremities; trunk is typically strains, like back strains, back injuries; the head is a bit concerning, when we start to see an increase in head injuries. So, when you look at "Contact with objects" and head injuries, you can kind of get a bit of a picture of what may be happening — people struck by and getting head injuries.

We haven't seen really major shifts in the types of injuries — the mechanism of injury. They have remained pretty constant. When you look at the numbers — I mean, these will fluctuate. You will see fluctuations of 20 or 30 injuries in a year — pretty common throughout our annual reports over time.

As I say, the one graph that I always like to point people to is the lost-time injury rate, because if you looked year-over-year, you would see — you know, go through a number of our annual reports — you'll see that some of these injury numbers are coming down, or have been coming down over the years. It's still the typical — slips, trips, and falls are one of the worst that we get, and time of year is really, really critical when it comes to those. Right now, it's horrible out there. I know, like right now, somebody is probably reporting an injury from slipping and falling. When we get this type of weather — and what I like to reiterate to people is there are things you can do. Proper footwear — the key to avoiding slipping in bad weather like this.

Where it gets really tricky is when we see people working at heights — working on roofs. They get up in the morning, they go out, and there is frost on the roof. Before they have tied off, they step on the roof, and they slip and they go off the roof.

One of the things that you will be seeing coming from us as an organization is that we are going to start to really key in on those areas where we know there are sort of time-of-year, climate-type injuries that occur, and start putting bulletins out and notifications to try to raise the awareness. We are really starting to dip into social media a little bit more. It is an area that we haven't explored in the past. What we are going to do is to address some of the things that we see. We are going to try to use social media to get more information out in a more timely manner, to try to prevent some of those time-of-year type of conditions that we know will result in injuries.

Ms. White: I guess when I was asking the question, it was less about maybe the category of injury, more so the claim area. So, looking at "Accepted claims by occupation", for example, and we have had previous conversations about different things, is there one specific coverage — industry that is covered — that has seen an increase? I know that, looking at the report, it talks about ages, trades, transport and equipment operators, and related occupations, but I imagine that is more than one insurance — workers' compensation insurance area. I am wondering if there is one particular industry or insurance coverage area that has seen an increase?

Mr. Dieckmann: The short answer is no, we haven't seen a marked increase, based on industry or industry group. When you look at the "Accepted claims by occupation", the only one that has a slight uptick is in the "Natural and Applied Sciences and Related Occupations". There are six additional injuries in that area, and that is probably just a reflection of maybe a slight increase in the number of people working in that industry, but we are not seeing — based on industry — real spikes in any particular industry, above and beyond what we have seen historically.

Ms. White: Just looking at that graph on page 16, it says, "Management Occupations". Well, they have doubled — 2020 had 12, and 2021 had 26. It is hard for me to imagine exactly what kind of workplace injury one would get in management occupations, but maybe the witnesses can help me understand what the doubling of that number might mean.

Mr. Dieckmann: Honestly, I can't tell you what would have resulted in the doubling of that — yes, going from 12 to 26. If you look at it from a percentage, it seems like a huge increase, but when you're looking at raw numbers, it can be a statistical blip. I can try to find out some more information and provide it back to the House, if you would like, but yes, "Management Occupations" is traditionally fairly low.

Ms. White: Although I do appreciate that answer, as a baker who worked on my feet doing physical labour and never had to see a chiropractor — it wasn't until I got an office job, where my chair ruined me to start off. One of the things about that section A, "Management Occupations" and that doubling, I agree that numbers alone isn't a big indication, but the sheer percentage is.

In 2021, there was still the work-at-home policy, I imagine, implemented by the Yukon government during COVID. There were concerns about some people's workstations and how they were being monitored. So, maybe I will just take this opportunity to veer into that. With the direction that the Yukon government had that folks were, in some cases, working at home, and now, in some cases, working from home in perpetuity, what role does WSCB play in ensuring that people's workspace at home is, for example, not going to cause management occupation injuries?

Mr. Dieckmann: Yes, the remote work is a challenge for us, as an organization. The act doesn't actually allow us to enter private residences to do inspections unless we have the permission of the homeowner, so it is challenging. The way we are dealing with it is through conversations with employers to find out what they have in place in order to ensure that the workplace is actually properly set up. I will use us as an example, because we do have some people who are working hybrid operations.

Through the agreement that we have, we ask the individuals to provide us with photographs of their workstations and workplaces. It has to be a separate workplace, so they are not working on a kitchen table. They have to have a proper office set up. They have to have the desks, and all those things have to be in the place. We ask them to provide us with a photo of their workstation, and part of the agreement is that

we can also go in and look at the workplace, if we do have any concerns.

So, what we're looking for is for employers to actually have policies and procedures around how they are establishing that work environment. The other thing that is really, really important for remote work is having regular check-ins with employees, because somebody working alone at home is working alone. If there are issues that could arise, you have to be checking on them on a regular basis. Case law is starting to develop in this area, where people who are working at home, if there aren't regular check-ins, an employer can actually run afoul of occupational health and safety legislation.

All the legislation across the country says that you need to have measures in place to check on people who are working alone who may be exposed to certain hazards. That's the approach that we have been taking. We have been looking at it from a policy perspective: what policies are in place, and are people following them? Are they actually checking to verify, prior to signing off on a remote work arrangement, that all the things are in place that need to be in place for the person to work safely? What is their method of checking in on people? How often? Have they done the hazard assessments, because that is a big piece of it?

If you are going to set up a schedule for checking in, you have to have actually reviewed the hazards, see what the risk of injury actually is, and then establish your check-in procedures, based on those hazards.

Ms. White: I thank the witness for that. When you mention policies and procedures about working from home, does WSCB look at those policies and procedures to make sure that they are in line with workers' compensation? How does that oversight work?

Mr. Dieckmann: In the course of an inspection of a workplace, we will ask what type of work is being done, where are people working. What are the policies and procedures that people have in place? Then we will do reviews of the procedures when we are on-site.

We don't ask people to send all their policies and procedures to us. We wouldn't be able to deal with that volume of information, so we do it through our inspection process. That's part of what we ask.

All employers are required under the act to have policies and procedures in place to ensure that the work that they do is done in a safe manner. Any employer that has over 20 is actually required to have a safety management system, so that's a very comprehensive safety program, essentially, that lays out a number of different things. It has policy statements on how you will protect workers, and it has to have sections on how you are properly training, how you are checking on workers, how workers have safe work practices and safe job procedures in place for ensuring that the work is done safely, and hazard assessments have to have been completed. Those are the types of things that we actually check on when we are doing inspections of work places to make sure those things are in place.

Remote work is now one of the things that we would be looking at if people have workers working remotely. We have

always asked about workers who are working alone, and it's getting people to understand that the remote work is, in fact, working alone and so that has to be included in the procedures that are established within the workplace.

Ms. White: I guess the reason why I'm asking that is that Yukon government is the single biggest employer in the territory, and I do know, from talking to folks, that there were injuries received while working at home for Yukon government. I wanted to know what kind of oversight there was to make sure that people's work spaces were safe and weren't going to hurt them.

The next question that this leads into is: What does the claim process for that look like? So, you are working from home — and, in the case of 2021, not necessarily by decision but by direction. Let's say that you get an arm injury. What does that claim process look like in that case — if you've been directed to work at home by your employer and your work space is not set up adequately?

Mr. Dieckmann: I will start by saying that the workers' safety and compensation system is a no-fault system. So, if you are working at home — you have been directed to work at home — and you sustain an injury in the course of your work while working at home, that would be adjudicated just as any other claim would be adjudicated. If it is found that it did arise out of and in the course of work, compensation is paid, return-to-work plans are made, medical is all provided, and all those things.

Generally, the claims process is fairly simple in that, if someone gets injured, the worker is required to report it to their employer. Within three days of being informed that there was an injury, the employer is required to report it to the board. The worker would go to their doctor. They would get a medical and we would receive the medical. It's the worker's choice as to whether or not they file for a claim for compensation. If they want to file a claim, they will fill out the worker's report of injury and send it in. We will go through the process of doing the adjudication. Really, it's no different than someone who is working alone on the side of the road or working alone in a shop downtown. The process for the adjudication of claims and acceptance of claims is exactly the same.

Ms. White: One of the policies — well, I'm not even sure I would call it a policy. But one of the directions that came out of the WSCB near the beginning of COVID was talking about accepting claims for receiving COVID while at work. There was the requirement of PCR testing, among other things.

Can the witnesses let me know how many claims were started, how many were accepted, and how many were denied?

Mr. Dieckmann: We did receive a number of COVID claims during the course of the "acute phase"— let's call it — of the pandemic. We received a total of 102 claims, and 102 claims have been filed to date related to COVID exposures. Of those 102 claims, 46 claims were accepted as there was a direct link between contracting COVID-19 and the worker's employment.

Overall, claim numbers were low — 102 isn't really a lot of claims. The impact of COVID on our system was significantly less than in other jurisdictions.

As we have moved out of the acute phase of COVID, and now that it is essentially a disease of life — it is endemic — it's really difficult to make a determination, in a lot of instances, if there was a greater chance that somebody would have caught it at work than they would have caught it just out in the public. It has become more like the flu or like the common cold. It is not something for which it is very easy to make a determination as to whether or not it is work related at this point.

Ms. White: I do appreciate that answer. That was actually something that we highlighted when the policy came out — the challenge of getting a PCR test within the right amount of time to be able to file the claim. As the Yukon government has just tabled their *Charting the Course*, which changes the government's response, is there still an aspect of the compensation board that will deal with COVID claims at work? If so, how will that happen knowing that — PCR testing — there is no longer a testing centre? If there is that in an ongoing way, what does that look like?

Mr. Dieckmann: I have to think about how to frame this. We are still receiving claims for exposure to COVID and for COVID. In order for us to accept a claim, we need verification that it is COVID, so there has to be some testing. We can actually arrange to have testing done. But in order for us to accept a claim, there has to be a greater likelihood of an individual contracting COVID through their work than there would be of contracting it in the general population.

An example that I could give is — if you had a flight nurse, for example, transporting a COVID patient down to Vancouver and who was in a tight area with them through that, the likelihood of the exposure having happened in the work environment is greater than, say, a nurse who is working on a maternity ward and isn't regularly exposed to COVID patients. So, claims are still being accepted for COVID, but it is becoming more challenging to make a determination as to whether or not it was directly arising out of, and in the course of, work.

Ms. White: I thank the witness for that answer. One of the accepted claims by event or exposure that is of concern to me, just looking at it, is assaults, violent acts, and harassment. Even though the number is down in 2021 — from 39 the year before to 33 — just the very nature of those incidents is of concern. When we look at that classification — assaults, violent acts, and harassment — is it industry specific? Do we see one industry reporting it more often than others? Are there repeat areas where we see these problems? How does the WSCB support people through that kind of incident?

Mr. Dieckmann: That's a really good question. It's one that I asked myself when I saw the numbers. There isn't a particular industry where we are seeing elevated numbers. We are seeing these types of injuries and these types of incidents in multiple industries. So, when we look at the assaults, for example, we are seeing that in a spectrum. We see it in bars, we see it in convenience stores, we see it in health care, and we see it in education. So, it's a broad spectrum. We see it in primary industries as well. There is no real area where we can pinpoint it and say, "This is a major problem."

We do tend to see probably slightly more when you get into health care than you do in other areas, but it isn't spiking in that area.

We do see it right across the board. As far as: How are we helping? As I have said earlier, the claims are looked at and adjudicated, as all other claims are. When we do have incidents — like violent incidents, where we have reports of harassment, where we have assaults — workplace health and safety does their investigations, and they will go into the workplace, and they will do investigations. They will make sure, as I have said earlier, that procedures are in place, policies are in place, that there are mitigation strategies in place, and then, on the compensation side, with a lot of these, especially when you are talking about things like assaults, you generally have two components to it. You will have the physical component — so you may have physical injury that arises out of it. Generally, that is pretty easy to deal with. You know, the physical injuries do heal, but we also, quite often, see the secondary injury, which is psychological injury, which is far more challenging.

What we do, is where there is the potential for psychological injury, we actually will do things like send people to see a psychiatrist or a psychologist or a service provider — send them to a multidisciplinary clinic for assessment before we actually — it manifests. If we can do that and we can get out in front of it, typically we can help the person to recover a lot sooner than if we don't know about it.

Where it becomes really challenging is when we don't get the reports until months after, and it does happen. Sometimes people don't want to come forward, and by that time, they are already suffering through some psychological trauma and psychological injury. Then it becomes a lot more challenging to deal with, but there again, when we have a report — if we get a doctor who says, we think this person may have PTSD, or may have some other psychological injury that falls under the DSM-5, we will, right away, get them to a service provider to try to get them treatment, even before we adjudicate the claim, because we want to try to get on them as fast as possible. If we send them out to a service provider and they start to get treatment, and then, later on down the road, we find out that it didn't actually occur, out of or in the course of work — so, we adjudicate the claim and find that it isn't a work-related injury — we still feel that it is beneficial to get that treatment started, because the person then has a path forward, even if it isn't a claim under our system. They have contact with service providers. They are starting to get treatment, and if it does end up being a claim, the faster that we are on top of it and get them to treatment, the better the outcomes are down the road.

Ms. White: I do appreciate it. I agree that the quicker we can have the intervention for folks — especially if we are talking about psychological injuries — the better.

In an August 29 *Yukon News* article, the byline says, “Workers’ Health and Safety Board has given the department until Oct. 7 to take corrective actions”. It says, “Yukon Education department flunks health and safety inspection”.

The article talks about: “The inspection report by the Yukon Workers’ Safety and Compensation Board shows the Education department is failing to meet legislation that requires

health and safety committee programs in schools. Those programs are legislatively mandated in 18 of the territory’s 36 schools.”

I was hoping the witnesses could give me an update on the October 7 deadline to fix this problem and to let me know where we are at, based on the report that the board did.

Mr. Dieckmann: I am reluctant to speak specifically about employers, workers, individual employers, individual workers, individuals in general. What I can tell you is, when we write orders — especially when we are talking about program orders, which are safety committee orders, or program orders, or if we write orders to develop procedures, if we write orders to develop a health and safety management system, we call those “program orders”, and while we put dates, that it must be complied with by a certain date, we are looking for the employer to get themselves into compliance. The first date is a reporting date, so let us know where you are — do you need more time? We will work with them, because these are the types of orders where we really need to work with employers.

In all instances, when we write these types of orders, there is a continuum of timelines that occur. We will expect progress over time, but when you are looking at a safety committee — especially things like ensuring you have monthly meetings, we ask to be provided with minutes for a period of time. We will generally ask for a year’s worth of minutes. We are looking for minutes for the meetings going into the future. If we put a compliance date of, you know — what was that one? It was October 7, but we’re looking for minutes out until the end of the year or into the next year; you can’t be in compliance until we have finished the amount of time to get all of the safety committee minutes.

From my understanding, speaking with the safety officers, they’re working with the department, and they are moving toward compliance.

Ms. White: I thank the witness for that. Just in the time we were sitting there, I found another article, dated in November, that says they have met that. I do appreciate it, but one of the concerns that we have highlighted, for example, from teachers within schools is how occupational health and safety works within a school, and how that’s able to direct different things. The concern, of course, is that in some schools, meetings haven’t happened, there haven’t been committees, and that work hasn’t been done. If we all take safety seriously at the core, we need to make sure that we’re following those processes.

This leads to another follow-up question: How often do you investigate government departments? For example, I just highlighted a report that came back saying that the Department of Education was failing to meet its obligations. How often are government departments investigated?

Mr. Dieckmann: I don’t have a timeline and I couldn’t give you a number on how often they are investigated. Government departments are regularly investigated — sorry, inspections are regularly completed on all employers in the territory, including government departments. Government is the largest employer in the territory, so they probably get more inspections than any other employers get, simply due to the

number of workplaces that they have, but I wouldn't be able to break it down by percentages as to what percentage of government workplaces are inspected on an annual basis.

As far as investigations go, that's a whole different thing. We regularly inspect workplaces.

If, in the course of doing an inspection of a workplace, we find that something has happened and hasn't been reported, or we find that there are things in the workplace immediately dangerous to life or health, or there are serious infractions, then in those instances, we do a deeper dive and actually go and investigate, and we start looking for the root causes and find out why those conditions are existing in the workplaces as they are. How often that happens is really a function of what our safety officers are finding when they are out in the workplace.

The other times when we will do workplace investigations is if there is a serious incident that we are made aware of — so, if there is a fatality or if there is a serious incident, as defined under the *Workers' Safety and Compensation Act*, we will go out and do investigations in those instances. I would say that government is not investigated any more in those instances than some of our other, larger employers are. There again, I don't have raw numbers, and I would have a difficult time sort of coming up with raw numbers over the period of time.

I can assure you that government is regularly inspected, and we do regularly go into government workplaces. The other thing that we do when we are doing inspections and investigations — well, inspections, especially — is we triage. So, when we have industries where we tend to get more injuries — higher risk industries — we will tend to visit those industries more than others. So, there may be some departments that get inspected more than other departments do. When we look at, for example, Highways and Public Works, we probably visit their work sites more than we would look at Tourism and Culture work sites. Those are just examples. Don't quote these as absolutes.

The reason being is that, when you look at the operations of Highways and Public Works, when they are doing highway-type construction, we are stopping at those workplaces. When we are going by and we see them doing roadwork — if we see that their signs aren't put up, we are stopping, doing our inspections, and writing our orders. We are doing those kinds of things, so I hope that answers your question.

Ms. White: Indeed it does.

The last time that the witnesses were here in this capacity was in November of last year, and it probably won't surprise the witness — and I'm hoping that we have some additional information when I'm going to ask about presumptive cancer coverage for wildland firefighters.

Partially there was a commitment made by the minister to look into it more and to investigate. We had a back-and-forth last year when I asked why the classification was going to go in the category that indicated — I will find it again. But I just wanted to know if any additional research has been done about presumptive cancer coverage for wildland firefighters.

Mr. Dieckmann: Yes, I was anticipating this question coming up, so I thank the member for the question. One of the things that I really want to stress — and I can't stress this

enough — is that a lack of a presumption does not mean that people are not covered. I really want to emphasize that. Any worker who gets injured out of, and in the course of, their work is entitled to compensation under the system. So, if a wildland firefighter gets cancer because of the work that they do, it is covered. So, I just want to be really, really clear about that.

What we are talking about here is a presumption. An example that I would like to give is — cancer coverage for structural firefighters was expanded to include prostate cancer, when the legislation was passed. We had already accepted prostate cancer in two firefighters before it ever became a presumption in the territory. I just want to be really clear that the presumption doesn't add protection.

Now, to get to the question, we have been monitoring the literature on firefighter cancers and looking at wildland firefighters. We have not found any additional information that would suggest that wildland firefighters are at any greater risk of contracting occupational cancer than what would be found in the general population. If we had real concerns about cancers within wildland firefighters, the first place that we would be going is looking at prevention.

The presumptive discussion is really a decision that is not made by us as an organization, but I really do want to emphasize that whenever we do see risk — areas of risk — that is something that we will act on. Then we really want to look at what is being done to prevent the injury from occurring. So far, we have been looking at it from both perspectives — is there any greater risk of cancer within this cohort, and, if there is, what preventive measures can be put in place to ensure that they are not getting any additional exposures that will cause additional cancers?

When the presumption was first introduced for structural firefighters, that was a big discussion that we had with the International Association of Fire Fighters. We all agreed that there were things that could really be done on the prevention side, and that was beefing up the use of SCBA — self-contained breathing apparatus — when attending fires, making sure that SCBA was available to all firefighters and that there was backup available so they never had to go into a situation where they were exposed to the chemicals because of a lack of personal protective equipment, enhancements to the turnout gear, enhancements to the cleaning of turnout gear — because one of the big things that was found with the structural firefighters was that when they were coming off fires, they didn't have separated dirty and clean rooms for their clothing. They were changing from their turnout gear into their street gear in the same place, and so they were cross-contaminating. They didn't have facilities for washing their gear and those kinds of things. Those were all things that we agreed needed to be beefed up, and we, as a regulator, put requirements in place and really went out of our way to make sure that those things were being done in fire halls. There is still work to be done in that area, but, for the most part, it has improved dramatically.

So, that's where we like to go first — what is being done on the prevention side. In our research, though, we have found that the risk of exposure isn't greater than for the general population. The other thing that we have found is that there

aren't any good solutions for improvements in personal protective equipment other than looking at things like self-contained breathing apparatus, and the best prevention that we have been able to find is to not put wildland firefighters into situations where they are going to be exposed to highly carcinogenic atmospheres.

So, when you are looking at operating on the wildland urban interface, that's where it becomes really problematic. So, if procedures are kept in place where wildland firefighters are working in wildland fire environments and not working in that urban wildland interface, they are not getting the same exposures that you would get as a structural firefighter to things like burning plastics, volatile organic compounds, and the types of toxins that have been of concern in the structural firefighting environment.

Ms. White: I thank the witness for that.

I will just bring back up that it was wildland firefighters who have brought this to my attention. It is wildland firefighters who have been dealing with cancer who have brought it forward, and it is wildland firefighters who have seen family members who are wildland firefighters die of cancer. It's in conversation, even in the Yukon, with wildland firefighters who have had a cancer that no one else in their family ever had and could be tied back to carcinogens, and are then trying to prove that it came from a particularly bad fire and have then been denied. So, it's based on experiences that people have had here.

Last year when we were talking about this — it is resource and transportation low. Last year when the minister did the full mail-out to industries talking about how high their rates were going to go — when I was just trying to get people adequate coverage — it was said that it was just going to be in the resource and transportation low area where there were going to be all the costs. It is an interesting one because, at one point, one of the witnesses said that some of the wildland firefighters are covered by government, so the government category would absorb those costs, and the First Nations Wildfire was actually covered under the resource and transportation low, but then both witnesses went on to say that the board of directors has the ability to look at it and determine where the liabilities should go.

It's interesting because resource and transportation low includes such things like adventure tourism and other groups. We know that the minister reached out, for example, to an aviation company and others, but it would seem to me that, when we talk about wildland fire — so if we look at this year's example, just lightning strikes cost nearly \$16 million to fight. Not that we have had a chance to have a conversation about Community Services yet, but I am hopeful that we will get there. A lot of those fires were along the highway, which means that it was near bitumen, which means that the fire was hitting something that I would say was an urban interface, in a different way.

I am here to put in the pitch that I hope that the investigation hasn't stopped as of last year. For example, we had a debate in this House about psychological injuries and PTSD and presumptive coverage. At the time, my colleague Liz

Hanson and I said that it needed to go further than just first responders, and we even listed others. We thought it should cover everyone. We didn't win that argument at that point, but here we are with presumptive coverage for PTSD, which covers all industries.

I guess my pitch is that I hope that WSCB will continue to look at it and look at how to make this possible. After having conversations with the firefighter unions, I know, for example, that Australia is looking at fully covering their wildland firefighters for presumptive cancers. Knowing that the actions we took last fall about expanding those presumptive cancer coverages are actually being adopted now, it is now just kind of spreading. We were at the beginning of that, and I still hope we have the opportunity to do that for wildland fire.

Do the witnesses have anything they would like to add? Otherwise, that is it for my questions today.

Mr. Dieckmann: I would like to assure the House that, yes, we are continuing to monitor, and if we do find reports and evidence that show there is an elevated risk, there are two things we will do. One is that we will advise the minister right away to ensure that the minister has the information that they need for this House to be able to make whatever decisions this House makes, because that is a decision of this House. It's not a decision of ours. The other thing that I can assure you of is that we will continue to push to see if there are additional preventive measures that can be put in place in order to reduce the risk. I am a strong believer that we need to protect and prevent first. Compensation is a downstream, negative effect of a failure to do what's right at the beginning, which is to ensure that workers are safe in the workplace. Those are two guarantees that I will make to this House.

Hon. Mr. Streicker: Thank you for the opportunity to rise and ask the witnesses some questions. I am going to try to follow up a little bit on the "presumption" question around wildland firefighters, and in particular, ask some questions about safety committees. Can I just start — in the annual report on page 15, where we are looking at the rate of, sort of, the change of lost-time injuries, and we see this year that it is lower than other years. Is the graphic in behind it the trend? That line — has it been trending downward over the last decade or so?

Mr. Dieckmann: Yes, that is a trendline that we have seen trending down over the last — this is 10 years in here, but actually, if you go back further, another five years, the lost-time injury rate was even higher, so that we have seen a steady downward trend in the lost-time injury rate.

Hon. Mr. Streicker: Later on, or somewhere else in the report, when I was looking at it — still, the cost of compensation is going up. So, even though the lost-time for injury is going down, there still are costs, and those would just be presumably because of the types of injuries that we are dealing with — or, inflation generally — that there are additional costs. I am asking the board whether that is their understanding.

Mr. Dieckmann: One of the trends that we are seeing is — we are seeing less physical injury — and the costs on those are — we are seeing them drop, but the psychological injury and the cost of psychological injury claims is on the rise. So,

they are offsetting some of the cost savings that we have been seeing on the physical injury side.

One of the things that a lot of people wouldn't recognize is that, when we have physical injuries — so, if you have somebody and they break their arm, and six weeks later, the arm has gotten better, they are back to work, and they are off the system — we may not see them again until 40 years later. Maybe there might be some sort of a recurrence that happens, and because of that, they needed a shoulder replacement or something. So, there is a long period of time when there is no cost associated with that claim, and with some of them, we would never see any cost associated with them again.

When we get into the psychological injuries, one of the things that you'll note, if you look at the "Year at a Glance", and "Open claims", with the physical injuries that occur — you know, they come on, and they come off, so that the open claims in there are really a function, a lot of times, of — you know, we had 700 claims this year, and 700 of them went on to the system, and 700 came off, because they all got better.

With the psychological injuries, what we're seeing is that we're getting, on average, about 25 of those a year. Those 25 are cumulative. Every year, we are adding 25 more of those claims on to the system, and they have costs that do go on for years and years and years. Even when somebody has returned to work, they still generally need counselling on a regular basis, so there are all of these costs associated with that. There are always medical costs associated with it that will carry on. So, we're seeing an offset in some of the — where we would have been seeing savings on the physical injury side, it's being absorbed by the psychological injury.

Hon. Mr. Streicker: I thank the witnesses for that response. Just before I move on to the safety committee questions I have, can I just ask — because when we were talking about presumption for wildland firefighters last year, there was this conversation about British Columbia and what their system does. I'm just wondering whether the witnesses have any comparison about how it is dealt with in British Columbia versus our set-up here in the Yukon.

Mr. Dieckmann: So, the environment that they fight fires in, in BC is somewhat different. They do actually action the wildland urban interface in BC, so they do have higher exposures. We do anticipate it will start to show up in the literature at some point. One of the challenges is that — you know, when you have small cohorts of workers, it sometimes takes a while for the information to catch up to the — like, for the studies to happen and for the information to become available, in order to be able to make sound decisions, but they do work in a different environment there than what we have been informed they work in here.

We have actually looked at the types of environments that they work in here. We have worked with the folks at Wildland Fire to get a clear understanding of what they action and what they don't, so there are differences in where they action fires.

Hon. Mr. Streicker: I thank the witnesses again for that. I have one more question to try to think this through: When the Member for Takhini-Kopper King was asking questions, she mentioned this category — I don't know if I'm getting the

language quite right — that wildland fire is part of the transportation low. I'm just wondering what is involved where Wildland Fire, or any group, how they're placed within a group or not, what it means about moving it, and how that happens, et cetera.

Mr. Pike: Just a comment first. I suspect that Kurt might want to add something to that, but if you look at the groups on our rate structure, the groups who are together are groups who historically had similar accident rates and similar cost structures. You know, you might look and say, well, they have nothing in common from a business perspective, but from our perspective, they're having the same sort of injury rates and the same costs. We, as a board, move groups around within that. If their cost structure starts to change dramatically, they could go up or down or to a different group, but the groups are based on what they historically had as a cost of injuries. That's how they end up lumped together.

Hon. Mr. Streicker: Just following up one step further, what would be the consideration if you were thinking about moving it? Would it be if you're seeing that the subgroup — in this case, maybe Wildland Fire — was not working the same way as others within that group, then you would consider moving it?

Mr. Dieckmann: So, the type of work they do isn't — while we try to keep, sort of, types of work closer together, it's not always possible to do.

It really is based on the cost experience that they have, and so, when we're looking at moving a group, what we do is we examine their cost experience in relation to the others in their group. If their cost experience has been going up — and the board never moves an industry right away. What we do is that we look, first of all, at the cost experience of an industry over a 10-year period. Based on the cost experience over a 10-year period, the board then classifies them based on who else has a similar cost experience over that 10-year period. Then what we look at is — if somebody's cost experience is moving in a different direction than everybody else in that industry, we will typically watch them for three years to see if it's a trend, and just to make sure that it's not one blip.

The other thing that the board does is, in looking at that cost experience, we look and see if there is a single, very expensive injury that happened during that period that we can pull out because it was an anomaly — and does that bring them back in line with the cost experience with the others in that industry? If that's the case, then we wouldn't move them. But, if we do start to see a trend and over three years we are seeing them really moving away from the cost experience of everybody else, then what the board does is they look and see — given the trajectory, who has a similar cost experience, or which rate group has a similar cost experience, and is it appropriate to move them into that rate group.

Sometimes, when an industry has gone offside very quickly and their cost experience is just taking off, the board may look at it and say that they belong in a higher rate group — but what we are going to do is that we're going to move them to an intermediate one first, give them another year or two to see if they can get their costs under control, and, if not, then

move them up to the next one. There's a lot of work that goes into this.

During that period as well, the administration works with that industry. We advise them well in advance that they are moving in a bad direction, the trajectory is likely to end them up in this rate group over here, and we will try to work with them at the industry level to introduce industry-specific safety programs to outreach to the various employers in that industry. If there is one employer who is driving it, we will really concentrate on them. That's how that works.

Hon. Mr. Streicker: I know that we only have a few more minutes and I probably will not get all my questions out, but I would just like to talk for a minute about safety committees. I appreciate what the witness said earlier.

I don't wish to ask questions about specific investigations, but I do want to try to ask some general questions about safety committees within the Yukon government. I wonder if they could just start by giving a bit of a description about what safety committees are, their purpose, and how well they are functioning from their experience.

Mr. Dieckmann: I can answer this in two ways. Do you want this answer or do you want this answer?

This is an area I can go on and on about, because safety committees are one of the things that I think is an extremely important part of the safety management system of an organization.

Basically, what the function of a safety committee is — they are the internal monitor of the performance of the internal responsibility system of an employer. No safety committee should function in a way that it becomes adversarial. You know, workers want this done, management doesn't want to do it, and they are not working together. It's about looking at how safety and performance within the organization are functioning and where there are areas that could function better, making recommendations to management. That's really what their function is.

One of the main purposes of it is to fulfill the worker's right to participate as well. Workers have three basic rights. They have the right to participate, they have the right to know, and they have the right to refuse unsafe work. Those are three basic rights. The safety committee is designed to help fulfill that right to participate.

If you look at our legislation, when safety programs are put in place, when policies and procedures are developed, when inspections are done, safety committees are tasked with participating in those undertakings to make sure that the policies that are developed are actually developed with worker input. When inspections are done, the workers have an opportunity to examine those inspection reports, participate in the inspections, and make recommendations based on what they see in the workplace. It is really designed to be a collaborative effort to manage and monitor workplace safety.

Where you see safety committees start to unwind and not function appropriately is when they become the safety cops in an organization — for sort of a way of framing it. When the safety committee takes the position that their job is to go around and do an inspection and then tell the workers what they have

to do, the committee doesn't function well. It really has an advisory role, and that is what it should be sticking to.

As far as Government of Yukon, we have examined safety committees in a number of the departments. We are finding some themes arising. One of the things that we have seen is that some safety committees have good terms of reference; some of them need to work on their terms of reference. It is really, really important for the employer to establish terms of reference for the safety committee so that they understand what their function needs to be and how they are to participate and provide that oversight of the operation of the internal responsibility system. That is one of the things that we have observed.

Another one that we have observed is that, in some organizations or in some of the areas of government, they are doing a really good job of having meetings, documenting the meetings, following up and doing those. In other areas, there could be some improvements in those areas.

One of the things that sort of stood out as we have been examining safety committees and looking at them in government is that I think there is starting to be a challenge with getting members to sit on committees. It could be for a variety of reasons. I am sure that COVID had something to do with it. I also suspect — and this is pure speculation on my part. One of things that we do see in government is that employees move around a lot. They will get seconded over to another area; they have a training opportunity and they go. So, they are on a committee and they move over to another position somewhere on a term or a secondment, or wherever they are going for a developmental opportunity — so now they are short on the committee, and it has taken a while to get those people replaced on the committee. If that happens one or two times, all of a sudden, you no longer have a quorum on the committee. You have to bring new people in and train them.

The union does play a role in that as well, because the union has an opportunity to appoint people. If there isn't a union representative within that workplace to realize that this is something that they should be bringing forward to try to get someone appointed to the committee, that can delay things as well. So, you start to see, all of a sudden, that the committee, where it had been functioning really well in the past, suddenly, you're down a couple of members, and it's not functioning as well, and then the meetings aren't happening, and then we come in and we write a bunch of orders to correct this, and then it will operate really well for awhile again, and then it sort of falls off. That's not unique to government. We see that in a lot of large organizations where people move around a lot. I do think that there is something there, but as I say, that's pure speculation on my part.

Hon. Mr. Streicker: I know I will only get one more question in, so I won't open-end it too much, but I will just ask about the compliance issue that was raised earlier. I think what the witnesses said was that now, once those orders come in, the safety committees are doing their work, but it would take a bunch of time until we meet the end of it, because it has to be for a window of time; however, are there any concerns that government is not following up with the recommendations that have been provided by WSCB?

Mr. Dieckmann: The short answer is no. Our safety officers, when they write orders, they monitor compliance. It would take us not doing our job, and the committee or the employer not doing theirs, in order for it to not get into compliance. Sometimes it takes longer, depending on what the orders were or depending on what was found. Sometimes it takes a little bit longer, and sometimes it happens really quickly. It really depends, but we do monitor it right through the process, until we get a final verification of compliance, and then we will close off the orders.

What you will see if you look at the orders that get written, especially around safety committees, is that the safety officers are asking for minutes from the safety committee meetings that extend out a period of time, so that they can continue to monitor until they are comfortable that the committee is functioning appropriately; so, they do come into compliance eventually.

Chair: Are there any further questions for the witnesses?

Hon. Mr. Mostyn: No, thank you, Madam Chair. I would like to thank the witnesses for their time this afternoon.

Chair: The witnesses are now excused.

Witnesses excused

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

Chair: It has been moved by the Member for Mount Lorne-Southern Lakes that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. Blake: Mr. Speaker, Committee of the Whole has considered Bill No. 206, *Second Appropriation Act 2022-23*, and directed me to report progress.

Also, pursuant to Committee of the Whole Motion No. 9 adopted earlier today, witnesses appeared before Committee of the Whole to answer questions regarding the operations of the Workers' Safety and Compensation Board.

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

Motion agreed to

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

The House adjourned at 5:28 p.m.

The following sessional papers were tabled November 15, 2022:

35-1-76

Yukon Arts Centre Annual Report 2021/22 (Pillai)

35-1-77

Sixth Report of the Standing Committee on Rules, Elections and Privileges (November 15, 2022) (Mostyn)

The following written questions were tabled November 15, 2022:

Written Question No. 31

Re: Whitehorse Correctional Centre substance use issues and supports (Blake)

Written Question No. 32

Re: documents related to the Safe at Home Society's purchase of the former High Country Inn (Clarke, Y.)

Written Question No. 33

Re: Safe at Home Society's purchase of the former High Country Inn (Hassard)

Written Question No. 34

Re: Nisutlin Bay bridge project (Dixon)