



February 23, 2021

Yukon Legislative Assembly
Special Committee on Civil Emergency Legislation

Dear Ms. Hanson:

Thank you for the opportunity to provide a submission to the Special Committee on Civil Emergency Legislation.

The Yukon Worker's Compensation Health and Safety Board (YWCHSB) has been able to maintain our services to Yukon workers and employers throughout the pandemic. Our staff have shown flexibility and resilience by quickly adapting to a new way of working.

The following are YWCHSB's responses to the questions posed by the Special Committee:

1. How was the Yukon Workers' Compensation Health and Safety Board hindered or helped by Yukon's *Civil Emergency Measures Act* when attempting to maintain the safety and wellness of Yukoners during an emergency?

The safety and wellness of all Yukoners has taken a higher priority than a single focus on injured workers. YWCHSB often accesses services in other provinces, such as multi-disciplinary clinics and specialist physicians. Travel restrictions and closures of medical service providers led to some delays in accessing assessment and treatment services for injured workers. This has caused an increase in claims duration; injured workers have had to stay off work for a longer period as they could not access health care services in a timely manner.

As service providers have adapted their own work practices, access to services has improved. Virtual appointments and assessments are being used whenever possible. This increased use of technology has potential long term benefits for injured workers in the communities as they may be able to stay in their homes and not travel to Whitehorse for appointments.

When the emergency measures were first enacted in March 2020, Occupational Health and Safety officers ceased conducting in-person, random inspections of worksites. Officers continued to respond to safety concerns as they were received. Inspections have returned to normal, while still following COVID-19 safety protocols, such as mask wearing and social distancing.

2. Have ministerial orders relating to the Yukon Workers' Compensation Health and Safety Board been used under Yukon's *Civil Emergency Measures Act*, and if so, how?

Under the Civil Emergency Measures Act, all YWCHSB Safety Officers were designated as CEMA enforcement officers. Safety Officers have not yet used their authority under the CEMA act. However, having the designation has enabled officers to work more closely with other enforcement agencies. It has also enhanced dialogue between safety officers and employers. Safety officers have been able to facilitate a greater understanding of the requirements of both the Occupational Health and Safety Act and CEMA when conducting inspections.

3. Are there any aspects of the current legislation that may have prevented the Yukon Workers' Compensation Health and Safety Board from reacting as it would have liked during an emergency?

The legislation did not directly limit the work of YWCHSB. However, for our safety officers, it changed our focus from general health and safety to a focus on COVID-19 safety.

4. From the Yukon Workers' Compensation Health and Safety Board's perspective, are there currently any gaps in the legislation?

Safety officers have encountered issues where employers are not clear on the requirements of the CEMA Act. Specifically, some employers were not clear on the use of barriers and masks concurrently. Further clarity around the use of barriers would be beneficial for enforcement officers.

5. Does the Yukon Workers' Compensation Health and Safety Board have any suggestions for improvements to Yukon's *Civil Emergency Measures Act*?

Please provide details and examples.

Compliance could be increased if there was an ability to issue larger fines for more serious infractions. The currently limit of 500 dollars per infraction is very low.

Thank you again for the opportunity to participate in this review. Please feel free to contact YWCHSB if you require any further information.

Sincerely,



Kurt Dieckmann
President/CEO