



Yukon Legislative Assembly

Number 38

2nd Session

34th Legislature

HANSARD

Tuesday, October 17, 2017 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2017 Fall Sitting

SPEAKER — Hon. Nils Clarke, MLA, Riverdale North
DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Don Hutton, MLA, Mayo-Tatchun
DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Ted Adel, MLA, Copperbelt North

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Hon. Ranj Pillai	Porter Creek South	Deputy Premier Minister of Energy, Mines and Resources; Economic Development; Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation
Hon. Tracy-Anne McPhee	Riverdale South	Government House Leader Minister of Education; Justice
Hon. John Streicker	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
Hon. Pauline Frost	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
Hon. Richard Mostyn	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
Hon. Jeanie Dendys	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

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

THIRD PARTY

New Democratic Party

Liz Hanson	Leader of the Third Party Whitehorse Centre
Kate White	Third Party House Leader Takhini-Kopper King

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Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, October 17, 2017 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of Poverty and Homelessness Action Week

Hon. Ms. Frost: Mr. Speaker, I rise today to ask my colleagues to join me in recognizing that this week is Poverty and Homelessness Action Week.

For over 10 years now, the Yukon Anti-Poverty Coalition, with many partners, has dedicated a week in October to raise awareness and promote action to end poverty and homelessness in Yukon. This year, the theme is “Sharing Stories.” With this year’s theme, “Sharing Stories”, the Yukon Anti-Poverty Coalition wants you to know that people’s stories can be used to debunk myths about poverty. This is a powerful theme because every person in our community has a story to share that is of importance.

We can all learn from each other, especially around issues of poverty and homelessness. Many local groups and businesses are contributing to the week of activities, and I encourage Yukoners to participate and support them. It could be as simple as dropping off new socks at the CBC office, giving a winter coat to Coast Mountain Sports, or participating in free movie screenings to better understand issues around poverty and homelessness.

It takes a community to end poverty and homelessness. We see this in action through the Salvation Army’s Centre of Hope, where the hard work and dedication of a number of departments and agencies worked together to bring this project to life for the benefit of our community citizens.

We all know that poverty and poor health are inseparably linked, and this is why the Government of Yukon is contributing to the Yukon Anti-Poverty Coalition, the Food Bank Society of Whitehorse programming and the kids recreation fund, to name a few. We are supporting housing navigators who provide important supports for vulnerable Yukoners who face poverty and homelessness. These navigators, some of whom work within government and some are in the non-profit sector, work daily with our most vulnerable.

It is our mission to promote, protect and enhance the well-being of all Yukoners by ensuring a continuum of quality, accessibility and appropriate health and social services. While government most definitely has a role in supporting Yukoners in need, the issue around poverty and

homelessness needs to be involved and supported by all community members.

I want to just highlight very quickly the opening of the Salvation Army about a week ago, on October 6, which brought out a broad sector of our community, and the excitement around the new facility, and I wanted to really highlight the day programming component, where community members can come and share their stories and best practices in advancing some really good initiatives in the Yukon.

Ms. McLeod: I rise today on behalf of the Yukon Party opposition in recognition of Poverty and Homelessness Action Week. Poverty and homelessness are issues that face a range of Yukoners every year. It’s not unheard of for families to pay such a high percentage of their paycheques toward rent and bills that there really isn’t much left over for other things.

Numbers continue to rise at the food banks and the Salvation Army, and numerous community organizations have seen an uptake in programming to alleviate the stresses felt by the unemployed, homeless or working poor. Unfortunately, there are still community food banks and soup kitchens that struggle to make ends meet with the continuously growing demand for services.

Since its inception in 2005, the forces behind Poverty and Homelessness Action Week have been successful in raising awareness of issues related to hunger, homelessness and other poverty-related issues throughout the territory. The Yukon Anti-Poverty Coalition has sprung to action year after year to educate on and advocate for this very important cause. Local organizations such as the Whitehorse Food Bank and the Salvation Army provide valuable services to Yukoners in their times of need.

I’m proud of the work done to secure the construction of the Salvation Army Centre of Hope. The centre will provide a wide range of support services. Replacing the aging Salvation Army facility on Black Street and Fourth Avenue, this new structure provides drop-in services, transitional housing units, increased dining services and a 25-space emergency shelter. This facility is built for longevity and will no doubt bring a sense of dignity and security to those who require its services.

October 16 marks World Food Day and October 17 is the International Day for the Eradication of Poverty. I encourage all members, guests and all of those listening today to take the time to get involved this week in the quest to end poverty and homelessness. Educate yourselves and help to raise awareness in your communities. Support your local community organizations by volunteering your time and donating to the food bank. Your generosity is what keeps these important organizations running, and I thank you.

Ms. White: I rise on behalf of the Yukon NDP to honour Poverty and Homelessness Action Week. It is fitting that this year’s theme is “Sharing Stories”. A story is a powerful thing. It is the evolution of one’s life and lived experiences. There are many stories, ones of hardship and resiliency, ones of sorrow and triumph and all facets in between. We in our office consider ourselves incredibly lucky

to have so many stories shared with us. I am happy to report that sometimes we have even been able to affect the outcome. We hear stories from organizations such as the Yukon Anti-Poverty Coalition, Blood Ties Four Directions or the Whitehorse Food Bank. They share with us their stories and sometimes the stories of their clients as they continue the hard work of addressing poverty in all of our communities, not just in Whitehorse.

These organizations and the staff and volunteers who support them understand the importance of hearing people's lived experiences — of listening to their stories. Every person who enters our office has a story to share. More often than not, these folks are there because there is nowhere else to go and that no one is willing to listen. They are homeless. They are struggling to feed their families or pay their rent. They are struggling with school fees for their children. They are seniors who need a safe and affordable place to live while struggling on a pension. We hear stories from individuals who come to the weekend soup kitchens, knowing this is the only real meal that they will have that day.

It's important to know that it isn't only the hardships or the tragedies that shape the story of a person's life because there's always a spark or a catalyst of how they persevere.

It was while working in Corrections that I was taught the valuable lesson of patience. Two elders, Martha Snowshoe and Agnes Mills, would come to visit on Fridays. It was them who taught me that you couldn't rush a conversation — that you needed to be patient to hear the story because a person's story is their own to share.

Mr. Speaker, it's important that we listen to the stories around us. It's important that we listen to them as politicians, as neighbours, as friends and, most importantly, as humans, because the stories shared with us become part of our own understanding. To quote the Yukon Anti-Poverty Coalition: "When taken seriously and truly listened to, each of our stories can form the foundation of a stronger community. This in turn leads to real solutions and honest partnerships that will break the cycles of poverty."

In recognition of Waste Reduction Week

Hon. Mr. Streicker: I rise today on behalf of the Yukon Liberal government and on behalf of the Third Party.

Mr. Speaker, waste stinks; waste is lousy. As an engineer, as a politician and as a Yukoner, I don't like waste. We need to reduce it; we need to kick some trash. This week is all about reducing waste, celebrating our environmental efforts and encouraging new, innovative solutions and ideas. Reducing waste is one of the best ways to make our territory more sustainable.

We can reduce waste by using a travel mug for our morning coffee. We can use cloth bags at the grocery store, only buying what we need. Reducing waste includes riding a bike. It's turning off the tap when we brush our teeth. These are simple personal steps we can all take to lay waste to waste. Imagine if reducing were as simple as flipping a light switch.

Reducing waste also includes things like the "re:design" craft fair coming up again this year on Saturday,

November 25. Reducing waste is Whitehorse Connects repurposing winter clothing, as we've heard today, at the Old Fire Hall. It's Zero Waste Yukon hosting community garage sales or their repair fair in conjunction with YuKconstruct — and thanks, by the way, for helping to fix my toaster.

Recently, we implemented changes to the beverage container regulations to encourage people to recycle more. We all pay a surcharge when we buy beverages and get a refund when we return the containers. Early next year, we also plan to implement updates to the designated material regulations, applying surcharges to electronics and electrical products like cellphones and kitchen appliances, and we're exploring a phased approach to gradually add more products to the designated materials list. Stewardship programs, where we pay upfront for a product's eventual disposal, are a cornerstone of a sustainable waste system. To reduce our waste, we need to work with our community partners, like the City of Whitehorse, all municipalities and the Association of Yukon Communities. We want our solid-waste system to be modern, robust and solid.

Collaboration is key when it comes to waste, and I would like to give a shout-out to the business and NGO community. Thank you to P&M Recycling, Blue Bin Recycling and Raven Recycling.

I am confident that all Yukoners and Yukon businesses want to see more waste diverted from our landfills. When we divert waste, we keep our environment clean, we save money and we lengthen the life of our solid-waste facilities. It's the best thing since sliced bread, especially when you have a toaster saved from the landfill by the repair fair.

One of the things I love about Yukon is how closely our lives are intertwined with the environment and the wilderness. We care. So, thank you to all Yukoners, young and old, from Carcross to Old Crow, and to all the businesses who work to reduce waste and improve their bottom line. You are role models and our heroes.

I would just like to welcome to the gallery today colleagues from Raven Recycling, including Executive Director Joy Snyder and President Val Loewen.

Applause

Mr. Istchenko: I rise on behalf of the Yukon Party Official Opposition to pay tribute to Waste Reduction Week, which takes place this year from October 16 to 22 in Canada. During this week across the country people are challenged with the importance of being aware of their ecological footprint and try to minimize the impacts that they have on the environment by reducing waste. I am happy to lend my voice today to this nation-wide effort here in the Yukon to encourage Yukoners to take part and be conscientious consumers.

Be aware of the things you buy and the things that you throw away. Reducing waste cannot only be done through recycling and composting. There are other methods, such as upcycling or repurposing and donating. Do what you can to divert your waste from the landfill and realize the power each of us has to effect change here at home. We have made leaps

and bounds in the last decade in regard to how we treat our waste. The importance of recycling has truly made the difference in the amount of waste in the Yukon, so continue to recycle, continue to repurpose and find new ways to use old things instead of trashing them. The effectiveness of environmental stewardship will be a reflection of its uptake among our population.

I just want to put a bit of a thank you out to the Municipality of Haines Junction. The local staff there brought bins out to make it easier for people to recycle. They are doing great work at the dump and also the rural dumps out there. The contractors who have that — our areas are clean. They do a wonderful job, so let's continue to strive for sustainability, modernization and waste diversion initiatives and the Yukon will continue on its path to reduce waste and keep our country clean.

Speaker: Introduction of visitors.

Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Mostyn: I have for tabling the minutes of my meeting with the Yukon Aviation Advisory Group members on July 25, 2017, at which a representative of COPA Yukon attended.

Hon. Mr. Streicker: I have for tabling several returns for questions that were posed here in the Legislature.

Speaker: Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to engage with Yukoners about ways to increase winter tourism and diversify the industry.

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

THAT this House urges the Government of Yukon to consult with Yukoners and stakeholders, and to undertake a thorough review of the current *Social Assistance Act* and regulations, with a goal to remove barriers to those seeking assistance and to more accurately reflect the true costs of living.

Speaker: Are there any further notices of motions?

Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Public airports legislation

Mr. Hassard: Mr. Speaker, regarding the government's so-called consultation on the *Public Airports Act*, the minister

was asked by local media if the consultation process was maybe too informal. In his response the minister said — and I will quote: "I think that's probably a fair comment."

Even the minister acknowledges that this consultation was flawed. Despite this, the minister insists the Liberals are going to use their majority to ram this bill through the Legislature. We saw this morning that the minister has finally withdrawn his press release that falsely claimed that the Northern Air Transport Association was consulted.

Will the minister now do the right thing and withdraw the bill as well?

Hon. Mr. Mostyn: I thank the member opposite for his continued interest in this important issue, and this is a very important issue, especially in light of our territory's strengthening economy.

We want our industry to be supported, to benefit from this strengthening economy and to be able to take full advantage of the wealth and the opportunity that we are in the midst of right now.

This legislation will do that, and I'm more than happy to continue our discussion about this matter, both in this House right now and later on in our discussions over the bill. I know that we had a fulsome discussion about it yesterday. The members opposite had many points to make, and I enjoyed our conversation immensely.

Mr. Hassard: In response to being asked by the CBC if the minister would properly consult on the *Public Airports Act*, the minister said — and I quote: "The first step is getting the legislation passed."

My question is: Is it now the Liberal government's position that they will only consult on legislation after they use their majority to ram it through the House?

Hon. Mr. Mostyn: I thank the member opposite again for his consideration of this important issue.

The legislation is a framework. We have had this conversation over the last week or so. The legislation is a framework document. It is nine pages. It is fairly simple. We have provided that document to more than 40 members of industry in the territory, and I have heard from industry their remarks on this matter, and we're continuing to discuss with industry about this legislation, but the more important part of this process, the meat of this legislation, will come during the drafting of regulations. This is the first step.

In the next months and going forward, we will be discussing the very important matters that will actually give weight to this document. We will start, as I said yesterday, to fill the document with all the important matters.

I have committed to — and I have actually said in the legislation that we will have an advisory committee in place with industry players who will advise us on the regulations. We will also consult widely with the public and other industry stakeholders. The members opposite provided us with a great list yesterday. I welcome all of their participation in the drafting of the important regulations that will give this legislation its weight —

Speaker: Order, please.

Mr. Hassard: I don't believe the minister understands that legislation is not a framework. Legislation is actually legislation. Yesterday we moved a motion during second reading debate on this act to send the bill for further consultation. We have now heard from two aviation companies, two regional aviation industry associations, one national aviation industry association and six communities that have expressed concerns with the *Public Airports Act*. This seems to be growing daily. All of these groups have one thing in common: They feel that they were not properly consulted and they want the bill withdrawn so the minister can do his job properly and consult Yukoners.

Why won't this minister listen to Yukoners who are coming out and asking to be consulted on this matter?

Hon. Mr. Mostyn: The member opposite's interest in this matter is clear, and I really thank him for his thoughts. He is bringing forward the issues that his constituents have asked of him, and I have heard from those very same people, Mr. Speaker. This is an important discussion to have about our airports.

It is an important discussion that we should have had a long time ago. This is legislation that has been lacking in the territory for more than 21 years — almost 22 years. We have not had an airport act in this territory. As a matter of fact, we are the one jurisdiction in the country without one. This piece of legislation is modelled on the NWT act, which has been in place for many years. It has a track record, and we have actually taken the comments — the opinions, the very valuable information provided to us from our industry partners and people who know this industry — and actually worked their comments into this legislation. It is stronger because of their input. I am very happy about that. I think we have done all sorts of things to mitigate and put controls within this legislation — made it different from the NWT act. I am sure it will serve Yukoners well.

Question re: Public airports legislation

Ms. Van Bibber: It is really becoming apparent that the “my way or the highway” approach in ignoring industry and communities has become the government's opinion. The minister is dismissing legitimate concerns. The minister highlighted in his news release that the City of Whitehorse is one of the groups that he consulted with on this act. Can the minister let us know if the City of Whitehorse received draft legislation as part of their consultation?

Hon. Mr. Mostyn: I thank the member opposite for weighing in on this important issue. I am glad to have a new voice in this discussion, and a new issue — the City of Whitehorse.

Mr. Speaker, we have spoken to the City of Whitehorse. We have spoken to the City of Whitehorse on two occasions. We consulted with the City of Whitehorse on Tuesday, August 1 and also on Thursday, August 10. As a matter of fact, draft legislation was provided to the City of Whitehorse by my officials. They had a really great discussion about this and the discussions with the city went very, very well. The meetings were cordial and productive. The meetings were

actually essential to the drafting of this legislation. Without the city's input, without consulting them, without their valuable advice and feedback, we couldn't have put this legislation out.

I have also spoken to the Mayor of Whitehorse about this legislation. He too is supportive of it. He said his officials are delighted with the changes the legislation will bring because the city has wanted these changes for years and we're more than happy to provide them and to actually bring this long-needed piece of legislation to the territory.

Ms. Van Bibber: Thank you, Mr. Speaker. According to the Blues from the city council last night, they were told that they were not consulted.

So we are asking: Why was the City of Whitehorse not consulted on the *Public Airports Act*?

Hon. Mr. Mostyn: Again, all I can tell you, Mr. Speaker, is that my officials met with the City of Whitehorse on two occasions. I gave you two dates: Tuesday, August 1 and Thursday, August 10. They had really good discussions about this draft legislation, how it will affect the city, what the city wanted out of it, and what they expected. Those conversations helped craft this legislation. The city officials are delighted with the changes being made with the legislation. It's going to make their jobs easier. It has helped them with their zoning and planning. All of the information I have coming out of the city is that they're delighted with these changes.

Now there may not have been consultation on fees, Mr. Speaker, because quite frankly, there are no fees put out in this legislation. That's a total fabrication. I don't know where it's coming from, but I'll tell you that the only fees that are at all in this thing are the fees the members opposite put in in 2014. On December 31, 2014, the Yukon Party passed a regulation with no consultation that set fees for the airport and those are the fees we're living with. We've actually committed to industry that those are the fees we're going to carry forward with — no changes, no increases, no different. This is what they're getting — what the Yukon Party imposed on them a couple of years ago.

Ms. Van Bibber: Thank you, Mr. Speaker. We've seen the large aviation companies in the territory come out and ask for the act to be pulled. We've seen the communities come out and ask for it to be pulled. We've seen the president of the Canadian Owners and Pilots Association come out and say that they must stop ignoring the industry and consult on the bill.

Let me quote from the president of COPA: “For the government to ram through this Bill, giving themselves carte blanche on raising fees without meaningful consultation is disrespectful to the people who depend on the territory's airport infrastructure each and every day. The Minister must withdraw this legislation until a robust consultation process can be undertaken and the concerns of Yukon's aviation industry addressed.”

Will the Liberals listen and withdraw the bill for more consultation?

Hon. Mr. Mostyn: The Yukon aviation industry has just experienced several years of great tumult and confusion in the area of airports. It had fees imposed on them by the former government and I've heard about their concerns, Mr. Speaker. I've heard their concerns about the inability to lease land and how the inconsistent rules are hampering and hindering — they're confused by it and they're annoyed by it. They never know what's going to happen up there. I have heard those concerns over the last eight months, talking to industry and I'm sympathetic to its plight. I am sympathetic to industry's plight.

They have been unable to lease land at the Whitehorse airport and other airports in the territory. That happened because in 2014 and 2015, there was a host of ill-considered amendments to territorial legislation that temporarily stripped government of its ability to manage and lease land at its airports.

We are still dealing with the after-effects of those decisions. It has impeded plans of our aviation industry. I have heard those concerns and I am working to try to fix things. I want to get the needed land to the industry so they can expand. We have started to see a tremendous increase in economic activity in this territory. I'm really happy about that and so is the industry, but industry needs land to be able to exploit that economic activity and we're going to try to give it to them.

Question re: Whitehorse Correctional Centre inmates' mental health

Ms. Hanson: On September 8, charges were unexpectedly stayed against Michael Nehass — a move designed to avoid having Mr. Nehass's lawyer put on record many critical issues with respect to Whitehorse Correctional Centre.

Chief Justice Veale then took the unusual step of issuing a memorandum, in which he described the Yukon justice system's handling of this case as a sad state of affairs.

It has been a month since the minister announced an inspection of WCC, six weeks since the charges were stayed and years since the systemic shortcomings of Whitehorse Correctional Centre, with respect to mental health, have been known to the public. If there was half the political will behind this inspection as the government has put behind its Financial Advisory Panel, the inspection would be completed by now.

Mr. Speaker, when will the inspection get underway and will the minister fulfill the commitment to make the terms of reference public?

Hon. Ms. McPhee: I appreciate the question from the member opposite, the Leader of the Third Party. I have every intention of the inspection going ahead as soon as possible. I take issue with the idea that it would have been completed if we had named an inspector immediately because I expect it will be a thorough inspection and it will take some time, Mr. Speaker. It won't be a matter of days.

That said, I have recently received information that the first choice to be named as inspector is unavailable to do that work. We have a number of other choices that are currently

being pursued. I expect that once we have a commitment from somebody who is appropriately an expert in the area and independent from our system here in the Yukon Territory, we will name that person and the matter will proceed as expeditiously as possible.

I am very keen to make sure that we have the evidence-gathering process in place so that we can determine exactly what occurred at the Whitehorse Correctional Centre with respect to mental health patients and what we should be doing in the future.

Ms. Hanson: Chief Justice Veale stated unequivocally that the Whitehorse Correctional Centre should not be designated as a mental health hospital. He also reminded Yukoners that he is not the first judge to have made the same finding. Even Yukon's Director of Corrections, during the court proceedings, said that the WCC — and I quote: "... is in no way, means, shape or form a hospital."

Two weeks ago, the minister said that it would be inappropriate to change this designation without proper services in place, but what is truly inappropriate is to maintain the designation and to do nothing about developing alternatives to use of the jail as a mental health hospital. Why does this government think that it is appropriate to maintain the WCC's designation as a mental health hospital when the courts and Yukon's own Director of Corrections have said that it is not?

Hon. Ms. McPhee: I appreciate the question. I know I have had this question before. I think it was also from the member opposite, the Leader of the Third Party, but I can indicate that, much as my answer was before, that it would be irresponsible, frankly, to remove the designation of the Whitehorse Correctional Centre as a hospital or as a facility for the treatment of individuals who require that sort of treatment without having a proper plan in place — or an alternative.

The decision to place an individual at the Whitehorse Correctional Centre — someone with a mental disorder or a finding of not criminally responsible — is made by the courts pending a Yukon Review Board hearing, which is a federally compounded board that deals with individuals who may not be criminally responsible with respect to having been charged with a criminal offence, but not having the mental capacity to understand the entirety of their actions. The Whitehorse Correctional Centre does not have a mandate to involuntarily treat individuals with mental health disorders — as a mental health hospital — but it offers available resources to those persons, and that is the option we have at this time.

Ms. Hanson: In 2002, Chief Judge Barry Stuart offered the following insight during a judgment — and I quote: "Until we slow down, step aside from the crush of daily challenges, to acquire a systemic understanding, we will each continue to do our job well, but continue to fail to do the job needed to change the endless parade of devastated lives." One more report will not solve the problems at WCC if there isn't the political will and a vision for corrections that moves beyond mere words. We know the issues are systemic. Court cases

going back as far as 2000 have identified the problems of the handling of mentally ill people.

Will this government show real leadership and commit to securing access to proper services outside the territory, if needed, instead of using Whitehorse Correctional Centre's designation as a mental health hospital until this inspection is complete?

Speaker: Order. Thank you.

Hon. Ms. McPhee: I don't think it is a wise decision, should I take the opportunity to make commitments that have not been fully considered with respect to and in answer to the question from the member opposite.

That being said, I'm well aware of the difficulties and the comments made in various court matters with respect to the treatment of individuals who are suffering from mental health problems and find themselves involved with the criminal justice system. In addition to that, I completely agree that a systemic approach is necessary. A systemic approach has not been done or advocated or pursued in the last 14 years, prior to the Yukon Liberal Party becoming the government, and it is something that is committed to with respect to how we will resolve these issues. It is why the never-before-used section of the *Corrections Act* has been used for me to order an inspection. It's not just one more report. It's actually a jumping-off point to find out exactly what's occurring at WCC right now with respect to mental health services and how we move forward in a positive way.

Question re: RCMP funding

Ms. McLeod: Last week, the Official Opposition brought forward a very important issue for debate, and the wording of the motion was simple: "THAT this House urges the Government of Yukon to ensure that the RCMP have appropriate resources."

Well, the government didn't think that was something that they could agree with. In fact, they didn't even think that it was an issue important enough to discuss in the Legislature. Let me quote what the minister said last week on this topic: "It is unfortunate that this matter has come before the House today because there are a number of critical and important motions that we could be debating..."

Mr. Speaker, why does the Minister of Justice not believe that ensuring our RCMP has appropriate resources is important?

Hon. Ms. McPhee: Well, I actually do believe, Mr. Speaker, that having the RCMP have appropriate resources is critical and I said that. The quote that has been given in the House today is not correct. It is not in context and it's not what I said. It certainly isn't what I said in relation to the concept of RCMP resources. I did say it with respect to the context of why this motion was being brought forward, because I had previously answered questions on no less than two occasions, saying that I was in ongoing conversations with the RCMP, that the assessment of their resources is an ongoing issue, that in fact I am in the current process — and the department is in the process — of analyzing a specific request that has come forward. As a result, in my view at that

time, we could have been dealing with some other matters with respect to motions that can be dealt with here in this House that would be of critical interest to Yukoners.

Ms. McLeod: I beg to put forward that this might be a matter of importance to Yukoners.

Last week, we noted that the RCMP have request additional funding from the government to assist them to address issues such as rising homicide rates and an ongoing fentanyl crisis. This is an important issue, and the RCMP do a dangerous job and they need the support to do it safely and to keep the public safe.

Last week, we brought forward the motion as mentioned, asking the government to ensure that the RCMP have appropriate resources, and the Minister of Justice said she would not support that motion. Instead, she changed the motion so that it suggested the government is already doing enough for the RCMP.

The RCMP have said they need more resources. Does the minister think that the RCMP are appropriately resourced — yes or no?

Hon. Ms. McPhee: Thank you very much, Mr. Speaker. The Department of Justice works very closely with the RCMP to ensure a professional, efficient and effective territorial policing service that represents good value for money and promotes the principles of public trust, transparency and accountability. This process includes undertaking regular assessments of staffing levels and examining future resource requirements. It includes analyzing and determining a decision with respect to specific requests that come forward from the RCMP. I have indicated that I am currently doing that with respect to a specific request that has come forward and I will be making a decision with respect to what answers should go forward to the RCMP with respect to their request that's currently at my office.

Ms. McLeod: Last week, the minister had an opportunity to support our motion and ensure that RCMP has appropriate resources. As I mentioned, the territory has seen a spike in crime and the RCMP are asking the government to help.

I realize the minister is reviewing it and studying it, but as yet, we have no confirmation that the minister will support the RCMP.

Will the minister provide the appropriate funding to the RCMP — yes or no?

Hon. Ms. McPhee: I am quite sure that the Member for Watson Lake did not intend to say that I don't support the RCMP. Clearly, that is not the case. I've never uttered anything in this House that would suggest that; in fact, I've uttered the opposite on many, many occasions, perhaps ad nauseam.

With respect to the amendment that was made last week when the motion was on the floor, the amendment suggested that I would "continue to" support the RCMP with the appropriate funding necessary because it is an ongoing process — not because I think it's perfect right now, but because it is an ongoing process.

While it may be the opinion of the member opposite that I don't support the RCMP, she's completely and utterly wrong. In addition, I should point out that the members opposite voted against the amendment that I brought forward with respect to that legislation.

I absolutely, completely support the RCMP. In fact, I meet with them on a regular basis. I will continue to do so over this issue and many, many others in the days to come.

Question re: Procurement policy

Mr. Kent: Thank you very much, Mr. Speaker. I have some more questions for the Minister of Highways and Public Works. During the election campaign, the now-Minister of Economic Development promised that the Liberals would — and I quote: “As a priority implement the recommendations of the Procurement Advisory Panel Report in an accelerated manner, completing its implementation by 2018.”

As we are now mere weeks away from 2018, can the minister tell us if he is still on track to meet his colleague's commitment?

Hon. Mr. Mostyn: Thank you, Mr. Speaker. I thank the member opposite for the question. It's another good issue and I welcome the opportunity to talk about it this afternoon. Procurement is a very important issue for this government. The staff of the Department of Highways and Public Works has been working very, very hard on this issue and there have been no end of changes to the procurement policies to make them better.

We have implemented new mandatory standard clauses for First Nation participation and northern knowledge and experience for all Yukon government requests for proposals — public and invitational — and that happened in June 2017. The clauses ensure consistency and fairness with an overall aim of securing economic benefits for Yukon. That is a really positive improvement to the whole procurement process — one that was initiated through the hard work of the department and I'm really proud of it for doing this work.

We also allocated some more resources to lead procurement improvements and the improvement team began working on these initiatives in May and we're starting to see the benefits of that. I have just named one of them. We've met with stakeholders about procurement and how to do business with the Yukon government. We met with them in Dawson and I got some really important feedback and that also is feeding the procurement process, so it is going well.

Mr. Kent: It was a very specific commitment made by the now-Minister of Economic Development — at the time the Liberal candidate for Porter Creek South — and again, it was that a Liberal government would implement the recommendations of the Procurement Advisory Panel report by 2018. That is a campaign commitment and I asked the minister if he's on track to meet it, but I don't think I got a response. Perhaps he'll be able to give me one here.

In that same release, Mr. Speaker, the minister said that Yukon Liberals would — and I quote: “Ensure tenders include locally produced products that meet the required standards.”

Can the minister tell us how many tendered projects in this current fiscal year include locally produced products that meet the required standards?

Hon. Mr. Mostyn: That's a very specific question and I appreciate his wanting to get into the nitty-gritty of the procurement process, but I don't have that answer for him today. I will tell him that we've revised procurement templates to be consistent with trade treaties and updated case law and we have included the fair wage schedule clauses for public works contracts. We've uploaded all of these for internal use.

We have improved the tender management system by adding access to closed tender documents — we did that in March. We created the three-week minimum tender period and upheld bidding blackouts over Christmas — we've done that as well. We've done all sorts of things to improve procurement and we're working continuously. We're not looking for a home run on this plan. We're looking at continual improvement — moving it forward day by day, week by week, talking to business communities to make sure that this process rolls out methodically and well for the benefit of all people in the territory, including the people buying and selling goods through the Yukon government.

Mr. Kent: These are specific campaign commitments that the Liberals made during last year's election campaign. The minister was unable to tell this House whether or not they are on track to implement all of the Procurement Advisory Panel's report recommendations by 2018. He is unable to tell us if any, or how many, tendered projects in this current fiscal year include locally produced products that meet the required standards.

I'll try another campaign commitment that the Liberals made during last year's election with respect to procurement — again, from that same announcement — and I quote: “Add a local servicing and warranty provision to all tenders.”

So Mr. Speaker, my question for the minister is: Do all applicable tenders now include a local servicing and warranty provision?

Hon. Mr. Mostyn: I thank the member opposite for his interest in this issue.

He tends toward the negative at times. The member opposite tends toward the negative; I would like to stay positive.

Improving procurement is essential for this territory. The territory's economy is improving dramatically. We have seen enormous gains in the economy since we have taken office, and I'm really happy about that, as is everybody on this bench.

Procurement is one piece of it. We just completed the tendering process for the Nares River bridge. It is a very difficult process. It is cutting edge. It actually has First Nation involvement in a tender contract and, for all accounts, it has been a successful process. I hope it resolves soon and, when it does, it will put more light on the positive procurement practices this government is initiating and improving on a daily basis.

Improving procurement is part of strong fiscal management. It is part of this team's commitment to improving the territory's economy and the fiscal structure of this government, so I thank the member opposite for his questions and I look forward to more.

Speaker: The time for Question Period has now elapsed.

Notice of government private members' business

Hon. Ms. McPhee: I rise to give notice of the motions that will be called on Wednesday afternoon, October 18, 2017 for debate by government private members. They are Motion No. 149, standing in the name of the Member for Mayo-Tatchun, Motion No. 37, standing in the name of the Member for Mayo-Tatchun, Motion No. 32, standing in the name of the Member for Copperbelt North, and lastly, Motion No. 148, standing in the name of the Member for Porter Creek Centre.

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

ORDERS OF THE DAY

Hon. Ms. McPhee: 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 (Mr. Hutton): Order, please. Committee of the Whole will now come to order.

Motion re appearance of witnesses

Committee of the Whole Motion No. 2

Hon. Ms. Dendys: I move:

THAT from 3:30 p.m. to 5:30 p.m. on Tuesday, October 17, 2017, Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board and Kurt Dieckmann, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole to discuss matters relating to the Yukon Workers' Compensation Health and Safety Board.

Chair: It has been moved by Ms. Dendys:

THAT from 3:30 p.m. to 5:30 p.m. on Tuesday, October 17, 2017, Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board and Kurt Dieckmann, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole to discuss matters relating to the Yukon Workers' Compensation Health and Safety Board.

Committee of the Whole Motion No. 2 agreed to

Chair: The matter now before the Committee is general debate on Bill No. 11, entitled *Act to Amend the Health Act (2017)*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 11: *Act to Amend the Health Act (2017)*

Chair: The matter before the Committee is general debate on Bill No. 11, entitled *Act to Amend the Health Act (2017)*.

Hon. Ms. Frost: Mr. Chair, I have with me today Caitlin Kerwin, a policy advisor from Health and Social Services, and Deputy Minister, Steven Samis, here to provide support to me this afternoon on the act.

I'm here today to speak to Bill No. 11, entitled *Act to Amend the Health Act (2017)*. Before I get into details on this bill, I want to take a moment to briefly touch on the motivation behind this proposed legislation, because it's not just about what government does; it's how it does it that's important.

I wanted to refer us to the mandate from the health council. The health council was established under section 35 of the *Health Act*. The Health and Social Services Council is an advisory body that makes recommendations to the government relating to issues of health, social services, education and justice. I want to highlight education and justice, and I'll go there in a few minutes.

It also advises government on policy issues that will improve the health and well-being of all Yukon residents. Members do not represent any specific group or agenda, but are selected from throughout the Yukon to represent the voice of all Yukoners. The council holds a minimum of four meetings a year.

The mission statement goes on to talk about the open process for review of social policy and concerns in the area of health, justice and social services by promoting cooperation and coordination between and among groups and all levels of government. The intent of this is to be an independent advisory body making recommendations to the minister.

The terms of reference speak wholeheartedly about the identification of individuals and groups to be consulted with and, in that category, it talks about health, education and justice — and referral then to the minister on issues they believe are of importance to be dealt with — and recommendations and ways of encouraging and creating partnerships of individual groups, communities, governments and planning, implementation of health and social programs and services.

This government is focused on actions — like this legislation that supports all of our enduring priorities. The proposed changes are guided by the following enduring priorities. Our people-centred approach to wellness helps Yukoners thrive. Our strategic investment builds healthy, vibrant and sustainable communities. Our strong government-to-government relationships with First Nations foster reconciliation.

I believe that, with this change, we will respect the resources of both the government and the public purse, enabling additional finances to better serve Yukoners through a people-centred approach to wellness that helps Yukoners thrive.

While I'm thankful for the work of the Health and Social Services Council, our government's approach to public engagement is making it easier than ever for Yukoners to provide us with ideas and advice. This legislative change will encourage us to better understand the needs of communities by ensuring that, when specific emerging issues arise, we are able to respond with a focus and agile counsel, focused on specific outcomes. Throughout this model, we are confident that we will be well-positioned to make strategic investments that build healthy, vibrant, sustainable communities.

This government is committed to continuing to work directly with First Nation partners through the Yukon Forum and other ways to strengthen government-to-government relationships with First Nations, further fostering reconciliation. While these priorities may seem trivial to some, it is important to remember that Yukoners expect and deserve that we are guided by what we are sent here to do.

Further, my mandate letter from the Premier is my road map to accomplishing the best outcomes for Yukoners. Part of the letter reads: "We promised Yukoners we will be inclusive in acting on our public responsibilities. This means listening to and understanding the value of all opinions." Mr. Chair, I look forward to achieving what I was sent here to do by moving to ensure that engagement, done on behalf of this government, through the Department of Health and Social Services is as inclusive, accessible and transparent as possible.

I would like to go into the details of the bill. This government recognizes and appreciates the efforts and contributions of current and past members of the Health and Social Services Council. As I have mentioned previously, the Health and Social Services Council was established nearly three decades ago to provide an open and transparent process for the review of health and social, justice and education policy issues.

Today, our government has ways and means to engage with Yukoners that did not exist when the council was established some 26 years ago. Advancements in technology and an increased commitment to public consultation allow our government to more easily engage with people in all Yukon communities on a wide range of subject matters. It is now more efficient to seek people's views on matters directly and, in fact, the public demands that we do. A reflection of our engagement over the course of the last nine months through

our consultative process on legislative amendments and engagement is a reflection of that.

I want to take the opportunity to highlight a few of these engagements that are ongoing right now and how the department is carrying them out. It is important to speak about these initiatives to highlight what the department can and will do as we move forward if the proposed legislation is passed. The department is currently undergoing engagement activities in the following: early learning and childcare, fetal alcohol spectrum disorder, midwifery, Housing First, and the legalization of cannabis.

These activities happen in a variety of ways that ensure accessibility and inclusivity for as many people as possible. A few ways that the department does this are through surveys available both online and on hardcopy, public meetings, meetings, working groups with First Nation partners, stakeholders and community organizations, as well as events in the communities.

It certainly has not been my experience that Yukoners are shy about sharing their thoughts. In fact, I am honoured and humbled to say that over 21,000 people viewed the survey regarding the legalization of cannabis. We have around 3,000 folks who completed it. This is what Yukoners can expect from this government, and this is what this government will continue to do.

The reality is that Yukoners expect us to consult them directly on subjects and initiatives that we undertake on their behalf. Dissolving the council could provide opportunities for greater diversity of voices to be heard, thus giving us input from a more representative cross-section of Yukon's population.

Our government's new approach to public engagement aims to make it easier for Yukoners to provide ideas and advice to inform the best possible decisions for Yukon. It is important to remember as per section 37 of the act that the Minister responsible for Health and Social Services still retains the power to establish issue-specific committees to act in an advisory, investigative or administrative capacity. This is not a section of the act that I or my department take lightly, and we will be looking at it as a key resource moving forward. Our government intends to develop advisory committees that focus on strategic areas of a Health and Social Services business plan aligned with the mandate given to me by the Premier, such as aging in place, collaborative care and housing for vulnerable populations.

When it comes specifically to the Health and Social Services Council, we are thankful for the people who have committed their time since the council's inception. The early contributions were invaluable as we worked to build the system following the devolution of health care from the federal government to the Yukon government. If the members of the council wish to continue to volunteer and improve our communities, I would encourage them and all Yukoners to keep an eye on the boards and committees vacancies on the Yukon government website and to look for ads in local papers and various publications. I am happy to note that members of

the council are currently on other boards and committees that have been established by this process.

Mr. Chair, lots of good work has been done, but we know that there is more work to do. If Yukoners have any thoughts or opinions about how to improve the health care system, I encourage them to let me know or to speak with their MLA who clearly is happy to bring it up in the House. Through a proper democratic engagement and collaborative process, we will seek to find the solutions that best meet and align the needs of Yukoners. In the past, many ideas have come from Yukoners through their elected officials to the floor of the House or to the department. I look forward to Yukoners continuing to provide their input on this government's activities as well as on emerging issues that they see are important to themselves, their friends or their neighbours. I will reiterate our government's commitment to continually seek Yukoners' input on the issues and decisions that affect them.

I will refer to the mandate letter from the Premier to me and also to the Minister of Justice. The reason to do that is to highlight what we have been specifically mandated to do and also some of the key priority issues for both departments and the linkages then to the mandate of the Health and Social Services Council, which is to engage on issues that are of importance to Yukoners. Education and Justice are noted as four of the key pillars in their mandate. The council's mandate from 26 years ago — going back in the notes, I can reflect and verify that the council had not met with the Department of Justice in almost 10 years to seek input or feedback on current justice affairs or justice issues.

However, with respect to education, we have had representation from the education committee on the council up to 2014. The overarching strategy priorities for the Minister of Education as defined by the mandate letters from the Premier are to look at: implementation of the new student-centred, Yukon vision of curriculum; hiring practices; staff housing; increased opportunities; planning for a new francophone secondary school; economic and social disparities between Whitehorse and communities through training, education and literacy; work with the Yukon College and the Minister of Health and Social Services to provide an annual intake to the LPN program at Yukon College; provide a balanced approach protecting Yukoners and responding to the needs of victims while providing rehabilitation and reduced recidivism; and address issues related to disabilities, mental health and addictions, and contribution to incarceration.

With respect to the specific mandate of the Justice minister on justice matters — expand crime prevention through environmental design to approach rural and remote communities, improve services for victims of violence, sexual assault, develop culturally relevant programming looking at a therapeutic environment for individuals with disabilities — the list goes on.

Of course, the direct link I wanted to make was to the overarching strategy for the Minister of Health and Social Services — long-term well-being and quality of life for Yukoners.

Work with Yukoners to create solutions to promote an aging-in-place, full spectrum of care — both public and private — while keeping the Whistle Bend facility to 150 beds, and options to improve front-line health care services and improving services to the victims of violence. The reason I'm raising that is that if you go back in the reports over history and over time, the primary activity since 2001 — this is as far back as I can pull the data, and it appears that we like to look at actual information and data, so we go back and note in here that the council has been in existence since 1999, I believe — 26 years from this day.

Meeting four times a year — there was a gap in the early years — with formal recommendations — back in the early years really it was significant for that. I want to highlight that the council did a really great job in engaging and reaching out to Yukoners and participating in some really great engagement sessions on mental health services, homelessness in 2000, nurse recruitment and retention strategies, looking at a Youth Directorate, recommendations from 2005 that looked at legalizing the role of nurse practitioners. There are a number of years over this course, since 2006, where there were no formal recommendations. In 2006, there were no recommendations to the minister.

In 2007 and 2008, there were no recommendations. In 2008 and 2009, there were no recommendations. These are reported in the meeting notes from the council.

Later on, it goes on to some informal presentations that were had by the council and I think a reflection of the deliberations that came before the Legislature and before the government in 2016, when the council was requested to consider submitting their resignations. The reason why, from the previous government, was around the redundancy of their role and their participation, or lack thereof, in terms of engagement. What I wanted to say is that this is not a reflection of that.

Where we are as a government is that we have advanced our engagement strategies, we have looked at expanding our scope of engagement with Yukoners by every means possible and, looking at our recent forums — the mental wellness forum, housing action forum, housing action strategies, looking at engagement on fetal alcohol spectrum disorder, early learning and childcare — I'm speaking more specifically to my mandate. I won't speak to the mandate from this point on from the Minister of Justice or Education because I'm not clear on the relationship between the health council to the minister responsible, but I do know that the early mandate requires them to proceed with engagement, and in recent years that has not happened.

I wanted to just bring us to that conclusion that the appreciation certainly is there. We appreciate the many, many years of contribution of the committee and the council members and they are valued members of our community. We encourage them to continue to participate and engage with us on the various committees and establishments that we have by way of the new approach as to consultation and engagement on the forums that I have mentioned.

Just last week, we had over 200 participants in the mental wellness strategy discussion and, prior to that, through the Truth and Reconciliation approach to engagement with our indigenous population in communities. We have had significant uptake and we want to keep that momentum going and encourage everyone to participate in that.

Ms. McLeod: I want to thank the officials for attending today and for helping us out with this debate.

The minister and I have had a discussion on this topic previously. I'm sure the minister knows what I think about firing yet another board. Traditionally boards and committees have been set up to engage with Yukoners and clearly the minister has a different thought on that now.

The minister has mentioned that they have had difficulty filling seats on the Health and Social Services Council and that there currently are five of 13 seats filled. She also said that five members on the board are not sufficient and they need to go beyond that. It seems like a reasonable answer to this would be to increase the efforts to fill the seats rather than to terminate the entire board.

Can the minister confirm the steps taken to fill positions on the board? What sorts of advertising were used? How much time was spent working on filling these positions by this government before they made the decision to close down the council entirely?

Hon. Ms. Frost: I would like to respond to the Member for Watson Lake. It is very interesting — the position that is being taken. Why, in 2016, did the Yukon Party fire the whole board? They terminated the whole board — asked for their resignations. What happened back then in 2016 — the Yukon Party's termination of the board contravened the act. It contravened the act, and the rationale for the decision was really based on — that the council's resignations were due — it was felt that the council's role was redundant, no longer valued, no longer required input. Well, at that point in time, there were no alternatives for engagement. There were no alternatives for participation of community members and advancement of progressive actions around strategies with mental wellness, the FASD community, poverty reduction strategies, looking at engagement and, for that matter, justice-related initiatives or education-related initiatives.

I should note that, at that point in 2016, when the board was fired by the Yukon Party and refused to leave their roles as health councillors, the Yukon Party, under section 35 of the *Health Act* — the Commissioner in the Executive Council appointed Ted Staffen, a former Yukon Party member, as the chair of the Health and Social Services Council for a three-year term. I read the context of the mandate letter and the context of the terms of reference that speak to an independent board that provides independent assessments and reviews and input from Yukoners. Appointing a political appointee without going through a proper due diligence process of advertisements — as is being asked of me now — was not done. Through recruitment and retention processes, we have a formal process that looks at boards and committees, and advertisements go out and expressions of interest come in. My understanding, in speaking to our boards and committees

person who is responsible in our offices — we have tried through this course for quite a number of years to get a full complement of members, and there has not been a huge uptake.

Ms. McLeod: I didn't really get an answer there, except for the minister to attempt to deflect this government's actions on to some other government, and that is fair enough.

The minister did make a reference to this board needing to be an independent board and, because there was a Yukon Party member — that she alleges is a Yukon Party member — maybe he is, maybe he isn't. I don't think that this is the place for us to talk about the party affiliations of citizens. So you know, unless we are going to start surveying citizens on what their political beliefs are before we appoint them to a board, I don't think it ought to be a discussion point.

The minister has said in her opening remarks that dismissing this board was a money-saving move. So perhaps the minister would tell us: How much money is being saved with this model versus SurveyMonkey and ad hoc committees?

Hon. Ms. Frost: I can respond to the first part of the comment around the former Yukon Party's involvement in this independent process. The chair, in my meetings with him, clearly made that statement, so that is what I'm referring to and where I'm going. The comment was about the affiliation with the Yukon Party and in my meetings with him — there's a direct link there. That's where I'm going to and that's where I will stand.

With regard to how much money was spent or how much money was saved — let's talk about how much money was spent because of the lack of the board's engagement in Yukon. They had one meeting in the community in Haines Junction actually in 2016, but over the course of the last two cycles, they have spent \$22,000 and that is just meeting — not meeting or consultation or engagement in any way. They met for two days and reviewed existing documentation that was presented to them, or they took internal documentation. Our expense comes from the secretariat. So the secretariat support comes from within the department — within Health and Social Services — plus we allocate \$40,000 annually to the board and that is for the board to meet any consultation or engagement over and above that, with respect to processes in Yukon. Clearly, that is done separately and outside of this process as well, so the department covers a lot of the costs and that is not reflected in this \$40,000 budget.

Ms. McLeod: So the minister has clearly stated that now we have the Internet, which we may or may not have had in 2016, and other new technology to enable inputting to be solicited from citizens using surveys and other social media, and that there is essentially no need for this council to continue on.

Just a simple question: Is this going to be part of a trend of the government — eliminating boards and committees with the justification that they'll just have a web survey instead?

Hon. Ms. Frost: Absolutely not. We're about a people-centred approach. We're about hearing Yukoners. We're

about participating and having Yukoners participate in a process.

This government will continue to engage with all Yukoners and make use of existing consultative bodies that already exist, the Yukon Forum being one — a bilateral approach to meeting with Yukon First Nations on matters that are of relevance and importance to them. We'll continue to work with the health commission of all Yukon First Nations. We have met and will continue to work with the municipalities and the Association of Yukon Communities. We will continue to be as far-reaching as we can to seek engagements.

I believe the minister highlighted this yesterday. He has gone through every Yukon community once and is now going through that process again. I have met with every Yukon community. I don't believe that has happened historically where, in nine months, you have had ministers going out to every Yukon community, seeking input and then tying back into a process of engagement.

The government values the work of all citizens of Yukon and will look at the contribution — certainly the contribution of Yukoners and opportunities to be heard is explored in every avenue and in every correspondence we have.

Ms. McLeod: I would thank the minister for responding and answering that question.

A main function of the Health and Social Services Council was to consult individuals, groups and the public about health, social, justice and education issues. They would then report on those consultations and come up with solutions and ideas — I guess we could call them “recommendations” — on how they thought those issues should be dealt with. While I may not agree on a number of the tactics used by this government, I do agree that efficiency is a key aspect of making government run smoothly.

If the decision to terminate this council includes checks to ensure all aspects of the work that the board carried out are being covered in some way or another, I can offer my support for the amendment.

Can the minister confirm that the eradication of this council will not leave any gaps and that the duties performed by the council will all be upheld?

Hon. Ms. Frost: I will refer to the activities from — let's go back to 2016. The summary of deliberations — there were deliberations that were brought before the minister on health-related matters — Haines Junction Health Centre, Mayor of Haines Junction and ambulance volunteers. We were looking at a report that doesn't provide — I believe these reports were tabled in the Legislature as well, on how a mental wellness champion should be appointed, a wellness forum should be convened, a wellness course should be conducted, an annual mental wellness status report should be published, and the Yukon *Mental Health Act* should be revisited.

I can assure the member opposite that we are advancing the interests and the recommendations that are brought forward from all of our boards and committees and taking that under advisement and consideration as we draft our legislation. We move forward as a government and

wholeheartedly consider everything that is brought before us — all of the input.

It is very valuable, most definitely. We have new mental wellness positions, the recommendations to expand the scope of care for Yukoners. We've looked at some funding innovation approaches. We're working on the expanded scope of care for our clients through the alcohol and drug service regime. We're looking at the fetal alcohol spectrum consideration. I cannot speak specifically to education or justice, because that's not my portfolio, but I'm sure at some point the Minister of Justice may be able to respond to the questions around recommendations that they received from this committee.

But I can assure the member opposite that we will take every means possible to go back in time and look at implementation — or at least consideration — because recommendations are brought forward and the boards and committees were established to do just that.

Ms. White: I thank the Member for Watson Lake and I especially welcome the deputy minister to the Legislative Assembly for the first time and, of course, the official.

I have a lot of different questions about the *Act to Amend the Health Act (2017)*. Listening to some of the previous discussion has definitely broadened some of what those questions are going to be.

So when we look at what the government paid for the committee from the 2014-15 calendar year, it was \$40,000. I appreciate that the minister has just given us her take of maybe what the council was doing over the last number of years. I would say that we were contacted by members of the council when they were asked for resignations. They refused to resign because it contravened the act. The then-government appointed a chair. So my question is: At this point, prior to making these changes, who did the minister speak to on that council? Was it the chair and members? Was it just the chair? Was it no one? Was it everyone? So who had the conversations?

Hon. Ms. Frost: I met with the chair. I didn't meet with individual members of the council. I met with the chair on the recommendations and working with the public servants within Health and Social Services, looking the history and looking at all of the recommendations that came up through the public service process and also my conversation with the chair of the committee.

Ms. White: Understanding that the chair was an appointment by the previous government after the committee had been asked to resign, did the minister not see value in having a conversation with existing members of the council who had been sitting on it for longer than that period of time to see if things worked differently prior to that appointment?

Hon. Ms. Frost: So as the minister responsible, I didn't call individual members of the council. I spoke to the chair and the chair in this process reports to me. The chair works with this council as in any other process and the department will correspond, if necessary. So that's where things stand. I didn't speak individually to every one of those members of the committee.

Ms. White: Was the minister asked to meet with any members of that council prior to this announcement?

Hon. Ms. Frost: I can say no. I was not asked to meet with individuals on the council. I have not been asked to meet with individuals of any council or any board or any committee, for that matter. I do meet with the chairs or presidents of various committees, and that's the protocol that has been established. That is what I have been doing up to this point.

Ms. White: I apologize — it was my understanding that the council had actually asked to meet with the minister a couple of times, actually, after her election.

The one reason why I ask if we had any conversations or if any conversations were had with existing members of council is that, for the last number of years, having had conversations with some of those members, they would say that the political — just a second, Mr. Chair, I am just trying to figure out a way to get this out — landscape was not particularly friendly toward the council. This council was supposed to act at arm's length and there were challenges. They did their best under those circumstances.

The reason I ask if the minister had a chance to meet with anyone else on the council is because there were perspectives other than just that of the chair. Since making this announcement, has the minister reached out to any of the members who were on that council?

Hon. Ms. Frost: I can verify that I have not reached out personally, myself. The department has spoken to the members.

With regard to your earlier question, the health council requested meetings with me but, based on my schedule, I was not available at the time they requested. The chair agreed to come forward to meet with me at a time that was mutually agreeable. It was a time that he was able to make it, so I made the time to do that.

Ms. White: I will just put it down on the record that I think that there could have been value in meeting with the other council members.

How did the notification go? How were the current five members and the chair informed that there were going to be amendments to the act that would see their council disbanded?

Hon. Ms. Frost: I had spoken to the chair and informed him of the process. He respected that and acknowledged that he respected the process of this government. As the chair, I am sure he had correspondence with his council members, but we have corresponded through the department as well by way of formal letters to the board highlighting and providing them with some context of the amendment.

Ms. White: Were those letters sent out the same day as the legislation was tabled?

Hon. Ms. Frost: I will have to get back to you with that response.

Ms. White: It is my understanding that they were received at 11:00 a.m. that day, so there was no previous conversation, and, for valued members of the committee, they felt very unvalued by the process.

I guess some of the concerns that I have — the minister did a good job of outlining the mandate of the Health and Social Services Council and talked about how it was an arm's-length organization for government that had the ability to call on witnesses and papers and, over a good span of years, there was some really good information and recommendations put out. I would also suggest that possibly — because I also went on to the online registry to see when reports were tabled and the recommendations.

The minister mentioned some of those recommendations, but it is fascinating to know that some of the recommendations definitely predated the actions of government. There was a presentation by a nurse practitioner who talked about the importance of making sure that nurse practitioners had the ability to practise to their full scope. That happened long before there were acts to amend the legislation to allow the nurse practitioners to practise to their full scope. That recommendation came forward in 2004-05. I was part of the Legislative Assembly that discussed those changes, keeping in mind, of course, that I was elected for the first time in 2011. The council at different times was really forward-reaching in what they looked for.

The minister highlighted the 2014-15 recommendations about mental wellness and well-being, about a champion and about a forum. The really fantastic news is that the government is working toward that and that is great, but that wasn't independently decided by government; it was a suggestion of the Health and Social Services Council that they look at that. I have a couple of the recommendations that I highlighted.

The council recommendations in 2005-06 — and this, Mr. Chair, might sound very familiar. It says that the council recommended that the *Social Services Act* and regulations be reviewed and amended in a manner that encourages and supports the recipients to move out of poverty and on to self-reliance.

Had I taken a look at this this morning before I made my motion, I may have changed the wording to match this. This is 2005-06. The most important part that I can say about this council is that it was arm's length. The council had the ability to look at different things and, to be perfectly honest, when the minister says that they didn't look at issues of justice in the last 10 years, I appreciate the comment, but I think it's unfair. This council reported to the Minister of Health and Social Services and in years — and under previous councils — when things were going well, they met with the Minister of Health and Social Services to have those discussions about those recommendations, or about what they had learned.

One of the biggest concerns I have is that there was the ability for the government to amend the legislation. So of course we talked about how — I'm just going to pull it up again — that it is section 35 of the *Health Act and Social Services Act* that did this. There was the ability to change the language in this legislation instead of saying that they "must" have a council, because the fascinating part is that when we amended the legislation for the *Environment Act* — and I can tell you that I was furious that we were taking away the

language of “must” have the Yukon Council on the Economy and Environment — the language was changed from “must” have to “may” have. But what that allowed is that it’s still built into the legislation.

So under clause 35 where it says, “Health and Social Services Council established...” we could have had the language “may” establish a health council. I mean we’re making changes to the *Hospital Act* where we’re bringing the numbers down from 13 to nine. There was the ability to make changes for future councils.

That is one of the questions I have, keeping in mind that this council was arm’s length and they could look out and they could decide that, you know, mental health and wellness is really a big deal, so we’re going to look at that — nurse practitioners, midwives — all these things. They could go out and they could pick and choose about what they wanted to talk about — social inclusion, poverty reduction. These were all things that they could look at.

So who will decide what health issues will be publicly consulted on? What are we going to put on? What consultations are we going to have? Who makes that decision?

Hon. Ms. Frost: The amendment — and you’re absolutely right, the language in section 35 currently exists is language around “shall”. Who will make the decisions on the boards and committees in the future or who will make the decisions on — I’m not clear on your question, so I will attempt a response at section 35.

You’ve seen the proposed amendment. The proposed amendment talks about — just bear with me for a second here. Section 35 is repealed — but your point being: How then will input be considered? The Minister of Health and Social Services will be responsible for potential implementation of various committees and boards, if necessary and as directed by Yukoners, perhaps by this House or perhaps by various means of input from community members at large.

I’m going to refer then to the input or the notes that I had previously made that we’ll continue to move forward in our commitment and input to foster good deliberations and considerations with Yukoners and that they will always be involved in the advancement of legislation and considerations for changes on procedures that we take forward, such as, for example, the mental health strategies and fetal alcohol spectrum considerations.

I’m going to stop there because you’re asking me a very specific question around what proposals are in the act going forward. You’ve seen the amendment so we have no specific formal process in the legislation that defines a very specific established board, but we have opportunities for considerations and the language really allows for that in the future.

Ms. White: Thank you, Mr. Chair. I apologize to the minister. I maybe put too much information in that.

My question was very general — the one that I was looking for — which is: Who will decide what health issues will the public be consulted on? Where will that decision come from? How will the topic of consultation be decided on?

Hon. Ms. Frost: My apologies. As I stated earlier, of course we are always open to recommendations from Yukoners regarding decisions on established boards and committees. There were some great recommendations from the Legislature — from the members opposite — on potential new establishments of engagement processes. I acknowledge that the representation will come from Yukoners. Yukoners will engage in a process and advise us in terms of procedures going forward.

Now really, the internal work of Health and Social Services and the former council — most definitely we recognize and appreciate the many, many years of contribution. They had some really great recommendations and clearly the advancements came from Yukoners.

I wanted to just highlight that with mental wellness, the innovation and the innovation in moving forward as the Liberal government, our mandate is very clear that we will take a people-centred approach. We will balance our decisions based on evidence. We will look for the needs of society. We will look for accountability. The inclusivity and opinions of everyone are valued in the Yukon.

We look to the members opposite also to engage in that process and you’re doing an amazing job of doing that — the accountability and holding us to task with your input and what your constituents are advising and looking at that all communities matter, modernizing Yukon, looking at healthier, happier lives of Yukoners — all really, really important. Programs and services that are tailored to Yukoners will be governed by what Yukoners advise us of. We will look at long-term pursuits. We will look at ensuring all of our policies and services are coordinated for opportunities for a better Yukon and better Yukoners.

Collaboration with Yukoners and Yukon First Nations is really, I think, the cornerstone of what we do as a Liberal government. What we intend to do and what I intend to do is not to stop that process, but to allow a broader participation. I have highlighted that in my earlier presentation about the health council not diminishing in any way the historical work that they’ve done or their contribution to Yukon, because that is clearly — they have spent many years and in some cases 20 years of input and their voices clearly have been heard.

There has been some interest in what the department has been doing. The input on representation and recommendations — a lot of it came from internal to the department as well. As the secretariat provided support to the council, that perhaps provided some of the direction. I’m not saying it provided all of the direction — so valuable input from internal public servants.

Ms. White: Just to confirm — so the issues that we will be publicly consulted on will be decided by government?

Hon. Ms. Frost: Sorry, bear with me. Thank you. The committees will be established as directed from comments and input we’ve heard from Yukoners, but it will be decided also by the direction and the mandate of the government. Thank you.

Ms. White: What I was trying to get at there is that the reason why the Health and Social Services Council was so

important is that it was arm's length. They could call for presentations from different community organizations or different government agencies and they could receive those presentations. They could digest the information and then they would make recommendations, based on those. I believe that there would be a beautiful symbiotic relationship between recommendations of the council and public consultation done by government. I see those as being two things that go hand in hand.

I mean, part of the reason why I'm bringing up this point is that I cited the 2004-05 report and it talked about nurse practitioners. But they almost had two dozen presentations in that year, which helped form what their recommendations were going to be.

The point was that they were able to ask for that information and then they were able to choose the topic. The year that they did the health and wellness, in 2014-15 — there were a great many presentations made to them before they came up with those recommendations.

One of the reasons that I really want to make clear here is that it was an independent board. They were not influenced by mandate letters. They were not influenced by government direction. This was a people-driven, community-driven approach. There was representation from across Yukon, from various backgrounds and various experiences, and together they came up with those recommendations. That is the point that I wanted to make — that this was very much Yukon-driven.

I appreciate that in the new legislation, it talks about how there will be various committees that can be struck and that they will have representation from the community. I do appreciate that.

I am going to highlight again that my concern is that, instead of amending section 35 of the current *Health Act* by putting in language of "may appoint a council" — by removing the "must have a council" to "may have a council" — is that we are removing that ability? We are. We are taking away — as the minister said — 26 years, and I would suggest 26 years of good work of active community members — as the minister said, "valued members of the committee" who worked hard at trying to make recommendations for the Minister of Health and Social Services. To bring it back to a question, was there ever a discussion of changing the language of "must have" to "may have" — at the appointments of a council?

Hon. Ms. Frost: Is the member opposite requesting an amendment to the current legislation? The point is that no, we have not considered that, but we are leaving the language open enough that we can establish committees if necessary or appoint various councils if necessary.

Ms. White: I wish I had the ability to entirely propose an amendment for a very large piece of legislation. That is not what I am suggesting. My question is: Prior to making the decision to repeal sections 35 and 36, which speak directly to the Health and Social Services Council, was there a conversation about changing the language to allow it to be permissive — the government "may" set up a health and

social services council? Were there any internal discussions about, instead of repealing it altogether, changing the language to allow one to be set up in the future?

Hon. Ms. Frost: I am sure the member opposite understands the legislative process and how decisions are made with regard to legislative changes. The committee, the public servants, provide the recommendations. They do the due diligence and provide the history and the recommendations.

Going back to 2016, the recommendations that came forward defined that the council didn't provide, or was not seen then — and perhaps is viewed that there are alternatives to engagement.

The Cabinet Committee on Legislation met within caucus, within our Cabinet, and the decision has been made by this government that we will propose the amendments as presented to you today. So no, we have not looked at the language that you are proposing. We went ahead and provided the language as you have seen it today.

Ms. White: I'm just seeking clarification. The minister said that the process in which the decision was made — was the entire basis of removing the Health and Social Services Council based on the 2016 experience? Keeping in mind, of course, that we were at the end of a mandate and at the beginning of a new mandate — was what happened with the Health and Social Services Council in 2016 the entire reason for this change to the legislation?

Hon. Ms. Frost: Absolutely not. The decision that was made to look at amending the Health and Social Services Council or the act to amend — was really looking back in history and looking back at where this government is going.

Our consultation and engagement protocols, our procedures on how we engage with Yukoners, are broader. It's broader than having five people represent input of Yukoners. In that process, having an appointment by the Yukon Party as the chair and leading a political initiative did not drive the decision to remove and to propose the amendments. It's really about strategic alignment — the strategic alignment with Yukoners and looking at a government-to-government process, looking at fostering reconciliation with Yukoners, engagement of Yukoners and the changing environment.

Our changing environment really looks at engaging Yukoners and seeking their input wherever the opportunity presents — the diversification of our economies. Our access to, perhaps, further consultation and engagement is building our relationships. It's certainly essential and that's what we intend to do. Again I will reiterate that the value of the health council historically was there because we didn't have any other means in which to engage with Yukoners other than having various councils and committees meeting face-to-face. We now reach out broader than that and we take our departments and give specific mandates to our departments to go out and seek the input.

Prior to 2016, there were many years when the council had no recommendations at all, and I highlighted that and I went through the report. That is an indication that the council

had met numerous times and got informal presentations from various boards and committees, and the assumption there is that we have had no formal recommendations to the department. The public servants have drawn the conclusion that, based on the fact that the council did not provide formal recommendations; therefore, the council was not an effective council in reaching out to Yukoners, and perhaps we need to revisit that and look for better ways in which to do that.

Ms. White: Just to bring attention to section 35(1) under the *Health Act* — it's under the title "Health And Social Services Council established" — it says that there should be "... up to 13 other members who shall be appointed by the Commissioner in Executive Council..." So that's actually appointed by government. Those people who sit on that council are appointed by government. In the last council, there were five and a chair. I would suggest that it's actually not because of the council. It was possibly due to the political atmosphere at the time that the council was allowed to stagnate like that.

I would also like to call to attention that if we look at when recommendations were made, they were made pretty steadily until there was a government change. I would suggest again that if we reached out to council members, there might be a reason why they stopped making recommendations. We will only know if we ask that question.

Again, my big concern — and I am going to highlight it again — is that, by completely removing the ability to have the Health and Social Services Council — by entirely removing it, so we are repealing those sections — I understand the difference between repealing and amending. I'm merely saying that, by completely removing it from the act, we remove the possibility of having this tool that has been very successful and has done a lot of good work for us in the past.

My point is that we could have chosen different language that would say it would be dormant until at such point the government to reinstate it. That is the point that I'm trying to make — that it has had a history that has been very strong, they have had a lot of really committed people on that committee over the years, and there was the ability to change the language to put it to rest, as opposed to removing it altogether.

There are not a lot of questions there. Actually, there are no questions there. There's merely a statement.

I appreciate the work from the deputy minister and, of course, the drafters. I appreciate the work that you've done. I just highlight that we could have put it to rest as opposed to totally removing it.

Thank you, Mr. Chair, and I will be ready to move on.

Hon. Ms. McPhee: Mr. Chair, I move that you report progress.

Chair: It has been moved by Ms. McPhee that the Chair report progress.

Motion agreed to

Chair: Pursuant to Committee of the Whole Motion No. 2, adopted earlier today, Committee of the Whole will receive witnesses from the Yukon Workers' Compensation Health and Safety Board. In order to allow the witnesses to take their places in the Chamber, Committee will now recess and reconvene at 3:30 p.m.

Recess

Appearance of witnesses

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

Pursuant to Committee of the Whole Motion No. 2, adopted on this day, Committee of the Whole will now receive witnesses from the Yukon Workers' Compensation Health and Safety Board.

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

Witnesses introduced

Hon. Ms. Dendys: The witnesses appearing before Committee of the Whole today are Mark Pike, who is the chair of the Yukon Workers' Compensation Health and Safety Board, and Kurt Dieckmann, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board.

Welcome to the House today and I look forward to the discussions.

Chair: Would the witnesses like to make opening remarks?

Mr. Pike: As the minister mentioned, I'm Mark Pike and I am the chair of the board of directors of the Yukon Workers' Compensation Health and Safety Board. With me today I have Kurt Dieckmann, who is our president and CEO. I would like to thank you for the opportunity to come here and participate in what we expect will be an enjoyable and informative discussion on the board, its business, its culture and the workplace safety in the Yukon.

The *Workers' Compensation Act* requires us to appear in this House on an annual basis, and this appearance provides us the opportunity to represent the work and duties that every member of our organization is proud to perform.

2017 was an important year for us. It was a century ago that the Yukon first introduced workers' compensation legislation. It was on April 24, 1917 that the first workers' compensation ordinance was passed into law in the Yukon. That is just four years after the foundation for a workers' compensation system in Canada was laid out by Ontario politician and judge, Sir William Meredith.

As you would expect, after 100 years, workers' compensation has a long and rich history in the Yukon, and I would like to point out a few significant milestones. The first ordinance that I mentioned governed workers' compensation in the Yukon for over 30 years, until 1953 when the first

workers' compensation act came into effect. Interestingly, our system was managed from Edmonton at first. It was in 1969 that an office was first set up in Whitehorse.

In 1992, the Workers' Compensation Health and Safety Board, as we know it today, was formed and took up residence in that landmark yellow and blue building on Fourth Avenue. As we enter a new century of workers' compensation, it would be remiss of me if I didn't take a moment to acknowledge the system's sibling, which is occupational health and safety.

Being cared for and compensated following an injury is important, but all of us would prefer never to be hurt in the first place. That is where prevention comes in. Occupational health and safety is a system of education, training, planning, practice and regulation intended to prevent injuries and death in the workplace. Even though the safety net of workers' compensation is essential to Yukon workplaces, I would encourage us all to put prevention first. We want all workers to go home safe and healthy to their friends and loved ones every day.

When there is a mishap at work, Yukoners can take comfort in the fact that workers' compensation will care for them through their recovery, provide compensation and help them get back to their lives as quickly and as safely as possible. We are proud to appear before you today and help usher in another century of caring for and supporting Yukon employers and workers.

We welcome any questions you may have about our 2016 annual report or any other aspects of our business. With that, I would like to say thank you, Mr. Chair.

Ms. McLeod: I thank the witnesses for appearing with us today. Congratulations to all Yukoners on this 100th anniversary — good for all of us.

I am just going to get right into questions. We have a limited amount of time here today. I have a few questions around the proposed presumptive legislation that we will be talking about later. These were raised with me after the briefing, and I would like the opportunity to get them on the record today.

First of all, the Workers' Compensation Health and Safety Board is currently promoting on their website under the title "Who is covered for PTSD? You are". That is, all employees are eligible for benefits, including treatment, if they suffer from a professionally diagnosed, psychological injury, such as PTSD, at work. My question is: Why is presumptive legislation even being considered when all workers are already covered for PTSD?

Mr. Pike: I will briefly talk to that. Essentially, legislation is the responsibility of this House. It is not our responsibility, and therefore it is beyond the scope of my knowledge and expertise to comment on why the House would choose to pass that legislation.

Ms. McLeod: Thank you for that. So with respect to PTSD that the House will be talking about, hopefully the board can answer this. What is the estimated liability of extending coverage in this area? Is the increased liability to be

funded through assessments on all employers or just the public sector employers of first responders?

Mr. Dieckmann: The liability has not been calculated on this completely. What we do know is our actuaries have examined the claims experience from some other jurisdictions. We don't have a lot of experience in this area here in the territory and no jurisdiction has a lot of experience, given that PTSD presumption is fairly new right across Canada.

What we do know is, depending on the type of job that a person is in, and the age of the person, a single claim can cost anywhere from \$300,000 to \$500,000 when it occurs. We don't know if liability will have to be booked; our actuaries have not specified whether there will be a requirement to book, but that is something that will be determined as we gain experience with PTSD presumption.

The presumption, as it has been proposed and read into the House, would fall under the government rate group, so all costs associated with those presumptions would be picked up in the government rate group; it would not be applied to other employers in the territory.

Ms. McLeod: Thank you for that answer.

Does Workers' Compensation anticipate that the number of PTSD claims will rise upon the implementation of presumptive legislation?

Mr. Dieckmann: Once again, we can only talk from our past experience. In the past, we looked from 2009 up until 2014. We had anywhere from zero to one PTSD claim a year occurring during that time. In 2014 and 2015, when we really started talking about post-traumatic stress disorder and presumptive clauses, we saw an increase to three claims in 2014 and three claims in 2015. But we have seen a fairly large jump in the last two years in PTSD claims. So we are starting to see an increase before the presumption has come into effect.

Ms. McLeod: Thank you for that. We've been told that enacting presumptive legislation will essentially speed up the process of processing claims by cutting short the adjudication process. The board also claims the adjudication process is currently only 10 days.

Is this adjudication process eliminated under presumptive legislation or shortened and by what degree?

Mr. Dieckmann: The adjudicative process for presumption will not necessarily be shortened by introducing a presumption. The adjudication part of the process isn't what takes the time. Typically, in order to accept a claim for compensation for psychological injury, we have to get an assessment that determines that there is post-traumatic stress disorder or other compensable psychological injury. The assessment time from when the injury occurs to when a diagnosis can be made is 30 days.

What happens when we get the diagnosis is then we go through an adjudicative process, but typically in the current process most of the evidence that we need to make a decision comes out in those reports that we get on what caused the psychological injury, whether or not there is a psychological injury and if it is PTSD. The adjudication time is actually

fairly short in that period and is generally done within those 10 days.

The presumption — I guess it could speed it up in that as soon as we get the diagnosis the claim would be accepted, but it is not going to be a dramatic change in the amount of time.

Ms. McLeod: Based on what you have just said, my question would have been about looking for the difference of time between a person getting through the process with a favourable adjudication for PTSD doesn't appear to be any faster with or without this legislation, and I think you've answered that.

Previously in the House, WCB witnesses stated that they felt that they have sufficient tools now to respond quickly and effectively without bringing in presumptive legislation. It has been said that the process would simply be shortened for those covered as well as not requiring those claiming to suffer from PTSD to have to tell their stories a number of times.

Are there any other benefits to be had to the people by bringing in presumptive legislation and can the board provide an estimation of potential cost savings by implementing presumptive legislation?

Mr. Dieckmann: I would say that there are benefits — the main benefit being that it destigmatizes the people coming forward and making claims for psychological injury. One of the things that research has shown is that the people who are described in the presumption — those first responders — are typically more susceptible or more likely to get post-traumatic stress disorder because they have greater exposure to traumatic incidents and so they spend a lot more time being exposed.

Exposure to a hazard increases the risk of injury. That is a known fact. But also the people who are rushing into emergencies while everyone else is rushing out are not as inclined to necessarily seek the help that they need when an injury occurs. Reducing the stigma is a huge benefit to those workers.

The other thing that I would like to point out — the second part of this — is adding preventive measures under the *Occupational Health and Safety Act* and allowing for regulations to be written in the future would help with that prevention piece. If we really as a society want to be making sure that we are taking care of those people who are rushing into the emergencies, we should be looking at how do we prevent those injuries from occurring in the first place and, when they do occur, how do we encourage them to seek the help they need and make sure that they are getting the best help and the best treatment that they can get?

Ms. McLeod: So, when it comes time to establishing those rules for prevention on the part of employers, I'm wondering if there will be a consultation process and who is going to be involved in establishing those rules?

Mr. Dieckmann: We will seek direction from government on consultation and what they would like to see in those regulations when the time comes. If the legislation gets amended and gets passed, that would be something that we will seek direction on from government.

Ms. McLeod: I was on your website and had a look at the survey that was undertaken to put this forward, I guess, to the public. The question about first responders was supported by one percent of the respondents. How many people responded? What did the other 99 percent say?

Mr. Dieckmann: I'll have to get back to you on that one because I don't have the numbers of responses in front of me. I'm not quite clear on the one percent and 99 percent. Maybe could I ask, Mr. Chair, that the question be reframed?

Ms. McLeod: When I looked at the survey, I saw there were two questions. One had to do with future application of presumptive legislation. The other question I saw — maybe I'm wrong; maybe there were more than two questions, but I saw two questions. There were three people who responded, which turned out to be one percent, to say that the three categories of first responders should be covered by presumptive legislation before looking at anybody else.

I hope I got that right. If I don't have that right, then please tell me because that's what I picked up from that survey.

Mr. Dieckmann: I apologize — I didn't bring the survey with me so I will have to get back to you on that and I will respond to the minister on it.

Ms. McLeod: Thank you very much for that.

I am going to move on to the annual report. According to the 2016 annual report, there was a decrease in total claims expenses by approximately \$900,000 from 2015-16. This was explained as a decrease in claims cost due to lower costs associated with prior years' injuries. Can the witnesses speculate as to whether the board is on track to see another decrease in claims cost from 2016-17?

Mr. Pike: On behalf of the board, we would love to see that happen as the cost of injuries is enormous, both financially and in human cost. Without having numbers sitting in front of me, I believe that the current year is approximately in the same category as 2016 so I'm not expecting that, when we get to the end of the year, we will have a huge change.

I always have to couch that a little bit because our actuaries spend an enormous amount of time determining what those claims costs are. They're the ones who look at every injury and say, "Here is what you have to put aside for that person over the rest of their life." So while we go through and do our work during the year, the actual formal part of that doesn't occur until the end of the year when the actuary gets the real numbers.

Ms. McLeod: Can the witness confirm the occupations of hired consultants — whether all medical professionals who perform duties for the Workers' Compensation Health and Safety Board — fall under this category, and what occupations are regarded as consultants if they are not just medical professionals?

Mr. Dieckmann: We have a number of consultants who perform various types of work for us. As the chair pointed out, we have the actuary who provides consulting services for us on our rate setting and in a number of other areas. We hire consultants to help us with systems development. We hire consultants to help us with, as you say,

our medical consultants who do provide us services in interpretation of medical reports that we get. We have consultants who will provide us with information on our building, building structures, maintenance requirements, and those types of things.

We do employ a wide variety of consultants in a number of different industries and areas to help us with our business.

Ms. McLeod: With regard to the administration expenses in the annual report, staffing and recruitment totals \$164,000 for 2016, which is up from \$135,000 in 2015. Are these costs directly associated with the hiring of staff, or are they allocated to training and recruitment costs for hired consultants?

Mr. Dieckmann: The vast majority of those expenses are for our staff — for the hiring of staff. As far as recruitment for consultants, we don't typically use dollars for recruiting. We go out to tender, and that's the way we hire our consultants.

Ms. McLeod: How many staff are new, for that amount of money?

Mr. Dieckmann: That would not represent increases in staff; that would be staff turnover — so due to retirement and where we have retirements, where we have had people who have taken positions with other organizations and we're staffing behind them. Those are the types of places that we do spend those expenses.

Ms. McLeod: In the annual report, the cost for printing and publications has more than doubled — to \$78,000 from \$37,000 just the year previous. Can you explain why these costs have gone up significantly, and are these expected to remain at these levels going forward?

Mr. Dieckmann: I don't have the breakdown on our costs for our printing and publications, but I will provide that information to the minister.

Ms. McLeod: The 2016 safety online course for students in grades 5 to 10, and their parents or guardians, was actually a novel idea to look at issues that can be experienced by kids using the Internet.

Can the witnesses comment on the success of the course and whether there are plans to continue its delivery?

Mr. Dieckmann: Actually, young workers is one place that I can definitely speak to successes. The materials that we've provided have been successful and, yes, we will continue to provide the training that we've been doing and continue to expand on some of the training that we have been providing in this area. We have had the luxury of seeing the numbers of injuries to young workers decrease over the past eight or nine years, and I would like to think that this is a direct result of the amount of resources that the board has committed for us to apply to young-worker initiatives.

We currently have programs right from kindergarten to grade 12 in the schools. We work with a number of organizations to address young and new workers, because, in our vernacular, young workers are between 15 and 24, but equally as important are new workers — so workers who are new to an occupation and they don't necessarily have to fall into that young-worker category. We get out and we try to

address the prevention initiatives in the schools with Skills Canada, with a number of organizations, and with employers directly to make sure those cohorts and those new workers are clearly understanding what their roles and responsibilities are in the workplace and are feeling confident that they can ask the questions that need to be asked. Yes, we will continue to do that well into the future.

Ms. McLeod: Thank you for that. I have a couple of questions regarding specific funding amounts and if the witnesses don't have the answers today, perhaps they can respond with them. One is to confirm the amount of money that is spent annually on marketing by the Workers' Compensation Health and Safety Board. What is the current annual dollar amount that is being funded to the Northern Safety Network Yukon?

Mr. Dieckmann: Our annual expenditures up to 2016 for the Northern Safety Network were approximately \$450,000 a year. That is for them to provide programming for the Certificate of Recognition program and for return-to-work programming for employers and workers in the Yukon Territory.

Ms. McLeod: There was a question there regarding marketing dollars spent yearly. I have a question about the Northern Safety Network. Is it part of their requirement to travel outside of Whitehorse to provide this training?

Mr. Dieckmann: I apologize for missing the marketing question. We will get those numbers and provide them to the minister. We do require that the Northern Safety Network provide training to the communities, and they do on a regular basis go to Watson Lake, Dawson and Haines Junction. They have been to some of the smaller communities — Ross River and Beaver Creek — but our contract with them requires them to hit the larger communities and then on an as-requested basis they will hit a number of the smaller communities, and they do that on a fairly regular basis.

Ms. McLeod: Does the board have any numbers or statistics regarding how many people are trained in each community? I am just curious what kind of uptake there is throughout Yukon.

Mr. Dieckmann: I don't have those numbers for you, but I can get them from the Northern Safety Network and provide them to the minister.

Ms. McLeod: Thank you for that. An evaluation was carried out in 2016 on Northern Safety Network Yukon's programming and their activities. The evaluation was carried out by a third party, which assessed the performance of the program as it is funded by the board. According to the evaluation report, there were a few areas that warranted suggestions or recommendations. These recommendations were in relation to design and delivery of courses and community and outreach. Can the witness comment on whether any of these suggestions or recommendations have been addressed by the Northern Safety Network?

Mr. Dieckmann: Yes, we had a very comprehensive review done of the Northern Safety Network. The current contribution agreement that we have with the Northern Safety Network is expiring this year.

The board of directors has approved a new contribution agreement with the Northern Safety Network and we are specifically addressing some of the issues that were raised, especially around expanding the programming so that it is relevant to a greater number of industries, specifically looking for ways to better engage the communities through things like e-learning — those types of things. Yes, we are addressing it and we are addressing it as contractual requirements.

Ms. McLeod: Thank you for that. The board's funding target is 125 percent of estimated liabilities. How does this target compare to other jurisdictions in Canada? Has there been any change in the way the board estimates its liabilities in the last year?

Mr. Pike: Thank you, Mr. Chair. The 125 percent is a number that the board came up with in consultation with all our stakeholders. If you were to go to boards all over Canada, you would find a wide, wide range of numbers. Some boards in fact only require you to be 80-percent funded. I can't remember the exact numbers, but they're very, very different.

Because we're in a fairly small jurisdiction, most of our stakeholders have said they don't want rates going on a tidal wave/tsunami-type curve and so what we have is a cushion that allows us to keep the rates from fluctuating wildly, and that was the 25 percent. I mean, the actual range is 121 to 129 and that has worked really well since it was put together. Again, all of our stakeholders approved it. I believe that was about 2008 — 2009 perhaps — but quite a while ago.

Ms. McLeod: Will the board provide a rebate to employers in the 2017 calendar year? If the answer to that is no, then why not?

Mr. Pike: Mr. Chair, the board is currently looking at that. We've taken a very prudent approach over the years and we like to make sure we know where we are, we know what the markets have forecast and to whatever degree of certainty you can have in the fuzzy crystal ball, trying to make sure we're very, very prudent. We are handling injured workers' money and therefore, we have a very heavy responsibility.

Over the fall, we will be having a look at that — looking at our funding position and seeing what we can do to get back to the target range, which is what the board is committed to doing. What that will involve, I can't tell you right now and the board has not made that decision. But we have committed to getting back into the funding target range that we've set as our policy.

Ms. McLeod: A total of \$9,746,000 was paid in 2016 for surplus distribution. As of December 2016, \$284,000 in surplus distributions was withheld due to non-compliance by employers. Can the witness give examples of what would be considered a non-compliance issue that would not give you your money back and whether or not that figure of \$284,000 is still valid today for the last year?

Mr. Dieckmann: Yes. Some examples of non-compliance would be if there were outstanding occupational health and safety orders, outstanding occupational health and safety fines, if someone had not paid their assessments, if they have not provided us information for audit that is required in order for us to ensure that they are paying the required amount

for their payroll. Those would be examples of things that would mean that an employer was not in compliance.

Now that being said, we also give them one calendar year to get themselves into compliance. If an employer is not in compliance when we issue the rebates, we do send a letter to the non-compliant employers. We advise them of what they have to do to get themselves into compliance and we give them the full year to do it.

As of December 31 of this year, anyone who was not in compliance last year when the rebate was handed out, if they are still in non-compliance as of December 31 of this year, then they will lose that rebate.

The numbers in the annual report are reflective of what was in place at the end of 2016 as far as non-compliance goes.

Ms. McLeod: Before I move on a little bit I want to go back to that northern safety bit. I'm wondering whether or not any consideration was given by the board to going out to the broader public, I guess, to seek RFQs or new proposals from other interested parties.

Mr. Pike: With respect to Northern Safety Network, we did in fact consider that strongly and the board has a strong commitment to ensuring that all constituents are treated fairly.

We, in formal matters, approach all the people who we thought could possibly be interested and they all turned us down. Therefore, we are in current discussions with Northern Safety Network about going forward, but it is a strong concern at all times of the board to ensure that fairness is practised in everything that we do.

Ms. McLeod: I'm wondering if that was a formal process or if it was just calling around, as you mentioned, to people who you thought might be interested. I'm wondering if it is possible other people were missed by a targeted type of question rather than an open call.

Mr. Pike: The point, as you put it in words, is true. It was an informal process. I can't tell you that it is not possible that there was somebody else out there, although if there were, we have never heard a single word about it and we did work hard to try to make sure that we looked around at the places that might be able to have the expertise to do what we're looking at here.

I guess the board determined that was acceptable from our point of view. Going to a tender request for proposals is a very expensive process for everybody involved and so again, from a cost-benefit, the board determined that what we were doing was acceptable to us.

Ms. McLeod: Thank you for that. How many employees did the board have for this past reporting period in their annual report, and how does this compare to previous periods? I'm looking for information on whether or not new positions have been created within the organization and, maybe, what their positions are.

Mr. Dieckmann: The number of employees that we have will fluctuate between sort of 76 and 82, depending on time of year. In the summertime, we typically will bring in a few more people to cover holidays and those types of things. The number of staff that we have — our FTE count — has not changed since, I would say, going back to 2009-10.

Ms. McLeod: I have a question about air-quality monitoring. I don't know if the witnesses will have this information, but I'm wondering how this air-quality monitoring is carried out in Government of Yukon's buildings, including schools?

Mr. Dieckmann: Air-quality monitoring is actually the responsibility of an employer. If there is a complaint in a workplace about air quality, the first responsibility falls with the employer to go in and do the testing and monitoring, and verify whether or not there are contaminants that could cause harm within the workplace.

If the employer does not follow through on their responsibilities under the act, then we will send safety officers in to do air-quality testing. If our air-quality testing shows that there are contaminants within a workplace that need to be addressed, then what we will do is we will issue orders to the employer to continue air monitoring, to make necessary changes to get the air quality into compliance with what the regulatory requirements are.

For long-term testing — for example, the radon issue that has arisen in a number of facilities — we have done long-term tests on some of the facilities where there was known radon in there and have followed up — where they are still in non-compliance with the standards, issued orders to have the appropriate remediation and testing done.

Our response to most issues like that is reactive and usually complaint-driven, unless we have a request from an employer who really doesn't know how to do it — we will begin a program for them and then hand it off to them to continue.

Ms. McLeod: I am wondering if there is a dispute mechanism — if the employer says that, "We have done this testing and we think it is fine" and Workers' Compensation Health and Safety Board comes in and says, "Heavens, no; it is not fine." How does that get resolved?

Mr. Dieckmann: There is an appeal process that is available to all employers and all workers. Any decision that is issued by a safety officer can be appealed to the board of directors. If there is a dispute, the employer has 21 days — or, conversely, if the dispute is raised by workers, they have 21 days — from when a directive is issued to appeal that. The board of directors will then hear the appeal and make a determination.

Ms. McLeod: With respect to inspections, how does the board decide which businesses to inspect and when? What is the protocol around resolving issues that arise from an inspection?

Mr. Dieckmann: There are a couple of things that we do when looking at where to inspect. Some of the inspections that we do are totally random. If there are workplaces that we have not been to in a certain amount of time, we may just decide to go into them. Some of them are based on risk associated with the industry. Higher-hazard industries will typically see safety officer visits more, because the higher the hazard, the greater the risk of injury within an industry. We also take an approach of looking at some of the cost drivers within an industry, and within those industry groups, we will

go and take a look and see that this industry group seems to have higher costs than what we would normally expect for that industry. We will do a little bit deeper of a dive into it and see if there are particular employers within that industry group who may be driving some of the costs, and then we will go and visit those particular employers to see if we can assist them to lower their costs and get more in line with what industry norms might be, and even lower than that.

Ms. McLeod: I wonder if you can give me some examples of what you would consider a higher risk industry. I ask that because I read recently that the board was considering the lowering of rates for, say, placer mining. I am just not sure what is considered a higher risk.

Mr. Dieckmann: We look at a couple of factors for risk. One is that we look at the cost drivers within the industry. If an industry's rates are high, that would be an indicator that they are having either more injuries or more costly injuries, so those are the types of things that we would use to examine. Some of the standard indicators of risk are the types of work that people do — where people work at heights, where people work in trenches, where people work doing heavy lifting, construction. Those are typically higher risk industries.

If you take a look at our annual report, on page 25, it shows the industries where we have higher numbers of accepted claims. The industry trades, transport, equipment operators, related occupations — those are showing higher numbers of accepted claims by those occupations. There again, we would take a look at that and say, "We're seeing higher numbers of injuries, there is greater risk to employees and to the fund, and so we will go and concentrate on them."

Where we see industry rates coming down, the hazards may not have changed within that industry because people are still going to be doing the type of work that they were doing, but risk is a factor of the hazards that you're exposed to, the time that you're exposed to those hazards and the preventive measures that are put in place to make sure that the risk is reduced.

The industries that are performing well are typically looking at ways to introduce methods of lowering the risk. They're putting safety programs in place. They are providing appropriate training to their workers. They are providing their workers with appropriate personal protective equipment. Their equipment is well-maintained. They're encouraging their workers to wear their seatbelts when they are driving equipment. Those types of things are what will lower the risk and ultimately ensure that the workers are not getting injured and the costs to their industry are coming down.

Ms. McLeod: Can the witness comment on how inspections are delegated among the inspectors? I ask because there have been reports of WCB inspectors undertaking inspections that may be outside their area of expertise. Is there a way to ensure inspectors are only undertaking inspections that are within their own purview?

Mr. Dieckmann: Our inspectors are divided into two groups. We have our industrial safety officers, who deal with inspections in anything from building construction, road

construction, retail and hotels — those types of industries. Then on the other side of the inspection business, we have our mine safety inspectors who concentrate the majority of their time on the mines.

Being a small jurisdiction, we cannot have people who are dedicated experts in every single field so our safety officers are trained as generalists right across the board. Whether they are on the industrial safety side or on the mine safety side, they get training as generalists in hazard identification, in how to identify whether or not there is proper training in place. They're all trained to perform safety audits.

When we assign — if we have somebody who has greater expertise in a field — for example, if we have somebody who is a journeyman mechanic — and we do have a journeyman mechanic — and if one of the safety officers is out in a workplace and they notice something where they suspect there may be mechanical issues, they will then pull that other safety officer in to assist them with the inspection.

It's the same on the hygiene side of things. We have an industrial hygienist. If somebody is in a workplace and suspects that some air-quality monitoring needs to be done, they will call on our hygienist to go in and do an assessment of that workplace and assist them in writing those orders.

Ms. McLeod: How does the board attempt and ensure fair and impartial assessments in compliance with the regulations? Are there policies in place within workers' safety and workers' compensation that ensure that board personnel are also compliant with their own regulations?

Mr. Dieckmann: Yes, we have policies in place that guide how we will do work. We have directives that establish what we are supposed to do as an organization to ensure that we are complying with our own laws. We are actually a COR-certified organization. We have a safety program that is audited every year to make sure that we are in fact following the safety requirements that we would expect from any other employer, so we do have that well-managed. We have a safety program that is documented. We provide training to our workers. We actually go so far as, on a monthly basis, to sit and do reviews of sections of our safety program with all staff within the organization. We put a very high standard in place for our own compliance with the regulations that we are tasked with enforcing and administering. So, yes, we do that.

What the second part of the question, Mr. Chair?

Ms. McLeod: I think you have answered it. My question was about how you ensure that this is done and whether or not your own people are in compliance with your regulations, and I believe you have answered that.

What does the board do to ensure fair and impartial assessment of complaints or allegations of improper or inappropriate actions, enforcement actions, remediation requirements and/or overstepping of the inspectors' regulatory authority or mandate?

Mr. Dieckmann: On the inspection side of things, we have a procedures manual that our safety officers are required to know and to follow. If we do get a complaint that someone has overstepped or not followed through on the requirements of our procedures manual, their manager will review what has

happened, and if they find that somebody did, in fact, step outside what the requirements are when they are doing an inspection in a workplace, the normal disciplinary processes that are outlined in the collective agreement would kick into place.

Typically what would happen is that it would be an informal start with an informal discussion with the worker, pointing out the areas of the procedures manual that they should have followed, making sure that they have a clear understanding and maybe making sure that, if they require some more training, they get that training. Typically that would be where it would end. If somebody was stepping outside and maliciously continuing to do something, then we would continue with the step discipline process.

Ms. McLeod: We are reminded often of the numbers of accepted claims with WCB after an injury, but those numbers do not reflect what the board is doing to be proactive in preventing injuries. I guess my question would be: What kind of steps those are, aside from regulations — and maybe there is nothing else? Maybe there are regulations and there are inspections. Following an injury, what are the steps taken between the board and industry in order to prevent reoccurrence?

Mr. Dieckmann: I guess it would depend on what we are talking about with injuries. If we recognize a pattern of injuries that are occurring in a particular industry, we will typically work with the industry group to address that. If there is an industry association, we will go and work with that industry association to try to address the specific issues that are leading to that. For example, if we noticed that in the building construction industry there was a high prevalence of eye injuries, we would work with the contractors association and maybe the home builders association to identify that these are issues that we are seeing recurring, and maybe try to develop some processes to help them to address those issues.

We also often are proactively approached by industry groups to help them to address issues or injuries that are occurring within their industry. A good example of that is that the Klondike Placer Miners' Association approached us last year and asked if we could help them to update their industry safety manual so they would have a tool that they could provide to all their members to develop their safety programs for their industry specifically and to address any issues that were occurring. We worked with them to help them update their safety manual and develop it so that it was available electronically to all of their members.

Ms. McLeod: Yukon's reporting system for workplace injury or death is to count the numbers and tally up accepted claims at the end of the year. It would seem that the system does not allow for statistical analysis based on the frequency to allow Yukon to compare its rates of workplace injury or death and measure itself against industry leaders that have a long history of safety standards.

Has WCB considered looking at different ways to collect and report data on workplace injuries and deaths that would allow the Yukon to measure against or to compare with other jurisdictions?

Mr. Dieckmann: We do collect information. The standard measure for all industries, all compensation boards across North America, is the lost-time incident rate. We do report on our lost-time incident rate per 100 workers covered, and that is the standard. Our lost-time incident rate has been on a decline since the late 1990s. If you look in our annual report, on page 24, you can see the lost-time injury rate, and the trend line is showing down.

In the last three years, we have been as low as 1.9 injuries per 100 covered workers and up to 2.1, so we have sort of levelled off in that area, but that is the standard measure.

You are definitely correct, though, in that it is difficult for us to compare to other jurisdictions. Because we are such a small jurisdiction, the statistical validity of those numbers can fluctuate, based on a couple of injuries or 150 injuries. While we do have a comparator, I would agree with you that it is difficult to say that it is a written-in-stone type of comparator, given the statistical swings that we can see with a very few number of injuries.

We have had a lot of discussion and looked at different ways that we could measure that would provide more statistical validity, and we just have not been able to find anything that works beyond what we're doing with our current lost-time incident rate.

Ms. McLeod: I just have a question about various prevention programs — CHOICES, COR, SECOR. I wonder if the board has any stats that would suggest that these programs have been helpful in lowering rates of injury.

Mr. Dieckmann: The only thing I could really point to is — there are two things. One is, as I said, the trend line that we have seen on our lost-time injury rate, because the COR program came into effect in the early 2000s. Back then, our lost-time injury rate was as high as 3.1 but was hovering around the 2.5 to 2.7 range. That was when the COR program was introduced. It really kicked in during 2008-09 when a lot of companies started getting their COR certification. There again, the injury rates were pretty high. Since then, we have seen a steady decline — up until the last couple of years when it sort of levelled off.

The other really good indicator — if you look at our rate sheet over the past few years, a great indicator is the rates that industries are paying, particularly those higher risk industries.

Overall, the board, back in 2009, our average rate — so nobody actually pays that rate, but the average rate of all industries was around \$3 per \$100 of assessable payroll. For 2018, in the rate setting, when the board looked at what the projected costs will be for 2018, the average rate has dropped down to \$2.25.

In the average rate, we have seen a real decrease in costs of about 75 cents in that average rate. That doesn't happen if employers are not paying attention to safety in the workplace and they're not paying attention to returning injured workers to work when they're able to return. That is a really good indicator.

When we look at some of the higher risk industries — construction is a high-risk industry — back in 2011, that was up at \$8.55. It's down to \$5.70. If you go back to 2009, I

believe it was around \$10. That industry has seen a significant decrease. Granted, part of that is because of the rebates that the board has been applying to the rates, but there have been real improvements in safety in those industries that have resulted in some significant cost savings to those industries and significant benefit to workers who are not getting injured.

Ms. McLeod: We're just going to switch direction here for a bit. Of course we all know there is legalization of marijuana coming up. I'm wondering what the board has done to prepare.

Mr. Dieckmann: One of the things that we have been doing is we have been participating actively with the working group that the Government of Yukon put together for looking at the regulations in Yukon and preparing for that implementation. We have been actively working with other departments to identify some of the issues that we see may be arising with the introduction of marijuana.

The reality of it is we have been dealing with impairment in the workplace long before anybody contemplated legalization of marijuana. We have been dealing with issues of impairment due to alcohol, impairment due to prescription drugs and impairment due to non-prescription drugs for a number of years. Really the approach that needs to be taken on this is the same, once legalization comes in, as what we have been talking to employers about in the past, and that is having programs in place to help train supervisors and train workers so that supervisors can recognize impairment when they see it in the workplace or if they suspect impairment in the workplace, and provide them with the appropriate policies and procedures to deal with it.

One of the worst things that can happen is that you suspect somebody is impaired and you send them home and fire them. That doesn't work and it never has worked. It's making sure that you have the ability to assess and if you suspect that there are issues with impairment because there is addiction or if there is impairment because it is recreational use on the weekend and coming in on a Monday morning not quite fit for work — having those processes in place to deal with it. We don't see that there are going to be huge implications over and above what we've been dealing with for a number of years.

Ms. McLeod: When do you anticipate that there might be some public engagement on worker safety and the use of drugs, particularly in the workplace? I think employers are going to find it a little more difficult to pin this one down. Employers are asking what their liability issues are in regard to persons who are high and any workplace accidents that may take place. This is a large concern with employers and with school teachers.

I'm wondering what the way forward is for the Workers' Compensation Health and Safety Board on this matter?

Mr. Dieckmann: I'm really glad you brought that up, because it is a concern that has been raised a number of times with us from employers. We started two years ago with really trying to address issues of impairment in the workplace. We have our workplace solutions series. Two years ago, we brought in a number of people to talk about the types of things

that employers can do — programs that they can put in place — to address impairment in the workplace — be it from drugs, alcohol, prescription drugs or whatever — and we had a number of speakers speak to employers about some of the solutions that they had put in place and some of the things that they need to put in place.

Last year, we brought in Dr. Charles Els, who is an expert in cannabis, cannabinoids, marijuana use — the impacts and effects of those. He came in and did a speaker series for employers and for the medical community, and provided some really good advice on how to identify impairment and measures that workplaces could take. We had really good uptake on that and, as we go forward, we will be continuing to provide those types of opportunities for employers and workers and bring in speakers and bring in solutions that can hopefully help them to understand and identify what it is they need to do.

One of the biggest questions that comes up with employers is: What constitutes impairment? So some of what has to happen is that we still are waiting to see what happens with the federal legislation. I think I can speak for all my colleagues across this country — this is one that we really have to wait and see what they come up with before we can provide some really good advice on how to manage that impairment within the workplace.

Ms. McLeod: I want to thank the witnesses for their time today. I have no more questions and so I'll turn it over to my colleagues.

Ms. Hanson: I also join in welcoming the witnesses to the Assembly today. I believe it has been awhile since we've seen you. I think it was in 2015 when the Legislative Assembly welcomed the Workers' Compensation Health and Safety Board representatives to this Assembly.

I think it was important having you point out the recognition of the 100th anniversary of the principles underlying workers' compensation, and the implicit contract that underlies the Meredith Principles — that underlies the legislation that you spoke to. One of the first questions I want to ask you is — in reviewing the legislation and the regulations in preparation for the discussion this afternoon, I'm reminded again of section 129 of the legislation. I'm wondering if the board has instructed the staff of the Workers' Compensation Health and Safety Board that a review be conducted in anticipation of the comprehensive view of the *Workers' Compensation Act* that's contemplated in section 129, which was anticipated and was set out in the legislation — that could be occurring in 2013.

I ask that because, for example, we saw the Information and Privacy Commissioner, in anticipation of the comprehensive review that was scheduled to be done by December 2015 of the ATIPP legislation — she actually had prepared detailed comments of areas that, from her perspective and experience, would be useful to see reviewed or contained in a comprehensive review of the legislation.

Based on the experience of the board and of the staff of the organization, what key areas for review would a

comprehensive review of the *Workers' Compensation Act* include?

Mr. Pike: First, I would just pass along that the board is engaged with the idea that we could have a review of the act. The board has discussed it at length. We haven't taken a significant amount of action, because all of those actions cost a lot of money, and for us to use the money that's intended for injured workers — if in fact the act review doesn't go ahead for whatever reason — would not be the best use of money, but we are ready to go. We would love to be part of that, should that come to be.

From our point of view, if we do a comprehensive review of the act, everything is open. I believe the 2008 review was literally a review of the entire act and all the provisions for both employers and workers, and I would suspect that's what would happen should that go ahead again, but that would be the purview of this House more than us. However, we would love to take part in that. Obviously we have a significant amount of experience in the pros and cons and in what's going right and wrong and what could be improved.

Mr. Dieckmann: I would just like to add to that. The Chair is correct that we would certainly welcome it. A couple of things — one of the major pieces that we would like to see happen in a review is alignment of the *Workers' Compensation Act* and the *Occupational Health and Safety Act*.

We hear a lot of times from employers that there are inconsistencies between the two acts. A lot of the definitions are not consistent. Reporting times are not consistent. That would probably be one of the bigger pieces that would definitely be beneficial because the *Occupational Health and Safety Act* was drafted essentially in 1986. It has seen some minor consolidations and reviews, but essentially it is the same act as it was back in 1986. The *Workers' Compensation Act* has been modernized over time. They have grown out of alignment. That would probably be one of the biggest things that could happen.

Ms. Hanson: Another area that I wonder if, in terms of modernizing the provisions — currently, it is my understanding, and certainly — we have had correspondence to the effect that somebody who is eligible because they have been deemed as permanently impaired and will, in that case, when they get to be 65 — as I understand it — and the witnesses can correct me — they will no longer get workers' compensation. They will go on OAS just like the rest of us, but they will get an annuity.

If the circumstance occurs where somebody is diagnosed with a terminal situation and they're not going to live to 65 — they're getting there, but they're not there; they're four years out — the current legislation, as I understand it, does not allow the board to pay that out prior to 65. It does not allow them to pay it out to the family to provide care for that person in the interim.

Is that an area where the act should or could be amended to be more compassionate perhaps?

Mr. Dieckmann: That is definitely an area that could be amended. As I say — or as Mark has pointed out — the

contents of the act are the purview of this House and we are tasked with the administration and enforcement of the act. What we are given we would very much happily enforce and apply as is provided to us.

Ms. Hanson: In section 17, part 3 of the act — section 17 is “presumptions and benefit of doubt”. The presumption is that unless there is evidence to the contrary, an injury is presumed to be work-related if it arises in the course of a worker’s employment. So when somebody presents currently — and I’ve had this through the course of my work — I think it’s pretty clear that one of the roles of an MLA is to listen to and try to represent or advocate on behalf of constituents or people who are citizens of the territory. So if somebody who has — and it was interesting in the discussion earlier this afternoon when one of the witnesses — Mr. Dieckmann I think — referred to the issue of injury, but one of the things they’re talking about — this is around the presumptive legislation and the benefits to destigmatizing — we’re still using the words and asking people to go under a psychiatric classification as opposed to the use of the word “injury”. But when we talk about prevention with respect to PTSD, we refer to it as “injuries”. I think there is going to have to be some discussion there.

What I want to get to is that, under the act, as I understand it now, if you present with an injury as a result of a traumatic work-related injury, you are covered under a policy called EN-09, “Adjudicating Psychological Disorders”. How will the process that somebody has to go through on that differ? How will the diagnosis or the presumption of PTSD materially differ for a person as opposed to how they are dealt with or treated under policy EN-09, “Adjudicating Psychological Disorders”?

Mr. Dieckmann: If I understand the question, is it: What would the difference be with a presumption in place as to how we would handle it as compared to what EN-09 outlines at the moment?

Ms. Hanson: Today, the legislation is not in place for any presumption with respect to a psychological injury or disorder, so they use this EN-09. What is the difference tomorrow for me if I come to you and I present and say, “This is what happened at my work. It has affected me, and I can’t do my job because of these psychological issues — the trauma”. What is different between it being under EN-09 or under PTSD presumption?

Mr. Dieckmann: The process as it is right now is that if a worker goes to their doctor and describes, as you say, that they are having difficulties focusing on work and they are having symptoms that the doctor suspects may be related to a psychological injury, including PTSD, the doctor will provide us with a doctor’s report. What we do is we will then send that worker to get an assessment done. The assessment takes a period of time to get done.

Part of what comes out of the assessment as the assessment is being done is the types of incidents that may have occurred, what has led to the development of the psychological injury. We will get that report. Right now, once we get that report, and let’s say that there is a diagnosis of

post-traumatic stress disorder, all the indicators from that report are that it was work-related. The person was a first responder who had seen multiple incidents that occurred over time. We get that report and that is in there. That is sort of the primary piece of evidence that we use and we then adjudicate the claim. The adjudicator will look at it and say, “What evidence is there to verify that it has occurred out of and during the course of the work?” In most instances, that is identified in the report. They will then adjudicate the claim, and if they accept the claim, it moves on.

The case management begins, indemnity payments begin — all those things begin. With the introduction of the PTSD presumption, if it was a person who falls under the presumption, the decision is automatic. The assessment piece — the presentation to the doctor, the doctor’s report coming to us, the sending out for assessment or getting them assessed — all remains exactly the same. When we get the report, if the report says “PTSD”, it’s automatically accepted. The time frame honestly — I don’t see it being a lot different because the reports that we get are comprehensive enough now and they really do let us know if it was a work-related injury or not.

Where an adjudicator may have to look a little bit more is whether or not the injury actually occurred in the Yukon, so if the person had worked outside of Yukon, that may be something that needs to be considered. If they had been a first responder in BC for 20 years and had just moved up here, they would look at that, which could delay the adjudication process a little bit, but the main effect would be that, as soon as it came in, it would be accepted.

Ms. Hanson: I’ll come back to that aspect, but could you describe adjudicators’ background and qualifications? Are they medically trained?

Mr. Dieckmann: Our adjudicators and case managers are trained decision-makers. They are not medically trained professionals. They are trained through the Foundation of Administrative Justice to look at all the evidence, weigh the evidence and make a decision based on the evidence. If there is medical evidence that they don’t understand, we have a medical consultant they can go to who will explain to them what the doctor’s reports mean.

Ms. Hanson: When a worker experiences a traumatic situation, or as a result of a cumulative effect of trauma, and they have to go on leave because they can’t do their job — what I’m understanding is that the diagnostic process takes at least a month — we’ve heard the adjudication process is a couple weeks, so it’s going to be 30 days before you are going to get out because, for some reason, there’s a 30-day period — I’ll come back to that in a second — they can clarify that, Mr. Chair.

Under the presumptive legislation, there may be some acceleration of that process but, regardless, there is a significant period of time for all employees, regardless of whether or not they are first responders under PTSD presumption or a private sector person who is traumatized as a result of work-related violence — a shooting, a robbery, whatever. That employee is still going to be without revenue.

Now, as I understand it from the briefing, the expectation is that most of the people covered — and I heard this earlier today when the question was asked by the Member for Watson Lake about the liabilities that would accrue. It seemed to be largely with the understanding that most of the government employees were going to be covered.

We do have a significant number of government employees, but we just talked yesterday about — that 70 percent of our employers in the Yukon are small, private sector employers, and that means that ordinary individuals could be affected or traumatized, either under EN-09 or PTSD presumptive legislation. Government employees may be able to take advantage of short-term disability benefits or sick leave, but are there any measures in place to assist employees who don't have those kinds of benefits, who aren't able to work because they have been traumatized in a work situation and are waiting to be recognized, either under EN-09 or presumptive legislation?

Mr. Dieckmann: The 30 days is not a waiting period. The 30 days I spoke to is what it takes to get a diagnosis. Once they see a mental health professional, from when the injury occurred to when a diagnosis will be provided by a qualified mental health professional is 30 days. The lag time would be on the front end — how long it may take us to get them to appropriate treatment. We try very hard to expedite that piece of it. If we can't find somebody locally, we will send people out for assessment.

You're right — there is a minimum 30-day window built into that. We cannot make indemnity payments — so wage-loss payments cannot be made — until we have an accepted claim. That is the same for any injury so — whether it's a mental health issue or psychological injury, or whether it is a physical injury — until it has been adjudicated, we cannot make a payment until the claim is accepted. There are no provisions in the act that would allow us to make indemnity payments without there being an accepted claim.

We are able to make initial medical payments to send out for assessment and those kinds of things, because that is part of the investigation we have to do to determine whether or not there is an injury.

So you are absolutely correct: If there is a delay for any reason in getting that diagnosis and making that decision, a worker who doesn't have benefits could be without pay for a period of time. It's one of the reasons why we really try hard to — our standard that we have put in place for adjudicating claims is 14 days to first payment, a decision within 10 days. That's the standard that we shoot for to avoid that delay, exactly.

Ms. Hanson: I thank the witness for that response. It was good clarification.

The witness indicated that in 2014, there were three accepted cases under this classification; in 2015, there were three; and there was a large jump in the last two years. This is before there is any legislation. What is a large jump? What is it at 2016, and what are we seeing so far in 2017? I think it's important to know what the occupational areas are of those three, three, and large jump have been in the last two years.

Mr. Dieckmann: If you can bear with me for just a second, I do have those numbers but finding them could take me just a second.

In 2016, we had 20 psychological injury claims; 17 of them were accepted for PTSD. In the first eight months of this year, we have had 14 psychological injury claims, and 11 of them were accepted for post-traumatic stress disorder. So, we have seen significant increase.

Ms. Hanson: Is there a breakdown of the occupational areas where we're seeing this occurring most frequently?

Mr. Dieckmann: I don't have the breakdown of all areas, and I would be reluctant to give you the numbers because in some areas it is one claim, and so a person can be identified. I can tell you that over 50 percent of them fall under the classification of first responders that was proposed in the legislation.

Ms. Hanson: That means that 50 percent don't fall — and it means that 50 percent wouldn't be covered under the presumptive legislation. That's unfortunate.

There is a whole range of questions that would come up with respect to the correlating prevention work that is necessary in any of these areas. When we see in a workplace — just before I go into that, because I think I need to clarify an aspect of this. I will accept the witnesses' statement that they don't wish to break down by occupation. Can they tell us: Between 2014 to 2017, how many of them are in the public sector as defined in terms of the workers' compensation legislation that talks about people who are volunteers — say, volunteer firefighters? They are going to be covered as government employees for the purposes of presumptive legislation under the firefighter protection that is currently there for cancer. How many of these are going to be covered as public sector?

Mr. Dieckmann: I will have to get those numbers, and I will provide them to the minister so that she can provide them to the House. I would be comfortable with that breakdown.

Ms. Hanson: I believe that when the witness was answering a question from my colleague from Watson Lake and it had to do with the survey and the number of — the statement that was said in the public document was that three percent said it should be restricted to first responders. That was the public document on it — the public consultation piece, the "what we heard" kind of thing.

Mr. Chair, I noticed again today on Facebook — it popped up — that there is an advertising campaign that was recently launched, as far as I can tell, that is focused around informing Yukoners that all workers are covered for work-related PTSD. The timing of this campaign is interesting to me, given that the government's tabling of the presumptive PTSD bill. When the decision was made to create this campaign, was it in response to a request from government, or where did that decision to suddenly publicize that all workers are covered by PTSD?

I can tell you I've been doing casework in this area for a number of years, and I have never seen anything about PTSD. I had to struggle to find out that PTSD was in fact covered

under the EN-09, so I'm curious as to why we are suddenly announcing to the world that all workers are covered. Is that an independent decision, or was it a request from the government to sort of publicize that fact?

Mr. Dieckmann: One of the things that we noted through the consultation was that, in a lot of the responses that we got, people seemed to tie presumption to coverage. There seemed to be a misunderstanding among the public that they were covered. The responses actually were somewhat worrisome to us. In a lot of the responses, people were making statements like, "The presumption needs to apply to everyone because anybody who gets injured or gets a psychological injury at work should be able to get coverage." We looked at that and we said that we need to get some clarification out there. If the presumption does come in, we don't want people thinking that they weren't included in the presumption, and therefore they cannot make a claim for PTSD.

We proposed putting that out to the board. The board thought that it was a good idea, and we did run it by the minister and she said that she thought it was a good idea as well. We went forward with that campaign.

Ms. Hanson: I would hope that if the board, as an independent board, thought it was a good campaign, they would do it regardless of what the minister thought. I mean, I'm just presuming that and I won't go there any further.

I have a couple more questions directly related to this matter, and then I have some other questions that will touch on the process issues and some questions around the EN-09, based on my experience of working through that with individuals.

Can the witnesses tell us who drafted the consultation regarding the presumptive PTSD bill? I ask this because the survey regarding the presumptive PTSD coverage asked about adding additional professions in the future, but the government committed to considering expanding coverage to all workers. I am just wondering if there was a direction to keep it narrow or was that just something that the board felt was the best way to go about it — to take an incremental approach.

Mr. Dieckmann: We were asked to consult by the government on behalf of the government, and we were provided with the questions to ask.

Ms. Hanson: It is unfortunate. I expected that. The act has a fair amount to say with respect to return to work. I think it starts at section 40 and goes on. There is a fair amount also with respect to the employer's obligation to re-employ somebody because, ostensibly, the whole purpose of workers' compensation, regardless of whether it is a psychological injury or a physical injury, the goal under workers' compensation legislation going back 100 years is to help people get back to work. Can the witnesses give a succinct description of the duty to accommodate in terms of re-employment?

Mr. Dieckmann: Succinctly, the duty to accommodate in the act applies to employers who employ 20 workers or more. As succinctly as I can put it, if a worker is injured at work, there is an obligation on the employer's part to return

that worker. There is a hierarchy to returning to work. The preferred would be same employer, same job. That would be preferred. If there is an inability to return the worker to the same job, then the employer should be looking for other jobs that are suitable for the skills that the worker has — the skills and abilities that worker has — and return them to an alternate job.

Also, the other piece of it is that return to work should not wait until the worker is 100-percent better. The whole idea of return to work is recovery on the job, because people recover quicker and better if they are at work. Let's face it, work is a huge part of our lives. We spend a good amount of time there. For a lot of people, it is a large part of their social life as well. The whole point of the return-to-work provisions are that if a worker is injured, as soon as the worker is medically fit to perform some work, we get a functional abilities assessment from their doctor that lays out what that worker is capable of doing and then the employer ideally can match what they are capable of doing to some of the work that they have in the workplace and then gradually get them back to their original job. That is, in a nutshell, what it's about.

Ms. Hanson: I thank the witness for that answer. In that return-to-work section, it says, just as the witness has said, that the employer shall cooperate in the early and safe return to work of a worker injured in his or her employment. As I further understand, the board has a role to monitor how that's done, or the compliance with that, and may levy a monetary penalty.

Can the witness give examples of how the WCB works to monitor, either by encouraging the employer to be flexible about possible placements, because it may not be possible to place somebody back in the prior work placement — if it's a psychological injury, most likely not — and to be flexible about temporary assignments, training opportunities? What clout does the WCB have with the disability management group, for example, with the Government of Yukon or with private employers? How often, or has, the WCB ever levied a monetary penalty pursuant to section 40?

Mr. Dieckmann: The last question first — we have not issued any monetary penalties. We have been working on how we would operationalize that. Our staff have now come up with the methodology for tracking and monitoring and how to set the expectations for the return to work, and making determinations as to when someone is not — an employer is not — cooperating.

Some of the challenges that we face — because the workplace is not our workplace, we cannot dictate what appropriate work is or what an appropriate job would be. What we try to do is encourage employers — often the first thing we get is, "I can't return them to work; I don't have any jobs." So we try to encourage employers to look at ways that they can bundle different jobs or activities to make a job that is meaningful for the worker.

The other piece of return to work is that we don't want somebody sitting around counting paperclips. That is not productive for the employer; it's not productive for the worker; that doesn't work. It's about returning them to

meaningful work. We will work with them and try to encourage them to bundle tasks and come up with ways that they can provide meaningful employment for that worker.

As far as the clout that we have — really the only clout that we do have is levying fines under the legislation. We can't order people to work. Under the occupational health and safety side of our business, if somebody is not complying with the law, we can issue orders to force compliance, or to strongly encourage compliance, I guess, but on the workers' compensation side, we don't have that ability.

Ms. Hanson: I'm trying to jibe that last response with the occupational health and safety aspects of a workplace. If WCB, of all organizations, doesn't have the clout to ensure that a workplace is safe — and that includes both psychological injuries and physical injuries — can't compel an employer to reintegrate an employee — obviously previously a valued employee until they were injured in one way or another — who ultimately — I mean, is the individual going to be forced to go to court to get some compliance, some cooperation, from their own employer?

Mr. Dieckmann: The reality of it is, if people are willing to pay the monetary penalties, it does present difficulties for us to return those workers to work, but ultimately there are financial costs to not returning that worker to work, but it would — we can definitely ensure the safety of the workers in the workplace using the *Occupational Health and Safety Act* and making sure that there is compliance with the physical safety and psychological safety requirements. But on the return-to-work side, it can be difficult and it can be challenging for us to persuade, cajole or twist an employer's arm to return people to meaningful work.

Ms. Hanson: I'm just reflecting back on my career as a senior manager in public service in the federal system. I can tell you that duty to accommodate was taken very seriously there. As I recall, the example used was that it is up to and including bankruptcy, so it is a pretty damn long time before Yukon government would be rendered bankrupt as a result of providing accommodation for a worker to get into the workplace. Can the witnesses tell us how many ATIPPs there were of clients who were actually seeking information on their own files in the past year?

Mr. Dieckmann: I will have to get back to you on that number. I don't have the number of ATIPP requests.

Ms. Hanson: Does the workers' advocate assist individuals to bring their appeals before the Yukon Workers' Compensation Health and Safety Board Appeal Tribunal? We didn't see that in the description of the job for the workers' advocate, or maybe it was in the description as set out in the annual report.

Mr. Dieckmann: Yes, the Workers' Advocate Office will request the file, review the file and bring forward an appeal — both levels of appeal. They will bring forward a hearing officer review. They will file on behalf of the worker and, if the decision at the hearing officer level is not changed and the worker would like to continue on through the Yukon Workers' Compensation Health and Safety Board Appeal

Tribunal, the workers' advocate will assist them all the way through the entire appeal process.

Ms. Hanson: I thank the witness for that answer. How many workers has the workers' advocate assisted over the last year?

Mr. Dieckmann: I will have to get back to you on that. That would be in their annual report, but I can provide a copy of their annual report to the minister.

Ms. Hanson: One of the issues that we, as a territory, face, is escalating health care costs, and diagnostics is a big one. We have asked this in the past of previous government ministers and of WCB. We're aware — some of us from personal experience — that WCB — if you require an MRI, you are generally shipped out to Vancouver to have that MRI because it's quick. One of the questions that we ask is that, in other jurisdictions, we see where hospital corporations and hospitals run their MRI facilities basically on a 24-hour basis. We have asked whether or not there are any economies to be achieved for the Workers' Compensation Health and Safety Board and the Yukon Hospital Corporation in having the WCB contracting with the Yukon Hospital Corporation to expand the availability of MRIs required by WCB by using the local service here — by getting into some form of cost-sharing or contractual arrangement that would allow the Hospital Corporation to expand the number of technicians and other related professionals to make sure of a machine that basically has a time limitation as a piece of technology.

Has that been explored and, if so, when and to what end?

Mr. Dieckmann: We do use the MRI machine in the territory and we have had discussions with the Hospital Corporation on a few occasions. The last time we did talk to them, I'm not sure and I will get that information for you, but the reality of it is that we don't have enough volume ourselves to facilitate another shift coming on.

The way that we work with the Hospital Corporation is they will take as many of our cases as they can without impacting the health care that they provide to the rest of Yukon. So in those instances where they're not able to provide us with the MRI services, we still have to send some workers out.

Ms. Hanson: I am encouraged that there have at least been some conversations because I will pursue this next week with the Hospital Corporation as well.

Can the witness tell us how much is spent annually by the Workers' Compensation Health and Safety Board to send workers Outside for medical assessment?

Mr. Dieckmann: It's funny; I actually went to see if I could get those numbers today because I did anticipate this question and we do not break down our travel expenses for inside the territory and outside the territory.

What I can tell you is that in 2016, we spent approximately \$860,000 on medical travel, but that includes travel within the territory and travel outside the territory.

The other thing that I can tell you is we send, on average, 30 to 35 workers per month out for various medical assessments, be that for psychological assessments, MRIs,

other imaging, to see specialists, for operations and other treatments — all that combined.

Ms. Hanson: You're going to make a money-maker there.

The witnesses, in response to a question earlier from the Member from Watson Lake commented briefly about the role they have played with respect to radon testing.

I just wanted to come back to it because it was with reference to the government facilities. Under Occupational Health and Safety, we know that there are potential concerns for all workers. I was told, in response to a question, that since December 2016, Health and Social Services has been working with Workers' Compensation to look at mitigation and working to ensure that testing and re-testing in the childcare centres are done and that mitigation measures are taken into effect.

What role does WCB and Occupational Health and Safety have with respect to — not the government facilities, but the private day homes and daycares?

Mr. Dieckmann: We have been working with Health and Social Services on going back to some of the facilities that had been tested in the past. We did a large radon project a few years ago, which was at the behest, actually, of the federal government to assist them in their radon mapping. We looked at facilities that were private facilities, government facilities — so essentially wherever employers would let us come in and do the testing on behalf of the federal government. From that, we got a lot of different results. A lot of the employers' facilities were within the acceptable limits.

For those that weren't, we had provided the information to the employers and made suggestions for improvements. We have since gone back to all the places where the facilities did not meet the standards and did long-term re-testing to verify whether or not they met the Health Canada standards or not. For those that didn't, we have provided them with that information and have since issued orders for them to get into compliance.

The private facilities that we had looked at — we did provide them with the information and we have gone back to follow up to see if they have followed through on mitigation.

Ms. Hanson: That study was done in 2008, so I'm pleased to hear there has been some follow-up. Does the board have assurances now that those private daycares and day homes have all complied with the requirements to remediate?

Mr. Dieckmann: I am confident that the ones where we re-tested and still found they were not meeting the current standard are putting mitigation processes in place.

Ms. Hanson: Nine years later — when did the actual revisiting occur then, if the initial assessment was done in 2008? When did the reassessment occur?

Mr. Dieckmann: We started doing long-term testing in 2016, we got the results back earlier this year, and we went and provided the information to those day homes that still were not meeting the standard, and we issued orders.

As you indicated, we have been working with Health and Social Services to make sure that they are getting into compliance.

Ms. Hanson: So those are the day homes that were in operation in 2008. Is there a requirement for day homes and private daycares in 2017 to ensure that, under Occupational Health and Safety, there is testing to ensure that there is no radon present in their facilities?

Mr. Dieckmann: All employers are required to ensure that all of their facilities are in compliance with whatever act and regulatory requirements there are. We have not gone and tested all daycares in the territory. We went back and re-tested the ones where we knew that there were issues in the past, but the way in which the *Occupational Health and Safety Act* is structured, it is an employer's requirement to make sure that their workplace meets all the requirements.

If we suspect that there are areas where there is non-compliance, we will go in and do inspections and do testing

Chair: Order, please. The time being 5:30 p.m., the Chair thanks the witnesses for appearing today.

Witnesses excused

Chair: The Chair will now rise and report to the House.

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

Mr. Hutton: Mr. Speaker, Committee of the Whole has considered Bill No. 11, entitled *Act to Amend the Health Act (2017)*, and directed me to report progress.

Also, pursuant to Committee of the Whole Motion No. 2, witnesses appeared before Committee of the Whole from 3:30 p.m. to 5:30 p.m. today to discuss matters related to the Yukon Workers' Compensation Health and Safety 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.

Order, please. The time being 5:33 p.m., this House now stands adjourned until 1:00 p.m. tomorrow.

The House adjourned at 5:33 p.m.

The following legislative returns were tabled October 17, 2017:

34-2-61

Response relating to matter outstanding from discussion with Mr. Kent re: National Aboriginal Day Junction (Streicker)

34-2-62

Response relating to matter outstanding from discussion with Ms. White re: cost of living and minimum wage in Yukon (Streicker)

34-2-63

Response to oral question from Ms. White re: minimum wage in Yukon (Streicker)

The following document was filed October 17 2017:

34-2-21

Yukon Aviation Advisory Group minutes of July 25, 2017 meeting (Mostyn)