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HANSARD

Thursday, October 19, 2017 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2017 Fall Sitting

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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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Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, October 19, 2017 — 1:00 p.m.

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

Prayers

In remembrance of Chief Mike Smith

Speaker: At this time as well, I would also ask members to remain standing for a moment of silence to honour the passing of Chief Mike Smith, who passed away last night.

Chief Smith was the current Assembly of First Nations Regional Chief. He was also the former Grand Chief of the Council of Yukon First Nations, and the former Chief of the Kwanlin Dün First Nation. He was a signatory for Kwanlin Dün for their land claims and self-government agreement and was also instrumental and a key negotiator for the *Umbrella Final Agreement*, which Kwanlin Dün entered into.

I can advise that the flags in front of the Yukon Legislative Assembly will be flown at half-mast today to honour the passing of Chief Smith.

We will now have a moment of silence.

Moment of silence observed

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of local democracy

Hon. Mr. Streicker: I rise today to pay tribute to municipal governments and to recognize the hard work and dedication of our elected municipal officials. Today marks the two-year anniversary of the last territorial-municipal elections and, one year from today, on the third Thursday of October, Yukoners will once again go to the polls to elect our local governments.

As a former city councillor and as a former manager of my community centre, I cannot overstate the importance of local government. From dogs to ditches, from skating rinks to solid waste, municipal politicians and members of our local advisory councils are on the front line. They are the most accessible. Their people-centred approach helps our communities to be healthy and happy.

Municipal governments are vital to our democratic system. They take the decisions that are critical to our communities. Municipal governments and local advisory councils provide invaluable programs and services to local residences. Local officials are indispensable to the proper functioning of their towns in ensuring the sustainability of their communities. In fact, local government is one place

where decisions can make the biggest impact on the business and vitality of our communities.

Yukon is a vast territory, full of diversity in both its people and its geography. Each community and area has a character of its own, unique to the individuals who live there. It's important that every community member understands how they can participate in the decision-making process. Local government gives people a great chance to shape the kind of community they live in and have a say in local affairs.

It can be a challenging role and it is also a rewarding way to create and shape community, so a shout-out to our mayors, our councillors and our local advisors. You make a difference. You help build vibrant and sustainable Yukon communities.

I know that our Community Affairs branch works closely with elected officials and their administration to offer guidance on effective local governance. Staff also identify and provide strategic training opportunities for local elected officials and administration, ensuring accessibility for all communities.

I should say that this past Tuesday, the Association of Yukon Communities announced two scholarships for municipal studies to Susan Smith of Haines Junction toward a certificate in community engagement, leadership and development and to Karen Furlong of Whitehorse toward an MBA in community economic development.

Today we are one short year away from these elections. Now is the time to start thinking about how all Yukoners can build a better community and how you can contribute. It's a hard job and an important job and ultimately such a fulfilling job. Today I stand to recognize the hard work of our local officials and I urge, encourage, invite, prompt and welcome Yukoners to put their name forward for municipal council in next year's elections.

There are several folks here who I think we should just welcome: from the Association of Yukon Communities, Bev Buckway; from the Town of Faro, Ian Dunlop; from Watson Lake, Cam Lockwood; from the Village of Carmacks, Cory Bellmore, and councillor and acting mayor from Carmacks, Tara Wheeler; and from the City of Whitehorse, Councillor Samson Hartland — if we can just welcome them please, Mr. Speaker.

Applause

Ms. Hanson: I rise on behalf of the Yukon NDP and the Official Opposition to celebrate local democracy. This week, we watched as municipal elections attracted a record number of voters in Alberta. It is a reminder that local politics really do count. It is our mayors and councillors who impact the day-to-day operations of our towns, cities and local councils. From waste disposal to snow removal, from water and sewer to recreation, these are all part of the responsibilities of local councils.

I can assure anyone who may be considering dipping their toe into a political pool that there is a place for every experience in politics. If you don't see yourself reflected in current councils, then that is a great reason to run. Every aspect of what you do in life has value and contributes to your

community in municipal politics and local area advisory councils. If you have ever volunteered your time to something that you are passionate about, politics might be for you. If you ever helped another person without expectations, politics might be for you. If looking at the big picture or focusing in on fine details is your thing, politics might be for you.

You just need to take a quick look at the makeup of local councils and at this Chamber itself to see the range of experience to really appreciate how diverse those who choose political service really are. We thank all of those who have previously put their names forward for their communities. We thank those who have sat in or are currently sitting in elected positions for the hard work, dedication and energy they have shared with their communities. We echo and encourage any and all citizens to get involved next year in their local elections.

In recognition of National Foster Family Appreciation Week

Hon. Ms. Frost: I rise in the House today on behalf of the Yukon Liberal government to acknowledge National Foster Family Appreciation Week, which started this past Sunday, October 15, and will end on October 20. Today, I am paying tribute to the 42 families across the territory for playing such an important role in our society. We admire these families for all their innovation and determination as they raise and support the children in their care in a loving and secure environment.

Fostering can be challenging and demanding, but it is ultimately so rewarding to be able to be a part of the child's life. The role of a foster parent is complex, as they strive to balance the needs of children in their care while helping them maintain contact with their own family and culture.

I would like to take this time to recognize all the time and energy invested by the foster care team of Health and Social Services. Earlier this year, there was concern around the lack of foster homes in Yukon and the foster care team rallied and achieved amazing results. Their strong, creative recruitment efforts recruited nine new foster homes and they are currently running the largest pre-service training offered in years.

It is a real strength to the foster care team that they are always looking for innovation, looking forward to alternatives for programs and services to respond to any new needs that arise. This team is doing this all while providing support and appreciation to our current foster families.

This innovation has seen another 17 families now in the process of being brought on to the foster children program in Yukon. The foster care team also works closely with Yukon First Nations through a working group, which met this last September.

We are partnering with First Nations on community-specific recruitment plans, and I'm excited to see the results of these partnerships. We have families in our communities through a custom adoption process that has never been recognized or appreciated for their efforts, and they are now being considered in this new model that we're pursuing in the Yukon.

Foster parents come from all walks of life, but stand together under one common goal: to provide a safe and loving home to a child who needs it. New foster parents are always welcome to help us better match children's specific needs and characteristics.

Thank you to the foster care staff for their hard work and thank you to all of Yukon's foster parents. Your work is of incredible importance to support the health and well-being of children in this territory.

Ms. McLeod: I rise today on behalf of the Yukon Party Official Opposition to pay tribute to a very important group of people that does not often receive wide public recognition. They are the people who open their homes, their lives and their families to children in order to provide them with a safe home and a loving family environment. They are foster families and they are a highly important part of the social network that makes up our community here in the Yukon.

October 15 to 21 marks National Foster Family Week across Canada. Here in the Yukon, there are currently 75 children in foster care, and these are children who are, at no fault of their own, placed into the care of people they may not know. The families who take in these children are doing so because they care for their communities and for the betterment of our future generations. They want to provide an environment that reflects acceptance, safety and nurturing — something that foster families are able to provide to the young people who need it most.

Provinces and territories across the country have been experiencing a foster parent crisis. There are usually too few foster homes available to house all the children in need. Here in the Yukon, we need to continue to work on finding ways to recruit foster families and make it sustainable for them to continue to offer their services.

I would like to thank Yukoners who sign up to be foster parents. I know there are local families who do more than their part, who have taken in a number of children over the years and raised them as their own, right alongside their own children. Regardless of how long you choose to foster or how many children you're able to foster, thank you for your service to Yukon children.

This week, I would like to encourage Yukoners to take a look at the foster parent program in the territory and to see if it's something that could work for you and your family. Thank you and please remember that for a child in need, a safe place comes in all sizes and shapes.

Ms. White: Thank you, Mr. Speaker. I rise on behalf of the Yukon NDP to pay tribute to foster families during National Foster Family Appreciation Week. In his essay, *Within My Power*, Forest Witcraft says: "A hundred years from now it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove. But the world may be different, because I was important in the life of a child."

Mr. Speaker, it is a concern and love for children that brings foster parents to this demanding job. They open their

hearts and their homes to provide safety and emotional support to children who, through no fault of their own, find themselves in crisis situations. Those families and individuals who step forward to offer a home, support, love and guidance deserve our profound thanks. For some, it is a long-term dedication and others offer their home as an emergency placement in times of crisis. Whatever the situation, it is a dedication to children, to their families and their communities that motivates foster parents.

So, Mr. Speaker, thank you to all those individuals and families throughout Yukon who open up their homes to children and youth in need of a safe place to land. You make a profound difference.

Speaker: Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Ms. McPhee: I ask the House to help me in welcoming my dear friends — Elen and Zoran Petrovic, who are here today. Elen and Zoran are originally from Croatia. They have chosen the Yukon and opened their warm and loving home to foster children for many, many years — often to more than one child at a time and even growing their own family by adopting two of their beautiful foster children.

I thank them for being here today.

Applause

Hon. Mr. Streicker: I would like us to welcome here today — I spoke earlier in the tribute about our Community Affairs folks and we have several community advisers here: Ian, Sarah, Ryan, Sam, Carolyn, Kate, Jordan, Damien. While I'm up, I'll also say, from my own riding — the lovely community of Tagish — we have Vicki Hancock, who is here and who has volunteered many years with the local community, including with the volunteer fire department. I would also like us to welcome our EMS and our firefighters.

Recently, the Premier and I got to speak at the 25th anniversary of the fire chiefs meeting and I was very impressed with the opportunity to get to speak to all of you and thank you for the contributions that you're making to our community.

Applause

Hon. Mr. Silver: It's so great to see so many community representatives here today and I want to thank the Minister responsible for the Workers' Compensation Health and Safety Board for allowing me to get up and to introduce — from Dawson City — the fire chief from Dawson City, Fire Chief Jim Regimbal.

Applause

Hon. Ms. Frost: I would like everyone in the House to join me in welcoming the foster care team. I just wanted to acknowledge your contribution to the well-being of our children in Yukon and your many hours of dedication: Olive Walsh, Ed McLean, Michael Bourman, Alana Dawley, Cynthia Theberge, Landy Anderson, Barbara Scheck, and

Anne Kennedy. Without your contribution to our society, I think we are a better place for your many hours and dedication and your love that you've expressed to our children, and I know that you represent the many foster parents and children who are out in Yukon.

Thank you so much.

Applause

Hon. Ms. Dendys: Our gallery is filled here today with emergency responders and people who have dedicated their lives to working for others in our community and I want to just go through the list.

I'm going to just go through it all because I know some haven't arrived yet, but I'll acknowledge them as they come in as we move in second reading of the amendments that are on the agenda for later: Bob Atkinson, Tyrone Larkin — these are members of the Association of Yukon Fire Chiefs — Barry Blisner, president of the Whitehorse Firefighters Association; Jorgen Ponsioen and Nicholas O'Carroll, James Paterson, Jason Kelly, Devin Bailey, Peter Mostyn — later on we will have the community officers from the Kwanlin Dün community safety officer program; Jeff Simons, Vicki Hancock is here, our alternate chair for the Yukon Workers' Compensation Health and Safety Board; Kurt Dieckmann, who is our president and CEO.

Again, I'm just going to run through the rest of the list, because I'm not sure I'm getting everyone: Dennis Berry, Gil Bradet — he's with the airport firefighters; Andrew Robulack, Donovan Misener, and Alex Vautour, Torey Wiebe, Cam Lockwood, and I think I have already said Jeff Simons.

Thank you so much for coming. If I have missed anyone, I sincerely apologize and will get your name announced, because you are very important to our community. Thank you so much for coming.

Applause

Mr. Cathers: I know he has already been introduced, but I would like to note, along with the many members of the firefighting crews in the gallery today, Bob Atkinson, a constituent of mine and long-time fire chief in Ibex Valley. I would like to note for the House, as well, a recipient of a Governor General's volunteer award for his many years of contribution to the Yukon through being a volunteer firefighter.

Applause

Hon. Mr. Mostyn: I ask the House's indulgence. I don't get this chance very often, but I too would like to welcome my brother Peter Mostyn to this House. Please join me in welcoming him.

Applause

Speaker: Any further introductions of visitors?
Are there any returns or documents for tabling?
Are there any reports of committees?
Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to work with partners on developing the territory's knowledge sector to support community development and strengthen the Yukon's economic base.

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

THAT this House urges the Government of Yukon to enact legislation to prohibit the use of indoor tanning beds for minors under the age of 18.

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: Procurement policy

Mr. Cathers: Mr. Speaker, Environics Analytics is, according to its website, part of the Environics group of companies and their website also states that the group includes Environics Communications. It is our understanding that on April 10 of this year, the Department of Tourism and Culture direct-awarded Environics Analytics, a company based in Toronto, a contract worth almost \$84,000. Can the minister tell us why this contract to an Outside company was direct-awarded and did not go out for competition?

Hon. Ms. Dendys: Thank you to the Member for Lake Laberge for the question. I think I may need a bit more information on what you are referring to, and perhaps you could elaborate on the question in your supplementary. I am not sure what else I can say at this point. If I knew where you were going with it, I would certainly be able to give a little bit more information.

Mr. Cathers: I appreciate the answer from the Minister of Tourism and Culture, but our understanding is that the Department of Tourism and Culture direct-awarded a contract worth almost \$84,000 to a member of the Environics group of companies this spring, which of course is an Outside company.

This week in the Legislative Assembly, the Premier introduced the vice-president of Environics Communications. This individual is listed as one of the top 100 lobbyists by *The Hill Times*, and has worked as a senior political insider in past Liberal governments. An image has now emerged of the Premier partying with this individual at Prime Minister Trudeau's Christmas party last year. A few months later, the contract was awarded. Last week, the Minister of Health and Social Services told us they could not find the money to give patients in community hospitals Wi-Fi, and the minister refused to answer our questions about the hospital's operation and maintenance funding shortfall. However, they did find

nearly \$84,000 for the contract. Can the minister explain the purpose of this contract?

Hon. Mr. Silver: We will endeavour to get back to the Member for Lake Laberge. We often have the open-door policy that if the Member for Lake Laberge would like to ask us a question via e-mail or even come up to the office and ask us these questions as well, we can give him the information directly, but I guess he would rather take it to the floor of the Legislative Assembly.

It does prompt us to think about how important it would be for lobby legislation — something that the previous government was not interested in doing. But again, we will endeavour to get back to you with more details on this particular contract from a particular lobby group.

Mr. Cathers: I appreciate the answer from the Premier and I want to be clear that we are not making an accusation here, but the optics do raise questions, which is why we are asking these questions here today.

Going through the timeline again, about roughly 10 days after being sworn in, the Premier met with the individual that he introduced in the House at the Liberal Christmas party in Ottawa. This individual works at Environics Communications, which is a member of that Environics group of companies. A couple of months later, another member of the Environics group of companies was direct-awarded by the Department of Tourism and Culture a contract valued at almost \$84,000 — again, Outside contracting through a direct award. Can the Premier let us know when the contract was signed? Who authorized the direct award to an Outside company and why?

Hon. Mr. Silver: We will get back to the member opposite about this question. Off the top of my head, I don't know. I do know Mr. MacEachern very well — I actually went to school with Mr. MacEachern. Among other things, he works for eBay, he works for CTV TV — just because the man is a lobbyist doesn't mean he was up lobbying. We will find out exactly what the member opposite is talking about as far as any specific contracts in relation to Tourism and Culture. We have an open and accountable policy and we will be very transparent in any of the dealings that Mr. MacEachern and his company have done up in the Yukon because that's the commitment we have made to the voters and to the people of Yukon — to be open and accountable.

There are many opportunities for the Member for Lake Laberge to send us an e-mail or ask us any questions and if we don't give him the information that way, for sure, bring it up in the Legislative Assembly, absolutely. Again, we will endeavour to get that information to the Member for Lake Laberge.

Question re: Housing programs

Mr. Istchenko: A significant investment in social and seniors housing has been made in Yukon since 2011. According to the Yukon housing action plan, this amounts to over \$54 million and has resulted in over 140 new units throughout the territory and these units are very important as they are rent geared to income, which helps a significant segment of our society.

Can the Minister responsible for Yukon Housing Corporation tell us how many people are on the wait-list for social housing and seniors housing at this time? How many are in Whitehorse and how many are in the communities?

Hon. Ms. Frost: I would certainly be happy to provide the information to the Member for Kluane. At the moment, I am not able to give you the specifics, but if you give me a few minutes I can certainly respond or I can do that in writing.

What I do want to say is that the Liberal government has taken some proactive approaches to aging in place, looking at opportunities in Yukon communities, focusing on how “all communities matter”, which we are addressing, and implementing a housing action plan very broadly across the Yukon that incorporates opportunities to work with our partners in communities.

We have a very successful program through Yukon Housing Corporation in collaboration with Health and Social Services, so just as a segue into your question, we are taking a very progressive approach to addressing the challenges that you are perhaps suggesting here, which is that there is a huge shortage. We’re taking an active approach to resolving that.

Mr. Istchenko: Like I was alluding to, there was a significant investment from the previous Yukon Party government in housing — over 140 new units. I’m glad that the minister will provide me with the wait-list for seniors housing and also social housing, and also whether they’re in Whitehorse or in the communities.

Can the minister tell us how many units the Yukon Housing Corporation is planning on building to meet the new demand?

Hon. Ms. Frost: I would like to thank the member opposite for the question. As a response directly, that number clearly is always changing.

Your question previously around how many members we have on the wait-list — we are doing everything possible to provide the necessary accommodations. Our focus is aging in place — so, aging well in place and collaborative care in our communities. How do we keep our older adults in their communities where they’re happiest, with family, with community members? The Yukon Housing Corporation seniors social housing portfolio increased substantially. In 2015, as the member opposite would know, a six-plex was built in Mayo. We have a 34-unit building on 207 Alexander Street. We have a 48-unit building on Front Street in Whitehorse. Currently, we provide 706 social housing units. Across the territory, we have units for 285 senior residents; that’s always changing. We just built another facility in Carmacks. As we look at the aging-in-place model, we will work with our community partners.

Mr. Istchenko: I thank the minister for that answer. I’m looking forward to seeing the rural numbers and the Whitehorse numbers. I was also asking for what’s next in the plan for new housing.

Another housing project that we would like an update on is one proposed by the Vimy Heritage Housing Society. We know that the functional plan was completed for this project.

We understand that the proposed location on Fifth and Rogers is no longer suitable for the building.

Can the minister please tell us when she last met with the society representatives and what was discussed? When is this project scheduled to proceed?

Hon. Ms. Frost: I thank the member opposite for the question. As a note for the record — the questions previously around the social housing and around seniors housing — the Yukon Housing Corporation, along with the housing staff, are working quite closely with Health and Social Services to address social housing needs across the Yukon. That means that we are meeting with our partners in Yukon communities. We have met with Vimy. We’ve met with the organization. We’ve met with others to look at potential options with the social housing dollars — the millions of dollars that have flowed into the Yukon over the last many years. We have not seen progressive action and we’ve met some challenges so now what we’re trying to do is balance a budget. We have built a 150-bed facility in Whistle Bend without the O&M expenditures attached to that in a budget process, so we’re really working hard to address the challenges. But we also know that there’s a need and a demand, and we aim to address that with true collaboration and partnership with our NGO groups, our organizations in Yukon, our Association of Yukon Communities and our First Nation partners.

Question re: Sexual assault victims

Ms. Hanson: On Monday, I asked this government about the practice of requiring confidentiality agreements when it negotiates settlements with victims of childhood sexual abuse.

The minister said — and I quote: “All of the terms in that agreement are agreed upon by both parties.” The minister chose to ignore the power imbalance in this situation. When a survivor of sexual abuse faces the choice between having their own legal history used against them in a court or signing a confidentiality agreement required by the government to settle out-of-court, they are likely to choose the latter, but this does not mean they want to, or should, lose the ability to tell their story.

Does the Minister of Justice agree that survivors should be in control of what information is made public, and will the government stop requiring confidentiality agreements?

Hon. Ms. McPhee: I appreciate the question from the Member for Whitehorse Centre. Absolutely I agree — and I said so here in the House the other day and I have said so in various media outlets in the last number of days, including one this morning — that victims must drive this process — absolutely.

I also will take issue with the idea that having somebody’s past history used against them is a regular way of doing things. It is certainly not something that any of the counsel at the Department of Justice would countenance. It is certainly not something that any of the lawyers we instruct would ever be told to do.

It is, in my view, incomprehensible, but, by the same token, individual lawyers who are advising their clients might

well tell them what the risks are with respect to proceeding to trial. I can't speak for them, but I can speak to what direction I would give as the Attorney General, or as the Minister of Justice with respect to an overall approach. I obviously don't work on individual cases. I don't have anything to do with them but, as an overall approach — and I have confirmed this with the department as early as this morning — that is not something that we would agree to.

Ms. Hanson: That will be interesting to confirm. Mr. Speaker, the legal history of many survivors is directly linked to the sexual abuse they faced as children. The threat of having that history laid out through court proceedings put the government in a position of power when negotiating out-of-court settlements. It is not the victim who is in power here. The classic threat to a child abuse victim is, "Don't tell, or else..."

Today, when government or its representatives tell survivors to sign confidentiality agreements or face the threat of further exposure in court, it is telling survivors, "Don't tell." This is re-victimization. Gag orders do not serve the public interest, nor do they help victims.

Will the minister confirm that she has instructed government lawyers to stop requiring confidentiality agreements when negotiating out-of-court settlements with survivors of childhood sex abuse that occurred under government watch?

Hon. Ms. McPhee: Government lawyers have never been instructed to do such a thing, and when I read the allegation — the same as many individuals in the Yukon — I was very concerned that would in fact be the case. I don't disagree with the power imbalance that is being described here, but I also am very clear about my approach to this matter and to many matters. The idea of re-victimizing children or of the victimization of children by anyone in any context is — as I said recently, here and in other places — reprehensible and it cannot be permitted to continue.

Victims must be able to come forward in confidence, which is why confidentiality clauses are often used. In criminal cases — publication bans. Neither of those, Mr. Speaker, are gag orders despite the fact that they are sometimes classified as such in the media by others.

Victims must be able to seek the help that they need. They have to be believed; they have to be met initially, and later, with compassion. They have to be met with understanding. We need to know about the story that was told recently in the newspapers. We need to understand the consequences of that, and we need to make things different for the future.

Ms. Hanson: In fact, the out-of-court settlement process often involves cross-examination and a judicial settlement conference where the government will suggest that the survivor is unlikely to win a court case. This is an adversarial process. It is a barrier for many survivors who have often had negative experiences with various aspects of the legal system for most of their lives — oftentimes before they were even born.

Mr. Speaker, it has been reported that there are more cases likely to come up. The very minimum that survivors deserve is a non-adversarial process that respects their dignity and lets them tell their story in their own voice.

What concrete steps is the minister taking to make sure that this process is less adversarial and respects survivors' dignity?

Hon. Ms. McPhee: This is a topic that is very near and dear to me. I have worked on the victims-of-sexual-assault cases, victims-of-sexual-assault approaches, the ways in which we respond to the victims of sexual assault — since I was 18 years old. More than 35 years in my career have been focused almost — not exclusively, but certainly with respect to my criminal justice work — on making sure that victims experience the court system differently. I don't intend to change that in any way, now that I have this role.

Settlements in these kinds of cases are dealt with for the sole purpose of avoiding an adversarial system, or lessening that adversarial system if at all possible, so that the parties can direct the process. There's no question that there is still imbalance. Almost all, if not all, of the ones the member is referring to, individuals have legal counsel to help protect their rights. We have a legal aid system here in the territory that is second to none. We have individual lawyers who take their role very, very seriously and try to resolve these cases so that victims are not re-victimized. The settlement process is for the sole purpose of avoiding an adversarial process through the court, and we hope to be able to use it as much as possible to avoid trials in these matters.

Question re: Community social services

Ms. White: As the Minister of Health and Social Services likes to say, all communities matter, and Ross River and Faro are no different, Mr. Speaker. I recently heard from a constituent that Ross River was happy to finally have two resident social workers living and working in the community who could provide support to individuals in Ross River and Faro. These two individuals have recently been moved from Ross River to other communities and other positions. This has left Ross River and Faro without a full-time social worker. This has left these two communities without support in the areas of child protection, social assistance, youth probations, family support and counselling, to name but a few of the valuable services they offer. A week ago, the minister indicated that all communities were now staffed with social workers.

Mr. Speaker, can the minister confirm for us that there is no longer a full-time social worker living in Ross River or Faro?

Hon. Ms. Frost: I would like to thank the Member for Takhini-Kopper King for the question. I stand by what I say — that all communities matter. The members on this side of the House stand by what we committed to in our Liberal platform, and that's to ensure that every child and every community matters and that programs and services we deliver to our communities are held to the highest standard possible.

With respect to the Ross River Dena Council, we have been working very diligently and very closely with the Ross River Dena Council to address all of the concerns that they brought to our attention. If the member opposite has a specific concern that she would like for us to follow up on as the Department of Health and Social Services, we most certainly would ensure the community's concerns are addressed. In fact, we recently met with the Ross River Dena Council. We established that the social work positions in the community — if they have not been filled, the replacements are always there in any Yukon community. We never leave a community without the essential supports that they require. That's something that we want to proceed with. We certainly don't want to leave a community unsupported.

Ms. White: Unfortunately, it appears that some communities matter more than others, and this is not acceptable. No community in Yukon should be without a social worker. They provide critical supports and services to Yukoners in the communities where they live, but it doesn't stop there. I also heard from another constituent with regard to mental health services in Ross River. The individual heard that a mental health nurse was to be hired, but then that decision seems to have been dropped.

The minister produced a map last week that showed all of the mental health services to be available in every community in Yukon. It is unclear how many of these positions have been filled, but Ross River is shown as having a resident staff person to include a mental wellness and substance use worker. It seems that's currently not the case, though.

Mr. Speaker, when will the community members of Ross River and Faro see a resident mental health support worker — something the community has been asking for?

Hon. Ms. Frost: Thank you to the member opposite for the question. Of course Ross River matters. Every Yukon community matters. We've worked very closely with the Ross River Dena Council to address some of these social and housing challenges in the community. In fact, we have a team in Ross River. We have met through an inter-agency working group in Ross River; we have our team of health practitioners, health professionals and Yukon Housing Corporation in Ross River.

I have gone there three times. My colleague, Minister Streicker, has been there numerous times. Minister Ranj Pillai has been there numerous times — sorry, the Minister of Community Services —

Speaker's statement

Speaker: Order, please.

When referring to the minister, it is either "the minister responsible for" or the riding.

Hon. Ms. Frost: My apologies. We have gone above and beyond to provide the services to Ross River, and we will continue to do that. I would like to request from the member opposite, if you have specific concerns coming from members you have heard from and we haven't heard from — I would really like to encourage you to provide me with that

information so we can collectively work together to provide the necessary supports to the community, because we certainly don't want Ross River or any community without the supports they require or that they demand.

Ms. White: These platitudes will make individuals in crisis in Ross River feel like they are definitely being supported. Colourful maps and promises of services to come are all fine and good, but do little to support communities when the services do not materialize. The mental wellness strategy was released to the public in June 2016. It says — and I quote: "Increase access to ensure that individuals with mental health and/or addictions receive timely and appropriate service, and as close to home as possible." Right now, individuals from Ross River and Faro do not even have a resident social worker on the ground who can support them to access these services when needed, especially in times of crisis.

When will people in rural Yukon start to see workers in their communities who can provide support for mental wellness or addictions counselling and treatment as outlined in the mental wellness strategy?

Hon. Ms. Frost: Let's just say that I am really excited. I am pleased that we are working with Yukon communities. I am excited that this government has committed to working with the communities. The map that was displayed last week really highlights a new model — a model that has never before been tried in Yukon. It is an advancement of service delivery. Every community matters. Every child matters and, most definitely, the mental wellness strategies — there were many studies conducted over the course of the years. We are finally putting some action around them. We have identified positions and we have identified resources. That sometimes takes a little bit of time. In the time that is required, we work with communities like Ross River so that they can identify what it is they require — expanded scope of care, expanded scope of programs and services through the Sarah Steele Building — and look at land-based programming, look at pre- and post-care, culturally relevant initiatives in our communities — very important. I am really happy, excited and ecstatic that this government is finally putting some practice and some social programs in place in our communities. Why am I excited? Because I have worked for 20 years as a negotiator to try to make that happen, and I am happy now, as a minister, to say that I will put some action in around implementing —

Speaker: Order.

Question re: Public airports legislation

Mr. Kent: Today I have some questions for the Premier. Over the course of the last couple of weeks, the Minister of Highways and Public Works has continually fumbled the ball with respect to his government's airports act. It started with the minister issuing a press release making incorrect claims about whom he consulted, which he was later forced to take down off the website. Then he was wrong about consultations with the aviation industry, including some local companies. Then he was wrong about the facts about a

meeting with the Canadian Owners and Pilots Association. Most recently, he incorrectly stated that the City of Whitehorse received draft legislation with respect to this bill. This has resulted in industry representatives, local businesses, municipalities and now community chambers of commerce all coming out criticizing the government's approach to this bill. Given all of this, Mr. Speaker, does the Premier think the minister has done a good job on this file?

Hon. Mr. Mostyn: I thank the member opposite for the question. I have to say, I am reluctant to take advice on consultation from the member opposite. The party he represents has never been good at it, Mr. Speaker — never. Its method of consultation was to pick a fight and let a judge decide. Take, for example, the Peel watershed. That case is now before the Supreme Court of Canada. That was a very bad example of consultation, Mr. Speaker.

The member opposite has shown more interest in consultation in the past couple of weeks than he has in the last 14 years, and I'm glad that the members opposite are now interested in consultation. Engaging the Yukon people is important to make sound decisions. Our party is committed to engaging with the public; it is important. Our party is committed to engaging with industry. Our party is committed to engaging with communities. Our party is committed to engaging with First Nations. We have seen that with the Yukon Forum. We've held more Yukon Forums since we took office than the previous government had even contemplated.

I'm also very proud of the work of the Department of Highways and Public Works. We've done a lot of work over the last 11 months. They are a conscientious, hard-working and thoughtful bunch. Procurement, highways maintenance or improving long-neglected tourism sites in Dawson — we have done a lot of good work on behalf of Yukoners.

Mr. Kent: As I mentioned, my question was for the Premier with respect to his minister's handling of the *Public Airports Act* over the past couple of weeks — indeed, the past couple of months.

When it comes to this act, apparently the "Be Heard" tagline of the Liberals does not apply. Every day the minister's mishandling of the airports act reaches new heights. Not only did the minister's so-called consultation not include the public, but it barely included the industry.

We have seen the Liberals' stubborn approach result in public fights with the industry and he has already been forced to retract a press release that made inaccurate claims about the consultations the Liberals have done on this file, but it's not too late to fix this.

Even the Yukoners who have come out against the bill have said they are willing to work with the government to fix this legislation. They just need to be consulted.

Will the Premier tell the minister to start working with Yukoners to fix this act?

Hon. Mr. Mostyn: I once again thank the member opposite for the question. I'm reluctant to take advice on consultation from the member opposite. As I said earlier, the party he represents has never been good at it — never. Their method of consultation was to hold a dinner party with their

friends. Take, for example, the amendment to the Yukon *Environmental and Socio-economic Assessment Act*. That was called Bill S-6. Did they consult on that? Nope. That's a very good example of very bad consultation, Mr. Speaker — of non-existent consultation, in fact. It's very bad indeed.

The member opposite has shown more interest in consultation in the past couple of weeks than he has in the last 14 years. I'm glad that the members opposite are now interested in consultation. It's very important to make good decisions. Our party is committed to engaging with the public, committed to engaging with communities. It's committed to engaging with industry, and it's committed to engaging with First Nations.

I'm also very proud of the work of Highways and Public Works. They have done an awful lot over the last 11 months to improve the lives of Yukoners, and I'm very proud of their work on behalf of the people of the territory.

Mr. Kent: I think all members of this House are proud of the work of the professional public service. It's the minister's work with respect to this bill that is in question.

The Liberals can continue to deflect this issue to federal legislation such as Bill S-6; they have given no valid reason, however, why they did not properly consult on the airports act. They have been forced to admit that they didn't consult on the act this week when they pulled down their government news release and removed any mention of consultations altogether.

This entire thing has been a mess from the get-go and it has only been made worse by the minister's bungling of the file.

The minister did not consult communities or Yukoners and now they are speaking up to voice their concerns. The minister has inaccurately represented the views of industry, while picking a fight with them at the same time. Further, the minister made inaccurate claims about the level of consultation with the City of Whitehorse. With all that said, Mr. Speaker, there is still a chance to salvage this bill.

Will the Premier assign another minister to step in and help the Minister of Highways and Public Works with this mess that he created?

Hon. Mr. Silver: The answer to the member opposite's question is, absolutely not. I am proud of the work that this team has done on this file.

Mr. Speaker, you remember parking in the airport when prices went up at the airport. Do you remember being consulted? Do the people of the Vuntut Gwitchin, who have major shares in Air North, remember being consulted on these taxes at the airport from the other government when the Yukon Party was in charge of airports? No. Anybody on this list that we've been hearing a barrage of questions about from the Yukon Party was not consulted before. Do you know why? It was because there wasn't the legislation.

I'm very proud of the work that the minister has done and the Department of Highways and Public Works has done for enabling legislation, because here is the crux of the argument: Once the legislation is in, the working group can do the good

work of getting down to the business of making sure that all stakeholders have a voice in these changes.

We have heard the Yukon Party talk about airport fees. That is not what this is about. This is about listening to the airport industry, listening to the airport authority and making sure that we have modern legislation that will allow the working group to be that consultation. By denying this legislation moving forward, the Yukon Party is denying that level of consultation.

Speaker: The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 8: Act to Amend the Workers' Compensation Act and the Occupational Health and Safety Act (2017) — Second Reading

Clerk: Second reading, Bill No. 8, standing in the name of the Hon. Ms. Dendys.

Hon. Ms. Dendys: I move that Bill No. 8, entitled *Act to Amend the Workers' Compensation Act and the Occupational Health and Safety Act (2017)*, be now read a second time.

Speaker: It has been moved by the Minister responsible for the Workers' Compensation Health and Safety Board that Bill No. 8, entitled *Act to Amend the Workers' Compensation Act and the Occupational Health and Safety Act (2017)*, be now read a second time.

Before we go into that debate, we will have introduction of visitors outside of the time provided for in the Order Paper.

INTRODUCTION OF VISITORS

Hon. Ms. Dendys: Again, I would like to thank all of you for coming today. I note that some new folks have come in from earlier. We had earlier introductions. We have: the Kwanlin Dün community safety officers, Gina Nagano, Elias Park, Jesse Ryder; land steward, Tyler O'Brien; and Michael Carlisle. I'm not sure of the other members but, as we move through the reading, I would like to introduce the others as their names come forward. If you would like, my assistant will come and chat with you so we can acknowledge you, as it's really important today.

Hon. Mr. Pillai: I would ask the House to help me welcome long-time educator in the Yukon, Whitehorse firefighter serving the public here — and also I serve him as MLA for Porter Creek South — Mr. Jordan Borgford, who has joined us here today. Please help me welcome him.

Applause

Mr. Istchenko: I would just like to introduce a friend of mine, Steve Hahn, fellow Ranger and a good volunteer in our community. I would like to welcome him here today, and I would like to say hi to one of my constituents, Alex Vautour,

who is sitting there. I would be remiss if I did not mention him too.

Applause

Hon. Ms. Dendys: I just have a couple more introductions — sorry. We have Sgt. Dave Wallace and our chief coroner, Kirsten Macdonald, in the gallery, and Steve Hahn.

Applause

Speaker: Any further introductions of visitors?

Minister responsible for the Workers' Compensation Health and Safety Board, debate on second reading of Bill No. 8.

Hon. Ms. Dendys: It is with great pleasure that I move second reading today on Bill No. 8. In doing so, I am fulfilling a campaign promise of my government and a specific directive given to me in my mandate letter from Premier Silver.

To quote from the letter, it says: "As Minister responsible for the Workers' Compensation Health and Safety Board, you are to work with the board and stakeholders to include presumptive provisions for post-traumatic stress disorder in first responders by developing legislative amendments to the *Workers' Compensation Act*."

The bill before us does exactly that, Mr. Speaker, and I thank the Premier for entrusting me with this important responsibility.

Members can appreciate that Bill No. 8 is the result of considerable effort on the part of many people at the Yukon Workers' Compensation Health and Safety Board in a very short period of time — an effort that included a successful public engagement with Yukoners this summer.

I would like to thank the board staff who have worked so diligently on this issue and I acknowledge the work of the Department of Justice and thank those workers as well. I would like to draw attention to the members who are here representing the board today. We have Vicki Hancock, the board alternate chair and President and CEO Kirk Dieckmann in the gallery with us today. They have done a considerable amount of work in preparation for this bill today. We have met many, many times and we're considering the questions that came forward earlier where we had witnesses come forward, so we're taking this very, very seriously. I thank them for all of their hard work.

I would like to also thank the more than 200 Yukoners and organizations who participated in the public engagement. The results are published in the "what we heard" report, which has been posted on the board's public website — wcb.yk.ca — so that anyone can read it.

In addition to posing two specific questions, the engagement invited comments and many people took the opportunity to provide them. Those comments displayed a keen interest in the issue of occupational PTSD and a willingness to contribute to our decision-making on it. I especially appreciate the personal stories that some

participants chose to share and the courage that it takes even to put some of that in writing. I would like to thank the Leader of the Third Party for her motion on the topic, which we debated in the spring and I look forward to her remarks today and those of other members of the House.

I would also like to acknowledge and thank the many community leaders who have contributed to greater awareness of this issue over the years and in particular, Dawson City fire chief and president of the Association of Yukon Fire Chiefs, Jim Regimbal, who has been a tireless advocate on behalf of the emergency response workers. I met with Mr. Regimbal shortly after being appointed to Cabinet and again had some discussions just last month. I appreciate his tenacity in bringing this issue to the forefront in the territory and how very much it means to him and to all of his colleagues throughout these areas of expertise that we'll be talking about today.

I come to the topic of today's debate, not only as a government minister, but as someone who has personally served on the front lines for many years in my work in child welfare, justice and mental health in First Nation communities. I have witnessed first-hand the struggles of colleagues and close friends suffering from PTSD and their reluctance or their inability to get help — some of whom are here today, Mr. Speaker. I appreciate that they are here to hear our government's commitment to fulfill this important commitment that we made to Yukoners.

That is what lies at the heart of this bill, Mr. Speaker — the desire to help people who spend their careers helping others. Bill No. 8 will help individuals, families and communities who are being damaged by PTSD to find a path to healing and wholeness. I ask all members to view Bill No. 8 in this context this afternoon as we debate the principles and later examine the bill more closely.

As members can see, Bill No. 8 has two parts. Part 1 proposes the amendments to the *Workers' Compensation Act* to provide the promised PTSD presumption for emergency response workers. The presumption acknowledges that exposure to trauma as a regular part of a job for these workers and that, as a consequence, they face a higher risk of developing PTSD than other workers.

Once it has passed into law, the presumption will mean that, if an emergency response worker covered by the *Workers' Compensation Act* is diagnosed with PTSD, the injury would be presumed to be work related unless otherwise shown. But Bill No. 8 goes further than the presumption. Part 2 proposes amendments to the *Occupational Health and Safety Act* to permit the creation of regulations aimed at preventing psychological injuries, including PTSD. The amendments in part 2 of the bill are in direct response to the board's recent public engagement, which asked Yukoners if more emphasis should be placed on preventing psychological injury in the workplace. The answer was a resounding "yes". Together, these proposed amendments represent an effective two-pronged approach that combines the critical component of injury prevention with support for injured workers.

Before continuing, just to ensure that we are all clear on what we are talking about today, I would like to offer a basic definition of post-traumatic stress disorder. PTSD is a mental health condition that can result from exposure to serious trauma ranging from a single experience to prolonged, ongoing exposure. PTSD can occur soon after a triggering event or it can be delayed by days, months or even years.

PTSD must be diagnosed by a qualified professional in accordance with the diagnostic criteria outlined in the latest version of the *Diagnostic and Statistical Manual of Mental Disorders*. I will be referring to it throughout my discussion today — the DSM-5. The latest version — this is what we will be referring to — is published by the American Psychiatric Association and is the standard for the classification of mental disorders used by mental health professionals across Canada and the United States.

That is the specific psychological condition that we're talking about today. Of course, when I refer to post-traumatic stress disorder, I do so, recognizing that there are those who prefer the term post-traumatic stress "injury" to "disorder". I have heard that from the member opposite during our debate in the spring. When I use the term "disorder" rather than "injury", I'm not being dismissive of that preference or disrespectful to those who advocate for it. "Disorder" is the term used in the DSM-5, which, as I just stated, is the reference document for diagnosing PTSD. It is also the term used by workers' compensation organizations in other jurisdictions in Canada.

In an information bulletin on PTSD, the American Psychiatric Association addressed this debate, acknowledging that advocates of the term "injury" believe it is less stigmatizing. The association concluded, however, that it is a workplace culture, rather than terminology, that needs to change to reduce the stigma associated with mental health issues, and I agree with that. Moreover, they insist that "injury" is a term for a medical diagnosis. When we talk about PTSD in the context of workers' compensation, we are talking about a medical diagnosis made by a qualified professional.

I would like to clarify some important terminology that I will be using in my remarks today and in the future. I will begin with the phrase "emergency response worker". To date, when we have discussed this issue, we have used the phrase "first responder" to summarize the categories of workers to whom PTSD presumption might apply. Moving forward, however, I will use "emergency response worker" and I encourage my fellow members to do the same.

"Emergency response worker" is a phrase that we have adopted in Bill No. 8 since it more precisely describes the type of workers who are likely to be exposed to trauma in the course of their work. Specifically, Bill No. 8 defines "emergency response workers" as firefighters, paramedics and police officers.

To some it may seem odd that police officers are included in the definition. After all, in Yukon, policing is carried out by the RCMP through an agreement with the federal government. That means RCMP are not covered by our *Workers' Compensation Act*; however, there is the possibility that it

could change in the future. Furthermore, Yukon First Nations may one day choose to establish their own police force, the officers of which would fall under the *Workers' Compensation Act*. I take note of the Kwanlin Dün community safety officers who are here today. By including police officers in the definition of "emergency response workers", we are future-proofing the *Workers' Compensation Act*.

There are workers who would be covered as police officers under the presumption, however. They are individuals who are appointed to assist with police efforts under the term *Auxiliary Police Act*.

Next, the terms "mental" and "psychological" — we'll hear both used this afternoon. When I use the phrase "mental health", I'm using the more general and familiar terminology commonly used by members of the public and in the names of such organizations as the Mental Health Association. When I use the term "psychological", it will be in a more specific sense and especially in conjunction with the term "injury". It also reflects the language used in the *Workers' Compensation Act* and the official board documents such as the EN-09, *Adjudicating Psychological Disorders*. Both terms, however, have the same meaning in essence.

Thank you for your indulgence on going over that, just to be clear as we move forward.

Mr. Speaker, we as a society are very fortunate that there are people willing to choose careers that involve risking their own health — even their lives — to protect the rest of us from harm, people who step in and step up when we need help in emergency situations. Many of us take these workers for granted in day-to-day life.

In emergency situations, when we may be fleeing from danger, they are going into those very situations. They race to the scene of an emergency, not knowing what horrors await them, what they may be called upon to witness, and what tasks they will have to perform. The men and women who become firefighters, paramedics and police officers knowingly and willingly put themselves in situations that put their physical and their mental health at risk. They face situations that most of us never have to experience in our lives, never mind in our jobs. The possibility, even the probability, of encountering trauma at some point is in the job description of emergency response workers.

I think back to some of the emergency calls that firefighters, paramedics and police officers have had to attend in recent years, and it's hard. I had a hard time, when we were putting these notes together, to refer to them because I know exactly what they meant to Yukoners — a horrific car crash at the top of Robert Service Way that took the lives of two teens, a Porter Creek home in which five people, including two children, succumbed to carbon monoxide poisoning, and the brutal murder of two women in the Kwanlin Dün subdivision. We just had another accident on the highway yesterday, and who is responding to them? It is in the job description of emergency response workers to do so.

When we read about these stories in the newspaper, we grieve for the victims and our hearts go out to the families affected by these tragedies, but we don't necessarily think

about the worker whose job it was to assess a situation, provide medical treatment, offer comfort, deal with the dead bodies or conduct investigations.

I don't think any of us in the House can even begin to imagine the impact of situations like these on our emergency response workers. These workers are well-trained and highly skilled. They are emotionally and spiritually strong. They have to be. But they are not invincible, Mr. Speaker. At some point, some of these workers are bound to suffer psychological injury as a result of exposure to trauma and sometimes that injury will become full-blown PTSD. It may seem ironic, but while these workers are so busy caring for others, they often overlook self-care. That's very, very common among emergency response workers. Why? I would say it's because of the prevailing social and occupational attitudes. We've all heard it said that "if you're not tough enough to handle these kinds of situations, you should choose another line of work." We've heard people say that "you just have to suck it up and move on."

These statements are examples of the stigma that emergency response workers face when it comes to grappling with psychological injury. Unfortunately, the stigma persists, even among the very people doing the work. These attitudes are firmly embedded in many workplaces, too often discouraging people to seek out the help and the support they need, deserve and have the right to.

By affirming the law about the higher likelihood of emergency response workers to develop PTSD compared to other workers, Bill No. 8 will help to reduce that stigma. I want to keep emphasizing that it's about the stigma. By reducing that stigma, the presumption will encourage workers with PTSD symptoms to seek compensation and treatment. I'm talking about all workers, not only ones identified in the bill. I believe that it is the true benefit of the presumption, Mr. Speaker. It sends a clear message to workers who may be suffering in silence that they are not at fault — that they are not alone and that help is available. It means that workers will feel supported to seek the help early on, rather than waiting until the symptoms make their lives unbearable or worse, unlivable. It will tell others in their lives — their families and their friends and their colleagues — that what they are experiencing is real. It's diagnosable. It's a diagnosable condition and it's a consequence of their work, not the result of any failing or weakness on their part.

You know, Mr. Speaker, we would never ask someone with work-related lung cancer or asbestosis to "suck it up" or "move on." We would never suggest to someone who has suffered a physical injury on a job that they're weak or in the wrong line of work — no. We would encourage the person to seek treatment. With Bill No. 8, that's precisely what we are doing here today.

Mr. Speaker, I don't think I'm going too far to say that there is a conspiracy of silence around psychological illness in our society. Anyone who has ever sought counselling will know that the waiting rooms in counselling offices are carefully managed so that you never see another person who is getting help for psychological or spiritual distress — you just

never see it. It's managed very well. Appointments are staggered so that there is little or no chance of seeing a work colleague or a neighbour or a friend as you enter or leave the counselling centre.

If you run into your counsellor in public, he or she will not acknowledge you for fear of outing you, so to speak. Of course all of this is done with the very best of intentions. It protects the privacy of clients who, because of social stigma, may feel ashamed of having to undergo treatment for psychological illness or injury.

Compare that scenario with the waiting room of your doctor's office or at the hospital. I was just at the hospital Emergency the other day and saw a lot of people I know. There was no problem with that, but there you might sit right next to someone with a physical ailment, or someone waiting for a blood test, or even someone receiving chemotherapy. Similarly, pass your doctor on a public street and you're likely to receive a friendly greeting.

In social settings, physical health is a common and acceptable topic of conversation. Not so for mental health. This is the stigma in action, Mr. Speaker, and we all play a role in it. It's like a darkness that falls upon those who suffer psychological injury, obscuring their vision, preventing them from seeing their way to wellness. A key goal of Bill No. 8 is to move psychological injury, and occupational PTSD in particular, out of the shadows and into the light. Mr. Speaker, I'm proud to be a member of a government that has taken this step, and I'm honoured to be its champion.

We learned from the board's public engagement this summer that some Yukoners may be worried presumption for emergency response workers will somehow disadvantage other workers who suffer work-related PTSD. I want to state that this is not the case. If a worker, any worker, who is covered by the *Workers' Compensation Act*, is diagnosed with PTSD and the cause is determined to be work related, no matter what kind of work that is, the worker is eligible for compensation benefits.

I would like to say that each and every one of us is a worker within the Yukon who sits in this Legislative Assembly. We are covered, Mr. Speaker. This has always been the case and will continue to be so. Nurses, social workers, correctional officers — all workers are covered.

The presumption recognizes the unique working conditions of emergency response workers and their higher risk of suffering psychological injury, but any worker who experiences on-the-job trauma and is diagnosed with PTSD as a consequence is covered. I want to be clear about that. All injury claims are processed with due care and diligence and in accordance with the *Workers' Compensation Act* and board policies.

I would like to highlight two provisions in the act that touch on the issue that we are debating this afternoon. The first has to do with two existing presumptions in the act. Section 17 states: "Unless there is evidence to the contrary, an injury is presumed to be work-related if it arises out of or in the course of a worker's employment." The presumption applies to all workers. This is in our current act without the

amendments that we are talking about today. Section 17.1 outlines the presumption for firefighters that was added to the act in 2011. That presumption applies to physical diseases like leukemia and other cancers and to cardiac arrest suffered within 24 hours of attendance at an emergency. The second matter is captured in section 19 of the act, entitled "Balance of probabilities". Section 19 states: "Despite anything contained in this Act, when the disputed possibilities are evenly balanced on an issue, the issue shall be resolved in favour of the worker or the dependent of a deceased worker."

There are some misunderstandings out there and perhaps even in this House about how claims are adjudicated and, in particular, around the issue of evidence. Section 19, which is entitled "Balance of probabilities", explains that the adjudication process is predicated on the inquiry model as opposed to the adversarial model. Decision-makers are required to gather, evaluate and weigh evidence based on a balance of probabilities and come to a reasoned decision. When there is any doubt, it is weighed in the favour of the worker. Moreover, throughout the adjudication process, Claimant Services staff are guided by the board's value of compassion. They conduct their work with empathy and the desire to ease the suffering of the workers, dependants and employers. I repeat that no worker will be disadvantaged by this presumption. The presumption is less a change or new initiative as it is an enhancement to a system that is already working well.

During debate of Motion No. 52 last spring, members made reference to similar legislation in other jurisdictions in Canada, and I would like to touch on that briefly. So far, five provinces have introduced presumption for PTSD. They are Alberta, Saskatchewan, Manitoba, Ontario and New Brunswick. A sixth province, Nova Scotia, is in the process of drafting legislation. I will not delve into the specifics about how presumption works in other parts of the country, but I do wish to say that we should be careful about holding up approaches taken in other jurisdictions as models we might wish to adopt without digging deeper into the details, which I'm sure we'll do during Committee of the Whole.

There are presumptions that are presumptions. I am convinced that the approach we are taking in Bill No. 8 is the best one for Yukoners. As stated in Bill No. 8, our presumption will apply to firefighters, paramedics and police officers. Among jurisdictions with PTSD presumption, there is a variation in terms of which occupations are included. Alberta and New Brunswick include the three occupations identified in Bill No. 8. Ontario includes a dozen or so occupations, including the three in Bill No. 8. Saskatchewan and Manitoba include all workers.

A report published in August 2017 by *The Canadian Journal of Psychiatry* indicated that Canadian emergency response workers experience psychological injuries at a rate more than four times higher than the general population, so we feel we have targeted the right workers with this bill.

In the public engagement conducted by the board this summer, Yukoners were asked whether additional occupations should be included in the presumption in the future.

Three-quarters of the 206 participants suggested a variety of occupational groups that could be considered for future inclusion. There is no strong preference for any one particular occupation. As a result, we remain committed to the three occupations identified in our election platform, which are being specifically identified because of higher exposure to trauma and risk of psychological injury associated with these jobs.

This is a good moment for me to point out the definition of “paramedic”. In the bill, it was deliberately written so that it would include community nurses who attend ambulance calls and air ambulance medical — since in those circumstances they are acting as emergency response workers. Nurses who are on these direct calls in the communities will be covered, including medical ambulance.

Apart from the matter of who is covered, presumptions in other jurisdictions vary in terms of whether the presumption considers cumulative PTSD, or only PTSD that arises from a single event. In this respect, I believe we are a leader in Canada, Mr. Speaker. For many years the Workers’ Compensation Health and Safety Board has taken a broad view of PTSD, allowing for the fact that the condition may be cumulative in nature. The board recognizes that a worker may not be able to point to any singular traumatic event as the one that caused the symptoms. It may be that a similar minor event — in comparison with others the worker has endured — acts as a trigger that brings to the surface previous workplace traumas that the worker has been exposed to.

This is what board policy EN-09, *Adjudicating Psychological Disorders*, addresses. It came into effect on July 1, 2008, and I would like to quote from that policy: “Due to the nature of their occupation, some workers, over a period of time, may be exposed to multiple, sudden and/or unexpected traumatic events arising out of and in the course of employment. A final reaction to a series of sudden and traumatic events is considered to be the cumulative effect.

“The YWCHSB recognizes that each traumatic event in a series of events may affect the worker psychologically. This is true even if the worker does not show the effects until the most recent event. As a result, entitlement may be accepted because of the cumulative effect, even if the last event is not the most traumatic.”

This broader, more inclusive view of PTSD reflects the board’s value of compassion, demonstrates great empathy of workers and sets us apart in Canada.

Not only are there different approaches to presumption in the country, but Yukon is clearly a leader in terms of our policies and practices, even before the introduction of this bill. Members will see that the effective date of commencement of the provisions is the date of assent. It clarifies that the presumption will apply to emergency response workers who are diagnosed with PTSD once the bill comes into effect, even if the exposure to trauma occurred before the coming-into-force date.

This approach recognizes that not all affected workers seek help at the same time the condition takes root, and it encourages them to come forward to seek a diagnosis. As I

have stated, this is the true purpose and the benefit of this bill. It encourages workers to get the help they need to move toward wellness. My government is committed to the wellness of Yukoners, and Bill No. 8 is a concrete expression of that commitment.

I would like to sum up the key points in part 1 before moving on to part 2. Yukon emergency response workers will benefit from the presumption that, should they be diagnosed with PTSD, the condition will be presumed to be work related. The presumption will encourage workers suffering from psychological injury to seek help and receive the treatment benefits for which they are eligible. All workers covered by the *Workers’ Compensation Act* who are diagnosed with work-related PTSD will continue to be eligible for supports and benefits to which they are currently entitled. A presumption for emergency response workers in no way creates a disadvantage to workers not included in this provision.

Wouldn’t it be great, though, if we could just make those benefits unnecessary? I mean, wouldn’t that be the ultimate goal? Or, to put it more directly, if we could put in place a system that would ensure no worker ever suffered another workplace psychological injury — that’s the goal of the second part of our bill. It’s based on the board’s policy stated *Vision: Zero* — zero workplace injuries, illnesses, deaths or disabilities; every worker going home safe and healthy every day, physically and mentally.

Members have often heard the saying that an ounce of prevention is worth a pound of cure. The wisdom in this at sentence applies to many things in life and most definitely the topic under discussion today. The second part of the bill proposes amendments to the *Occupational Health and Safety Act*, specifically targeted at prevention measures to protect the mental health and wellness of every Yukon worker. It is a direct response to what we heard from the board’s public engagement. Fully three-quarters of the respondents indicated support for the development of regulations aimed at preventing psychological injuries at work.

Mr. Speaker, we have taken our platform commitment a broader step forward in introducing this second part of our amendments. As with PTSD presumption, however, this is a case of enhancing or fine-tuning, rather than introducing something new. Yukon employers are already required to institute mental health protections in the workplace under the general requirements in section 3 of the *Occupational Health and Safety Act*. They must ensure that workplaces are safe and without risk to health. Moreover, we already have regulations in place that provide a prevention framework for many specific occupational situations and practices. However, at the moment there is clearly a gap in our current regulations under the *Occupational Health and Safety Act* that do not address mental health specifically. Despite this, many employers have implemented workplace psychological injury prevention programs, and we do commend them for their efforts.

As we all know, however, there is absolutely so much more that can be done. The time is long past due to fill the gap and provide workers and employers with the key they need to

secure workplace mental wellness. The key is prevention, and prevention begins with articulating comprehensive and practical regulations that enable workers and employers to work together in establishing workplace health and safety systems aimed at protecting the body and the mind equally and completely.

This proposed PTSD presumption addresses one source of psychological injury — trauma. New regulations would recognize the broad range of workplace risks that can cause psychological injury and put in place an equally broad range of preventive measures. I'm talking about such things as workplace violence, bullying and assault. I'm particularly excited about the possibility of the introduction of mental health regulations to support the implementation of critical incident stress management procedures, for example. Critical incident stress management or CISM is particularly effective in dealing with this kind of workplace trauma an emergency response worker might experience. Early intervention strategies like the critical incident stress management may prevent PTSD from developing at all.

New regulations will provide a detailed comprehensive framework within which each workplace can construct its own approach to mental wellness. They will provide a suite of tools that can be used to build a culture of mental wellness in the workplace. The regulations will encourage and empower workers and employers to explore mental health issues openly and foster open discussion of mental health in the workplace. Employers and workers can use new regulations to shine a spotlight on the stigma associated with psychological injury from workplaces across the Yukon.

I can state with confidence that, following passage of Bill No. 8, this government will immediately request that the Yukon Workers' Compensation Health and Safety Board begin consulting with employers, workers, and the community to develop the new regulations to specifically target mental health and wellness in the workplace. As I've stated, regulations are the key to providing workplaces with preventive tools, but regulations only go so far if we don't have a clear understanding of precisely what we are working to prevent. So what appears to be in Bill No. 8 a minor adjustment in terminology is actually central to our effort and the phrase "occupational injury" will replace the phrase "occupational illness" throughout the *Occupational Health and Safety Act*. Occupational injury is defined in Bill No. 8 as "... an illness, disease, disablement or physical or psychological injury, arising out of and in the course of employment." This revised definition is broader in scope than the current one for occupational illness, permitting a more expansive interpretation that encompasses both physical and psychological health. This change will also align the concept of workplace injury in the *Occupational Health and Safety Act* with the definition found in the *Workers' Compensation Act*. This change alone symbolizes the unifying goal of parts 1 and 2 of the bill, aligning prevention with treatment in this legislation.

An injury is an injury, whether it's an injury to the mind or to the body. That is what Bill No. 8 addresses. A worker

should be no less inclined to report and seek treatment for psychological injury than for a sprained ankle. Perhaps more importantly, employers and their workers should be every bit as prepared to prevent a psychological injury as they are a sprained ankle and a worker should be no less likely to report and seek treatment for either.

Our goal is to put physical and psychological injuries on a common playing field, so to speak. We will ensure that no matter what aspect of the worker's safety and health might be at risk or what type of injury might require treatment, both the *Workers' Compensation Act* and the *Occupational Health and Safety Act* regulations provide equal consistent guidance and support to Yukon workers.

We, as a government, wish to continue to foster the right of every worker to be safe and healthy, no matter what their occupation, no matter what risks they might face in the workplace and no matter what sort of injury they might suffer. We firmly believe emergency response workers absolutely deserve societal supports with a PTSD presumption. But we are even more enthusiastic about the board's goal of zero and we are proud, as a government, to be in the position to take advantage of the opportunity presented to us now to provide the Yukon Workers' Compensation Health and Safety Board with the tools they need to help all Yukon workers and employers prevent psychological injury and support workers who need help.

I look forward to what I'm sure will be a lively debate throughout second reading and as we eventually move into Committee of the Whole.

I thank the House for allowing me to introduce and move forward on second reading.

Mr. Cathers: In speaking to this as the Official Opposition critic for the Department of Justice, as well as for Protective Services division in Community Services, I would like to begin by thanking everyone who has joined us here today to listen to this debate. I would like to commend, as well, officials — including Yukon Workers' Compensation Health and Safety Board and Justice and anyone else who I have missed in terms of their work on this legislation.

I do want to note that I will be supporting this legislation. I do think it's unfortunate that the legislation hasn't taken a step further, though, in the choice of the definitions to whom the legislation applies. The reference to emergency response worker, including only a firefighter, a paramedic or a police officer, is, in my view, too limiting. It also seems to be a slightly unusual choice — although this is not the main issue — to refer to police as police officers when, typically within the RCMP, most of the members of the RCMP, the non-commissioned members, are typically referred to as members, not officers, but that is more of a question around the wording than the primary issue of coverage.

It also seems unusual that the government has chosen to apply it to members of the police service who, at this point, according to the minister, indicated they are already covered under other legislation, but did not heed the public feedback

on their survey from many people who thought this legislation should go beyond first responders.

I want to note for all the first responders who have joined us here today that I do support that and very much welcome that there has been at least a step taken forward in the presumption of PTSD coverage, but it does seem like a narrow scope that doesn't include others whom I believe should be included. Those include the coroner and community coroners — I'm referring to both paid staff and volunteers, who I believe are often placed in situations of great stress. I would also note — to the minister's own comments about the people who have to deal with the dead bodies — that, just as the first responders are often involved in those most awful of scenes that we hate to see anyone be involved in or have to respond to, often, at the end of that, it would include the coroner or community coroners in dealing with that situation.

I would also note that there are some other examples, including that nurses appear to be included in certain situations under the definition of "paramedic" but not in others where I believe they should be included. There does not seem to be the same coverage for others, such as victim services workers in certain situations. I would encourage the government to consider making amendments to the bill in Committee of the Whole to address these errors in definition.

I want to note that a step forward is better than no step forward at all, but, as they heard during public consultation, there were many people who commented during the consultation period and wanted the categories to go beyond simply that of first responders.

I understand from my colleague, the Member for Watson Lake, that, as she noted on Tuesday in the House, she believed it was a total of one percent of those who responded to the survey by the government, as shown in the "what we heard" document, who thought that this legislation should just be limited to first responders before considering other people.

I do want to sincerely bring that concern forward to the minister. I know she may not be able to commit on the floor to amending the bill, but I would encourage her to discuss that with them and, if they are unable or unwilling to do so, I would encourage them to revisit the scope at the earliest possible opportunity to provide coverage to those other people.

I have probably missed others who should also be covered, but I know there were many Yukoners who commented on the government's survey and who have contacted us who were concerned and, in some cases, very personally concerned by the fact that they're not included in the presumption coverage under this legislation.

I know that the minister will probably respond as she has previously, and as witnesses from WCB noted, that, even in the absence of the presumption of PTSD, coverage still exists. I do recognize that, but I have also heard, as I am sure others have, concerns from people, just as first responders felt, that the current structure was not working well enough for them and there needed to be a presumption of PTSD. I have heard similar concerns from others who are not included within the

current scope of Bill No. 8 and who have had challenges in dealing with getting the supports they need within the system.

I would also note that I share the Minister responsible for Workers' Compensation Health and Safety Board's view that it would be good not to get to the stage of PTSD, and I want to reiterate comments that I made during the Spring Sitting of the Legislative Assembly. It is my belief that there needs to be appropriate peer support, access to counselling and appropriate critical incident stress management in place for not only first responders, but for all of the front-line responders, both staff and volunteers, who can come into situations where they will face those types of extremely traumatic incidents.

It is my view that if we reach the situation — or if someone has actually developed PTSD — in fact the system and the support system have failed. There are a number of areas, as I mentioned to the Premier in debate during the spring, that we would encourage the government to look at, and I understand that, between spring and now, there has been a limited amount of time, but I would encourage them to do more of a systemic review and ensure that the appropriate supports are in place for people, including people within the coroner's office and community coroners, including for our emergency medical service responders in rural Yukon, for our volunteer firefighters across the territory and for victim services, to name but a few. I have the feeling that I'm missing a category that I will remember about five minutes after I sit down, and I apologize to anyone I may have missed mentioning in this.

Again, it's a good step, but the scope is too narrow and I would encourage the government to consider widening that before passing this legislation. If they do not, we will support this legislation as it is worded.

I would also note, just for members sitting, that, considering the supports that are available to first responders and other front-line staff and volunteers, one of the challenges often faced is that people are dealing with things that involve privacy issues of others. In fact, if the support network is not in place and if the peer support is not in place and appropriate access to the necessary counselling when they need it to assist them in dealing with a difficult situation, they are often in a situation where they perhaps legally cannot discuss a situation with their family members or feel that it's inappropriate to discuss private details of a traumatic situation. They also may be in a situation where they simply do not want to burden friends or family, even if they feel they could, and that leaves these people, in some cases, according to what have heard from Yukoners in these situations, feeling very alone and dealing with tremendous pressure that they feel falls solely on their shoulders.

I want to also note a concern and a question that perhaps the minister can address. It is not clear to me from this legislation whether "paramedic" includes the volunteer EMS responders in communities who are more typically trained at an EMR level and are not likely technically paramedics — whether those people who are also not technically "staff" are

covered within the scope of Bill No. 8. I do believe that it should include them.

I would also go on to add and reiterate that in fact, while this legislation is a positive step forward, what government, and government entities and the system as a whole should be focusing on, in my view, is avoiding having anyone develop PTSD through proper critical incident stress management and the appropriate structural support for people in their time of need. I also realize that in the real world, no matter how perfect a system it is, there will be some people who probably develop PTSD, but I am encouraging the government and arguing to this Assembly that all reasonable steps to avoid getting to that stage should be taken.

I also want to read a statement that one of the Yukoners who is not covered by this legislation sent to me and asked me to read here today. I will provide a copy to Hansard for their ease of reference. Out of respect for her privacy, I am not going to mention names or occupation or any other details beyond what she has written. I will leave that to her to choose to share if she wishes to do so. I will quote from the statement exactly as written, and I will provide a copy to Hansard for their reference.

Beginning with the remarks I was asked to read here today — and I quote: “I have been diagnosed with Post Traumatic Stress Disorder, also known as PTSD.

“I have PTSD as a result of my duties of employment. I am not a ‘first responder’ as defined by this presumptive legislation. Make no mistake — trauma impacts extend into many other professions other than just first responders. We are also impacted and at risk for Post Traumatic Stress Disorder.

“I did my job because I firmly believe that helping people is a worthy responsibility. I did my job because I love our communities and the people of Yukon. I am honored to have done the hard work.

“Post Traumatic Stress Disorder has forever changed my life. Sometimes I wish I had a ‘visible’ work injury because it would be easier for people to understand. I assure you — just because you cannot see my injury, it is always present. I never know when a trigger will occur that sends me to my knees in choked sobs. I now anticipate when I lie down to sleep, that I will most likely wake from nightmares.

“Post traumatic stress disorder has changed the way I see the world. It changed the way I feel about my community. It changed the way I trust people and engage in relationships. It changed the way I feel about myself.

“I want the members of this legislature to know that I am a person. I am a mother, sister, friend, and member of our community. I am not a number. I am a survivor.

“I did not get PTSD because I ‘couldn’t handle it,’ or ‘took too much on,’ or ‘wasn’t good enough.’ I have PTSD because the trauma eventually weighed too heavy on my heart.

“I struggle daily to function. I have bad days and ‘better’ days. Good days are causes for celebration and thanks. Some days I can see parts of my old self emerging and other days I don’t even recognize myself.

“I wanted to share my story so that the real impacts on people are not forgotten. If for one moment you could see into my heart, you would know how much I never want anyone else to have to go through this.

“I am not alone in the way I worked under tremendous stress and in the most terrible and traumatic of circumstances. There are many of us ‘helpers’ (first responders, nurses, doctors, coroners, and others) that do the hard work that the public rarely sees.

“We are the people who are on call on Christmas when you are with your families and friends. We are the people working through the night, driving the highways in -40C, holding the hands of the broken hearted, and wondering if we made a small difference.

“We are the people that will go home to our family with the weight of the world on our hearts.

“If I had a magic wand and could make PTSD not part of my life anymore, I would.

“But there is no magic wand and I have to walk this journey, as painful as it is. This is now a part of my story. If I must be broken and struggling to heal, the least I can do is try to help others who may also be walking this journey now or in the future. Not everyone is cut out for every job. There are people who are meant to work in these helping professions.

“Taking care of first responders, doctors, nurses, correctional officers, coroners, and others who give so much to our communities ought to be a very simple notion after all they have done for us.”

I would like to thank the lady who courageously shared that with me for sharing her story. I know it wasn’t easy to do so — and not easy to read either.

Mr. Speaker, again, I just would hope that the Premier and the minister and all of their colleagues will recognize that in bringing forward these concerns and in reading this story and bringing forward the concerns that I have heard from Yukoners about the narrowness of scope, this is not a political issue. I am not making this statement to score political points, I am quite sincerely urging the government to re-evaluate the scope and either amend this legislation or, if not able to do so, to extend the scope of this at the earliest possible time.

In closing, I would like to reiterate the importance of expanding the critical incident stress management and the systemic supports, including peer support, within the system and for the volunteers as well — who serve as volunteer firefighters, as volunteer emergency medical responders and as community coroners as well as taking a look at any others that I may have missed inadvertently in my remarks.

I would also just note, as a somewhat related matter, again, what I am sincerely raising with the Minister of Community Services and with the managers as well of EMS — who I have great respect for and know that their hearts are in the right place — is that my belief is that they should re-evaluate the current practices around scheduling for auxiliary-on-call paramedics. It is my belief that this is causing some additional and unnecessary source of stress due to the lack of predictability in that area. It is also one of several areas within the public service where we have heard

from multiple sources concerns that it seems that people from outside the territory are often hired to fill positions, instead of hiring people here who have been doing the job and, in their belief, have the appropriate training.

I would wrap my remarks up with that and thank members for their attention, and again thank everyone who has come here today for their service and for coming forward here today to hear us discuss this important legislation.

Ms. Hanson: I too would like to welcome and thank those who are in the gallery today to bear witness to the discussion today on Bill No. 8, the act to amend the workers' compensation legislation with respect to post-traumatic stress disorder. I want to especially acknowledge Jim Regimbal, the Dawson City fire chief, who is and has been a passionate advocate of the need to recognize post-traumatic stress disorder in first responders and others. He was one of the people with whom I talked a lot during the period in 2014 and leading into 2015 before we, the Official Opposition, tabled amendments that would have provided presumptive coverage to first responders. We tabled that legislation in the spring of 2015.

I say that because last spring, when we commenced the legislative Sitting with the new government and many new players, we had quite an extensive debate because it became clear that, as the minister opposite said in her opening remarks, the government made a commitment to provide coverage with respect to presumption of PTSD to first responders. We said at the time, and I'll say again, that it is encouraging to see the government act to address post-traumatic stress disorder with respect to first responders, but I said then, and I'll say it again, there is no reason to limit this protection. It does not dilute or diminish the importance and the coverage of first responders to extend it to all workers.

After we tabled our PTSD presumptive legislation in April 2015 — legislation that also covered first responders — we heard from first responders and workers' advocates who welcomed the effort we made. We were defeated, of course, but we were raising the issue because it was important and it is fundamentally important. We raised it because we were experiencing, through the context with workers throughout this territory, the lived experience of those who faced the challenge of not only trying to work their way through — and I acknowledge and respect the fact that the workers' compensation legislation and the policy EN-09 is there to provide coverage for all workers for psychological injury, distress or disorders.

But I can tell you, Mr. Deputy Speaker, that there are a couple of components that make it very difficult, not the least of which are hopefully some of the things that will be addressed through the occupational health and safety elements that are being amended here today, but the stresses and those workers who we were dealing with were not first responders. They would not be covered by this legislation and I can tell you that it's no easy piece of cake, no easy process to get through EN-09.

There is no suggestion that by expanding the coverage to all workers that first responders don't need to be covered. We know that they do. We were very, very encouraged by the government's announcement to follow through on its commitment to deal with PTSD. What we will continue to do — and I will do again today — is to encourage the government to take full advantage of this opportunity now to provide coverage to all workers, because the reality is that we have the workers' compensation legislation that said it should have been amended and should have been reviewed in 2013. We're at 2017 and that legislation review hasn't been done so we're doing one little slice. When we had the opportunity this week to have the witnesses from the Workers' Compensation Health and Safety Board here, they too agreed that there are a number of critical areas that need to be reviewed. So why, why, why would government not take the opportunity to provide the coverage now?

The concept of presumptive legislation or PTSD legislation or any presumptive legislation creates — we infer that a fact exists because we know or we can prove other facts. Basically I will use the example that in 2009, my predecessor Todd Hardy, working with firefighters, sought amendments to the workers' compensation legislation that came into effect, as the minister said, in 2011 to create a presumption that certain types of cancers in firefighters are occupational diseases unless you can prove otherwise. I recognize and I hear that the section 17 provisions with respect to presumption do exist in the legislation as it is, but it is still not quite a fulfillment of what are the underlying principles of the workers' compensation legislation.

It is an irony that the minister opposite described the positions and the functions that she has performed with respect to child welfare and with respect to Justice. She wouldn't be covered by this presumptive legislation. No child welfare worker is going to be — no child welfare worker, no justice worker and no corrections worker shall be covered by presumptive legislation that has been introduced by this government.

When we had the debate last spring, we had a very wide debate. We covered many aspects of the debate around whether it is a disorder or an injury. I can recall speaking to the fact that there have been significant advancements over the years, particularly when it comes to the issues of our continued reliance upon the language of "disorder". I recall citing the example of military psychiatrists who said that when a marine has his leg blown off, that is an injury. When you have a compounded injury over injury over injury that affects your psychological well-being, it is also an injury. But I am not here to debate injury versus disorder. I am here to say that all workers who may — as the minister opposite said — be exposed to that triggering traumatic event should be covered.

What I am asking is to manifest that the underlying principles of the workers' compensation legislation — the witnesses from the Workers' Compensation Health and Safety Board who appeared before us yesterday reminded us that 2017 is the 100th anniversary of workers' compensation-like

coverage in the Yukon. The foundational principles of workers' compensation — it is a covenant. They are captured and named after some fellow named William Meredith — the Meredith principles. This is a historic compromise in which employers essentially share the liability for injured workers and in return injured workers receive benefits while they recover because that is the objective. The idea is to ensure that we get people back to work.

No worker, whatever the source of their injury, whether psychological or physical, wants to be left languishing. They want to be able to return to work. That is the second part of some of the aspects that the minister speaks to, and there will be challenges. There will be and there are challenges. Part of it in that covenant that we have — that underlying principle — is that in return for workers agreeing to how their claims will be dealt with — and we have set a fair standard — they can't sue. No worker can sue their employer once they are into the system. We owe it to make sure that when we set up a process for working with and on behalf of workers, we do so in the fairest way possible. Over the last 100 years, workers' compensation has evolved how we deal with different situations. Workplaces have changed. We need to make sure that as that is happening we are there too.

I don't understand the reluctance of a government, when it is given the opportunity to make a change that could have a positive impact for all workers, to choose not to do so. In that debate last spring, we pushed, and we said to the government that we're asking you to consider expanding the scope of what you say is your mandate. Yes, I know, people run on a platform and we say this is what we're going to do — but that's what it is; it's something to pique the interest of the electorate. It is not ironclad; it is not the only thing that you could possibly do. Every time somebody says, "This is my mandate and this is what I'm going to do", I go, how constrained are you? Did you not listen? Did you not hear? Did you not feel what workers have said to you?

The testimony we heard last spring — I appreciate the words of the Member for Lake Laberge in relaying the lived experience of a nurse. We similarly had in the gallery, with permission, my colleague, and she may share some of that today — the lived experience of someone who would not be covered — will not be covered — by this legislation, who has served this community in very many capacities and has suffered from PTSD.

We said to the government last spring — and I'll just say — if the government decides, after it does its public consultation — we said then we would hope the government would do a comprehensive review of other legislation. I said then and I say now — because I have not heard it yet: It will fall to the government to explain to Yukoners and to all Yukon workers why it should not apply to all workers. I have not heard from the minister or from the Premier any explanation as to why this presumptive legislation should not apply to all workers in the Yukon.

God forbid that the media reports and quotes the Premier as saying that we have to go slow and we have to look at the cost implications. If that media quote was correct, I would

say, shame — shame. Workers' compensation returned money the last two years to employers, including over \$2 million to the Yukon government — \$10 million to employers each year. It's not money, so what is it? Why is there a reluctance to expand the coverage to all workers, knowing full well that all workers in this territory — and we don't want — we don't assume that there's a rush.

We heard the witnesses from the Workers' Compensation speaking to this Legislative Assembly the other day that we're not talking about hundreds of claims every year. The process, as we heard from the witnesses, as outlined from the minister, is not something you just show up and say, "Here I am; I'm eligible." That's not the fact.

So Mr. Deputy Speaker, we don't believe that there is any reason why an incremental approach is necessary. We fundamentally believe that all workers should be covered. We will, if this government is adamant and after it has explained to all workers and to this Legislative Assembly why it refuses to provide coverage to all workers, of course agree that first responders at minimum deserve this. But we are sorely disappointed to see a government lose an opportunity to fulfill its covenant with all workers by providing this coverage to all workers.

Hon. Mr. Silver: It is a pleasure for me today to rise to speak to Bill No. 8, *An Act to Amend the Workers' Compensation Act and the Occupational Health and Safety Act (2017)*, and the amendments contained in Bill No. 8 that will include presumptive provisions for post-traumatic stress disorder for first responders. In moving this bill forward, the Minister responsible for Workers' Compensation Health and Safety Board and Occupational Health and Safety is accomplishing a directive outlined in her mandate and of course, it is included in her mandate letter because it was one of our platform commitments.

Again, we're hearing from both opposition parties now for the first time — both oppositions — about the need to move further. The reason, as I'll explain here, is that we had a commitment based upon five years of being in opposition and pushing for presumptive legislation for initial responders. For the initial responders — it's the rates, it's the stoic culture, it's the necessity to say that this group of individuals needs to be the group of individuals we give presumptive legislation to. Now that is not to say that no one else — that is not to say that — but what it is to say is that we are moving forward on a commitment that we made to the people of the Yukon.

I'm a little flabbergasted with the Member for Lake Laberge because, as the Leader of the Third Party has mentioned, Jim Regimbal would give the information to anybody who wanted to hear, and both parties for five years pushed initial responder presumptive legislation. For years, that did not happen. I am going to talk about moving forward, but the most important thing for me is that rates of post-traumatic stress in the initial responders is the reason why we're doing this first and foremost. We then have to see what this means to the system. When I say what this means to the system — it's the other part of this. It's the preventive piece

and that preventive piece is going to cause, through education and acceptance that — as the minister so eloquently said in her opening remarks — this injury should be treated just like physical illness, but it's not currently.

This is going to cause a strain on the system, on the medical system — not just on the Workers' Compensation Health and Safety Board, but our hospitals, our support staff, EMS. We need to do the evidence first and foremost — bottom line — and we are going to do that.

We did earlier this year discuss how we are willing to take a look, and we are and we're committed to that.

Some Hon. Member: (Inaudible)

Hon. Mr. Silver: If the member opposite lets me use my time now, as we let her use her time, I will explain further how important this legislation is to the Yukon Liberal Party, how important it is and how honoured we are to be the government that is pushing, for the first time, presumptive legislation.

I want to thank the minister for her time and her work on the bill and all the public servants who helped conduct the public engagement campaign over the summer, the work of the team at the Workers' Compensation Health and Safety Board — that must be recognized — and the contributions from them cannot be overstated. It's my honour and privilege to join my colleagues in speaking to the second reading of this bill.

Just as a note as well, I urge the Member for Lake Laberge, if he hasn't already — those very powerful words that he read into the Legislative Assembly from an anonymous person — please direct those comments and that individual to our minister to see what we can do to help.

The topic of post-traumatic stress disorder would not have earned this well-deserved attention without, as mentioned already, the tireless efforts of Jim Regimbal. He has been a determined advocate fighting for awareness and understanding. As you know, he is a long-time Dawson City resident, a constituent and a friend of mine. My writing staff got a little bit creative and they thought I should be personal and start talking about his warm smile and stuff, and I was like, "I'm not going to read that." That's just a little bit too personal, but I am very humbled by Jim's service to our community in Dawson. He has given endlessly with no expectation of recognition or reward. That's the most important thing. This is about the people of Yukon.

For years Jim has provided to me, and anybody else who would listen, any information about the current legislation and industry standards across Canada. If you pick up the phone he would know the subsections of the current legislation, and also just the importance of the difference between post-traumatic stress disorder and injury.

He also opened my eyes to the importance of prevention. I was invited to the Association of Yukon Fire Chiefs seminar with expert Jeff Dill and I appreciate everybody accepting me and allowing me to be in there — even though I am not an initial responder and I am not a firefighter — just to listen. It was the first time that I really, truly understood how important the up-front work is. It was the first time that I really heard the

terms of post-traumatic stress not becoming the disorder. We all have post-traumatic stress in our daily lives. The key is to make sure that doesn't become the disorder.

The benefit of special management teams where you have the folks who are the initial responders working in partnership with the folks from Workers' Compensation Health and Safety Board, with the psychological team as well — simple things like ride-a-longs, and really small, little things like conversations and communication that break down those walls. Communication is key.

Thank you very much to Jim Regimbal for all of his hard work.

When the Minister responsible for the Workers' Compensation Health and Safety Board spoke as to what lies at the heart of this bill, the desire to help people who spend their careers helping people — that's exactly what this is about. First responders are engaged in some of the most important work in our communities and help to ensure that our communities remain safe, healthy places where Yukoners can thrive, but it is also some of the most difficult and psychologically challenging work out there.

Post-traumatic stress disorder is very prevalent among first responders and, without treatment and intervention, it can result in severe mental-health and work-disability issues for these workers.

We recognize the risk that first responders face in providing the services to Yukoners. Making these amendments to the *Workers' Compensation Act* and the *Occupational Health and Safety Act* is a concrete way for our Liberal government to address the serious health care consequences that these workers suffer from. This bill is just one part of a more comprehensive approach we need to take to address post-traumatic stress disorder in our communities.

Passing this bill will help to raise awareness of this important issue, which is very much needed. We also need to look at developing more preventive measures to reduce the incidence of post-traumatic stress disorder in all Yukon workers. Bill No. 8 is about healing. It's about a new path for this government. This bill will help individuals and their families better manage and mend the damage being caused by post-traumatic stress disorder. This will be better for our communities and it will make Yukoners' lives better.

I'm very happy to stand to support Bill No. 8 today.

Mr. Adel: I'm pleased today to rise to speak to this important bill and honoured to be part of a government that is moving this bill forward. It will help to address post-traumatic stress disorder here in our territory. Although it may seem — and I'm honoured to be standing in front of the people who do the front-line work — that some of this is always going over the same ground, it also stresses the fact of how important we feel it is to move this legislation forward and what it means to us to help you.

Post-traumatic stress disorder, or PTSD, is a severe type of psychological condition that can develop in an individual after they are exposed either directly or indirectly to traumatic events. These are the people who need our support. The long-

term effects of psychological injuries such as PTSD can oft be prevented or mitigated through early response and treatment. The amendments we are considering today in this House will help to enhance response and treatment by introducing presumptive provisions for post-traumatic stress disorder for first responders.

I would be remiss if I didn't also thank the Minister responsible for Workers' Compensation Health and Safety Board, her staff, her ministry and the people in this Legislature who have done the hard work to make this possible.

These presumptive provisions are important to Yukoners. We made a commitment during the election campaign that we would introduce them. They have been a long time coming. These provisions are intended to help those Yukoners who devote themselves to helping Yukoners. They may injure themselves in an effort to help us. We have to remember that. First responders are at the front lines when emergencies occur in our communities, working hard to make sure that we are protected and that our families and friends are protected and returned to safety. The work is not easy. Even when faced with great risk, first responders perform their duties with poise and professionalism in the face of adversity.

I would like to take this opportunity once again to thank our first responders for their hard work, dedication and bravery. All Yukoners benefit from their work, and all Yukoners owe them a debt of gratitude. That is part of the reason that this bill is so important to this government, to me and to the members opposite. It will provide support to our first responders that is deserved and needed.

The introduction of presumptive provisions will help to address PTSD in the Yukon in a number of ways. One significant way is by reducing the stigma that is associated with PTSD, and psychological injuries more generally. Providing an appropriate response to PTSD and working to minimize its effects requires that we remove the stigma associated with it, and this is an important step in that direction. Another way that this bill has helped to address PTSD is by supporting first responders who are regularly exposed to trauma in the workplace to seek the help they need. It is hard to cope with this injury, and reaching out for help can be even harder. These amendments are intended to make it easier so that first responders can get the support that they need more effectively.

A presumptive clause removes the requirement to verify that an injury occurred because of work, which can actually exacerbate the situation rather than fix it. In addition, we are raising the awareness of this issue, and it is absolutely critical if we hope to get ahead of PTSD. Raising awareness will help to destigmatize this injury and encourage the development of preventive measures in the workplace. These amendments will help to address PTSD after it has become a reality, but we also need to work to prevent it from occurring to the greatest extent possible. The mental health of all Yukoners is important, and the more we can do to actively protect mental health, the better. I will say it again, Mr. Deputy Speaker: The

mental health of all Yukoners is important, and all Yukoners' mental health is a priority to the Liberal government.

As I campaigned to be elected to this position, I got an education from a constituent who was suffering from this. It opened my eyes to the effects that it has on how they live, how it affects their family. It is like throwing a stone into a pond — the ripples go out.

It's not just the person who is directly affected. I saw how it affected their family and how we worked within the government — my colleagues and I — to find this constituent some peace in their life, some stability and work backwards to being healthy again. Those are the things that make you want to do this job.

In closing, Mr. Deputy Speaker, I want to thank my colleague, the Minister responsible for Workers' Compensation Health and Safety Board, again, her team and the many public servants who have worked on this initiative. I look forward to moving this bill through the House, as it will make all Yukoners' lives better.

Ms. White: In speaking today to Bill No. 8, I'm just really going to rehash some of the details that we spoke about in the spring, because it's important that we talk about where we thought the shortcomings would be and where we thought it would be lacking.

I'm going to acknowledge that my friend Steve Hahn is here. In my head, I was thinking and hoping that he was breathing in a square because I was told sometimes that made it easier — breathing in a square. What I would like to point out right now is with the people in the gallery is that some of you will be covered, but some of you won't, with presumptive legislative. That's what this is about. It's about the acknowledgement that presumptive legislation for PTSD should be covering all workers. We have a definition — the difference between medevac nurses and flight paramedics — because one is flying into the incident initially and one is flying you out after.

My question is: What makes the difference between a flight paramedic and the medevac nurse? I have concerns because when we talk about presumptive legislation — and it's true that all workers are covered for PTSD — we are and I appreciate that, but what I learned through my friend was the barriers when you have to prove that it was through your job. It cost him \$85,000 as he went through that process. It cost him \$85,000 out of pocket. To be perfectly honest, I really like him, so if it had cost \$100,000 and I needed to throw parties and he would have asked, I would have done it because he needed the help.

When we brought this forward in the spring, we asked that it cover all workers — all workers presumptively — so that it would mean that everyone could access it without those barriers because we have members here who were mail carriers. If you had come across a horrific domestic incident or a traffic accident or any of those things and that was a catalyst for you, I would want you to be covered presumptively. I wouldn't want you to have to go through the process and say, when this happened, this happened at work.

We're not covering correctional officers — and having worked in Corrections — and I was only there for two years — at one point in time —

Some Hon. Member: (Inaudible)

Ms. White: When the minister spoke, she didn't use the term "correctional officer", so I am going based on that. So if they are covered, that's fantastic. Mr. Deputy Speaker, based on the previous comments from the minister, it was my understanding that correctional officers are not covered.

Some Hon. Member: (Inaudible)

Ms. White: After two years in Corrections, I can tell you that I was watching a ridiculous science fiction show one day, called the *Fringe*, and something that happened in that program made me cry and I didn't understand why I was crying. I went to work and I told my boss that I needed to take a vacation. I said that I need to go away; I'm going to book a trip away, and I was told I had no vacation time left. I said, "Oh, well then I quit" and I left the office. Later that afternoon, my manager came to see me and she said, "I think we missed something with you." I said, "Oh, what are you talking about?" She said, "It's called 'vicarious trauma'." She said, "It sounds like your container is full and you can't take any more in."

That was two years of correctional work. That wasn't a lifetime of working on the front lines in medicine; that wasn't responding to different situations; and it certainly wasn't what your job is daily.

I have concerns about outreach workers right now with the fentanyl crisis. I have friends who drive the Outreach van, and that's their community — the community that's in crisis. They're losing people to drug overdoses. At a certain point in time, they're not going to have any more room left in their bucket.

Under the changes to the legislation — although I appreciate that it's going to cover emergency response workers as defined by the minister previously, it's not going to cover people of all jobs. We spoke about this in the spring, and I said I would really hope that the convenience store worker who was robbed at knifepoint or gunpoint — that this could be viewed as the catalyst, but they wouldn't be covered by presumptive legislation. They would have to go through the process of making sure they could prove that it was their job.

When we talked about it in the spring and we asked about making it presumptive for all workers, it wasn't about minimizing the importance of the emergency response workers or the first responders. It wasn't about that at all. It was about taking into account that all workers — although definitely some will face the trauma more acutely than others, but all workers could be affected.

When the Workers' Compensation Health and Safety Board was here, my colleague was asking one of the witnesses if there were numbers. We were told that they are steadily increasing — so this was a quote: "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."

Then we asked if there was a breakdown of occupational areas. We were told we couldn't have that breakdown, but this is another quote: "I can tell you that over 50 percent of them fall under the classification of first responders that was proposed in the legislation."

But, Mr. Deputy Speaker, that means just about 50 percent of them did not fall under that classification. That means that people who were being classified as post-traumatic stress disorder did not fall under the classifications of the legislation. Whatever that number is, any number is too high, in my mind — any number is too hard, in my mind.

When Steve came to sit with us in the springtime, he asked me to read a letter, and I'm just going to read a quote from that, if that's all right. He had one thing that he really wanted us to take into account, so this is a quote from his letter: "Creating comprehensive presumptive legislation that assists firefighters, paramedics, flight nurses, community nurses, enforcement officers, social workers and corrections personnel is something that is truly needed in Yukon. It will not be used as a crutch, but rather as a way to limit delays in treatment and aid in stopping the progression of the condition."

Even that is expanded from what our definition is here of emergency response workers. I can only imagine what a social worker goes through, or someone who works in child protective services, when they have to go in and remove a child from a situation or be the person standing in between that child and that incident. But from my understanding, they are not covered under the presumptive legislation. If we expanded it and included all workers, all workers would be covered and it would not matter what your job was — whether you were the mail carrier who came upon a domestic incident or a car accident or an MLA who driving to and from work and was the first person on the scene of an accident — all workers would be covered presumptively for PTSD coverage. It would remove that barrier to accessing that service.

The witnesses did a great job when they were here in explaining how that process worked, but there are barriers by not having everyone covered presumptively. What we were asking for in the spring was to have a look at that and have it opened up more.

The minister, the Premier and other people have said that only three percent of the respondents to that survey didn't think it should be expanded. I appreciate that everybody had different ideas of what should be covered, but if we just use the blanket term "workers" then everyone would be covered. My point that I am making here again is that if it was possible, if we were able, instead of having a classification of emergency response worker, we could just have the title "worker", then it would mean everyone in the territory would be presumptively covered for PTSD, and that would be incredible. That would be something.

We were talking about wanting to be forward-thinking in the country — well, that would be it — that all workers, no matter what their position — and I am certainly not making

light of first responders, but I would love to expand that to make sure that everyone was covered, that there was no exclusion based on what your job was. If I am driving between point A and point B for my work and I stop to help someone and it is traumatizing, I am presumptively covered; that the person in the convenience store who faces a violent altercation is covered; that the person at the liquor store who is dealing with constant reminders of addiction is covered; and that the outreach workers who are losing friends and clients to the fentanyl crisis are covered.

All we ask for is that instead of us saying there is a classification of workers who we will cover presumptively and the rest we won't — although we are all covered under the legislation, we know that there are barriers. There are barriers to accessing it when you are not presumptively covered.

When we brought it forward in the spring — we told you we were wrong in 2015. When we used the terminology “first responders” we were wrong. It is crazy because we spent so much time and work on it trying to figure out how to make this a topic of conversation for the territory, and after it was tabled and after we were contacted by people, we realized that first responders didn't go far enough. If we really wanted to make a change, we needed to cover all workers. That is part of what we have been taught because I understand about classifying workers.

But if we're talking about making sure that people get the help that they need in the most timely fashion with the fewest barriers possible, if we remove the classification and we use the terminology “workers” or whatever needs to be done for the law's sake, then what we're doing is we're welcoming everyone to walk away from that stigma. We're saying that we understand that, in some jobs and in some industries, there is a higher likelihood of suffering that injury, but we respect that, in no matter what your work is, you can suffer from that injury. Instead of making you go through the process where you have to justify that it happened at the workplace, we will bring you in under the presumptive legislation and make sure that you can get the help that you need in the quickest way possible.

I probably said a lot of the same stuff. I didn't think that — well, let's be honest, of course I was going to have feelings; I have my friend in the gallery. But the truth of the matter is that the more people who we can cover and the more people we can cover under this presumptive umbrella, the stronger it will be. It's not putting one industry against another and it's not saying that one worker is of a higher value than another. I'm not insinuating that's what this is supposed to say. What I'm saying is that, if we move those barriers and we tell everyone that every worker is covered presumptively, then that will be a really powerful thing.

We talk often here about the stigma around mental health, mental illness and mental injury, and if we really want to remove that stigma, then let's make sure that everybody has the same access, that everyone has as few barriers as possible and that everybody can get the help that they need in the most timely manner.

Mr. Speaker, I will leave it at that, and I thank everyone who sat through here today, especially Steve and Jim and everybody else. Thank you so much for coming.

Mr. Speaker, if we can open up that room, if we can open up that umbrella, if we can cover more people by the presumptive legislation, it won't weaken it; it will strengthen it and it will strengthen our position as the legislators who said that everybody matters, no matter what their job is.

Hon. Mr. Streicker: I would like to start by acknowledging the words of the Member for Takhini-Kopper King — strong words.

I'm going to try to speak to this from a perspective of — as the Minister of Community Services, it turns out that firefighters and EMS are part of our staff, and so I hear a lot from them. I'm going to try to talk to that a little bit, but I am just want to start and point out a couple things. I appreciate, when the Member for Takhini-Kopper King was talking, she was discussing presumptive coverage, because earlier when the Leader of the Third Party had been speaking, she was talking about whether people are covered. I just want to be really clear that the legislation does allow for all workers. All workers are covered for post-traumatic stress disorders. I just want to make that clear differentiation. That's all.

The question or concern that I hear being raised is whether or not it is presumptive for all. The part of the legislation that I have been more interested in is not the presumptive part of this legislation. It's the part where we address prevention. There are systems in place as we move forward. I think of it as a path and a journey.

This spring, when I stood up in this Legislature and voted in favour of considering all, I thought of this as part of that path. I see this as a step in that path.

I will talk for just a moment about some personal sides to this. I have been robbed at knifepoint, so I've felt trauma. It was not while I was working, but I felt that trauma. I understand that trauma, yet I think it's not the same, compared to the trauma that my wife, who is a nurse, has felt in her role. She has felt trauma, and I have talked with her about that.

Some time ago, my wife took the step of volunteering for our local community EMS. She trained up and she's a very capable nurse and a very well-respected nurse in the community. She did not stick with it. The reason was that she found it too traumatic. This is the person who deals with trauma in her workplace and understands that trauma, but she said to me, directly, that it was a step ahead.

I happen to have been with my wife — and as Yukoners, we have travelled the highways and come across some challenging incidents — my wife and I were coming back from Dawson a couple of summers ago, and we happened across a motorcycle accident where the two travelers were heading back to the United States and one had come off the road, hit a soft shoulder and flipped. When he went over, he hit a rock — a big rock. My wife and I arrived. There were other people who were there, but my wife, as a nurse, was sort of someone who could have more effect. She not only helped with everyone — and when the paramedics arrived, she

helped, but really it was the other traveller, she helped with, because these are incredibly stressful situations.

So there is a difference out there. I will say that I have been approached by some first responders — some who are staff members of mine and some who are not — and they have asked that we start with this step, and not the step that's being proposed with the greatest of intentions today. Where we have a difference of opinion is in whether we should begin with presumption for everybody. They have asked. That is a really hard thing — this choice about whether to draw a line — because no matter — if we draw a line, there will be someone just on the other side or not. But what I'm hoping we do with this legislation right now — and I'll get back to it in a moment, Mr. Speaker — I'm trying to watch my time and I'm sure you'll tell me. It is the prevention side; that's where we need to get to. It's the stigma side; that's where we need to get to.

I will also say that it's the side where workers' compensation needs to address that they are not — and it was something that the minister said earlier. I'm sorry that I don't have the exact words, but I will paraphrase somehow here — that we should be working with all workers to assist them through this, that we should default to — in the balance of understanding — that we should be working to see this as being workplace-related if we can't differentiate — those sorts of things.

That's where I think we need to be working — but also how to ensure that the prevention is working well. When I think of this as a first step, it's going to be to work with the first responders and including those nurses who are in the field and deal with that stress, especially around things like motor vehicle accidents, which are just so incredibly traumatic, and then let's get that prevention piece working well, come back here, and then let's see what the next step is.

I appreciate that we're trying to get everything done in a go, but I also appreciate the work that the Workers' Compensation Health and Safety Board has done and that our first responders have done.

I'll give one more personal story. People have asked me — when I gave the tribute earlier today in this Legislature about being a city councillor — whether that's where I learned about politics, and I kind of laugh and say, “No, running a community centre is where I learned about politics.” One of the first people I worked with — I'll say his name. His name was Irv. Irv was the head of our ambulance in Marsh Lake, and Irv was a troubled soul for sure, but he came into our community centre and he always did a clinic for the people out there — like a blood pressure clinic, a foot clinic and those sorts of things — just sort of community-based stuff. He put on first aid courses, and I got to know him. He was incredibly troubled, and I knew it from talking with him. I knew it was incredibly hard for him to deal with things, and I knew that he was troubled and I wish I knew then what I have learned now — in working through this, to understand that when I saw that stress in him, before he took his life, that I could have been helping him, redirecting him to get support.

I apologize to the Legislature. This becomes such a personal thing for each of us because we all have colleagues and friends and family who have dealt with stressful stuff.

I want to talk for a minute about the role of the minister. Within Community Services, we have the Protective Services branch, which has EMS in it, it has firefighters — and, right away, I have wildland firefighters and firefighters who deal with structural fire and who deal with motor vehicle accidents, and there is a difference there. I hear that in talking to my crews, and today what we're talking about is trying to take that step — to try to help those first responders.

Again, I know that where we differ in our opinion here today is about the presumptive piece of it, but I want to focus on the prevention piece.

By the way, as Minister of Community Services, I deal with municipalities and First Nations that also have fire crews and first responders. I just happen to be in this area where there are a lot of these folks. We really need to get at the prevention side of this. I am going to talk about critical incident stress management in a moment, but just to clarify on one small point for the Member for Lake Laberge, my understanding on this — and I hope that the minister will restate it just to clarify completely — but volunteers are covered. That is my understanding. That is how I have understood the legislation. Again, those nurses who are out in the field who are first responders are covered, as well.

Community Services, the Public Service Commission and the Yukon Workers' Compensation Health and Safety Board work together to support first responders. We support all workers, but in particular, I am going to talk about first responders. Community Services emphasizes supportive workplace practices and professional services to manage stress reactions. These practices identify those in need of support and provide timely assistance to deal with workplace mental injuries, such as critical incident stress and post-traumatic stress.

Let me say here, Mr. Speaker, that we need to do more. Activities designed to help people prevent, deal with and recover from stress reactions in a healthy way are called “critical incident stress management”. The Government of Yukon provides tools and techniques to first responders to manage stress. These include practical coping skills, debriefing, defusing and professional counselling. While most stress reactions pass with time, responders don't have to, and should not feel, that they have to sit by and wait to feel better. Having options within the workplace helps first responders deal with their emotions so that they can feel like themselves again before returning to duty, and we want them to be working.

Community Services focuses on prevention and early critical incident stress management for all responders. This is a proactive, timely approach that mitigates post-traumatic stress by addressing its early signs and symptoms in the workplace. Increased responder awareness, early identification and immediate intervention within the work unit can be among the most successful strategies to address mental injury linked to response-related stress. It is not the piece of

this where it is presumptive — it is that this is where we can gain the most ground and where I hope we focus.

Community Services offers a multi-phase program to support all emergency staff and volunteer responders who are exposed to critical incidents and post-traumatic stress. This support includes facilitated debriefings, individual counselling services and workplace accommodation, when required. These critical incident stress management practices help reduce the likelihood of first responders developing PTSD. The first level of critical stress management occurs within the work unit immediately after any significant event. Supervisors and senior staff members need to encourage fellow staff members to hold diffusing sessions within several hours of the response.

Possibly many colleagues here in the Legislature today — but I'm pretty sure I heard the Minister responsible for the Workers' Compensation Health and Safety Board speak to it — that it's about this notion of the culture that, within first responders, there has been this culture of "suck it up". It's not a good culture. We need to address it. We need to redress it. I will speak to it a little more in a moment, but it's the notion that a mental illness is somehow inferior or less worthy or more shameful than a physical illness. We need to redress that.

These diffusing sessions allow crew members to discuss their needs and to come to a better understanding of their part of the response in the bigger context of the team response. It also allows supervisors to make responders aware of the services that are available to them within and outside the workplace. We all need to learn together.

I'm focusing on Community Services — that's where I'm going to do the work that I need to do — but some of these things will also, I think — as I stated early on — will work in concert with Workers' Compensation Health and Safety Board.

The next level of critical incident stress management may be brought into place if the responder or the supervisors identify that the incidents continue to hurt or to cause trauma. A debriefing meeting of all involved typically takes place two or three days after the event so that parties can get together and go over it. This enables responders to better understand their part in the context of the overall response.

Again, participants will be provided with information and contact numbers for employee and family assistance program services, should they wish to pursue personal counselling. We try to get the family involved. Volunteer responders will be provided with similar employee and family assistance program-like services.

The employee and family assistance program is available to all employees of the Yukon government. A range of services is provided, including, but not limited to, incident debriefing and personal counselling. There is no initial cost for employees to access these services and they may do so with or without the involvement of their supervisory team.

I will just say at this point that education is so very important around all of this — here in this House but out there in the territory as well.

Critical incident stress management services are also available to volunteer responders through the employee and family assistant program provider. Critical incident stress management services are accessed through service managers who are available to staff members day or night, year-round.

During interactions with an assigned counsellor, family members may also contribute to and benefit from the care plan when the client, employee or counsellors feel they are being affected by the employee's stress reaction. In the event that counselling must continue beyond what the employee and family assistant program can provide, the care team will assist the employee to transition to another suitable longer-term program or sessions that can often be funded under the employee's health benefits.

Yukon government departments work with first responders and the Yukon Workers' Compensation Health and Safety Board to ensure those experiencing critical incident stress, or those who are diagnosed with PTSD, receive the support they need.

Professional counselling is available any hour of the day at no charge to our employees and volunteers in Search and Rescue, Emergency Medical Services, the Yukon fire service and wildland fire. I'll say for the record, Mr. Speaker, that's 1-844-880-9142. I'll post that later today on social media.

Just like physical injury, emotional injury is part of workplace health and safety — and mental injury. Protective Services has programs in place to prevent all types of injuries and provide support when there's a need to recover. We need to build a culture of openness about injury with peer support networks and responsibility for crewmates and the senior officer monitors and the team for impacts, and we need our crews to look out for the welfare of their colleagues and individuals to monitor their response and ask for help when they need it.

Yukon government takes the health of all workers seriously, including the health of our first responders. We must strive to prevent mental injuries at work and to improve our responses when they do happen. We, the Community Services department, and the Yukon Workers' Compensation Health and Safety Board and the Public Service Commission will continue to work with all workers, including first responders, to ensure those experiencing critical incident stress or those who are diagnosed with PTSD receive the support they need.

Finally, Mr. Speaker, as we consider mental injury or mental stress, we need to remove the stigma wherever possible. I would like to just conclude by thanking all the members of this Legislature for their heartfelt comments. I take them very seriously and I thank them and I recognize that we have a difference of opinion on what the step is in front of us today. However, what I appreciate is that everyone here cares about the workers of this territory and wants to ensure they are safe and well.

Hon. Mr. Mostyn: I'm happy to have the opportunity to address Bill No. 8, *Act to Amend the Workers' Compensation Act and the Occupational Health and Safety*

Act (2017). There have been many thoughtful, compassionate presentations this afternoon. I count myself lucky to have been able to work alongside such people, both in politics and in civilian life in the civil service. For me, this legislation represents a bridge between my former life at the Workers' Compensation Health and Safety Board and my current post representing the people of Whitehorse West.

Giving voice to my constituents' concerns is important to me. I have heard their concerns about mental health in the territory. They talked about it often when I was out knocking on doors, and they continue to. This piece of legislation is one in a suite of supports this government has started to put into place to deal with this widespread societal issue. Mental health affects many people. In any given year, one in five of us will fall victim to a mental health illness or problem.

By the time you've reached 40 — an age far back in my rear view mirror, Mr. Speaker — half of us will have suffered a mental illness. How do we deal with it? The answer is: not well. We don't deal with it well at all. Most of us suffer in silence. Many of us don't realize we are suffering at all. Very few of us seek help. Most wouldn't know how to seek help even if we realized we were suffering.

So it is important that we start talking about it as a society. When we're talking about post-traumatic stress disorder, it is important to seek help fast, shortly after an incident occurs. This is important because early intervention can help curb the onset of such a disorder and many have talked about that this afternoon. My work in the field of workplace safety drilled into me the importance of preventing injuries, physical or mental. Treating an injury represents a loss. The harm has already happened — it's already done. That person is damaged, maimed — sometimes irrevocably. Sometimes they die — sometimes they die.

It is the responsibility of all of us to prevent injuries and death. The same applies to post-traumatic stress. We have to work hard to prevent such injuries. The bill's amendments also handle that. My colleague, the Member for Mountainview has outlined those efforts — those regulations aimed at preventing psychological injuries. The Member for Mountainview has also outlined why we are doing this. The presumption applies to emergency response workers. That includes nurses who find themselves on the scenes of tragedy in the field.

I have seen this struggle first-hand, Mr. Speaker. I have watched people I love try to cope in a societal setting after selflessly helping at the scene of a terrible incident. I can see the toll it has taken on them as they try to handle what they have just come from and try to deal with people on a daily basis — sometimes their children. It's incredible — you have to ask yourself: how do they do it? I can see the toll it takes. I have seen it personally.

But there are others as well — others who are placed in this situation, people you wouldn't expect. Highway crews who come across fatalities while they are working on our highways could be the first on the scene of an accident; housing workers who come across clients dead in their apartment; and bankers — yes, bankers. It is important to

realize that even seemingly white-collar workers can be subject to life-altering trauma. That happened to my own mother. This story reveals you never know when trauma can happen and you also get a sense of how far we've come as a society in dealing with these issues.

Almost 40 years ago, my mother was a bank teller. A disgruntled client — a desperate man, no money, in the pre-Interac age — came in and wanted a cheque cashed. There was probably a hold on the transaction and he needed the money. He broke. He became enraged, jumped on top of the counter, brandished a gun that he had brought and threatened to shoot everybody in the place.

Tellers and bank staff hit the floor and tried to crawl in the tiny spaces beneath their desks. One woman was caught out crawling on the floor, crying "Please let me in", while the enraged fellow bellowed above her.

I know this because it was burned into my mom's experience and into her memory. She recounted it as if it were yesterday when she spoke to me about it. She confessed that, for years afterward, whenever someone started to raise their voice, she would get anxious, nervous — for years. It may still be the case, Mr. Speaker. I didn't know any of this, not in any detail, until I started working at the Workers' Compensation Health and Safety Board and started talking to her at one time about post-traumatic stress and mental illness.

My mother endured in silence. Once I brought it up, she talked about her lingering anxiety — anxiety stemming from a workplace trauma almost 40 years before. Do you know what the bank did way back in the 1980s? Gave her two hours off and bought her a single drink at a local mall restaurant. That's how they handled it — have a drink — one voucher; not two, not three; one — and then back to work please. You have to balance the till. She had to finish the day; they all did.

Today we're doing a little better, but we have a long way to go. Our legislation starts that, but it needs to be noted and it has been noted by my colleague for Mountainview that our legislation does cover bankers, it does cover nurses, it covers housing workers who find tragedy in a tenement — it covers any worker injured on the job. It covers physical and mental injuries. If you're injured on the job, file a claim, reach out to WCB. If you have seen or witnessed or have been involved in trauma, reach out and talk to people — seek help. It is essential that we as a society, as employers, as people in this modern society, begin to reduce the stigma of mental illness, which afflicts so many people in this society quietly, insidiously among our midst.

Hon. Ms. McPhee: I appreciate the opportunity to take a few minutes to focus on a couple of matters that I think I can comment on with respect to this. First of all, I would like to thank the Minister responsible for the Workers' Compensation Health and Safety Board for bringing forward this legislation. It will be an important step.

I would also like to express my pride for this Department of Justice, which works on this and all bills. While individual departments all work to set their priorities and come together in a one-government approach to work on those priorities

together, all those priorities eventually end up in the Department of Justice — certainly those that involve legislation. They eventually end up inside the Department of Justice and inside Justice in a small but dedicated unit of legislative drafters. They do outstanding work, and for this, I take this opportunity to thank them.

There were extensive policy discussions and lots of work went into crafting this draft of Bill No. 8. I'm going to suggest that this bill is a success, although, as many of my colleagues have said, it is a first step.

A report was published in August 2017 by *The Canadian Journal of Psychiatry*. It indicated that Canadian emergency response workers experienced psychological injuries at rates significantly higher than the general population — 44.5-percent higher versus 10 percent of the general population. The studies surveyed almost 6,000 participants across Canada in a four- to five-month period.

It bears repeating that all Yukon workers are covered by the *Workers' Compensation Act* and they are eligible under that coverage for compensable work-related psychological injuries that include post-traumatic stress disorder.

Care is made available to all workers. You have heard that already today and I don't need to repeat it, but a presumption clause will, in fact, remove the requirement that workers who are injured need to verify that the injury occurred because of work. I will come to that in a second, because the opposite is also true.

It is important to note, Mr. Speaker, that some Yukon workers, such as Canada Post employees and members of the RCMP, receive workers' compensation coverage federally and would not therefore be affected by this presumptive coverage. There is work happening at the federal level to make that act presumptive with respect to emergency response workers as well.

It's also important to note that some other jurisdictions introduced presumptive PTSD legislation in response to existing adjudication processes that did not recognize cumulative trauma as a contributor to PTSD, and they required a psychological injury to be linked directly to just a single traumatic event. That is not what we have done here in the territory. PTSD may be acute as a result of one event. It might be cumulative as a result of several events over a brief or a long period of time, or it could be vicarious, indirect exposure to a traumatic event through first-hand account or a narrative of that event.

I dare say, Mr. Speaker, in my former career and in your former career, there were many, many incidents where we faced traumatic work — photographs, murder cases, and a number of opportunities where we may well have been traumatically affected by the work, but nonetheless, we would be covered if we had a workplace injury and brought it forward.

The presumptions that the minister spoke about earlier in her presentation are not insignificant, and I need to make this point today. Section 17 and section 19 in the legislative concept are not insignificant. They are important pieces in the way that this piece of legislation works. In particular, section

19 clearly sets the balance of probabilities in favour of the worker. Any doubt goes in favour of the worker. That is a very important — not only instruction to adjudicators, file managers or individuals working on these kinds of cases, but it should be key in how they structure their work in working with individual clients, individual claimants.

The presumption from Bill No. 8 is that if any worker has PTSD, the assumption is that it is work related. I think that we have gotten away from that a few times today. The assumption is that it is work related, and therefore, some of the barriers are removed.

We most focus here, as Bill No. 8 does, on those occupations where we know there is significant and extensive evidence that workers suffer psychological injuries at rates higher than the general population. As the minister has already said, regulations will be key to how this goes forward, which brings me to my next point.

This legislation is one step in making the WCB process responsive for all Yukon workers. Legislation is only as good as its implementation. It is only as good as the effect that it is given. It must be done in conjunction with a positive culture shift. It must be done in conjunction with compassionate file managers who truly understand the urgency of these matters. It must be done in conjunction with well-trained, knowledgeable adjudicators, and it must be done with a focus on prevention, as was so eloquently explained by the Minister of Community Services.

I will make a quick reference to the letter that was read by the Member for Lake Laberge earlier. I truly appreciate that person's coming forward and producing that piece of information that we could all hear here today. It was clearly heartfelt. But that letter actually supports 100 percent what the minister described as a societal shift that we need to make in recognizing psychological injuries and in removing the stigma of the same.

I also have deep respect for the points of view of the members of the Third Party. But I must address the concept or the idea of all workers being presumptively covered by PTSD. As we have all said many times, the presumption is that it was a workplace injury, that, in fact, if you are diagnosed with PTSD, it is related to your work. That would be the case if all workers were covered.

But an example of a mechanic or librarian — occupations that are not often associated with trauma — or as the one that the minister mentioned a few moments ago — a bank teller — would have the same presumption if all workers were covered in what I think is the suggestion being made by the Third Party. Those workers might well suffer from PTSD and need assistance, but if all workers were covered, the assumption would be that the PTSD was work related and it may very well not be work related. There are so many other situations in which we, as individuals, could suffer either cumulatively or from a one-time incident, and it wouldn't be fair for the presumption to be that it was work related unless in fact it was. That brings us back to the fact that all workers are covered.

I do take note, and I know my colleagues do, that the barriers described here by the Member for Takhini-Kopper King are completely unacceptable. The time she has described is unacceptable; the cost was unacceptable. Those responses must be better; those barriers must be removed, coupled with appropriate mental health services. This is not a small problem, Mr. Speaker, and this is one step on the road to making it better for individuals who suffer through workplace injuries. All workers are covered; all people do matter; all workers do matter, and I very much would like to express my appreciation for those of you who have come today and your colleagues who were here earlier. It is incredibly important to us and to me to be able to speak to this particular matter today and to have the witnesses who have been here today. I appreciate the opportunity.

Mr. Hutton: I would first like to thank the Minister responsible for the Workers' Compensation Health and Safety Board and all the staff in that agency who have done the good work to bring this bill forward. I would also like to thank all my colleagues and the members across the floor who have spoken so eloquently, emotionally and passionately about this issue this afternoon.

As the father of a brave, inspiring and compassionate daughter who is an EMS worker, I'm proud to stand and speak to Bill No. 8. I have spent all my life in small Yukon communities where there's a small population in comparison to Whitehorse, and where we all know and lean on each other. We are a family. We work together for the betterment of our communities and we share our successes.

Unfortunately, we also share our hardships and tragedies. When an event, big or small, takes place, the whole community feels it. We gather together as a family to celebrate weddings, graduations, sporting events, holidays, the lives of those we have lost, cultural events and much more. You name it and we support each other in it, because in small communities we have to.

Mr. Speaker, I know that many of us here in this Legislature have a personal connection to one community or another. Maybe you have a friend or family member who lives in a community; maybe you have a particular fishing, hunting or camping spot that's your favourite; or perhaps you lived or were raised in one of our beautiful and eclectic Yukon communities.

As Yukoners, we are connected to our communities. They are the backbone of this territory, and I am proud to be the representative of five of these amazing places: Keno City, Mayo, Stewart Crossing, Pelly and Carmacks. Mayo is my home and, as a resident of a small community, I know all my neighbours. I have worked with many of them; I see them in the grocery store, at the curling rink or walking down the street, at local events or tournaments. All of their faces are familiar.

I'm not sure if the members of this House know that the residents of the Mayo-Tatchun riding have had a very tough go over the past year. We have faced much tragedy and many of our elders have passed. The communities have been hit

hard, and you can see that on our faces. We pull together as best we can to support each other through tragedy, but some are affected more than others. Some of our community members are first responders.

Many of our first responders are volunteers — community members who have stepped up to support the people as best they can. They put themselves on the line for the health and safety of others, for the lives of others. They know everyone who they assist. This is unlike the city; communities are unique.

As a first responder, my daughter has seen many horrific injuries and even deaths of people she knows, people she formed relationships with and people who influenced her life. In small communities, we all know each other. So many strong individuals have stepped up as volunteers for EMS, for firefighting, for auxiliary police work — all to support their community and the people they hold dear to their heart.

I have said this before and I'll say it again: We are a family. Just like a parent standing up for the safety of their child, we stand up for each other. Like a grandparent telling their grandchildren stories, we nurture the growth of our community children. Like a family member providing you with a place to stay, we take other residents in when they are in need. We understand that one person can affect the fabric that holds our community together, that one death can spiral the whole town into grief, and that one person's success can lift a community and directly inspire others. This is what promotes the supportive framework of a community — residents step up to help each other, including those who are our first responders.

Post-traumatic stress disorder is a real thing and it has profound effects, both on those people who suffer from it and the people around them. In order to keep our communities happy, healthy and safe, we need to acknowledge the very real effect it can have in Yukon. We're a small jurisdiction, and I would guess that each of us in this House today knows someone suffering with some degree of PTSD.

Prevention is our best form of defence. One of the best things we can do as a society to help those who may suffer from PTSD is to know the signs and symptoms of early onset. PTSD symptoms can appear within one month of the traumatic event — one month, Mr. Speaker. That doesn't give us much time. This means that those of us around people with a greater risk of developing PTSD must be on our toes. We must be supporting them enough to have regular check-ins and be willing to listen to their experiences. In order to share the emotional burden of PTSD, each sufferer needs a network of support from friends and family to professionals.

I would like to take some time to put on the record the signs and symptoms that each of us should be looking for in our loved ones. As I stated, symptoms can start within one month of an event. There are three types of symptoms, and I have pulled this information from the website www.firstresponders.ca under the prevention tab.

Intrusive memories — these can be dreams of the event. The person may be reliving the event over and over in their mind. It can be accompanied by emotional distress and even

physical reactions such as increased heart rate and sweating. Something they see or hear that reminds them of the incident may also trigger a similar reaction.

Avoidance — this may cause a disruption in the person's regular routine and they may have more negative thoughts or mood swings. They may actively avoid talking about the incident or avoid going to places or doing things that remind them of it. The sufferer may experience depressed feelings like hopelessness or an emotional numbing, and sometimes guilt. They may also develop memory problems around the incident and may pull away, creating difficulty around maintaining close relationships.

Hyperarousal symptoms — this is best described as a change in the person's emotional reactions. Instead of reacting similarly to the way they have in the past, sufferers may be more irritable, stressed, angry and on guard. This can also manifest in self-destructive behaviours, difficulty concentrating or sleeping and being easily startled. As you can see, Mr. Speaker, this can dramatically affect a person's day-to-day life.

PTSD is not selective. It can affect any one of us. We all experience hard times and, unfortunately, some harder than others. It's not only first responders who suffer. There are a multitude of events that can trigger PTSD. I've seen it. Many of the people I grew up with, work with and whom I consider friends suffer. This is especially true in the smaller Yukon communities.

I would like to acknowledge, after yesterday's conversations, that residential school survivors suffered hardship throughout their childhood, from physical and emotional abuse to starvation. They have been combatting PTSD all their lives, some more successfully than others, and we can see that very real impact in our communities today.

I have personal relationships with these people, Mr. Speaker, and I can see in their eyes the pain and the suffering, that they have experienced trauma and suffer every day because of it. All the symptoms I mentioned above exist in the citizens of our territory. They are our friends and family.

The effects of trauma are cumulative. When the sufferer is feeling down or simply having a bad day, the emotional responses of PTSD can surface and send them spiralling. These events are things we constantly need to be on the lookout for. We cannot rely on those with PTSD to recognize them for themselves.

I've seen people change over years of exposure. I know, when my daughter leaves home every day, that she could come back a changed person, and I want to be able to prevent that and give her the support she needs to remain the happy and loving person she is. I want the same for all those in my life. I want the same for all Yukoners, and I especially want the same for all those who risk themselves for the betterment of others.

We are never immune, nor are we ever cured. The gravity of the impact is widespread. This is why a support system for each individual is essential. It's the shoulder we lean on and

require in tough times. The people around us are the ones who keep us together, keep us grounded and keep us happy.

I would like to take this time to reiterate my thanks and gratitude to our first responders. Our communities depend on you. We rely on your strengths to keep us safe and out of harm's way. I commit to you here that I will always be a support to you and will spend my time, especially in my current role, to create that environment and that network of supports to keep you happy and healthy.

I have only had positive experiences with Mayo first responders. Both my parents at points in their life required emergency support and medevacs. In each of these situations, EMS workers performed with absolute poise and professionalism, servicing the needs of my family in a time-sensitive situation. They remained calm and assured us they would do everything in their power to get my parents the support they needed. This takes a special kind of person, and I am very proud of my community members and my daughter for stepping into that role.

This legislation is our government's commitment to our first responders, assuring them, as they have assured so many others, that we are here to support them. These first responders are true heroes, Mr. Speaker, and my heart goes out to each and every one of them who suffers from any degree of trauma. By taking on the burdens and lightening the loads of others, they have taken this weight on themselves. For this, I am truly grateful. Thank you.

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

Does any other member wish to be heard on second reading of Bill No. 8?

Hon. Ms. Dendys: I absolutely listened with great interest to each and every speaker today — my colleagues from the House — and I thank them. I really do thank them for all of their contributions. It obviously strikes a deep chord for all of us and I thank you for the emotion, because we should be emotional about this. This is real and we're talking about the lives of Yukoners — I really appreciate all the comments and I take them very seriously.

Many of us know people who have suffered, obviously. We have listened to the stories today — and people who are suffering right now from work-related post-traumatic stress disorder, people who have exhibited courage, compassion, professionalism on the job and who are paying an emotional and psychological toll as a result and as the consequence of their work.

We have a great responsibility to these workers and Bill No. 8 is a major step in fulfilling that responsibility. As I have said, and as many members of this Chamber have echoed, a PTSD presumption for paramedics, firefighters and police officers tells these workers, in no uncertain terms, that we understand the unique and often heavy demands of their jobs. We appreciate their willingness to do such jobs, and the workers' compensation system is here for them when the burden of what they experience at work becomes too much.

Psychological injury, including PTSD, is more likely in these jobs than in other jobs because of the types of duties these jobs entail. The presumption signals to their work colleagues, their families and the communities that, when an injury occurs, these workers need to reach out for help, and that reaching out for help is not a sign of weakness or failure in any way.

I would like to just talk a little bit about some of the reasons that we made the decisions we did around this legislation. I know the Minister of Justice and others have done such a great job of picking up some of the questions along the way, but I would like to talk about a couple of things. We had a wide body of evidence to draw from when we decided to how to draft the PTSD-presumptive legislation. Yukon Workers' Compensation Health and Safety Board provided information from its actuary, such as the average cost of PTSD claims and the potential effect on rates, if more PTSD claims are accepted.

I know you can kind of make those comments across the floor and bring judgment over the decisions we have made, but we did not take these decisions lightly. They were very serious. We took a lot of time to consider and a lot of debate among ourselves. The Yukon Workers' Compensation Health and Safety Board consulted its peers across Canada and provided a report detailing what other jurisdictions are doing with respect to PTSD-presumptive legislation. The Yukon Workers' Compensation Health and Safety Board conducted a survey on the government's behalf, asking the public for its input. That became part of the evidence.

We considered research from sources such as *The Canadian Journal of Psychiatry* and the Ontario Ministry of Labour. Limiting the presumption to workers who are employed within the government rate group is consistent with this government's commitment to cover the costs of the presumptive legislation. We made that commitment and that is why we asked the Yukon Workers' Compensation Health and Safety Board to ask the public what occupations to consider adding in the future.

Before considering expanding the presumption to other occupations, we need to determine the effect on the government rate. With that evidence, we could consult with employers in other rate groups that might be impacted by expanding the presumption to other occupations.

I know we heard the statistics the other day when our witnesses were here in the House about some of the numbers. They talked about some of the increases, and yes, we want to see the increase in cases. In 2006 to 2013, we received zero cases — zero. In 2014-15, we received three. In 2016, the Workers' Compensation Health and Safety Board accepted 17 of 20 psychological injury claims. I am not sure about the other three. I am asking about that. Were they other types of psychological injuries that were covered? In the first eight months of this year, they have accepted 11 of 14 psychological injury claims.

One of the other things said was that over 50 percent of them were first responders, but what I would like to point out to the members in this House is that those other workers, even

though they are from other occupations, are covered. That is what we have said. We've said that all workers are covered for psychological injury, so more than 50 percent of them are in the category that we've said that are covered under this presumption. All other workers in the Yukon are covered, obviously because we've had all of these cases and that is fantastic. That is a fantastic thing that we've had people coming forward. We've had 14 individuals come forward this year alone. That is a big jump from having zero in a period of many years.

It's a difficult discussion to have because I know that there are lots of different opinions and that's okay. I thank the Leader of the Third Party for her passion and eloquent comments today and for bringing this issue to the floor of the House last spring through Motion No. 52, and I acknowledge her for the attempt to bring forward actual legislation during the last mandate of this Legislative Assembly.

We may not have reached agreement on every aspect of the bill, but I am firm in my belief that this is the right approach for Yukon workers. I appreciate all members' comments and their support for the future development of regulations aimed at preventing psychological injury in the workplace.

We all agree that emphasizing prevention is the right approach. I reiterate that Yukon employers are already required to provide safe and healthy workplaces and I applaud those who are doing so.

Some employers, however, are still striving to come into compliance with existing health and safety regulations and they will welcome the clarity that new regulations specific to mental health will offer.

We look forward to working with the Workers' Compensation Health and Safety Board to develop those regulations in consultation with stakeholders and the public in the near future. Speaking of the future, I'm confident that in a number of years — I hope not too many years — we will not have to talk about the stigma around mental health because it will no longer exist. The veil of secrecy that covers this whole PTSD and the other forms of psychological injury will be lifted and there will be no more shame. Instead there will be recognition in all workplaces that mental health and physical health are equally important and deserve the same attention, and that workers who suffer either kind of injury are entitled to the benefits through the compensation system.

If we do see that change in attitude in the future, Mr. Speaker, then I'm proud of the role that my government will have played in bringing it about.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Agree.

Hon. Ms. McPhee: Agree.

Hon. Mr. Pillai: Agree.

Hon. Ms. Dendys: Agree.

Mr. Gallina: Agree.

Mr. Adel: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hutton: Agree.

Mr. Kent: Agree.

Ms. Van Bibber: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Ms. Hanson: Agree, with regret.

Ms. White: Agree.

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

Speaker: The yeas have it. I declare the motion carried.
Motion for second reading of Bill No. 8 agreed to

Speaker: Although I don't think there is a "yeas with regret", but I will confer with Mr. Clerk after the proceedings.

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.

The matter before the Committee is general debate on Bill No. 10, entitled *Act to Amend the Income Tax Act (2017)*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 10 minutes.

Recess

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

Bill No. 10: *Act to Amend the Income Tax Act (2017)*

Chair: The matter before the Committee is general debate on Bill No. 10, entitled *Act to Amend the Income Tax Act (2017)*.

Hon. Mr. Silver: I would like to welcome my colleagues here from the Department of Finance, Clarke LaPrairie and Katherine White — not to be mistaken for other folks.

It is absolutely my pleasure to speak to Bill No. 10, entitled *Act to Amend the Income Tax Act (2017)*, here today in Committee of the Whole. This bill, as discussed in second reading, is entirely a housekeeping bill required to maintain the legality of several sections of the *Income Tax Act*.

As a result of the most recent federal budget, sections of our act related to the caregiver tax credits have become broken links as they now reference sections to that federal act that are no longer valid.

Mr. Chair, the federal budget 2017 simplified the system of credits related to the caregiving of loved ones. It replaced the caregiver credit, the infirm dependant credit and family caregiver tax credit with a single new credit, and that is the Canada caregiver credit.

Beginning in 2017, the new Canada caregiver credit provides tax relief in the amount of \$6,883 in respect of expenses for the care of dependant relatives with infirmities, including persons with disabilities, parents, brothers and sisters, adult children and other specific family members, and also \$2,150 in respect of expenses for the care of a dependant spouse, common-law partner or minor child with an infirmity, including those with a disability.

Just over 200 Canadian taxpayers taking care of dependant loved ones claimed both the federal and equivalent territorial credits annually with an average value of slightly less than \$3,700 each. It is obviously imperative that we ensure that these individuals continue to receive support, so to preserve the Yukon-equivalent credit, some maintenance of our act is required.

To that effect, section 2(2) through 2(5) of Bill No. 10 correct that inference in our act related to the Yukon caregiver tax credit. The bill also provides minor clarifications or corrections to a few sections of the act that are problematic for the Canada Revenue Agency to administer on our behalf. Most of the clarification or correction portions of this bill are self-explanatory; however, I would like to go into a bit of detail into two of those areas.

Sections 2(6), 2(9) and 2(11) of Bill No. 10 deal with imposing a Yukon residency requirement for claiming the pension tax credit and the dividend tax credit respectively. For many in this Legislature, this might be a bit of an arcane portion of the *Income Tax Act*, but in practical terms these changes would only apply to multi-jurisdictional personal tax filers. A multi-jurisdictional personal tax filer is usually an individual with income from an unincorporated business in a province or territory that is different from their province or territory of residence. In Yukon, these filers represent about 1.5 percent of tax filers. In practical terms, these filers claim these two credits where they reside.

So the Canada Revenue Agency has identified that the lack of residency requirements in our act could generate a problem where the pension or dividend income, and therefore, the government tax revenue, could be attributed to a jurisdiction other than Yukon and the corresponding credits or government expenditure could be attributed to Yukon. Therefore, we are tightening up the language in these sections

at the suggestion of the Canada Revenue Agency to ensure this scenario doesn't happen.

Like I said before, this is housekeeping legislation but I do want to say, just for context, just a little bit of information on previous tax amendments before this Legislature. In the past, I believe the Yukon Party, in the last 14 years, amended the *Income Tax Act* 15 times and again, each time that we've stood in the Legislative Assembly to discuss these, it was identified as housekeeping and was passed without a lot of scrutiny in line-by-line.

Back to 2003, Yukon mineral exploration tax credit — no policy changes were needed at that time. In 2004, the temporary Yukon mineral exploration tax credit. Third, December 14, 2004, the Yukon government lowered the small-business tax rate from six to four percent, effective January 1, 2005, and raised the small business deduction limit to \$400,000 from \$300,000.

As we have campaigned, we went further than that in our first Sitting held here just this spring, reducing that small-business tax a point further. On December 6, 2005, the Yukon Party provided a one-time energy rebate of \$125, effective January 1, 2016, to low-income Yukon families who were entitled to receive a quarterly GST rebate. This was done with a one-time, non-permanent cheque.

The fifth — on December 19, 2005, the Yukon government harmonized the Yukon tax bracket with federal brackets. This could also be argued as consequential. There were a few other examples here and, again, as we're going through these tax credits, we see mirroring legislation and the reaction to those federal changes. Just fast-forward a bit to 2007 — the Yukon government introduced the Yukon child fitness credit and the Yukon child tax credit.

On December 6, 2012, the Yukon established the children's art tax credit — again, this was a reaction to a federal budgeting process.

As I mentioned before, there were a lot of changes that are very similar to what's happening today. When we mentioned ours, it's based upon caregiver tax credit changes from the federal government.

That's a bit of a summary. Like I said in my statements earlier, this type of change happened about 15 different times over the past 14 years.

I will say that, according to the second reading of Bill No. 96, the minister back then stated — and this is the previous government — and I am quoting for Hansard: "There is no fiscal impact related to this bill, nor is there any impact on Yukon taxpayers. In other words, this bill simply serves to preserve the status quo so I will keep my comments short."

It sounds very familiar to what is happening here today as far as the nature of these changes. The 15th amendment was a response to the federal budget of the day and not a Yukon Party original idea. The last income tax bill by the last government like Bill No. 10 today preserved a Yukon income tax credit based upon changes made to a federal counterpart as well.

These are just a few examples of the nature of how closely intertwined our federal and territorial income tax

legislations are and how important it is to make sure that we keep up with current legislation in Ottawa as we present to the Legislature the changes to our *Income Tax Act*.

With that, I will take any questions from the opposition. Thank you very much for your indulgence, Mr. Chair.

Mr. Cathers: I would like to thank the Premier for those remarks again and welcome officials here in the Assembly.

As all our questions have been answered regarding this and, after discussion with the Third Party, in the interest of getting on to the next item of business identified by the government — second reading of the *Act to Amend the Pounds Act (2017)* — pursuant to Standing Order 14.3, I request the unanimous consent of Committee to deem all lines, clauses, and the title to Bill No. 10, *Act to Amend the Income Tax Act (2017)*, read and agreed to, as required.

Chair: Is there any further general debate?
We will proceed to line-by-line debate.

Mr. Cathers: At the risk of repeating myself, pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 10, *Act to Amend the Income Tax Act (2017)*, read and agreed to.

Unanimous consent re deeming all clauses and title of Bill No. 10 read and agreed to

Chair: Mr. Cathers has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 10, *Act to Amend the Income Tax Act (2017)*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.
Clauses 1 to 5 deemed read and agreed to
On Title
Title agreed to

Hon. Mr. Silver: Mr. Chair, I move that you report Bill No. 10, entitled *Act to Amend the Income Tax Act (2017)*, without amendment.

Chair: It has been moved by Premier Silver that the Chair report Bill No. 10, entitled *Act to Amend the Income Tax Act (2017)*, without amendment. Are you agreed?

All Hon. Members: Agreed.

Motion agreed to

Hon. Ms. McPhee: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Ms. McPhee that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Mr. Hutton: Mr. Speaker, Committee of the Whole has considered Bill No. 10, entitled *Act to Amend the Income Tax Act (2017)*, and directed me to report the bill without amendment.

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Hon. Ms. McPhee: I move that the House do now adjourn.

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

Motion agreed to

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

The House adjourned at 5:28 p.m.