



# Yukon Legislative Assembly

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## HANSARD

Tuesday, April 3, 2018 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

# YUKON LEGISLATIVE ASSEMBLY

## 2018 Spring Sitting

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

### CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
<b>Hon. Sandy Silver</b>	Klondike	Premier Minister of the Executive Council Office; Finance
<b>Hon. Ranj Pillai</b>	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
<b>Hon. Tracy-Anne McPhee</b>	Riverdale South	Government House Leader Minister of Education; Justice
<b>Hon. John Streicker</b>	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
<b>Hon. Pauline Frost</b>	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
<b>Hon. Richard Mostyn</b>	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
<b>Hon. Jeanie Dendys</b>	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

### GOVERNMENT PRIVATE MEMBERS

#### Yukon Liberal Party

<b>Ted Adel</b>	Copperbelt North
<b>Paolo Gallina</b>	Porter Creek Centre
<b>Don Hutton</b>	Mayo-Tatchun

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

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

### LEGISLATIVE STAFF

Clerk of the Assembly	Floyd McCormick
Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Karina Watson
Deputy Sergeant-at-Arms	Harris Cox
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Tuesday, April 3, 2018 — 1:00 p.m.**

**Speaker:** I will now call the House to order.  
At this time, we will proceed with prayers.

*Prayers*

**Withdrawal of motions**

**Speaker:** The Chair wishes to inform the House of changes made to the Order Paper. The following motions have been removed from the Order Paper as they are now outdated: Motion No. 110, standing in the name of the Leader of the Official Opposition; Motion No. 121, standing in the name of the Member for Porter Creek North; Motion No. 161 and Motion No. 209, standing in the name of the Leader of the Third Party; and Motion No. 238, standing in the name of the Member for Watson Lake.

**DAILY ROUTINE**

**Speaker:** We will proceed with the Order Paper.  
Tributes.

**TRIBUTES**

**In recognition of Yukon Olympians**

**Hon. Mr. Streicker:** I rise today on behalf of all members of this Legislature to recognize our Yukon Olympians. Knute Johnsgaard, Dahria Beatty, Emily Nishikawa and Graham Nishikawa competed in the 2018 Olympic and Paralympic Winter Games in Pyeongchang, South Korea.

This was the second Olympics for both Emily and Graham. Emily represented Canada on the cross-country ski team, while Graham returned to guide in the Paralympic Games for cross-country skier Brian McKeever and win gold. This was the first Olympics for Dahria and Knute, who joined Emily on the Canadian cross-country ski team.

I would like to begin by extending a big congratulations to Emily, Dahria, Knute and Graham. Graham just guided Brian McKeever to three golds and a bronze, and thus into our history books as Canada's all-time most decorated winter Paralympian. It's not every day that we get to see so many Yukoners representing Canada on the international stage. These athletes have shown immense dedication, commitment and hard work. Their skill and devotion to pushing themselves further has carried them from nearby trails and community loppets to competition on the international stage against the world's best athletes. It's a truly amazing story. It definitely says a lot about our sport community that nearly a third of the Canadian cross-country ski team was made up of Yukoners. What an accomplishment and what an honour.

As we pay tribute, it's not just about these amazing elite athletes. It's also about the spectrum of sport, activity and involvement. Their achievements as Olympians inspire young Yukon athletes, foster opportunities for sport and recreation and spur us all to be more active. Sport, recreation and active

living are so important for shaping healthy, vibrant lives and for building strong, sustainable communities.

Emily, Graham, Dahria and Knute demonstrate how far sport can take us. Thank you for that inspiration. From practice on the trails to the Arctic Winter Games — and I heard Knute speak to Team Yukon just ahead of the Arctic Winter Games — and beyond to the Olympics, most importantly, our Olympians show us that we can excel and be successful in sports and other fields, even if we come from a small territory.

I know these Olympians have inspired Yukoners far and wide. For example, Old Crow just held the Father Mouchet Loppet this past weekend, and I got a text this morning, warning me that Knute was happily stuck in Old Crow and couldn't make it to the Legislature today. In fact, Old Crow residents and young people were FaceTiming with Knute during the Olympics and even sent him to South Korea with some dried meat for sustenance. Yukon youth benefit so much from having these athletes as role models.

Leading up to the Arctic Winter Games and afterward, I spoke with our athletes and heard how much they were pumped up by having such a strong contingent from the Yukon — so thank you, Emily and all of our Olympians.

I am looking forward to seeing where these young athletes will go, where they go from here — on to the Legislature or on to the international stage — following in Alain's and your footsteps.

I would like to invite everybody here to join me in thanking Emily, Graham, Dahria and Knute for inspiring us and for representing Canada and the Yukon so well.

*Applause*

**In recognition of the Transgender Day of Visibility**

**Ms. White:** I rise on behalf of all Members of the Legislative Assembly to mark and celebrate March 31 as the ninth Transgender Day of Visibility. We celebrate two-spirited individuals, trans men and trans women. We celebrate those who are gender non-conforming and those who are bi-gender and those who are agender. We celebrate the knowledge that you are of different ethnicities and racial backgrounds, that you exist in all shapes and sizes, that your gender presentations vary, that your identities may be fluid, that your gender expressions are an individual journey, that you participate in and contribute to Yukon communities, and that you are all beautiful. We celebrate your phenomenal strength and resiliency. We believe that you deserve to be visible.

Within our culture, our local communities and across the globe, there has been an amazing surge in visibility by our trans and gender non-conforming community members, and this is overwhelmingly because of the courage of countless transgender and two-spirit individuals and their allies who have worked — and continue to work — tirelessly to raise awareness, speak out and live authentically as who they are.

Whenever any trans or any gender non-conforming community member steps into visibility and speaks up in the face of prejudice, that act of courage helps to change our

world for the better. Trans activist Janet Mock talked about that courage and power when she said: “There’s power in naming yourself, in proclaiming to the world that this is who you are. Wielding this power is often a difficult step for many transgender people because it’s also a very visible one.”

Mr. Speaker, we thank those in our very own community who continue to push and advocate for what is right and just, because trans rights are human rights. We thank the brave trans and two-spirited folks and their loved ones who have spoken up in the face of oppression, and we look forward to the day when all feel safe to be who they authentically are.

**Speaker:** Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Mr. Streicker:** I would like us all to welcome to the gallery today Bob Nishikawa and Joan Stanton, the folks of Emily and Graham Nishikawa.

I would also like to welcome Alain Masson, who is the coach of Cross Country Yukon. I was just talking about him this weekend, because someone was asking me about wolves and I recounted the story from last season — I think down around Atlin Lake, maybe Teresa Island. We were talking about our past Olympian, who we are very lucky to have as a coach. I have worked with him on my own trails over the years.

Most importantly, please welcome Emily Nishikawa here to the Legislative Assembly.

*Applause*

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

## TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Mostyn:** I have for tabling a legislative return responding to a question from the Member for Lake Laberge.

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

Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

## NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to allocate targeted investment in campground infrastructure across Yukon with the goals of increasing visitation, accommodating increased RV traffic and improving accessibility for people with disabilities.

I also give notice of the following motion:

THAT this House urges the Yukon Liberal government to fulfill its election promise to eliminate the Yukon small-business tax rate.

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

THAT this House urges the Minister of Health and Social Services to explain why she assured this House in March that all of the government’s six vacant rural mental health positions would be filled by March 31, 2018, when, in fact, job ads for those six positions appear to have just been posted online this morning.

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

THAT this House urges the Government of Yukon to:

(1) acknowledge that high rent and food costs are making it more difficult for individuals and families on social assistance to find adequate shelter or purchase nutritious food; and

(2) initiate an immediate review of the social assistance rates to accurately reflect the real cost of living in Whitehorse and the communities.

**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: Government contracting

**Mr. Hassard:** Mr. Speaker, during the election, the Liberals promised to tender all seasonally dependent contracts by March of each year. Last year, they missed that deadline. Last spring, the Liberals amended their own election promise to tender all seasonally dependent contracts by March 31, 2018. The Minister of Highways and Public Works admitted last week in this House that the Liberals won’t even live up to that amended promise. Mr. Speaker, it looks like another promise made and another promise broken.

Can the minister tell us when all of this year’s seasonally dependent contracts will be tendered?

**Hon. Mr. Mostyn:** I am grateful for a chance to talk about another election promise fulfilled. The Liberals promised to tender seasonally dependent contracts well ahead of the construction season. In the Budget Address, we committed to having \$46 million in seasonally dependent contracts tendered by March 31. We actually have tendered more than \$61 million by March 31 of this year — that’s right. I am happy to say that by March 31, we tendered more than \$61 million in seasonally dependent contracts. I am happy to report that we have fulfilled this commitment to Yukoners.

**Mr. Hassard:** That wasn’t quite what I asked, so maybe we will try again. I will remind the minister that we are talking about a Liberal election promise. I will quote from a Liberal press release: “A Liberal government would tender construction projects that are seasonally dependent no later

than March of each year.” No later than March, Mr. Speaker. This was the Liberal Party’s promise, and now they have broken it two years in a row.

Would the minister be able to tell us how many seasonally dependent contracts the government will be tendering this year, and how many of those were tendered before the end of March?

**Hon. Mr. Mostyn:** I am happy to discuss this fulfillment of another election pledge. We promised to create a five-year capital plan. We have created a five-year capital plan. We promised to get more contracts and money into local hands. We have done that, using our \$1-million exceptions under the *Canadian Free Trade Agreement*, before March 31, 2018. We are the first jurisdiction in the country to do that, and I am proud of the work of the Department of Highways and Public Works — and other departments — on that file. Now we have a commitment to tender seasonally dependent contracts earlier in the year, and we have done that, tendering more than \$61 million in seasonally dependent contracts before March 31 — promises made, promises delivered.

**Mr. Hassard:** I am going to quote the minister from last week when he said — and I quote: “Our main goal is to tender at the right time, not necessarily before a certain date, such as March 31.”

The minister campaigned on tendering contracts by March. Then the Liberals passed a motion in this House stating they would tender them before March 31. Now the minister is telling us he doesn’t think it’s important to live up to his campaign commitments or his government’s commitments in this Legislative Assembly. If the minister keeps changing the goalpost, how can the contracting community have any confidence in this minister?

**Hon. Mr. Mostyn:** I could talk about this all afternoon. I would like to present some historical context. Between 2013 and 2016, the Yukon government averaged 18 tenders a year worth an average of about \$27 million — I get a total of \$27 million a year. Admittedly, we didn’t do that well last year, Mr. Speaker. We tendered 12 contracts, worth \$19 million, in our abbreviated budget year our first time out. I vowed to do better, and the Department of Highways and Public Works, in conjunction with the other departments, has done that. This year, we have tendered seasonally dependent construction contracts worth more than \$61 million. That’s well beyond double what the government had done in previous years dating back to 2013.

It took a lot of hard work on the part of the departments to do this, and I would like to thank them all for their hard work.

#### **Question re: Government contracting**

**Mr. Kent:** The Liberals’ inability to live up to their promises to the contracting community is creating uncertainty for industry. We have seen this with the Liberals’ five-year capital plan, which seems to change by the day, depending on which minister you’re talking to. For example, earlier this spring, the Highways and Public Works minister told this House that construction of a new Holy Family School was in the capital plan. Less than 24 hours later, the Minister for

Education threw him under the bus and announced that they weren’t going to build a new school. I’m not sure if the Minister of Highways and Public Works just hadn’t read his briefing note or if the government changed its mind on a major capital project in less than 24 hours, but this fast-and-loose approach of the ministers is creating uncertainty in the industry.

The Liberals promised a predictable capital plan; they broke that promise. The Liberals promised to tender all seasonally dependent contracts by March of each year; they broke that promise two years in a row. Can the minister tell us when the final seasonally dependent contract for this year will be tendered?

**Hon. Mr. Mostyn:** I will continue with my narrative. I think it has been well-established. I have been answering the members opposite, and I am grateful to talk about these election promises fulfilled.

We promised to create a five-year capital plan and we’ve done that. Everybody acknowledges that it is in effect. It wasn’t there before; it is now. It wasn’t and now it is. It gives the contracting community a template for what is coming down the pike in the future. I’m really proud of that work.

We promised to get more contracts and money into local hands. We have done that too. We have the \$1-million exceptions that have been in existence for a long-time and haven’t been used. We’re the first jurisdiction in the country to do that. We actually delivered that and got that money to locals before March 31 — exceptions under the *Canadian Free Trade Agreement*. We’re the first jurisdiction in the country to do that. Now we have a commitment to tender seasonally dependent contracts earlier in the year and we’ve done that, tendering more than \$61 million in seasonally dependent contracts before March 31, doubling the number that this government has ever put out in the last five years, since 2013.

We’re very proud of that work. I think it is great work on the part of departments. I think it is great work on the part of this government, and I know it has taken a lot to do this. It has been incredibly hard and they came through. I thank them for that.

**Mr. Kent:** This is really a case of promises made and promises broken by this Yukon Liberal government.

The other thing we have been hearing is much like how the minister dragged his feet for a year, then rushed the *Canadian Free Trade Agreement* contracts out the door at the last minute, and that he may be rushing a number of seasonally dependent ones out the door to try to meet his March 31 deadline. This means that a lot of the contracts that do get tendered might not be completed and will have to receive many addendums and see their closing dates adjusted in the coming weeks as the tenders are completed.

Mr. Speaker, the contracting community doesn’t want to start working on a bid just to have the tender changed several times throughout the process. Can the minister confirm if this is in fact the case and what he is doing to ensure that the change orders are minimized throughout this process?

**Hon. Mr. Mostyn:** I don't accept the preamble to this question. I really don't. The members opposite can repeat their mantra again and again about promises, and I will just answer them. We made promises; we're delivering on our promises again and again and again.

We're hearing good things. People are happy with the direction this government is going. We promised to get seasonally dependent contracts out the door sooner. We have done that. We have gotten more than \$60-million worth of contracts out the door by March 31, fulfilling our election promise, and that is great work on the part of the departments. I have to give them credit.

We got the 10 \$1-million exceptions out the door in a matter of months — created the criteria to actually apply them — the first jurisdiction in the country to do that. That is exceptional work on the part of the Department of Highways and Public Works and I applaud them for it. It's great.

We said we would put a five-year capital plan into place. We have a five-year capital plan in place. There are all sorts of promises we have made and we have delivered on all of them.

I thank the members opposite for raising these issues, because I like talking about them.

**Mr. Kent:** So let's take the minister on a trip down memory lane here. During the election campaign, as my colleague mentioned in the Liberal press release — and I quote: "A Liberal government would tender construction projects that are seasonally dependent, no later than March of each year..."

Last year, we asked about this campaign commitment and the minister hedged on that. They brought forward a motion that said they actually meant March 2018. Now again, we are here at March 2018 and this promise has been broken. The minister talks about 10 \$1-million exemptions. His 10 \$1-million exemptions actually total \$4.4 million, so he is a little bit off on his math there as well. For two years in a row, the Liberals have broken their election promise to table all seasonally dependent contracts by March of each year.

Will the Liberals finally live up to this election promise next year?

**Hon. Mr. Silver:** I just want to get up and give credit where credit is due to the Department of Highways and Public Works and the minister for getting out even more contracts than we even thought we were going to. We believed the number was going to be around \$46 million and, in the end, we managed to get \$61-million worth of seasonally tendered contracts out the door this year. I would ask the Yukon Party if they could tell us how many they have ever gotten out the door.

We keep on hearing from the opposition that they keep on hearing from others — it's à la Donald Trump-style of "We keep on hearing, we keep on hearing."

Well, I am going to tell you what I hear from Northwestel when it comes to the five-year capital plan. I would like to quote Curtis Shaw, president of Northwestel: "I would also like to congratulate your government on the creation of a 5-year capital plan. As strong advocates for redundant fibre,

we were pleased to see funding for diverse fibre in your capital plan; we look forward to more details as they become available.

"Beyond fibre, however, our capital planning is impacted by roadwork and highway realignment, as well as new builds in the territory. The opportunity to identify and consider government plans within our own capital planning work is very much appreciated."

We hear from industry all the time about how appreciative they are that we are getting seasonal contracts out on time, and we are also hearing from individuals from the private sector how important the five-year plan is for them. They understand the flexibility of a five-year plan; they believe that we are going in a good direction. What we are hearing from the private sector is good, and what we hear from the Yukon Party is: "We keep on hearing..."

#### **Question re: Illegal road building remediation**

**Ms. Hanson:** Two summers ago, a 17-kilometre mining road was built north of Carmacks on Little Salmon Carmacks traditional territory without any notification or authorization whatsoever. The road was discovered by a local trapper and the matter eventually ended up in the courts. The prospector and the contractor who performed the work were given a \$1,200 fine under the territorial land use regulations. This is just short of the maximum fine for this kind of offence, which had been set at a staggering \$1,500.

A Crown prosecutor described the offence as "... one of the worst offences Yukon has seen in terms of contraventions of land use in recent years."

Does the minister believe that a \$1,200 fine for building a 17-kilometre illegal road is proportional to the damages done?

**Hon. Mr. Pillai:** I appreciate the question from the Leader of the Third Party. Just a little background on this particular situation for Yukoners: First of all, we are working with Little Salmon Carmacks First Nation and Selkirk First Nation to develop reclamation and deactivation plans for the illegal road, which is being touched upon. With the support of the Little Salmon Carmacks First Nation and the Selkirk First Nation, we have installed a gate at the road to prevent further access while we coordinate a plan to address the road. There has been some talk in the media over the last week about the road and the fact that some of that assessment work on reclamation is held up until we actually have snow melt occur.

I would add that unauthorized environmental disturbances — like the one at McGregor Creek — are of significant concern to the government. I agree that this is a very significant situation. It is something that we have to work within our policy to be able to curb. Certainly our conversations — sitting down specifically with the chief and council at Selkirk First Nation and discussing this particular case has been a big priority for them to look at it. We have to continue to work on it.

I look forward to further questions here today.

**Ms. Hanson:** After the illegal 17-kilometre road was built, 250 mineral claims were staked in the newly accessible area. Some of these claims are in the name of those who

illegally built the road. Somehow, the \$1,200 fine seems to have erased any harm done, and the prospector is able to go on with business as usual. The prospector in question even has another project in front of YESAB at the moment.

What the fine has not erased is the cost that Yukoners will pay for reclamation, and it also hasn't erased the claims that the prospector obtained through the illegally built road. It is kind of like sending a bank robber to jail, but telling him he can keep the money. It makes no sense.

Will the government seek to recover reclamation costs from the people who built this illegal road or will Yukoners be left picking up the tab?

**Hon. Mr. Pillai:** Once again, I want to thank the Leader of the Third Party for bringing this to the Legislative Assembly. It certainly has been a challenging situation, working within the framework that we have in place at this particular point, and specifically within the *Territorial Lands (Yukon) Act*. It certainly has caused us to take a greater look and to have discussion with industry as well as First Nation governments on how to curb this.

I certainly believe that most players in the mineral industry want to do the right thing. Some of the people who have worked in this jurisdiction have requested us, as government, to help facilitate meetings with affected First Nations so they can have discussions with them and ensure that they are doing things in the right manner. Some of that work that we'll talk about in the Assembly concerns class 1. We are considering legislative changes to increase the penalties under the *Territorial Lands (Yukon) Act*. I believe that lands act is specifically one of the oldest lands acts in Canada. This would discourage these types of illegal activities.

We're also looking at having the guilty party be held responsible for remediation of the environmental damages caused by unauthorized work.

**Ms. Hanson:** I think the last part of that answer is what I was seeking — that there is some thought of seeking some compensation, because after that illegal 17-kilometre road was built, the fact remains that 250 mineral claims were staked in a newly accessible area. Some of those claims are in the name of those who illegally built the road.

The individual in question, as I said, has another project in front of YESAB. I'm stressing this because this situation may remind some Yukoners of other instances where Yukon's antiquated mining and land management regime has failed Yukoners. After leaving a mess at Mount Nansen, the former owner of that operation was then allowed by the Yukon government to reopen the Ketzä mine, only to leave the government and Yukon citizens on the hook for cleanup.

How does the minister justify maintaining outdated laws and policies that allowed a prospector or mining company leaving Yukoners with untold reclamation costs to pursue business as usual?

**Hon. Mr. Pillai:** With all due respect, there are a few points that were identified in that question. We ended on the piece about McGregor Creek, and then veered into the

historical problems that we were left with at Mount Nansen and then jumped over to Ketzä.

I think the overarching theme is: How do we ensure that the mineral development industry provides appropriate activities or focuses on the appropriate and responsible things to do?

There are two things happening. We continue to work with industry. I want to thank the Yukon chamber for their progressive ways of moving forward. I also want to thank the First Nations that are involved with our MOU table. Certainly, as we talk about legislation and we talk about policy change, bringing all of the nations together and defining a couple of members that are point — to have those discussions in a very efficient and effective way. This is challenging for many of these nations because they are so busy right now with the industry moving the way it is. We want to bring these people together to have those discussions — whether it be our First Nation representatives or industry — and then have everybody together in a room for the first time at Roundup was also key.

So we are certainly having these discussions. I take your points and I respect those points, because we don't want to see those situations happen again.

#### **Question re: Alcohol and drug services**

**Ms. McLeod:** Last Monday, I asked the Minister of Health and Social Services what the current wait-list is for detox services at the Sarah Steele centre. In response, the minister said — and I quote: "I have clarity on the wait-list currently for detox. We have no wait-list for detox, so clients come and they are provided immediate support."

On Thursday, the *Yukon News* reported that rather than being provided services, people were turned away 30 times during the month of March. Can the minister clarify whether she was correct or whether the *Yukon News* was correct?

**Hon. Ms. Frost:** I would be happy to respond to the question. There are a number of services provided through Alcohol and Drug Services' mental wellness centre, commonly referred to as the Sarah Steele facility. There is the intensive withdrawal program, which is the detox program that was just mentioned. There is also the intensive treatment program. For the record, there are a total of 18 beds and a number of beds for youth. On any given day, the number for the detox changes. On the day in question, we did not have a wait-list. Every day, the number fluctuates. We have alternative programming and supports, as the member opposite well knows. The detox unit numbers change on a regular basis; however, the intensive treatment program at the Sarah Steele facility — when the question was posed, we had eight adult males and seven adult females — so all of the beds were not occupied. We had one youth, and there were four beds allocated. We know for certain that, on a monthly basis, we provide as many services as we can — as timely as we can — using other alternative services.

**Ms. McLeod:** Clearly, we have been referring to the detox services provided at Sarah Steele. The minister told us in this House that clients who come in are — and I quote: "provided immediate support." Immediate support,

Mr. Speaker — but in the *Yukon News*, in the same report, there was one young woman who was trying to seek help for a drug addiction, and she was turned away from detox twice on the same day.

Considering that the minister gave us incorrect information last week, could she give us the correct information today? What is the average wait-time for Yukoners seeking detox services at Sarah Steele to get those supports?

**Hon. Ms. Frost:** The correct information, as stated earlier, is that when a client appears at the Sarah Steele Building for detoxification services and supports — chronic management support — the services are provided then and there. If we are not able to provide the services, given the pressures of the day, then we seek alternative supports. We have day programming. We have supports through other avenues.

As the member opposite well knows, we have supports that we just opened up in Watson Lake. I am really happy to say that we have mental wellness services in hubs that we have just created to address the very question that is being posed. How are we providing supports to clients who are in imminent need? What are we doing in our communities? What about land-based healing? What about mental wellness supports in the communities? Every community will have that support.

The question has been asked frequently: What are we doing in the communities? What are we doing for rural Yukon? We're doing a lot, and I'm really happy to say that the staff at Health and Social Services are doing an exceptional job to provide supports as they are needed, and we are working with our rural communities to ensure that the services are provided there as well.

**Ms. McLeod:** On October 23, the minister told this House that there were currently 89 people waiting for drug and alcohol services in Whitehorse. At the same time, she said that there were no people waiting for these same services in Dawson City, Watson Lake and Haines Junction. Can the minister please provide us with an update on these wait-lists?

**Hon. Ms. Frost:** As indicated, the only true treatment facility that we have is at the Sarah Steele facility. We currently have 24 beds. There is a reciprocal agreement through non-insured health benefits that provides alternative services outside the Yukon. We work with our partners as quickly and as diligently as we can to ensure that clients who come to our attention and who request services are given the support they need, and we work with our partners to get them to the programs outside of the Yukon if they are not able to occupy the facility that we have here. We work with the Jackson Lake facility. As well, we have created in this year's budget over \$600,000 to provide local land-based healing. We look at alternatives and we work with our communities.

The question was asked last week. I will state again that we have a two-month wait-list, and that is for the services through Sarah Steele. We have day-to-day, one-on-one counselling services that are readily available for any individual who comes forward. We will provide the services

to them in rural Yukon, as well as through the mental wellness hubs.

#### **Question re: Children in care**

**Mr. Cathers:** Over a month and a half ago, the Minister of Health and Social Services became aware of a specific allegation of abuse within government-run group homes. Her own website states that all Yukoners are legally required to report suspected abuse to the authorities. The minister has avoided this important question many times. I'm going to ask it again.

When the minister became aware of this specific allegation of abuse over six weeks ago, why did she not report it to the RCMP?

**Hon. Mr. Silver:** If the members opposite are aware of any specific sexual abuse allegations, then please let us know what they are. I have talked with the Minister and the Deputy Minister of Health and Social Services. The RCMP are going to work on allegations that are out there. That's their job. If we were aware and if we have knowledge — the department does not have a smoking gun here. We don't know who the allegation is about. We don't know when it happened. We don't know if it happened. We know that there is an allegation out there. The members opposite know that we know that. The members opposite also know that we cannot comment on what is outside of our hands — the black box of what is going on with the RCMP. If there is a case being held right now — an allegation — they are working on that. If that allegation turns into charges or turns into something else, we will absolutely do our due diligence in that regard.

But again, I'm not exactly sure what part of this the opposition is not getting. The RCMP are working on allegations. We, internally, are working on what we can control — the factors that we can control. I am very proud of the work that the minister and the department are doing in that regard.

**Mr. Cathers:** I can tell the Premier that what we're not getting is answers from the government. Unless the Premier has been hiding under a rock for the last few weeks, there has been significant discussion of specific allegations, including youth who have come forward to the media. The minister, in fact, went for lunch with one individual. The question being asked, which the minister has not answered — nor did the Premier — is: When the minister was told of a specific allegation of abuse over a month and a half ago, why did she not report it to the RCMP?

**Hon. Ms. Frost:** The Member for Lake Laberge and the Member for Watson Lake repeatedly ask the same question. I will give you the same answer: If there are allegations being made, we will follow through with the allegations. We have a process, as the members well know — a process structured to ensure that every child in our care is provided safety and is provided opportunities to express their concerns. We have shared information. We have shared the process with the members opposite. As soon as the issue came to our attention, we met with the individual. We provided

opportunities for that individual to raise concerns and we proceeded through the department.

As well, if there were concerns raised through the media — well, those are allegations. They are not substantiated and we have not heard anything specific, other than the allegations. The actions being taken have been taken very seriously. If there is confidential information revealed, I am not privileged to share that in this Legislative Assembly. We will ensure that the rights of the child and the rights of the individuals are protected.

I can assure the members opposite and the members of the Yukon public that we are taking the allegations very seriously, and we are proceeding with the necessary actions to ensure that this does not happen in the future — now or at any time in the future. We will ensure that any action taken is done in a way that protects our youth in our care.

**Mr. Cathers:** Again, Mr. Speaker, the minister is not answering very specific questions that the public deserves an answer to.

The minister acknowledges that she met with an individual, but when allegations occur, there is an obligation placed by law on every citizen — and especially on the minister responsible for the act — to report suspected allegations. The minister's website outlines the process. All Yukoners are required to report suspected abuse to the authorities. The minister does not seem to have followed this process and has failed to answer the question repeatedly of why she did not report these allegations to the RCMP. I'll ask again: Why did the minister not report these allegations to the RCMP when she first became aware of them over a month and a half ago?

**Hon. Ms. McPhee:** Thank you for the question. It has swirled around here for a couple of days. Clearly, I think there has been some misunderstanding of what I believe is section 22 — but I stand corrected if that's not correct — of the *Child and Family Services Act*, which is the obligation that the members opposite are speaking about. If an individual becomes aware of allegations of child abuse of any form, that person is required to report that to the authorities. The Department of Health and Social Services is the authority. The minister of that department is, in fact, the authority.

The detail about whether or not that was reported to the RCMP cannot be confirmed or denied, because it is not appropriate to do so in this House.

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

**Speaker:** Order, please.

The time for Question Period has now elapsed.

## NOTICE OF GOVERNMENT PRIVATE MEMBERS' BUSINESS

**Hon. Ms. McPhee:** Pursuant to Standing Order 14.2(7), I would like to identify the items standing in the name of the government private members to be called on Wednesday, April 4, 2018. They are Motion No. 267, standing in the name of the Member for Mayo-Tatchun, and Motion No. 25, standing in the name of the Member for Porter Creek Centre.

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

**Speaker:** Was that the correct number, or was it not the correct number?

**Hon. Ms. McPhee:** Mr. Speaker, I have information in two different documents. One says Motion No. 25 and one says Motion No. 125. I am happy to clarify that with the Clerk.

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

**Hon. Ms. McPhee:** It is Motion No. 125.

**Speaker:** So the second motion for debate tomorrow for government private members' business tomorrow is Motion No. 125, standing in the name of the Member for Porter Creek Centre.

We will now proceed to Orders of the Day.

## ORDERS OF THE DAY

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

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

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

**Deputy Chair (Mr. Adel):** Committee of the Whole will now come to order.

The matter before the Committee is Vote 10, Public Service Commission, in Bill No. 206, entitled *First Appropriation Act 2018-19*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

**Hon. Ms. McPhee:** Mr. Deputy Chair, just before the break, there seemed to be some confusion with respect to the motions that will be called tomorrow on behalf of the government private members. To clarify, they are No. 267 and No. 25.

**Mr. Kent:** Just on this — obviously, we didn't have a lot of time to go through the Standing Orders in contemplating this matter, but Standing Order 14.2(7) states — and I will quote: "When government private members' business has precedence, the Government House Leader or designate, no later than the time at which the Assembly proceeds to Orders of the Day on the sitting day preceding the call of Government private members' business, may, on behalf of the government private members, identify the order in which the items standing on the Order Paper or on the Notice Paper in the name of the Government private members shall be called."

Mr. Deputy Chair, by not identifying this at the proper time, this would seem to me to be in contravention of the Standing Orders; however, 14.3 states: "The Assembly may,

by unanimous consent, suspend its Standing Orders or waive procedural requirements and precedents.”

I feel that this would be the way to address this situation of the government calling the wrong motion for debate second in order for tomorrow.

**Hon. Ms. McPhee:** I guess my comment in response to the Official Opposition House Leader is that initially, first of all, I did, at the proper time, identify motions for tomorrow’s debate. I did initially identify Motion No. 25. At the first possible opportunity, I clarified that it was Motion No. 25 and not Motion No. 125. If you look at the Blues, you will see that, in addition to that, I indicated that there was some confusion in the documents that I had between 25 and 125 — 25 is the proper one. That would be abundantly obvious to the opposition as well, since No. 125 is one of their motions and certainly I’m not going to be identifying one of their motions for government private members’ day.

Yes, I am seeking the indulgence of the Official Opposition and others of the Legislative Assembly in this situation — absolutely. I am clarifying what was made clear on the record just a few moments ago — that it’s actually Motion No. 25, and frankly, there is no misunderstanding with respect to which motion we’re trying to call.

#### **Deputy Chair’s statement**

**Deputy Chair:** The Chair feels that this motion was originally brought forward at the proper time by the Government House Leader. She was going ahead and clarifying the confusion, and Motion No. 125, not being a government motion, is not one that would be called on that day.

It will stand that Motion No. 25 will be on the Order Paper for tomorrow.

Committee of the Whole will now come to order.

#### **Bill No. 206: *First Appropriation Act 2018-19* — continued**

**Deputy Chair:** The matter before the Committee is Vote 10, Public Service Commission, in Bill No. 206, entitled *First Appropriation Act 2018-19*.

Is there any general debate?

#### **Public Service Commission**

**Hon. Mr. Mostyn:** Mr. Deputy Chair, I will have my officials take their chairs this afternoon. Catherine and Tom are both here with us this afternoon. I would like to welcome them to the House, and, for their assistance this afternoon, I thank them.

I thank you, Mr. Deputy Chair, for this opportunity to speak to the House about the Public Service Commission’s budget for the 2018-19 fiscal year. The Public Service Commission is a central agency department of the Yukon government and is responsible for a range of human resource-related programs and services. The department ensures we have a strong public service with a capacity to effectively meet its responsibilities through the delivery of all programs and services to Yukoners.

Some of the specific actions to be undertaken by the Public Service Commission in 2018-19 include: collective bargaining with the Yukon Teachers’ Association and the Yukon Employees’ Union; a five-year evaluation of the respectful workplace policy and program; expanded reconciliation training for public service; fielding, analyzing and reporting on the 2018 employee engagement survey; a rollout of a new workplace policy on substance use and impairment in the workplace in preparation for the legalization of cannabis; implementation of the public service code of conduct; the advancement of a new approach to staff housing to ensure we have accommodations available in Yukon communities to house the employees needed to deliver vital services to Yukoners; renewal of the First Nations representative public service plan, which is an important commitment under Chapter 22 of the *Umbrella Final Agreement*; the piloting of a new shared service model, which will help us test the efficiencies that can be found by pooling some of our HR services; rollout of an automated timesheet system; and the development of tools to support a psychologically safe workplace.

I will now provide an overview of both the operation and maintenance and capital budgets for the Public Service Commission. The Public Service Commission’s overall budget estimate for 2018-19 is \$48,900,000. This is largely in the operation and maintenance budget, which is estimated at \$48,400,000. This is a decrease of \$678,000, or 1.4 percent, from the 2017-18 estimates.

The Workers’ Compensation Fund and the Employee Future Benefits represent the largest share of the Public Service Commission’s O&M budget. These two programs are administered by the Public Service Commission on behalf of all Yukon government departments. Most other changes are small and reflect only changes to salary costs for the current staff complement.

The Workers’ Compensation Fund shows an increase of \$544,000, or 10 percent, from previous estimates. This is due to several factors, including an increase in WCB premium rates, an increase in maximum assessable earnings and overall payroll growth.

The new Workers’ Compensation Health and Safety Board premium rate as of January 1, 2018, is \$1.54 per \$100 of insurable earnings. That is up from \$1.45 in the previous year. There is an increase of maximum assessable earnings from \$85,601 to \$86,971 in 2018.

The Employee Future Benefits budget is the largest line item in the Public Service Commission’s budget. This item totals \$25,938,000 and represents 53 percent of the Public Service Commission’s overall budget. This represents a decrease of \$1 million — or about four percent — from the 2017-18 estimates. Employee future benefits are paid to employees when they leave the government or retire. This amount is determined by actuarial review and takes into account a variety of factors, such as accumulated service, wage rates and demographic factors such as the rate of retirement.

Retirement benefits are also affected by extended health care cost trends and the rate at which retired employees participate in the benefit plan. There is a \$168,000 decrease in Public Service Commission salary costs due to adjustments to reflect the current staff complement wage levels.

Under the capital budget, the Public Service Commission received \$585,000. This is a decrease of \$28,000, or 4.6 percent, from 2017-18. Most of the Public Service Commission's capital budget of \$477,000 — or 93 percent, if you prefer it that way — is for the development and support of IT systems for human resources. The remainder is for office equipment upgrades, new parts and equipment for the document destruction centre and the purchase of equipment to accommodate employees with disabilities.

Mr. Deputy Chair, thank you for this opportunity to speak about the Public Service Commission's programs and the department's financial responsibilities. I look forward to questions from the members opposite.

**Mr. Hassard:** I too would like to thank the officials for being here today and helping us through the Public Service Commission budget.

The minister provided a legislative return this afternoon regarding vacancies in government positions throughout the Yukon. It says that there were 60 vacant positions in rural Yukon — 24 of those are seasonal and 36 are non-seasonal. Would the minister be able to provide us with a breakdown of which communities and which departments those positions are in?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. It is a fairly specific piece of information, and I will get that information in front of the member relatively soon.

**Mr. Hassard:** That is the point of Committee of the Whole — to get answers to specific questions.

While the minister is finding that information, would he also be able to provide the House with the same information in regard to the position vacancies in Whitehorse?

**Hon. Mr. Mostyn:** I would be more than happy to do it. I will get that information to the member opposite very shortly.

**Mr. Hassard:** We have seen that there is a new senior advisor position for the new Deputy Minister of Highways and Public Works. I am curious: Is this going to be a position that will be available to all the deputy ministers?

**Hon. Mr. Mostyn:** I have been informed by my colleagues across from me that the deputy minister has the authority under the *Public Service Act* to create positions within their budget. I leave it up to my deputy to manage the budget that he has, keep me informed in the best way he can, and he has been doing that. I have been told that in the past some deputies have elected to go this route. It is in their authority to do so, and I have not heard of any other deputies asking for this recently. I have two deputies under me, and I talk to them all the time about affairs within their branches and their departments.

The Deputy Minister of Highways and Public Works is working within his budget, and he feels this is a way to deliver

service to Yukoners in a good way. I am more than happy to have confidence in his decisions.

**Mr. Hassard:** On March 26, an e-mail went out to all YG employees notifying them that the contract for delivering the employee and family assistance program would be transferred to a new provider. According to that e-mail, the employee and family assistance program will take over from Morneau Shepell. I am curious if the minister could tell us how long Morneau Shepell had the regional contract for?

**Hon. Mr. Mostyn:** The contract was a three-year contract that ended on March 31, 2017.

**Mr. Hassard:** I believe the minister said 2017, but I'm not sure if that was what he meant or not, so I guess I'll let him answer that when he stands back up.

Also, I'm just curious if the government was satisfied or not with the service that Morneau Shepell was delivering. What was their reason to change?

**Hon. Mr. Mostyn:** I have confirmed with my officials that the contract did end on March 31, 2017. I'm sorry — yes, of course, the member opposite is correct. I'm getting my years mistaken — 2018 — and I thank the member opposite for clarifying that. It expired this March, just a couple of days ago — so in 2018; my apologies.

It was a three-year contract that ended on March 31, 2018. Morneau Shepell will carry on the contract for two months. It has been extended for two months as part of a transition. The new provider is in place, but we're having a transition period to smooth the transition to the new provider.

The new provider came in under an open procurement process. We were more than happy with Morneau Shepell's service over the last few years, but in an open bidding process, another company did win the contract.

**Mr. Hassard:** Can the minister tell us if that competitive procurement process differed in any way from the last time this contract was up?

**Hon. Mr. Mostyn:** In this case, it was an open procurement model. The Public Service Commission worked in conjunction — in partnership — with the Procurement Support Centre over at Highways and Public Works, and we actually brought a fairness monitor in on this contract to make sure that it ran smoothly. We do have that option available to us, and we did employ the fairness monitor in this procurement process to make sure that it was done correctly and was monitored.

**Mr. Hassard:** We have been told that the new provider is actually a non-profit organization. I'm wondering if the minister can confirm that and let us know if the services will be delivered any differently and what services might be delivered locally.

**Hon. Mr. Mostyn:** I can confirm that the member opposite is correct; we do have a not-for-profit that has won the contract this time around. It is a national company. They will be using a local service provider in delivering the service. They will work with Many Rivers.

As the member opposite knows, this program provides employees with confidential, short-term, solution-focused counselling to help them to be more productive at work. We

have every confidence that this contract will be managed and delivered in the fashion that Yukoners have come to expect and that they will get the service they demand and need.

**Mr. Hassard:** Can the minister tell us what availability staff will have for face-to-face with this new provider? How will employees who have ongoing relationships with Morneau Shepell counsellors transition to this new company?

**Hon. Mr. Mostyn:** As I said earlier in this discussion, there will be a two-month transition period so that people can continue with the old service for a period of a month, and let them finish up some of the treatment that they have been getting — or at least extend it for two more months to help with this transition period.

Under the new contract, it will be very similar, if not identical, to what was provided by the previous contract and will include face-to-face telephone counselling support through Many Rivers — up to seven sessions, shareable among family members, if desired — video conferencing options for accessing support through their national network, and a 24/7, 365-day crisis counselling, intake and appointment bookings, with callers always able to speak to a live representative regardless of the time of day or location. Many Rivers represents the provider locally and will be the main provider of services. They have offices in Watson Lake, Dawson and Haines Junction as well.

**Mr. Hassard:** Will this new provider put additional emphasis on any particular aspect of the service? For example, will there be any new resources for PTSD or other mental health services?

**Hon. Mr. Mostyn:** As the member opposite is well aware, this government has brought in a presumption for PTSD-related workplace incidents under the Workers' Compensation Health and Safety Board. Under this current program — as with the old one — clients can get up to seven sessions and share among members to deal with issues that they face. That includes post-traumatic stress.

Mental health, as we know, is playing a much larger role in our workplace. We recognize it, and many governments across the country are recognizing it, as an emerging issue and something to be taken seriously. The cost to employers of issues related to mental health is extraordinary, and we have to do better at handling that. This government has recognized that. If employees are suffering from those things, this is a service that they turn to in order to get assistance they need to continue on with their jobs and heal.

**Mr. Hassard:** The previous government made the decision to make services available to volunteer emergency personnel — such as volunteer firefighters, volunteer EMS — even though they were not employees of the government.

Will this practice continue, Mr. Deputy Chair?

**Hon. Mr. Mostyn:** As I said to the member, there have been no changes to the program. I have confirmed with my colleagues. They have verified that there have been no changes to the program. We will look into it, but my understanding is that, if volunteers were allowed there to access the employee and family assistance program in the past, we haven't revoked that access to the system. I don't

know right now how many people from our volunteer groups access that program, but there have been no changes to the system.

**Mr. Hassard:** I thank the minister for that. I wasn't looking for numbers. I just wanted to ensure that the practice continued.

I am curious if the minister could provide us with an update on the status to move to automated leave forms, and I'm just curious if this has been implemented in all departments. If not, why is that not the case?

**Hon. Mr. Mostyn:** I am very pleased to report that we have been doing a lot of human resource management work over the last little while, with an emphasis on maximizing our efficiencies. I can say that, right now, somewhere north of 90 percent of the civil service is covered by our new human resource paperless leave system — we are there. There are still a couple of smaller areas of the government that are — as my good colleague has said — on this difficult-to-implement list. We are working on those to get those done but, right now, fully more than 90 percent of the government is actually on this leave system, including teachers, and this was recently rolled out to the schools. That is bringing a lot of efficiency to the way that we manage and oversee our leave within government. I can see here that we have eliminated more than 91,000 leave transactions that were manually entered by civil servants. We have actually gotten rid of those. There has been a huge improvement in efficiency across government. Time sheets are going to be next on the agenda to be implemented, and that will be coming fairly soon.

**Mr. Hassard:** Would the minister be able to provide us with which departments have not yet moved over to the automated leave forms?

**Hon. Mr. Mostyn:** First of all, I can confirm that the volunteers are covered by this system.

Secondly, there are no departments not covered by this system. Every department is covered by the new time, leave and labour system. We're talking branches — very small pockets within departments that are tricky because of the schedules that the employees keep. Working that into our HR systems is proving more difficult. We're not talking about departments at all — every department is covered. We are talking about branches or sub-branches within the government. We will come up with some examples or tell you what those are. They are just very complicated schedules that are making it difficult to get them into this HR system, but we will work on that and get that through.

**Mr. Hassard:** Currently, each YG department has their own HR branch, with some central functions being performed by PSC. We have heard that the government is considering a further centralizing of those functions to PSC from various HR branches in the departments.

Can the minister confirm for us if this is in fact the case?

**Hon. Mr. Mostyn:** In collaboration with departments, the Public Service Commission is currently leading a multi-year human resources sustainability initiative. Its objective is to reduce transactional human resource workload and increase the capacity and effectiveness of HR services across

government, which is a long way of saying that, yes, we are trying to centralize, and we will be centralizing some aspects of recruitment and HR within the Public Service Commission. The pilot began last April. We have been working through — and we are now going to move to a more permanent application of this initiative. The goal is to get some of this transactional work within human resources out of the departments and into a central agency where it can be done more efficiently — freeing up the time of the HR professionals within the departments to deal with disability management, with strategic succession planning — the higher level, more strategic work. This will free up some of those people who are doing a lot of work in those departments and will take some of the drudgery out and move it to another area — the transactional jobs — and give them more time to do the hard work of HR within their departments.

**Mr. Hassard:** When the Premier was in opposition, he certainly had many comments and criticisms about severance packages that were paid to departing deputy ministers. I am curious if the Premier has given any direction to this minister about whether there will be any changes made to severance packages for deputy ministers going forward.

**Hon. Mr. Mostyn:** At the moment, I have received no direction from the Premier on new directions for severance of our senior deputies. As the member opposite, I am sure, is well aware, severance to senior executives, like deputy ministers, is determined by common law, and we will certainly be following well-established labour law in assessing such severance.

**Mr. Hassard:** I just have one final question. I would like to thank the officials for being here today.

My last question for the minister would be: With all of the new hires associated with the budget that we have before us — when it is completed — could the minister tell us what the total number of FTEs that the government now would have?

**Hon. Mr. Mostyn:** As of December 31, 2017, the total number of government employees was 5,673. That is up about 150 or so from the previous year.

As the member opposite knows, much of the growth in the civil service over the last 10 years has been driven by devolution, continuing care and FTEs in public schools, but the number as of December 31, 2017, was 5,673 employees.

**Mr. Hassard:** The question that I asked was actually: How many FTEs does he anticipate being associated with the new budget? What would the final number be? Or, since we have that number — if we had the number that he anticipates the government growing by.

The other thing that I forgot to mention — the minister talked in his opening remarks about staff housing. I'm curious if he could provide us with an update on where PSC is with housing in terms of making changes to the way that the staff housing works.

**Hon. Mr. Mostyn:** As far as the staffing for the coming years in terms of the staffing allocations, I can tell the member opposite that the largest portion, the lion's share, of those new FTEs are coming to Whistle Bend. There are 151 positions

being hired in the civil service to staff that facility in 2018-19, and that will be the main staffing. It's 151 for Whistle Bend and that's the lion's share of that. I will endeavour to get a better number for the member opposite, but the FTEs are 151 for that facility.

As far as staff housing, the housing situation in our rural communities is a challenge when we're trying to fulfill our program and service delivery commitments. As the member opposite well knows, there isn't enough good housing for people to deliver essential government programs and services to Yukoners. The private sector and others have experienced the same challenge. It's hard to get places for people to live up here to staff the jobs. We need to improve. We need to do better and to get more affordable, good quality housing into people's hands throughout the territory. Together as a caucus, as a Cabinet, we're working very hard in this area. I have been working with my colleagues in housing and Public Service Commission, Education and Health and Social Services to try to find new and better ways to get housing to our staff.

There have been some weaknesses in the planning for operational program and service delivery needs in the past. When we announce new or expanded programs, services or capital investments, we need to take into account the availability of good quality affordable housing for the people delivering services. We have had this discussion in this House several times — where are we going to put 151 new FTEs — the staff required to fill those 151 new FTEs at the Whistle Bend continuing care facility? Where are we going to put them; where are they going to live?

My colleague in Community Services is dealing with lot availability, and my ministerial colleague in Economic Development is doing a lot of work on this front as well, as is the Minister of Education and the Minister responsible for Housing and Health and Social Services — we are all looking at ways to fix this problem. We are working together and we are exploring new options.

Right now, most Yukon communities have little or no private housing market to support staff housing needs. If we can't find places for people to live, people are unwilling to move to these communities. The average age of single detached staff housing units in Dawson City and Watson Lake is 41 years — ancient. They are not built for today's families either. They were largely built to accommodate police and nurses, who usually came as a pair and lived in the community as couples. That was often the case and the houses reflect that. They are one-family homes, so we have to adapt these things to try to fix it.

Low rents collected for staff housing don't generate a lot of money. The rents for these houses haven't changed in a very long time either. We have to address that as well.

We are doing an awful lot; we know some of the issues. They are not easy issues to deal with; they are difficult; they require all of us to put our heads together and work together as a group to solve them. I am confident that in the next little while we are going to come up with concrete solutions to address some of these long-standing and difficult problems with housing related to our staff throughout rural Yukon.

**Mr. Hassard:** I am well aware of what the housing issues are in the communities, but the previous government — when I was the Minister of Housing, we identified communities that could provide rental units if they didn't have to compete with the Yukon Housing Corporation. I had worked with the then-Minister of the Public Service Commission to explore options on how to move forward to allow those communities to have the opportunity to have rental units.

My question for the minister was: Is the government going on with that? Where have they gone with that idea and what progress has been made on it — or has it been abandoned?

**Hon. Mr. Mostyn:** One of the things that the Premier has directed both my colleague in Housing and me to do is come up with a new approach to staff housing, and so we are working on that. Together, the Housing Corporation and Public Service Commission and other ministers are battling this around. As I said, there is a major — the member opposite knows; I know he knows that this is a long-standing problem. The housing stock that this government owns is old and needs to be upgraded. There is a major investment needed to fix the houses in rural Yukon and actually promote and expand our staff housing options throughout Yukon.

We are working together to do that. Housing and Public Service Commission are working together on that. We are now assessing our options. We are going to be consulting with the Yukon public — engaging the public to see what their thoughts are on some of these options we have coming forward. Once that process moves along, we will have more to say about it, but right now we are going to be talking to staff and some of the people in communities. It's important that we get their feedback on how to actually do this and get their thoughts on some of the things we are going to have to deal with in the very near future.

The member opposite, I'm sure, is aware that there are five departments that offer some or other permanent, temporary or short-term housing to various employees outside of the Yukon Housing Corporation, and that includes Education, Environment, Highways and Public Works, Tourism and Culture and the Yukon Workers' Compensation Health and Safety Board. All of those entities require some form of staff housing. It's a fairly big effort on the part of the Yukon government. The member opposite — he was working to solve the same problem as we are.

I welcome his thoughts and his experience in this field this afternoon. I hope to learn more from him over the coming months, but we are working very hard to address this file and, Mr. Deputy Chair, you will hear more about this in the coming days.

**Mr. Hassard:** I am wondering if the minister could provide us with some timelines on when he foresees that consultation taking place with regard to the communities. Will that be open, public consultation-like meetings? How does he foresee that moving forward?

**Hon. Mr. Mostyn:** Fortunately, we have an engagement website now which the Yukon government

launched recently. It was another one of our commitments to foster more engagement with the people of the territory, and that information will be posted on our website in due course. I am sure we can talk about that more once that happens.

**Mr. Hassard:** Can I take it then that the minister has confirmed that there will be no community meetings with regard to this?

**Hon. Mr. Mostyn:** The short answer to that is no, I don't think the member opposite can assume that.

**Mr. Hassard:** So will this consultation only be via the Web?

**Hon. Mr. Mostyn:** There seems to be some confusion here, and I want to clear up the confusion. I don't want this House to be sowing confusion, so I will be very clear. There will be consultation — an engagement — with the Yukon public on community housing. The details of that engagement will be posted on our website. Please check it to find out the details. The member opposite asked me a very specific question: Can I assume that there will be no community engagement? I was very clear with the member opposite. I said, no, you cannot assume that. You cannot assume there will be no community engagement on housing.

**Mr. Hassard:** Clearly, we are not getting an answer here, so maybe I will make it a more direct question: Can we please hear from the minister how he plans on seeing this consultation take place? What form will it have?

**Hon. Mr. Mostyn:** Once we have the engagement plan established and have worked out all of the fine details the member opposite is looking for, we will share it. We will share it on our engagement website. I encourage the members opposite to use that tool to learn about that and all sorts of other coming engagements and the details they seek.

**Ms. Hanson:** I thank the officials for being here and for the briefing that they did provide to the opposition members. I am happy that we are getting a chance to actually have some discussions today about the Public Service Commission.

I think the minister opposite and I have had a few conversations and I have expressed to him how fundamentally important I think that the work of the Public Service Commission is and the public service as well, because we should be looking to the Public Service Commission for assurances that there is oversight with respect to the very important matters of how those people who put themselves forward to serve the public as professional public servants can be assured of fair and equitable treatment. So everything, from the moment that they indicate that they're interested in seeking employment, through the recruitment process and when they do achieve a position of public service — that the classification of the position that they are in is appropriate and is reviewed on a fair, reasonable and regular basis, and that the compensation they receive for the work that they do on behalf of all Yukon citizens is also fair and that there are means of discussing that in the labour relations systems that we have. It is also vital that there is a fair and open and clear understanding of the human resource policies that guide the activities of all members of the public service and that it's open and transparent.

The Public Service Commission has a responsibility for ensuring that there is a healthy relationship in terms of labour relations; that there is accurate and up-to-date human resource data, both historic and forecast, because, as we all know, we have been talking over the last 10 or 15 years about the changing demographics of our workforce, and the Yukon human resource workforce is no different. The Public Service Commission — I look to be able to ask questions and understand more clearly what role in terms of oversight it's doing to ensure that there is a respectful workforce and a workplace that is respectful and free of harassment.

I'm looking to the Public Service Commission — and all Yukoners and, for sure, all public servants look at the Public Service Commission — to ensure: that employee health and safety is of paramount importance; that we have a Public Service Commission that takes seriously the issues of inclusion and diversity in the scope of what those words “inclusion and diversity” mean; that the Public Service Commission has accurate and clear oversight with respect to training and development of our employees and that we have planning around that; and that we have a Public Service Commission that is actively engaged through employment engagement on all possibilities to ensure that public servants feel part of the dynamic culture that we would like to see in the public service that reflects Yukon.

I say all those things because those are in the mandate directly off the website of the Public Service Commissioner for the Yukon. That is what I want to talk about this afternoon, because there are questions in each one of those areas that I think are incredibly important. The ministers opposite can say whatever they want, but if there is not a respectful and healthy public service, nothing is going to get delivered.

I would like to start with some of the functions of the Public Service Commission. My colleague from Pelly-Nisutlin had asked a question with respect to the development of a shared services model. I would like the minister to tell us: What functions are anticipated being contained in that shared services model? What is the duration of the proposed pilot project? When does it commence and when will it end? Is there evaluation criteria put into it?

**Hon. Mr. Mostyn:** The member opposite — the Leader of the Third Party — in her preamble to this whole thing mentioned how important it is, and I agree with her entirely. I welcome the opportunity to bring this department to the House for discussion. I have been told it hasn't happened on a regular basis. It has been fairly rare to have the Public Service Commission here, and I aim to change that, because I agree with the member opposite. This is an important department. It is not a very big department in terms of its financial clout within the Government of Yukon, but it basically sits at the very heart of the government — our people — and our service delivery by our civil servants who work very hard.

Discussions about this Public Service Commission touch on many very important matters, and the member opposite has gone through a pretty good list of what they are — health and safety, harassment, inclusion and diversity, and there are a number of others — and I wholly agree with the member

opposite. I welcome the opportunity to talk with her this afternoon about these important issues.

The HR sustainability initiative has moved beyond pilot. The initial pilot involved the Yukon Liquor Corporation, the Executive Council Office, Environment and Education. Health and Social Services was also involved in that initial run and now we're looking at expanding it. I really thank those departments for stepping up and agreeing to help with this initial project, because it takes a lot for a department to give up control. That is really what we're asking them to do — to trust us, to actually buy into a new service model for the Public Service Commission. Departments like to do their own hiring. They like to have control of the staff that they have coming into their departments.

Moving to this new way of doing business involves a certain leap of faith. It's a trust exercise and trust, as we have talked about in this House several times over the past couple of weeks, can be broken very quickly. We have to be very careful and nurture it and make sure that you foster it very carefully. If you do that, then great things are possible. If you break that trust, then you're left with nothing and you're further behind. It is something that I take very seriously and I know the stakes involved.

We had a few departments come on board to start this with the transactional material, which was the easier hiring initiatives — temporary assignments, acting pay, change of hours — all those sorts of transactional, but relatively easy stuff. This is stuff that takes up time, but doesn't add an awful lot — it's easy work, but essential to the running of the departments and something that the departments felt comfortable relinquishing. What they get in return for this is time to start doing some of the bigger efforts, which is some of the things the member opposite was talking about, such as health and safety, harassment, disability management, accommodations, job evaluations, pay and benefit and staffing, leadership and human resource management, strategic planning — so making sure that we move forward. In a lot of these areas, staffing is going to get more difficult in the coming years. We have seen how difficult it is to get — we have just gone through a program to get all the deputy positions staffed in government. It has taken an awfully long time to get there. It is much more difficult than you would think. That difficulty extends in this jurisdiction throughout the civil service.

We are a small community on the frontier. We have to get talent up to the territory, and it takes staff housing, it takes good pay and benefits, it takes a good work environment, a place where people can feel safe and have their contributions acknowledged and recognized. It is not all bad news. The Yukon government is one of the top 100 employers in the country — it's good. I have spoken to the officials about that, and it is great that we have that designation. But my focus — and the focus I want to keep on top of — is that I am really happy that we are there. We should be there. It is a good thing to be a good employer, and that is sort of the baseline. My focus is on where we are not up to snuff and how we fix those problems. That is where we should put our attention. The

designation is great, but I want it to be better, and so that is where we are working.

**Ms. Hanson:** I thank the minister for his response. I would just like to say at the outset that I would like to confirm that the minister does accept that the Public Service Commission is not a line department; it is a central agency. It sets the policy direction with respect to human resources and public service policy for the whole of the Yukon Territory. Unless we agree on that, I don't see how he is representing the department. I just want to confirm that he understands and accepts the onerous responsibility as a central agency responsible for setting that corporate culture for the public service of the Yukon.

**Hon. Mr. Mostyn:** The short answer to the member opposite's question — the Leader of the Third Party — is, yes, absolutely, I accept that responsibility and that role for the Public Service Commission. It is a central agency. It does set the tone and the direction for the other departments. The human resources sustainability initiative that we have spoken about a little bit this afternoon was led by the Public Service Commission, and it involved all departments — as I said earlier. Yes, we are a central agency. We are a central model, but — it is a qualified “but” — I could stop there, but the fact is that within the civil service — the Yukon government — there are departments that have been managing their own HR affairs forever. They are silos. It is the nature of the beast. A lot of departments within government take their human resource activities very seriously and to heart. So we are now working — as a Cabinet, as a caucus — to break down some of those silos to bring some efficiencies and to start to work together. There is a trust exercise involved here with the departments relinquishing some of the roles that they used to fulfill themselves.

To the member opposite's point, the responsibility is to provide a whole-of-government approach to managing HR on behalf of all of government and to set that direction. We are building that trust and setting that direction.

**Ms. Hanson:** I appreciate the minister's response. I would agree.

I would ask the minister — and I think I have asked him before, but it is absolutely true what he has described. If you looked at the audit of staffing done by Yukon Internal Audit Unit in February 2013, he would see — as described five years ago — some of the very same issues that he is describing to me now — in terms of silos — similar to what was described in the expert Financial Advisory Panel report that was tabled last fall.

In that report — the internal audit report that I am referring to now — it talked about the challenges that existed — exist, as it sounds like — where you have fiefdoms, and you have a diseconomy of scale when you have the replication of many of the same functions across a relatively small corporate structure.

I have said this before: the Yukon public service, at 5,673, is relatively the same size as a relatively modest federal public department, and we have how many departments of human resources contained within that?

I am asking, first of all, for an update. Have all of the recommendations in that internal audit of February 2013 been addressed? Are there any outstanding that are being rolled into the human resources sustainability initiative that the minister has outlined? When he talks about transactional kinds of functions, and then talks about leaving that to the various departments to be doing other things — like strategic planning and succession planning — I question the minister. Again, when we are talking about a public service of 5,600 people, are we not talking about whole-of-government succession planning?

I would ask the minister to reflect on what core competencies — in terms of the executive cadre or the management cadre — the government is looking for as they allow people — if the ideal is to see public servants make a progression from recruitment throughout their career, do they not have a whole-of-government approach to succession planning?

**Hon. Mr. Mostyn:** I thank the Leader of the Third Party for the question. Certainly, there is a need for succession planning across the whole of government. The deputy ministers are discussing that and are talking among themselves to set that. I know they are doing some work on that, and we are doing that work as a whole of government.

Within the department, though, there are other positions that will need to be done as well — within the departments themselves. So there is departmental succession planning and whole-of-government succession planning with our leaders.

The *Public Service Act* says that the Public Service Commission is the employer, and we take that seriously, but change is delicate. You have to manage change. You have to do it carefully and methodically, and you have to build trust. Some would say that the approach we are taking is dramatic, but you have to manage that — manage expectations and make sure that people have confidence in what you are doing.

As a relatively new minister in this endeavour — we've been here for a little bit more than a year, and we're learning — I'm not going to assume things. I want to be brought up to speed and test some of these things, so it's careful.

The member opposite was talking about the recommendations from the report of the audit of staffing. There were 15 recommendations that the previous government was handed. I have to say that, as of now, 14 of those recommendations have been addressed — that's the information I have been provided — and that's pretty good — credit where credit is due. We have one final recommendation to address and that's on security clearance procedures. We're hoping to have that done this spring. That's the target date. Other than that, those recommendations were put into place.

We don't have a recruitment and retention strategy, but we are working on one for all of government. I have been working with my officials to get such a strategy developed, because that is going to be something. Staffing this government is not something that is going to get any easier any time quick. The changes — a lot of retirements are happening across Canada. The baby-boomers are moving out of positions; we have to recruit more, and it could get harder

before it gets easier. We have to address that. We're looking at ways to deal with those problems in a holistic fashion. Part of it is through the HR sustainability initiative, making sure we do routine tasks and sort of assemble them and do them more efficiently using some of the electronic tools — the digital tools — that we have at our disposal. We're still a little bit behind some other jurisdictions in that regard. We're hoping to modernize. That's going to take some time and some thought — and making sure that we pull in and start to utilize the human resource staff that we have in a better way. We have heard the criticism about growing government. We don't want to do that, so we want to do things more efficiently and better. That's what we're working on as a whole-of-government approach.

**Ms. Hanson:** I thank the minister. Could this minister tell this House when he anticipates having a retention and recruitment strategy? Will he be tabling that in the House? Does the Public Service Commission keep, by department and branches of those departments, a forecast of retirements by actuarial standards, if nothing else, so that kind of planning around retention and/or recruitment can have some hard planning data to work against?

**Hon. Mr. Mostyn:** I believe the member opposite was asking about the recruitment and retention strategy. I have asked the department officials to start that process. We're still in the early stages of that whole strategy, but we're hoping to have something by the end of the year. Of course, once that thing is developed, it moves from “draft” to “completed”, and I would be more than happy to provide it to the House.

The member opposite also talked about actuaries and actuarial information about retirements. The government does retain an actuary. I have had some experience with actuaries in the past, and they are fascinating individuals who predict the future. They have a really interesting skill set.

Currently, I believe we have about 1,350 individuals who have retired and are on retirement benefits from the Yukon government. That is the total number of retirees we currently have and the actuary, of course, assesses every year how much that is costing the government. There are actuarial estimates about coming retirements. That is in the hands of individuals who have some service — they make their own decisions on when they are going to retire — but we will find the annual number of retirees. We can go back and get some of that information to find out exactly how many we had last year and go back a couple of years, and we can give you an idea of how many people are actually retiring every year. The past practice — it's a very individual thing about whether you retire or not, and so those numbers, going forward, are something you have to base on actuarial estimates. But we can look back and see what the actual number is, and I'll give you an indication about how many people are retiring every year and whether it's going up or down.

**Ms. Hanson:** I think perhaps the minister misunderstood. I don't think it takes a rocket scientist to look at the workforce in a branch, a department or a government and say X number are in this five-year age bracket and X number are in the next five-year age bracket, and we can

anticipate, all things being equal, that those at the latter part of that age bracket are probably going to retire. That means then, how are we going to plan to replace them? That was the basis of my question.

One of the key elements and one of the other tools that is available — and should be a right of every employee from entry level to the top — is a very thorough, annual performance review and evaluation. I am not sure what the acronym is that is currently being used within the Yukon government system, but it is the notion that you value me as an employee, and that you are prepared to spend the time and invest the time with me to say that these are what we are going to mutually agree upon — the goals and objectives that you have as an employee against the goals and objectives of our branch, our department — yada, yada.

It is not a secret that, in many public service departments across Canada, not all employees have performance reviews done on an annual basis. I am asking the minister to confirm: whether or not all Yukon employees have performance reviews completed, one-on-one; whether or not he has data to confirm and to prove that; whether or not any of that data is rolled up to give him, as minister responsible for the public service, any sense of the issues that would inform his view, as minister responsible for the public service, of trends or issues that are at play within the public service; and where we need to focus on training or other developmental opportunities for employees that may lead to the government — as part of the functions of Corporate Human Resources and Diversity Services — to adapt our training to the needs of the public service, as they are moving through, or to the changing dynamics and demands of the work.

First of all, have all employees had performance reviews completed on an annual basis — every year? Are managers held to account — senior management for each branch? Are deputies held to account? How do they ensure that they are completed in their departments, in their branches? It is an accountability exercise. It is also a respect exercise with respect to how we value our public servants all the way through.

**Hon. Mr. Mostyn:** I think they are PDPs and PPPs, if we go to the acronyms — that is, personal development plans and personal performance plans. They are different for the unionized civil service than for the managerial class. Managers have a development plan and unionized employees have a performance plan. I know this because I had them done. I had performance plans. I know what that process was like when I was working within the civil service. I know that my departmental directors and others took it very seriously. Reminders went out to make sure that all employees had these performance plans done, and they were followed up with HR and directors and up the chain to make sure that these things were done.

I cannot — and I won't — say right now that every government employee — 5,500, plus or minus — has had a personal development plan or personal performance plan done. I don't know. I know that it is an expectation that our staff are evaluated and have these plans done so that we can

assess their performance, so they know where they're going, what training opportunities are available to them, where the department sees them going and how they can improve their performance — all these different things that work into these plans. I know that some took this whole process very, very seriously. That was my experience and it's borne out by the information the department has given me.

The deputies are assessed on how well their performance objectives are achieved, and one of those is making sure that all employees have these performance plans done. That is one of the measures that are taken when assessing our deputy ministers and the senior management staff.

They are important and they are engaging our employees and making sure that they know how they are doing — how well they're doing — and how they can improve and how they align with the goals and objectives of the department, which are very serious.

I just pointed out that, to receive any PDP awards or development plan awards, you have to have a development plan completed. Managers don't get a reward if they don't do the plan. So there are financial incentives in place, as well, to make sure that our employees participate in this process. Do they all have them? I don't know if every employee has had one done. That is certainly the goal — to have every employee assessed on an annual basis through this process.

**Ms. Hanson:** Can the minister say when he will establish an expectation that every employee has the right to have a performance review completed, keeping in mind that a performance review is a two-way exchange? It's feedback to the manager, to the director and to the deputy. It also provides an opportunity for constructive advice and direction to the employee. It's also a way to help as a learning organization — if this is the learning organization — as we're supposedly creating a culture within the Yukon government.

When would we expect to have an objective of 100-percent completion?

**Hon. Mr. Mostyn:** I would like to bring this back to the opening remarks, because I think that is key. I really do think that is important.

In order to set these goals and make sure they are well understood, we have to be able to talk about them. We have to be able to talk about harassment and a workplace without violence, and about employees' access to whistle-blower protection. Frankly, maybe the Public Service Commission has not had a chance to talk about that enough in the House, so I am happy to be here today to answer these questions. I have, as Minister responsible for the Public Service Commission, along with my officials on a regular basis expressed the need to do better and to actually make sure that the performance indicators are met. That has been the stated goal for years, but whether it translates down through the civil service — who knows? I know that this is a great opportunity. I'll say it again, that every employee should have a personal performance plan done, and every manager should have personal development plan done. If you want one done, you should go see your supervisor and make sure you get that done.

The supervisors already have that expectation built into their performance plans. I have been handed some information as far as managers' personal development plans — I am trying not to use acronyms — and personal development plans are a concern. We have somewhere between a 95- and a 98-percent completion rate. That is pretty good; it is not 100 percent, but it is not bad. Can we do better? Yes we can. We can do somewhere between three and five percent better, and that would be excellent.

As far the personal performance plans for the unionized staff — the non-managerial staff of the Government of Yukon — are concerned, I don't have those numbers before me, but again, the expectation is that every employee should have that. I am more than happy to say that today, and if they are not getting that two-way conversation with their supervisors on what their performance is — how they can improve, how they are doing, which is really well in most cases, and they are doing exceedingly good work — then they should sit down with those supervisors and have that conversation.

Hopefully, we can expand that engagement and that discussion within the civil service to improve our staff and make them happier and more engaged.

The issue, of course, is that discussions of this sort create anxiety in an awful lot of people, and we know that. For some people, it doesn't matter at all, but some people get really anxious when having to assess another employee or when having their supervisor assess them. That doesn't matter. That is the job and the expectation for all managers and staff — to have the personal performance plans done — and I found it a very worthwhile process when I was a civil servant. It was very useful to me in improving and learning more about my organization, about me and about my supervisor and everything else. I encourage everybody to do it. It is the expectation that they all have that training and whether we get 100 percent to nirvana, I'm not sure, but certainly, that's the goal. Can we do better? I'm certain we can do better. Hopefully, through conversations like this, we will project the expectation more broadly.

**Ms. Hanson:** It's hard not to make a correlation between what the minister just said and — as he said, those who have an award or reward — award, I think he said — for completing their management performance reviews — I'm going to just use simple language instead of the acronyms — seems to be differentiating between those who are like line staff and those who are management. If you're a management-type person within the public service, you have an incentive to do that because you have performance pay. The minister perhaps could outline for the House — it's my understanding that there are two forms of performance pay. There is the at-risk pay and then there is the market adjustment. I guess there are three key things that I would like him to do. What are the key leadership competencies that are built into the performance plans for management? When I say this, I mean managers, directors, ADMs, DMs — the key core competencies that we would ascribe to those kinds of management-type positions. They're assessed in different ways as we all understand it in terms of a deputy, but they are

key, and how they manifest may be different. Then there is what the market adjustment is and how that's typically awarded, and what the range of that is. Then there is the at-risk pay, which is the percentage — to a layman, it is the bonus and if you give that range again — which I believe is zero to eight percent, based on the briefing that we received — then, finally, if he could outline for the House the total number of personnel who are eligible for the at-risk and market adjustment — and I'm using the word “bonuses”, so that is adjustments over and above their base salary.

**Hon. Mr. Mostyn:** The personal development plan program doesn't incorporate a pay-at-risk component. Managers receive their regular pay and, subject to a satisfactory performance assessment and other factors, may receive a performance award. We call it merit pay here, not pay at-risk. There are currently roughly 450 employees in that group. A market adjustment is at the discretion of the Management Board and it's assessed on an annual basis.

Performance pay is set out in a booklet that's available to section employees. The range established in that is zero to eight percent, and there are three categories of that: on or below average expectation, on expectation and outstanding. That's how that works. As far as the Public Service Alliance of Canada, Yukon Employees' Union members and confidential exclusions, the collective agreement requires the salary of a regular employee to be increased by four percent on the employee's anniversary date, provided their conduct and performance has been satisfactory. This is generally known as a merit increase.

In the event the personal performance plan is not established and/or assessed for a particular employee — if you don't get one — then their conduct and performance is deemed by the Public Service Commission to have been satisfactory for the purposes of a merit increase application and the four-percent increase is automatically applied.

In order to change that, we would have to make it a point on the collective bargaining that, if you don't have a PPP done, then it would be sort of the reverse, I guess. If you don't have one done, you're not eligible for the four percent, but that would probably be penalizing employees, and I'm sure that's not what the Leader of the Third Party is suggesting. But that is how it is currently done: if you don't have a PPP done, you get your bonus applied immediately.

**Ms. Hanson:** The minister is correct; I certainly was not suggesting that negligence by management should penalize a member of the Public Service Alliance of Canada — quite the reverse.

What I was trying to ascertain is the onus that is placed on management to complete performance reviews. How is that demonstrated through the bonus award — or whatever you want to call it — that is provided to those people who are — some managers, all directors, ADMs and DMs? When I asked the minister, I was asking for the total number. He is giving me 400-and-some who are eligible. Did they all receive six to eight percent, zero to two percent? The reason I am asking this is not to be vexatious, but I have been told in briefings over the last six years that at times the Public Service Commission

has sanctioned the use of a bell curve for assessing performance pay for senior management. I personally think that is reprehensible. Your performance and your pay bonus should be tied to performance, not simply how you slide up, down and off the curve.

Other jurisdictions make this information publicly available. I realize that it is not publicly available here yet, but it is relevant in terms of making sure that, if we are awarding performance pay, we are getting performance and that employees who haven't had their performance reviews completed are not penalized because somebody just doesn't want to do it.

**Hon. Mr. Mostyn:** The Leader of the Third Party and I are on the same page. I totally agree with her comments about not penalizing the civil service for the lack of their supervisors getting a performance review done. I believe that managers should be assessed on their performance. I believe that employees should be assessed on their performance. I think that is the only way that we can improve. We have to do it. Monetary rewards are a very efficient way of doing that. Assessing your performance and doing your staff performance reviews is one of the tools used — one of the points of conversations they use — in assessing a manager's performance. It isn't the only one, but it certainly is a component. If a manager is sitting down with their immediate supervisor and says that they haven't assessed an employee's performance in X number of years, it will certainly be taken into account when they get their merit increase.

In 2017-18, the managers' merit increases averaged 3.9 percent — slightly below the mid-point — and the assessment of how many PPPs, or performance plans, were done was part of that assessment. I don't know about the bell curve, but I do know that I encourage the managers to actually be assessed on their performance and the actions that they undertake and succeed in accomplishing, and I think that is the way that it should be done.

**Ms. Hanson:** I thank the minister. So he said that is how managers are assessed. How does that apply to deputies and ADMs? Is the average still 3.9 percent?

**Hon. Mr. Mostyn:** I have just been informed that the 3.9-percent figure that I gave for the managers' merit increase applies to all ADMs and down in the class of managers. The deputies are not captured in that 3.9 percent, but I have been told that the deputies' merit increase averaged roughly the same, so I will get that figure for the member opposite, but it is roughly the same as the rest of the management class.

**Ms. Hanson:** Enough on this one for right now — I think the minister is sort of on notice that I think it is important that there be a link between pay and performance and that, at some point, we should be looking at what exists elsewhere in the country in terms of sunshine lists and in terms of accountability.

The minister referenced the importance of staff engagement. There have been various public service reactions to the various iterations of staff engagement surveys that have occurred in the past, and it is my understanding that the next public engagement survey is for 2018.

Does the Public Service Commission engage in any — say, for example, as it has piloted with Executive Council Office, the Yukon Liquor Corporation, Environment, Education, and Health and Social Services with respect to looking at human resource policies that are being done in a different way than have been done in the past — has the Public Service Commission looked at taking one of those, or several of those, departments and doing 360 reviews, so that you basically have an opportunity for all levels of the public service within that entity to reflect on the culture and get an accurate snapshot? Well, it's more than a snapshot because it goes into quite a bit of depth — but an accurate reflection on some of the dynamics at play and where there needs to be change for the organization. Are 360s employed? Will they be employed? What other tool is being used to get a more accurate — not a feel-good — reflection on the realities of public service life?

**Hon. Mr. Mostyn:** Perhaps the member opposite can elaborate in her next question — is she suggesting that the current engagement strategy is not meeting expectations or is deficient in some manner?

She is suggesting 360s, but I know that the existing engagement survey is comprehensive and is very similar to ones used in BC. It goes into empowerment, pay and benefits, vision, mission, goals, stress and workload, recognition, job suitability, professional development, tools that the civil servants have to do the job, respectful environment, teamwork, senior leadership and supervisory level of management. I would say that it is comprehensive, and it provides an awful lot of very deep information about how a department works.

The issue, I think, comes down to — what do you do with this information once you have it and how do you act on it? I have been working with the department on the last engagement — we are about to launch a new one — and asking questions about how we actually dig in and identify where the issues are and how we start addressing them.

To the point earlier, it is great to be one of the 100 best employers in the county. It is a point of pride; it is great. But there are still issues within that. How do we address them? That is really where I want to go with the Public Service Commission, with the government as a whole. How do we actually use the very detailed results that we get and actually use them to best effect so that we can actually make the changes we need to improve engagement and improve the workplace for all of our employees — both managers and the line staff?

We have seen an improvement in engagement over the years. Are there still issues? Absolutely — but it is using that data to actually identify where the problems are and then getting the support and the actual teams who are motivating the staff — the managers and that type of thing — to make those changes and to accept that they have these deficiencies and how we actually fix them — and not getting accusatory or hectoring, because you want people to actually do the stuff they need to do. You have to incentivize them to do the right thing, and that is really where I am going. I want to identify

the problems — not the “who” but the “what” — and fix the problems. That is the direction that I have been providing and we will see. We are doing the 2018 engagement survey this year; we will see how that goes.

If the member opposite has specific examples of deficiencies in the current structure, I would like to hear them. I am more than happy to hear where they are before we do the next survey.

**Deputy Chair:** Would members like to take a short break?

**All Hon. Members:** Agreed.

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

*Recess*

**Deputy Chair:** Order, please.

**Ms. Hanson:** When we left off, the minister had asked my views with respect to the engagement survey versus other tools like the 360. I wasn't advocating for one or the other. I'm simply saying that we have them, so how are they being used? The last engagement survey was in 2016. How was that used to inform changes within the public service, changes in terms of what expectations are around management? Are there lessons learned?

I'm not saying that in a generic sense we can say, “Yes, we learned something.” Is there a focused lessons-learned process from the engagement surveys, because they occur every couple of years and, unless there is something demonstrable, a link between what we're asking employees at all levels to participate in with these surveys. If employees think that it is simply a monkey exercise and nobody is using it, or they don't see changes in the organization then yes, you get people filling it out, because you can have coffee parties, you can have barbeques and whatever as rewards or an incentive to get these done, but if they're not seen as meaningful exercises that will result in change, then that also leads to the kind of structure of the questions you build and to the kind of subjects that you cover in a survey. What is the purpose and what are the lessons learned from 2016 that have informed the operations of the Public Service Commission over the last two years and will inform the structure — how different will the employment engagement survey for 2018 be from the one in 2016?

**Hon. Mr. Mostyn:** The Leader of the Third Party and I are — I couldn't agree with her more. The employee engagement survey is a snapshot in time. It takes a look at the civil service at a point in time and how it is. The engagement scores for these surveys have been improving. It has been going up, which is one indicator that people do feel this is useful, and more people use this tool and participated in this process than have in the past. That is a good thing.

After a year in dealing with the department in this role, I have asked how the Public Service Commission can assist the departments — and how they are assisting the departments — in actually using this information they have collected and improving upon it. It's important to take the information you

have and use it. Across government, you can't assume that it's not being used. It is being used and every department is using it differently. They are all using information and pushing it forward in their own unique way.

As the Minister responsible for the Public Service Commission, I have asked the Public Service Commission how it is assisting departments in the rollout and assessment and doing these things. The new survey in 2018 will provide another layer of information that we can correlate against the other snapshots in time, and look at what direction we're moving in, how things are going, and in each individual department how engagement is going up or down — and we will do that.

One of the big changes we're doing in this next survey is that it will be run by the Yukon government. We have the Bureau of Statistics taking a much more central role in assessing the employee engagement survey. We have done enough of them now that we feel we have the skills in-house to do the assessments ourselves, which is a step up from the past.

That is sort of the direction we're going. That's one of the new ways. We're going to use the same — we don't want to change the data set too dramatically for fear of making it different from what we had in the past. It's good to correlate going forward, but we are going to start doing it ourselves, and that's one of the ways it's changing in 2018.

**Ms. Hanson:** The question I had was: What lessons have been learned? What diagnostic lens has been placed on the data that is contained in the prior employee engagement survey, including the 2016 one? How has that informed the work of the Public Service Commission vis-à-vis the departments? What have we learned from those surveys? Are there trends? Are there particular issues that the Public Service Commission has identified as needing attention? How do they then work with line departments to address them?

**Hon. Mr. Mostyn:** As I said earlier, all departments are using their departmental results to identify their successes and challenges and work on those. There is work being done across government, but as sort of a macro, whole-of-government management of the HR resources of the Yukon government as a whole. The 2016 results have identified that engagement is up, pay and benefits are thought to be relatively decent, the job suitability is high, the teamwork seems to be great and the supervisory-level management is decent.

Some of the shortcomings are senior management, so we are talking about recruitment and retention initiatives and starting to get into the realm of making sure that we have good leaders into the future — planning for the future in terms of our senior leadership. Respectful environment — that is not as high as it should be. We have been talking about respect in the workplace over the last several months. It is important to me, and we are taking steps to address that.

Professional development — one of my mandate items is to make sure that we have the proper training in place for our civil servants. It is one of the issues that the Premier has tasked me with addressing and fixing — improving.

Tools — having tools is enormous. There is an issue with the tools that the civil servants have to do their jobs. We are talking at that point about — in many ways — the computer systems. I know that is a big part of it. They don't have the proper tools to do their jobs efficiently. We are still working on a paper-based system where we have filing cabinets filled with information, and recovering and retrieving information from that system is a burden, and it's a problem. One of the things that we are looking at is improving that and starting to find new systems. One of the things that the Premier has tasked me with is to look at the civil service and to find better ways of delivering services to Yukoners — e-services and all of those things. They are part of the tools of the trade that we are trying to modernize after years of neglect.

We have stress and workload as another thing. We are looking at how we right-size government. How do we make sure that they are doing the things that need to be done? All of my colleagues and I are looking at the way government operates and saying: What are you doing? How does it align with the direction we are giving you from the Premier's office and from us as ministers? How does the work that you do on a day-to-day basis align with those goals? How do we help you to streamline? What are you doing that you don't have to do now — let's change this up — and empowerment.

There are all sorts of things that are currently being done by our government to address the results that they found in the 2016 employee engagement survey. As a government, we are taking steps to address these issues. The employee engagement survey didn't drive our mandate letters, but the mandate letters certainly capture a lot of the things that we are hearing from the civil service in terms of the engagement survey. We are taking steps to address some of the concerns that we have heard to make life better for our civil servants, make it run more efficiently, reduce some of the red tape, give them the tools that they need, try to reduce harassment in the workplace — it's a national problem. We are one jurisdiction that is grappling with this. We are signalling that we are going to take action on this. These are all positive steps, and they are tied to this employee engagement survey.

**Ms. Hanson:** Can the minister tell this House whether or not the plan around the 2018 employee engagement survey will also include an accountability provision with respect to implementation? So as employees — we are asking the public service to engage and to give their full and frank involvement in this employee engagement survey. To have yet another survey where there is no demonstrable result as a result of me engaging — taking the time and energy to give my honest and frank views on the workplace that I'm in, the workplace that I would like to see in the future. If there is nothing that changes, then how do we deal with, quite frankly, the cynicism that can develop?

I'm asking the minister: Will there be an implementation plan in terms of the outcomes of this and accountability provisions for the implementation of the findings of the employee engagement survey?

**Hon. Mr. Mostyn:** There are some assumptions being made, and I think it's about time we clear them up. They are

assumptions that our managers are not assessed on their performance. There are assumptions that we don't actually assess the managers' performance and implementation of the employee engagement survey. There is an assumption that perhaps cynicism will expand.

Mr. Deputy Chair, we're seeing improvements on the employee engagement survey successively over the years — more engagement, not less. We're seeing people engage more.

There are a lot of assumptions being made here, and I don't know whether they actually bear out. Our managers do work to try to make sure that there are improvements made in light of the findings of this snapshot in time of the civil service. I know that this is what happens. There are assessments. Part of the development plans — and part of the evaluations that we make about our managers within the civil service is based on their performance on implementing and working toward addressing some of the issues that crop up in the employee engagement survey. I don't think you can assume that this is not happening; it is happening. Could it be better? Of course, it could be better. I'm speaking with the department on a weekly basis on how to improve. How are things going, and how do we actually improve these things? Can we do better? Yes. I know that the department is working in, in 2018, more tools for managers to better address the concerns raised in the employee engagement survey.

Again, we are making improvements. We are looking at how we have done in the last couple of years. How can we improve it? How can we give the senior managers — or the managers themselves, because it doesn't have to be senior managers — and the management group the tools they need to better implement and work on the employee engagement survey? The best practices checklists, tools for unpacking the results with work units — all of those things — the Public Service Commission is going to work to improve the employee engagement survey, and hopefully we'll see a further bump in engagement on the 2018 survey.

Time will tell on that score, but I have every expectation — I am optimistic that will happen.

**Ms. Hanson:** I am not quite sure about the minister's assessment that the comments or observations being made from this position are assumptions. I think they are based on observations and concerns. I am trying to raise a legitimate matter as a member of the opposition. It is also based on 30-plus years as a public servant, from entry to management level, and having seen recurring cycles of flavour-of-the-month, consult-but-do-nothing exercises with public servants. What I am trying to do is get from the minister a common understanding that we value the public service, and that we want to use the tools available to us and not create an environment where that cynicism can develop.

I make those comments based on the evidence — the limited data that we do have. When I ask the minister for the kind of implementation plan that would provide data to corroborate the nice, grand statements of intent, that is important because, failing that, all we have is data that is pretty damning. If I look at the data that is available to us right now in terms of the number of grievances — it has almost

doubled in three years. I look at the adjudications — they have gone from eight to 15. I look at the decrease in joint consultations between the union and the government, from seven to three. I look at a worrisome one in my mind, which is that, in 2015-16, the number of employee assistance participants was 947, and we are estimating 2,350, based on current year. This says to me that there is a need in the public service. People don't normally seek assistance for the stresses of their workplace unless there is a real issue at play here.

There are concerns, so I put that on the — to me it is a legitimate concern.

Going back to data, can the minister tell us whether or not the Public Service Commission has established — again, this an issue around respect for public servants. Are there service standards for staffing?

The minister has talked about the range of vacancies that exist — what standards exist in terms of how long it takes to staff a position? What is normal from the onset to the completion date of a staffing action at the various levels? Which departments are most efficient and effective at that and which are not? Is that data kept, and what is being done to improve the staffing times? But the first key one in my view — in any organization — is: Are there service standards?

**Hon. Mr. Mostyn:** Metrics measuring success are important. It's something that I think the only way — we need better data; we need better data in this government. We need to track our information. It has to have a much more robust system for tracking this information now. HRSI is one area where the government has actually started to gather stats. It has been in place for about three years.

The evaluation of the centralized recruitment and certification for admin assistant positions showed it had reduced the number of annual competition postings from 50 to seven — so an 87-percent reduction — and reduced the average time to hire from 63 days down to 37 or 38 days — so a 41-percent reduction, and an 86-percent reduction in the number of annual competitions. Those are efficiencies and ways to do it. Is it all the way there yet? No, it's not. Do we have the stats now? We are starting to collect those stats. Do we need more? Absolutely.

The only way you can do this is by starting to track this material, and I can tell you that this is something that's relatively new to this government. We're looking at ways to improve that through our systems and through the tools we give to the civil servants to actually do their jobs. There will be more on this to come, but yes, I would agree that tracking and having performance matrices are very important to the running of this government.

Again, we have information on how many leave forms we've automated — 91,000. That's increasing our capacity by an estimated five FTEs. It's an amazing improvement. Five people were inputting that material; now we're doing it much more efficiently. That's what we're looking for. These are the wins we can have in years going forward, but it is going to take a lot of effort to get there.

The member opposite has brought up the employee assistance program and how there is an increase in its use and

yes, that could be seen as troubling, but it could also be seen as an awareness that the system is now available, and people are availing themselves of that system. The use isn't restricted to the workplace; it can be societal as well.

The employee assistance program isn't just for people who are having a hard time at their jobs. They can actually pull on it for other things that are affecting their lives. It's a benefit that the government provides.

It is not as clear-cut an implication on the operations of the civil service as the member opposite has suggested.

**Ms. Hanson:** Absent other concrete data provided to the Members of the Legislative Assembly, it's difficult to wholeheartedly concur with the minister. I do agree that EAP has many potential interpretations, but a dramatic increase signals something to me. This is a dramatic increase — if he'll look at the supplementary data that was eventually provided to us.

We'll come back to some other indicators in a moment.

Before I move on, I just want to go back to the next section of the department. In response to a question from the Member for Pelly-Nisutlin — when he asked him to provide the information with respect to the number of employees of the Government of Yukon, the minister said that, as of December 31, 2017, it was 5,673. He went on to say that much of the growth of the last 10 years has been the result of devolution. I'm curious as to what devolution has occurred in the last 10 years. The last devolution that occurred was March 1, 2003. I'm not aware of any other devolution to the territorial government. At that time it was the Northern Affairs Canada program, which was responsible for land and resource management, and approximately 300 employees joined the Yukon workforce.

What devolution have we seen to the Yukon from another source?

At the same time, could the minister identify, of the 5,673, the number of staff who are full-time equivalents, terms and auxiliaries on call?

**Hon. Mr. Mostyn:** The member opposite is correct. Since 2003, 250 federal employees have transferred to the Yukon government through devolution of the Northern Affairs program, and a component of Human Resources and Skills Development Canada — not many. There are four employees — but 246 through devolution in 2003.

We have had a growth in the transfer, which is part of this as well. Aside from growth related to devolution, YG has responded to pressures to both expand services and improve service standards in a number of areas — particularly in health care and education. In the 10 years since 2007, the number of FTEs budgeted for continuing care has increased by 121.

I have spoken about Whistle Bend this afternoon. There are 151 FTEs, and we're expecting another 52 FTEs in coming years. In the 10 years since 2007, 168 new FTEs have been in public schools. A lot of that was driven by enrolment increases and the demand for additional learner support education assistants, et cetera. The FTE growth in Education and Health and Social Services accounts for more than half of the overall growth in government FTEs in the past decade —

for a point of clarification. That is where those numbers come from.

The member opposite has asked for some other information, and I would be happy to get that to her, if I have missed her question.

**Ms. Hanson:** I am not sure if the minister is asking me to repeat what I asked, which was the number of auxiliaries on call, term and full-time employees. They don't fit into either of those two categories. They're not auxiliaries on call and they're not term — so the FTEs.

**Hon. Mr. Mostyn:** The total employees I referred to earlier account for all employees listed on the payroll. Those are individuals and would include short-term, casuals and auxiliaries. That captures those individuals. I don't have the number of auxiliaries on call or casuals here, but I can get the member opposite those numbers, if she would like. That is where we are at. I can get the member opposite those numbers.

**Ms. Hanson:** I would very much appreciate that data, because I think it is important that we recognize that there are many people in the public service who work as auxiliary on call or casual, year after year after year, without access to benefits.

It's important to know — it's a part of a management accountability thing, as well, on how we're "using" — and I use the word deliberately — "using" human personnel — if our overall objective is a respectful workplace. There have been some concerns expressed in the past with respect to that, so I am hopeful that this new minister has some different ideas and will have some creative ideas about how that accountability will be exercised.

The minister, in his opening remarks, talked about the Respectful Workplaces division — directorate, whatever it is called — and alluded to the fact that it was created in 2013 — five years ago — and that there is a process underway right now with respect to doing a review five years after it was set up.

Can the minister tell the House when the last time was that the steering committee that deals with respectful workplaces — which, as I understand it, involves the Yukon Employees' Union, the Yukon Teachers' Association, the Public Service Commissioner and — who else? I'm not quite sure. When was the last time that group met? In terms of the process for the review of the Respectful Workplaces branch, what evaluation criteria have been established for the review that is going to be conducted in this fiscal year of 2018? What are the objectives? What kind of measurables are they looking for in terms of this review? What is the timing of it? When does the minister anticipate it will be completed?

I think we'll start there.

**Hon. Mr. Mostyn:** It is called the Respectful Workplace office. I'm sure the Leader of the Third Party knows it came into being — there was a compromise. It came out of labour negotiations.

The unions in Yukon gave up some tools that they had at their disposal in favour of going with a less confrontational model, the Respectful Workplace model. It is important; it is

very important for it to be used properly. We have an evaluation framework for the Respectful Workplace system; it was agreed to on March 15, 2013, and I am more than happy to provide the member opposite with a copy of that framework for her to actually see. That is the evaluation that we will be using later this year when start to evaluate this program.

The steering committee is meeting later this month with the union. I have had conversations with the Yukon Employees' Union over the course of my term in this position as Minister responsible for the Public Service Commission. I reached out to the leader of the union — it was one of my first actions as minister — and had a conversation. It was one of the very first times a minister had gone to meet the union in their offices; they were very appreciative. He was glad that we had a chance, and we had a good talk. We've had several conversations since then, both at his request and at mine, and we are trying to keep those conversations open. It is important for us.

During some of those conversations, we have discussed the Respectful Workplace office, how it is working and how it can be improved. I recognize how this office came into being and what was given up in order to bring it into being, and that makes it important. If we don't use it properly, we will lose it, and I think that would be a step backward for this government. I think the Respectful Workplace office approach and the Respectful Workplace process is important and useful, and it is getting a lot of use.

It has three areas of focus. I'll use this opportunity this afternoon to talk about it a little bit: prevention through educational awareness; assessing complaints; determining the appropriate process; providing conflict-resolution services and providing support to employees at all levels of the organization to increase their conflict-management competencies. In 2016-17, the Respectful Workplace office delivered 20 education awareness sessions to 340 people.

Handling of complaints — since this door has opened in 2013, the Respectful Workplace office has received more than 1,200 complaints. In the past year, the Respectful Workplace office's caseload has ranged from 50 to 100 open files. In 2016-17, the Respectful Workplace office provided 707 services on behalf of 251 clients. They provided coaching, conflict assessment, consultation, facilitated discussions, group facilitation/circles, mediation and workplace assessments. They did almost 300 workplace assessments.

Those are the services that they have provided sort of recently — sort of an outline of the services — and it's important. That doesn't mean to say that it can't be done better and that it can't be handled better. I am encouraging people to use it. It is going to be an important tool to tackle the issue of harassment in the government, and it will be a valuable tool in addressing that issue going forward.

I lay this all out because I want the member opposite to know that I have been in conversations with the union about this issue. Its importance has been highlighted to me, and I totally understand and agree that it is an important structure within government. I think it's a progressive structure. I think it is important to this government. It will be useful in tackling

all sorts of issues into the future. We are going to assess its performance this year using the framework that was worked out at the onset of this exercise, which I can provide to the member opposite.

We haven't met as often as possible. There was a period of about six months last year when things were put on hiatus, but we have now resurrected the system and we will be meeting in the next month. That whole conversation will go forward and will be immensely helpful to my team here at the Public Service Commission and, I hope, to the various labour organizations as well.

**Ms. Hanson:** I thank the minister for that. I would appreciate, as he offered, the framework that he indicated will guide the evaluation process. It was my understanding that there hadn't been any evaluation criteria yet developed, so maybe it was the difference between criteria and methodology, but I won't worry about that at this stage.

The minister has shared with us some quantitative data. There is nothing qualitative about that, and I'm hoping that it will be the subject of the evaluation. It would be very useful — and I would encourage the minister and all ministers — if one looks back over the last 10 or 15 years, it is unfortunate that this government is continuing the trend of the tactics of the past government, which is to provide less data instead of more. The information he just provided there — with respect to the kinds of work that an entity of the Government of Yukon does — is helpful because it's not available — or I'll ask him where it's available online. I can tell you that I spend a fair amount of time to get informed and I find it difficult to find this information.

This leads me to my question for the minister with respect to the Respectful Workplace office. What are the specific reporting requirements for the Respectful Workplace office, and does the minister intend to table reports on the Respectful Workplace office to the Legislative Assembly?

**Hon. Mr. Mostyn:** I'm really glad to hear the Leader of the Third Party advocating and pushing for more e-services and a better website. We have started that process with our engagement site and other things. There is a lot more work to be done, and I look forward to providing more information online to the Yukon public in the coming months and years.

The frustration is widespread and real. I understand it. It has to be improved upon and that is something that we are actively working on.

As far as the question — are we obligated to bring an annual report or something? No, there is no trigger to bring that information forward currently.

**Ms. Hanson:** I would like to ask the minister some questions with respect to representative workforce and have him provide an update on the current percentage of the Yukon workforce. First of all, there are two components of this. One is implementing the provisions in chapter 22 of the final agreement with respect to a representative workforce. I can attest that I have been aware that there have been initiatives over the last umpteen years on this. What is the current state of play with respect to Yukon's obligations? I'm not talking about anybody else's — but the Yukon government's

obligations. With respect to the overall development of an employment equity policy that — as the government's own document says — is to support development of a public service that is representative of all Yukoners — thankfully, Yukon is becoming a more diverse universe, so I would be interested in new initiatives to work toward attainment of those objectives.

**Hon. Mr. Mostyn:** Again, we are here discussing the Public Service Commission because it is vitally important that we discuss these issues. Having a representative public service is important. You're not going to get an argument from me. I think it is vitally important, and I think there is a lot of improvement to be made, and we're starting that process.

The final agreement representative public service plan is a priority for this government, and it is also a priority for self-governing First Nations, as is demonstrated by its inclusion within the Yukon Forum joint priority action plan. The activities to renew that plan continue in collaboration with all 11 self-governing Yukon First Nations through the Yukon Forum process.

We have been conducting in-depth consultations with multiple stakeholders, including all Yukon government departments, aboriginal employees and our First Nation partners to ensure that the renewed plan meets the needs of our government and Yukon First Nations.

This level of collaboration among governments has never been achieved before in Yukon. It supports our commitment to advance reconciliation and to create healthy, vibrant and sustainable communities across the territory. The plan expired on March 31, 2017, but all previous training and employment activities that stemmed from that plan remain in effect until a new plan is finalized by the government and participating First Nations. We are expecting that plan to be completed this fall.

That is where we are at right now. The work is ongoing. It is broad. It is a commitment from this government and we hope to have that plan in place this year.

**Ms. Hanson:** I think I could have heard those same speaking points for the last 25 years. I guess my question is: What concrete initiatives — first of all, I asked him what percentage of the workforce represented the commitments made in chapter 22. I asked him the second part, which was the broader issue, in terms of having a workforce that reflects the diversity of the Yukon — and the Yukon has become way more diverse in terms of its makeup demographically than it was 30 years ago — 15 years ago. How is our workforce changing to reflect that? What goal does the minister have for that representative workforce under chapter 22? What is the target number? What is it now? What is the target number — the percentage? It should be easy.

**Hon. Mr. Mostyn:** It should be easy. Well, I can tell the member opposite — the Leader of the Third Party — that the chapter 22 obligations of our government currently is 15-percent aboriginal representation in our civil service right now. What is my goal? It is more than 15 percent.

The issue sounds simple, but there are labour market forces at work as well. We are currently sitting at 2.8-percent

unemployment in the territory. We are all competing for scarce labour resources. There are a lot of agencies looking for workers right now — so 15 percent is where it currently stands.

The member opposite made some remark that this could be any government in the last 25 years. I suppose I can see why she might make such a remark. The fact is, though, that we haven't had this level of engagement with First Nations at the Yukon Forum level, working together in this manner, ever — certainly not in a very long time. That is a difference over the last 25 years, and it is where we hope to make real change.

I don't think that you can diminish the work that my colleagues have done on this front. This is an amazing accomplishment, one that is changing the channel and is changing the way we do business. I think it's immensely important for the territory. I have spoken this afternoon about trust and how tenuous and fragile it is. That is what we are building here — slowly, methodically rebuilding trust in our civil service and in our government to represent all people: First Nation, LGBTQ2S, the French community — a huge movement across a variety — the full spectrum — of our society, trying to make it work — not trying, but working to make it more inclusive, to change the perception and the way we do business.

The first year of our mandate, we put an awful lot of work into our First Nation partners across the territory and into our LGBTQ2S community as well, and that's where we have started. There is a lot more work to be done across the full spectrum of society but I really challenge — I don't accept — the characterization that we're the same government as we've been for 25 years. I don't think that's fair. I don't think that's accurate. I think we're working very hard to be different and to take the territory in a new direction, a more inclusive and broader direction, one that is working very closely to develop and establish trust with a number of communities that have not seen it — have not had it demonstrated in a long time. It's tenuous and it's fragile. We're treating it as such and working very carefully to foster it.

The more we have a chance to talk about this, I think the better it is. That's where we're going, and I think it's essential. For this territory to prosper and to move forward, we have to have inclusion of all of its members and not just a portion.

**Ms. Hanson:** No disagreement on that last part there. What I was referring to was the minister's use of the same speaking points that I've heard for 25 years. The fact of the matter is you're still at 15 percent — we're still no further ahead.

What I'm looking for from the minister, and I'm not going to get it this afternoon in the next 25 minutes, but I'm looking for some creative ideas. The fact is we've stalled out on achieving a representative workforce with respect to the aboriginal population in this territory, so what creative ideas are out there? How effectively are we using interchanges? How are we making sure we can use to the maximum the kinds of existing policies that other governments have used around the world on a developmental basis, and getting our public servants into, say for example, First Nation

communities? You get a wholly different lens when you work in a different organization, and similarly — so that we're not just talking about management cadre, but entry level — so that I don't have to have the conversations with people who live in communities, aspiring indigenous people who want to work with the Yukon public service who cannot get through the screening hoops.

What are we doing as outreach to figure out how to get them through that? They have solid skills, and I can tell you that it's more than one, and it's more than a couple of handfuls who I have had conversations with who get blocked.

Sometimes it looks like systemic racism and sometimes it just looks like ignorance on behalf of the government — and I am saying that quite categorically.

I want to come to the really important issue that has been beneath the surface of the public service in the Yukon for a really long time. We spent a fair amount of time in 2013-14 talking about serious concerns about how public servants come forward and talk about the disclosure of wrongdoing in the workplace. Legislation was put forward. The commissioner at the time identified some concerns, some serious flaws with the legislation with respect to — the legislation was ultimately passed. As the Official Opposition, my party tried to make amendments that would reduce the potential for reprisal for employees. That wasn't successful, so we have the legislation in place, and it is what governs our public service and the government.

The Yukon Public Interest Disclosure Commissioner, in her 2016-17 report tabled in this Legislative Assembly, talked about how public entities — which includes the Government of Yukon — can help to ensure that employees are protected by the *Public Interest Disclosure of Wrongdoing Act*. She says — and I am quoting here: Chief executives of public entities — and “chief executives” by definition are deputy ministers, and it is by definition the Public Service Commissioner — are required by the *Public Interest Disclosure of Wrongdoing Act* “... to ensure information about the act is communicated to their employees. If they develop their own disclosure procedures, they must also communicate those to their employees.”

My question to the minister is: How many deputy ministers have done so, and where have they made public those procedures?

To ensure that the information about the act is communicated to the employees — how many of them have developed their own disclosure procedures and communicated them to their employees? This is four years after the legislation was passed and came into effect. How many deputies have them, and where is the information to be found? If I am an employee with Health and Social Services, for example — to take the most top-of-mind department right now — where do I find that information? Has that deputy minister done that? Has Energy, Mines and Resources? How many have? Where is the information?

**Hon. Mr. Mostyn:** First of all, I'm not going to miss this opportunity to thank the employees who have come forward — any employee coming forward on an issue of

wrongdoing or something they see that isn't right. It takes enormous courage to do so, and I applaud them. I know how difficult it is in this territory to come forward. I have run across this for many years and I know how hard this is, so I applaud them for that, and I applaud our media for bringing these issues to the public's attention. Journalists and journalism in western societies are a very important part of our democracy and a very important means of communication and of identifying problems in our society. I applaud them and have great respect for the work that they have been doing. I have a great respect for the people coming forward to raise these concerns in a public forum.

We have a *Public Interest Disclosure of Wrongdoing Act*. It's a difficult thing to wrap your lips around; it's a difficult thing to say. Most people call it whistle-blower legislation. I am going to try to keep it to the proper name so that people can find it when they are looking for it, but that is what it is.

We have the Public Interest Disclosure Commissioner, Diane McLeod-McKay, who is there to investigate. This is relatively new legislation. It is four years old, and I would be the first to say that I don't believe the culture within the territory has caught up to this new tool that people have at their disposal to make their concerns known without fear of reprisal.

If you are a Yukon government employee and you want to disclose a wrongdoing, please do so. Go to your supervisor. If you don't feel comfortable going to your supervisor, go to your deputy. If you don't feel comfortable going to your deputy, please go to the Public Interest Disclosure Commissioner and tell them that you would like to make a disclosure. They will prompt you through the process. It doesn't get much simpler than that. That is how you have to do it.

If you are a Yukon government employee, under your employee information tab that everybody has access to, there is a public interest disclosure of wrongdoing area where you can get all the information you need if you want to do that. You have a guide to employee disclosure of wrongdoing. There are other tools that you will have access to in order to proceed with this if you want to research it yourself — or go to your supervisor, to your deputy or to Diane McLeod-McKay. There have not been an awful lot of disclosures under this piece of legislation. Quite frankly, I think it wasn't promoted much in the past, and I think that is probably not a good state of affairs.

I'm not glad the issue has come up, but I'm very glad to be speaking about it this afternoon and encouraging courageous civil servants — the hard-working, dedicated and decent people of the Yukon civil service — to come forward and actually make complaints if they see something going on.

I have said publicly that I don't believe in reprisals against people who come forward in good faith to reveal a wrongdoing or something that's wrong within the civil service. I want to fix problems. I have been talking about that all afternoon in this debate. I'm really glad to have had the opportunity to have this debate with the members opposite because these are important issues to discuss and to get on the

public record. I'm not interested in reprisals against courageous civil servants who are trying to fix a problem that they see in our government. I'm not interested in the "who"; I'm interested in the "what". I want to find solutions so that we can fix the problem. To do that, I need good source information.

It's fine to have media reports. Media reports raise a flag that there's a big problem, but having the source material, having that individual, the anonymous source, come forward to somebody within the government sphere to provide that source information — what happened, when it happened, where it happened — is crucial for us to actually fix the problems that we're hearing about in the public sphere. Without that information, it's very difficult for us to root out the problem. We know there is a problem or that somebody has raised a problem and says it needs to be addressed, but we don't have the very key information to investigate and find out where the problem is and how to fix it. Until we have that, it is very difficult for us to properly act.

So I encourage any government employee who has this information to please come forward to your supervisor. If you don't feel comfortable with your supervisor — and some people certainly won't — then please go to your deputy directly. That is not normally how things work, but that is the way the act is structured and it's a good way to do it. Go straight to your deputy and say: "I have this problem. Please, I need it addressed, and here is what is going on. I want to make a disclosure under the *Public Interest Disclosure of Wrongdoing Act*."

Once that process starts, you are protected. If you don't feel comfortable going to your deputy, go to Diane McLeod-McKay and ask her. She will do the exact same thing. She is a third party and she is neutral ground. You can bring your concern up to them and they will take you through it.

It hasn't been promoted. This legislation hasn't been promoted, but if we're going to address serious problems within the government, people have to feel comfortable coming forward.

So please — I'm going to say it again — do so. I'm not interested — and I don't think any of my colleagues are interested — in any reprisals against civil servants. We want the information, so please bring it forward so that we can address very real problems within our government.

**Ms. Hanson:** I don't disagree. That is what the commissioner was saying. She was saying that there needs to be this information, and she said — and I quote again: "I strongly encourage chief executives..." — deputy ministers — "... to take proactive steps this year to ensure their employees are well informed about the Act." Because the fact of the matter is that the year before, there had been one disclosure, and one disclosure acted upon.

From the number of conversations and e-mails that I have had, and I am sure the minister has had, that is not reflective of the reality. I am not going to belabour the point here. I have one more question and then a statement.

With respect to Health, Safety and Disability Management — there are many other areas to cover in the

Public Service Commission — do all departments and agencies of the Government of Yukon have health and safety plans in place? Given the time, I am just going to make comment to the minister that I do appreciate the time that has been taken on the Public Service Commission. My colleague here just pointed out that last time that the Public Service Commission came up for debate was in 2013, and I got to ask the minister one question, which scared him off, and we never had it back again — never for the rest of the 33<sup>rd</sup> Legislative Assembly.

So as much as the minister may feel like he is being grilled — he is, and I will come back to it — it is important, because I don't think we can do the work of government — as much as we are all just wonderful people in here, you can't get it done unless you have public servants who are committed and know that they are respected. That is the reason why I am asking the questions I am asking.

My question is on health and safety plans and whether or not they are actually in place and are monitored in terms of — are they just plans or are they something that means something?

**Hon. Mr. Mostyn:** I would like to say to the Leader of the Third Party that I don't scare easy. I'm more than happy to take questions. I would be a hypocrite if I said I didn't like a good grilling. I enjoyed this afternoon immensely. I think they are very important questions that you have raised, and I am more than happy to talk about it. I think it's important we talk about these things and I'm glad to have had the opportunity.

The Leader of the Third Party has asked about health and safety, and we don't have much time left and it's a very important subject, and we're going to give it short shrift this afternoon, but I will give her a little bit of information — a teaser to this whole subject.

Every department in the Yukon government should have a health and safety plan. I can't sit here this afternoon and say they all do. I don't know. I will find out. I will probe but, frankly, they all should, and I can't say that they all do. I know how important such plans are, and I will use this few minutes here to broadcast that every government department should have a health and safety plan. They should have it active. It should be a living document; it should be practised. There should be regular discussions about how it can be improved and how safety works within their department and their branch and the whole bit.

I have been involved in such processes. They're very important, and practice makes perfect. You don't want to be in a situation where something terrible happens and you haven't gone through this. I think that can happen; it can happen all too quickly and all too tragically, so health and safety is not something you should take for granted.

There is a health and safety leadership council involving both unions and senior representatives of government. It meets fairly often. There is another meeting happening this month, so this isn't something that the government ignores. There are processes and things in place to keep an eye on it. I'm sure my colleague from the Yukon Workers'

Compensation Health and Safety Board would have some insight on this very issue. I take —

**Deputy Chair:** The time being 5:30 p.m., the Chair shall now rise and report progress.

*Speaker resumes the Chair*

**Speaker:** I will now call the House to order.

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

#### **Chair's report**

**Mr. Adel:** Mr. Speaker, Committee of the Whole has considered Bill No. 206, entitled *First Appropriation Act 2018-19*, and directed me to report progress.

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

Are you agreed?

**Some Hon. Members:** Agreed.

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

The time being 5:32 p.m., this House now stands adjourned until 1:00 p.m. tomorrow.

*The House adjourned at 5:32 p.m.*

**The following legislative return was tabled April 3, 2018:**

34-2-119

Response to matter outstanding from discussion with Mr. Cathers related to Bill No. 206, *First Appropriation Act 2018-19* (Mostyn)