

Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, December 13, 2011 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In remembrance of Kurt Gantner

Hon. Ms. Taylor: It is my honour and privilege today to pay tribute to Kurt Gantner, who passed away this past August. A natural leader, Kurt served as Tagish fire chief, heading up his department's 13 firefighters. Kurt was dedicated to serving his community and to keeping Yukoners and their communities safe. He was a keen advocate for Tagish and worked hard to improve the well-being of local residents through his volunteer work.

Yukon's fire service is truly a family of firefighters. They all know each other, work together and, with Kurt's passing, grieve together. Kurt loved his work as a firefighter and was an essential part of the Yukon fire service. He was also an accredited emergency medical responder and played a key role in developing and implementing the Tagish emergency plan.

All this was in addition to his service on the Tagish local advisory council, his role as postmaster and operating together with his wife Jutta, a store, restaurant, motel and RV park. Above all, Kurt was a person who cared deeply about his community and Yukon's emergency community.

Kurt Gantner is indeed dearly missed by many. His bravery and his devotion will never be forgotten, nor his steadfast commitment to the health and well-being of our communities. Kurt Gantner's dedicated service to the community is reflective of the generosity of spirit we see in our emergency response volunteers. Whether fires, floods, medical emergencies or ensuring we are prepared for more dire catastrophes, this service brings forth the best of us. It brings forth people who care.

On behalf of the Government of Yukon, I wish to convey our sincerest appreciation for all of our staff and volunteers, and recognize their dedication and sacrifice.

I wish to also convey our government's sincere condolences to Kurt's wife, Jutta, who has joined us in the gallery today, as well as Kurt's family of firefighters and emergency medical volunteers in Tagish and throughout the communities.

Thank you very much.

Mr. Barr: I rise on behalf of the Official Opposition and the Third Party to pay tribute Kurt Gantner of Tagish.

Firstly, I would like to acknowledge — there are so many, but I just know a few of the names. I will apologize for not mentioning some of the folks whose names I don't know. First

of all, Jutta — we are so honoured that you are here and we are honoured because of all the things he has done for us — Boyd Pyper; Paul and Judy Dabbs; Neil Cross, who is now the acting fire chief; Vicki and Richard Hancock; Marie Twigge; Werner Walcher. I am not going to be able to say all the names, but as the minister opposite, the family of the fire department — which I did witness at Kurt's memorial — there were over 200 people there. You couldn't move in the building. It was a very touching experience. It just shows how much Kurt was loved, I believe, and respected for what he brought, not only to the community, but to the fire department itself.

I remember before Kurt and Jutta bought the store, there was another family who had been there and I stopped there a couple of times. Then it was for sale again and I was so happy that it opened again. I remember the first time going in and Kurt was making coffee. The coffee wasn't just drip coffee is what I'm saying; it was good coffee. And Kurt's smile was big and I just thought, "Wow, what a kind, gentle man." That was the first impression that I got from Kurt as he was making this coffee. I wasn't expecting it to be fresh-pressed. The cream was nice, light brown as it should be and the fresh muffins were on the counter. The actual store had milk and bread in it. There was fishing tackle in the store and it was like, "Oh, is this ever nice," because if you're not living out in that area, you would know that this was very nice.

I looked forward to stopping in whenever I could. Sometimes Jutta would be there and serving. I recall just folks — it became a bit of a gathering place. Some of the older fellows would sit there and play cards. I do remember, I stopped at the store once. There were weekly barbecues that would happen at Tagish. Kurt and Jutta provided community to our community. He was cooking these burgers and I immediately thought I might get hungry. They were huge and there was nobody there. I thought, why is he cooking all these big burgers? Like I mean, they're big. They're like that thick. So I asked him and he said, "Well, I'm just making sure — tonight we're having burgers, and I have to cook them a bit now because people will be waiting too long for the size of them to get cooked". It was just that he took care in what he did.

I guess the common theme that runs through any conversation is the reminiscences about Kurt, that he was the heart of the community. In 2005, Kurt and Jutta came to Canada from Germany as economic immigrants. They had visited the Yukon before, and I guess the bug had bitten them and they were so happy that they decided to land here. As I was saying, they became the owners of the Tagish store, café, the motel and the RV park, and they worked very hard to make the store and restaurant a welcoming place for everyone.

Kurt's passion for his new home did not stop there. As the fire chief, postmaster, member of the ambulance crew and secretary to the local advisory council, Kurt was probably the most active volunteer in Tagish. His years of training and experience in Germany meant that he was immediately recognized and respected for his professionalism as a firefighter and ambulance attendant. Tagish considered itself very fortunate to have someone of his ability in the community. Kurt was always will-

ing to give a helping hand, even when we were convinced he could not fit it in to his busy schedule.

He and Jutta demonstrated very clearly how much a community-minded individual can contribute to the lives of their neighbours. It is with sadness that we're here today paying tribute to Kurt Gantner, a good man and a community member.

Speaker: Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Istchenko: Mr. Speaker, I would like to introduce, in the bandstands up there, Tom Buzzell and Ralph and Debbie Hotte. Tom Buzzell is a tireless worker with the Junior Ranger program, working with youth in the community, and Ralph and Debbie Hotte are tireless workers with the Lions Club. They are very, very respected citizens of my community. I'm glad they got to come by for lunch and stop for a bit.

Applause

Speaker: Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

Ms. McLeod: Mr. Speaker, I rise to give notice of the following motion:

THAT this House urges the Yukon government to continue to explore options to utilize technology to make more government services on-line and to improve existing services.

Hon. Mr. Nixon: Mr. Speaker, I give notice of the following motion:

THAT the Yukon Legislative Assembly, pursuant to section 22(2) of the *Human Rights Act*, appoint Elaine Cairns, Michael Dougherty, Barbara Evans and Suzanne Tremblay to be members of the Yukon Human Rights Panel of Adjudicators for a term of three years.

Mr. Silver: Mr. Speaker, I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to work cooperatively with all Members of the Legislative Assembly by establishing a formal process for making appointments to the Human Rights Panel of Adjudicators instead of using the current practice which sees members of the opposition given three hours' notice before appointments are to be debated.

I also rise to give notice of the following motion:

THAT this House urges the Government of Yukon to hold the circuit court in person, instead of by phone, whenever possible, in rural communities.

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

THAT it is the opinion of this House that in abandoning the Kyoto Protocol, the Government of Canada is undermining the advancement of climate change actions required under national and international law.

Mr. Tredger: I give notice of the following motion:

THAT this House urges the Yukon government to work with the Government of Canada, the transportation sector and the public to increase the safety of Yukon's increasingly busy highways with regard to the transportation of dangerous goods by:

(1) increased monitoring, inspections, enforcement and compliance of the transportation of dangerous goods;

(2) designation of dangerous goods routes;

(3) development of appropriate bypass routes for the transportation of dangerous goods;

(4) increased training and resources for the volunteer fire departments and ambulance services;

(5) development of emergency plans and exercises with volunteer fire departments, RCMP, environmental protection officials and ambulance services; and

(6) education of the public about the types, regularity and routes of dangerous goods in the Yukon.

Speaker: Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Emergency firefighters

Mr. Barr: Yukon is so well-served by our volunteer first emergency responders within EMS and volunteer fire departments, and they're looking for respect from this government. Yesterday the minister seemed confused when I raised the fact that fighting fire is not considered an essential service. I'm sure she has since been briefed and is now aware that this is indeed the case.

To designate fighting fire as an essential service would entail an added cost to government. We think this is a cost worth paying. Ask someone who has been saved from a burning building by a firefighter: is this not an essential service? Is the government prepared now to recognize fire as an essential service?

Hon. Ms. Taylor: I wanted to try to articulate what I was trying to respond to the member opposite's questions from yesterday in yesterday's debate. We are very much committed to ensuring that Yukoners receive responsive services when it comes to emergencies, whether it be fire emergencies and so forth. That is what the government is doing. We continue to work with Yukon's fire service in response to changes that have occurred over recent years — changes as a result of the Occupational Health and Safety regulations and presumptive legislation that this government tabled and passed earlier this year, and we're currently working toward its implementation.

We are working with Yukon's fire services and municipal fire departments across the territory in all Yukon communities, recognizing the ever-increasing costs, needs and pressures associated with delivering fire service in this territory.

Mr. Barr: First responders are also looking for proper resourcing to address equipment training needs. In the audit of EMS, one of the recommendations is that emergency medical services should initiate a program of ongoing reviews of community facilities and equipment to identify gaps and opportunities for improvement. I have heard of similar problems with equipment from the fire side. There is a tanker without a pump; there are trucks that need to be replaced; there are issues with water supply; and the lack of standardized equipment makes helping neighbouring departments through mutual aid agreements very difficult. Would this government commit to reviewing facilities, equipment and training needs with volunteer EMS and volunteer fire departments?

Hon. Ms. Taylor: Mr. Speaker, the Department of Community Services supports some 16 volunteer fire departments in the territory through the provision of emergency facilities, specialized equipment and the training of community firefighters throughout the territory. In fact, we recognize that there have been changes that have occurred to fire service delivery throughout the territory, as a result of Occupational Health and Safety regulations and as the result of other changes that have occurred in the regulatory framework over the last number of years. That is why we are working with each of the municipal fire departments and all fire services throughout the communities, to perform a review of where we are in terms of delivering, in terms of facilities and equipment and training needs. It is a work-in-progress.

We are very much committed to working with the communities though, and moving forward on a measured, step-by-step approach, working toward assuming responsibility for fire services over the next number of years.

Mr. Barr: I am aware that some of these things are going on. In my riding, EMS and fire volunteers are responsible for a great chunk of Alaska and south Klondike highways and are the first on a dangerous scene. Today the federal environment commissioner released a report that showed major gaps surrounding oversight of transporting dangerous goods. We know there are truckloads of dangerous materials like cyanide for mining processes coming up the highway. I worry that our first responders are not prepared for a serious spill. No department has the proper hazmat suits, not even in Whitehorse, and no one has the proper training as of today.

How will the government be working with our volunteer first responders to plug the gaps in our response to the transport of dangerous goods?

Hon. Ms. Taylor: Mr. Speaker, I will try not to sound redundant, but this government has a very good track record in working with fire departments throughout the territory, whether it be volunteer or through the respective municipal governments. The government is very much committed to ensuring that all Yukoners receive safe, reliable and responsive fire services when it comes to meeting the emergencies within our communities.

As I mentioned, we recognize that it is becoming a highly regulated industry in the territory, so that is why we are working with municipal governments. We were working with the respective communities, whether it be volunteer or other, in

assuming a measured and a responsive, step-by-step approach in terms of assuming responsibility for fire services over the next three years.

To aid in this transition, as I mentioned yesterday in my remarks, we have convened an advisory group made up of the affected fire chiefs as well as the Association of Yukon Fire Chiefs to ensure that this review does proceed in a measured, responsive manner.

Question re: Whitehorse Correctional Centre rebuild budget

Ms. Moorcroft: Mr. Speaker, my question is for the Minister of Justice on capital cost project overruns. The 2011-12 capital budget estimated \$7.4 million for correctional infrastructure in the final year of construction of the new Whitehorse Correctional Centre. The 2011-12 supplementary budget asks this Legislature to approve an additional \$8 million for the new correctional infrastructure; that's more than doubled what the Yukon Party estimated in the spring budget.

Will the minister explain to the public why the costs for the new jail have increased by \$8 million in this year alone?

Hon. Mr. Istchenko: Thank you, Mr. Speaker, and thank you to the Member for Copperbelt South.

Mr. Speaker, \$3.982 million was a revote. That is money that wasn't spent, but was budgeted for. To get to the other \$4 million — a pen and paper, maybe, to write this down: \$1 million of that \$4 million goes toward our YACA agreement which is the Yukon asset construction agreement with Kwanlin Dun First Nation, and that has to do with the cleanup and stuff; \$2.5 million is changes in design — this is a fast-track building trying to be built on time — things do happen — this is design while building; and \$1 million goes toward the electricity and the heat to keep the thing warm while the construction workers were working.

Ms. Moorcroft: I wonder why the government was unable to do any planning for those expenditures in the spring when they put forward their main estimates. The cost of the new Whitehorse Correctional Centre is \$73 million and climbing.

Now, during a tour of the new facility the minister was kind enough to arrange for MLAs last month, we learned that the department and the government conducted a values assessment exercise to reduce costs after initial plans were too expensive to build. This started out as a \$30-million project and to date exceeds \$73 million.

How many change orders have been made on the Correctional Centre and what is the total cost of these change orders to the project?

Hon. Mr. Istchenko: The project design and construction of this building was a fast-track build. While we were designing, the events of the day — and the previous government — fast-tracking was to get the project finished on time. Like I alluded to before to the member opposite from Copperbelt South, where we were — this is — we're six percent — approximately six-percent overbudget. The jail they built in Yellowknife is 100-percent overbudget. In the north, climate adjustments — it's how we build.

The project will be open soon and we're committed to having this thing done. It was fast-tracked to be built on time.

Ms. Moorcroft: They have been working on this project for more than four years and, every year, they've gone overbudget on it. I'd like to ask the Minister of Justice about the process of correctional reform that the government previously said would include an emphasis on reducing the recidivism rate at the Correctional Centre. I'd like the Minister of Justice to tell the House about his department's plan to improve programming in the new correctional facility. We're looking for sound programming that will help inmates succeed in life and not return to corrections.

Can the minister tell us when he will be in a position to provide the opposition with a copy of its revised correctional policies on programming?

Some Hon. Member: (Inaudible)

Speaker: Is this a new question?

Ms. Moorcroft: My question is to the Minister of Justice about the Whitehorse Correctional Centre and what will be —

Speaker: Your first question was about cost overruns, I believe. So are you having a new question, or is this your final supplementary on this?

Ms. Moorcroft: This is the final supplementary. I want to ask the minister about the programming in the Correctional Centre.

Speaker: That's fine.

Some Hon. Member: (Inaudible)

Point of order

Speaker: Government House Leader, on a point of order.

Hon. Mr. Cathers: I believe that supplementary questions are supposed to be relevant to the first question, and I believe that the member's question is a new question.

Some Hon. Member: (Inaudible)

Speaker: The Member for Copperbelt South, on a point of order.

Ms. Moorcroft: On the point of order, I think the programming in the Correctional Centre is relevant to the cost of the facility and the nature of the planning that the government has done on this facility — or the lack of planning the government has done on the facility.

Speaker's ruling

Speaker: One moment, please. I will allow this as a final, but I will consult the Blues in the morning and produce a final ruling on the point of order.

The member's question is accepted as a final supplementary.

Ms. Moorcroft: Thank you, Mr. Speaker. Is there an answer to my question?

Hon. Mr. Istchenko: As I said before, this project is to be completed on time, taking into consideration everything that came with it: programming and some of the issues with fast-tracking a building. To answer the member opposite's question, our priority is to do even better in the future and con-

tinue to bring projects in on time and on budget, and with the proper programming that is built into a design/build at the same time.

Question re: Land development within City of Whitehorse

Mr. Silver: Mr. Speaker, as Yukoners struggle to find a lot on which to build a house, this government is spending time finding new ways to increase the price of the few lots that it is developing. Over the summer we had our own version of "Occupy Whitehorse" with construction vehicles camped outside the Legislature, protesting this government's handling of the contracts to develop Whistle Bend subdivision. That protest has now led to court action against this government.

Yesterday a government spokesperson said the government hadn't decided yet whether or not the costs of this lawsuit would be added to the price of these lots when they are sold.

Can the minister answer that question? Will the costs associated with the lawsuits be added to the sale price of these lots?

Hon. Ms. Taylor: Let me be very clear that making land available, whether it's for residential, commercial or industrial purposes, is of utmost importance to the Yukon government and is, in fact, one of the reasons why this government was re-elected for a third term.

The government is, and has, and will continue to work with our respective municipalities and within the municipal boundaries of the City of Whitehorse. I am very pleased to report that when it comes to Whistle Bend subdivision, it is well underway; it is within schedule and it is within budget at this particular time.

There are a number of contracts that are fully underway; of course, including phases 1 and 2 deep services, surface works, wastewater, water pump stations for the entire subdivision — all of which is in progress.

We look forward to receiving the first number of lots under phase 1 next fall and, of course, the next phases of lots the years after.

Mr. Silver: Mr. Speaker, my question was not answered. We are currently in the middle of a made-in-the-Yukon housing shortage. After promising to keep a two-year supply of lots on hand for potential buyers, the previous Yukon Party government did not live up to that promise. Instead, if somebody walked in to the lands office today and asked to buy a lot in Whitehorse, they would be told, "Sorry, no lots for sale in the city."

Compounding the problem is the government's policy direction to price all new lots at market value instead of at development cost. Now even that will be getting more expensive if the government is thinking of adding court costs to the price as well. Instead of being part of the problem, will the government be part of the solution and sell land at development cost instead of that inflated market value cost?

Hon. Ms. Taylor: Mr. Speaker, when it comes to land development, the Yukon government works in collaboration with the City of Whitehorse. It's called the *Land Development Protocol Agreement* that has been in place since 2006. That predicated, when it comes to planning and design of subdivisions, it is within the municipal boundaries. We respect their

planning and we respect the workings of the protocol agreement that has been in place.

Whistle Bend is but one of them. There are many other areas that are ready to be within the subdivision process and we look forward to continuing to work with not only municipal governments, but First Nation governments, the private sector, and so forth.

Again for the member opposite, Whistle Bend is on schedule; it is within budget; and we look forward to receiving the first set of lots, as was originally planned. Approximately 112 lots will be ready next fall, with an additional 187 lots to be available for the fall of 2013.

Mr. Silver: Again, the minister responsible refuses to answer my question. The main reason housing prices have gotten so out of hand in Whitehorse is the government's inability to get lots on the market in the last number of years — not in the future, but in the last number of years. When lots did hit the market, they were priced higher and higher each time. There are two things the government can do to improve the situation: (1) develop lots; and (2) price them at market value. Over the last number of years, the government has done neither.

With all the delays, will the Whistle Bend lots be ready for sale in the fall of 2012, as promised, and will they be sold at cost?

Hon. Ms. Taylor: I'm sorry that I have to correct the record again for the Member for Klondike, unfortunately, but there are no delays. In fact, we are on schedule when it comes to Whistle Bend land development. As I mentioned before, the first set of lots — phase 1 lots — 112 lots will be ready for next fall, with the remaining 187 lots under phase 2 to be available in the fall of 2013.

We are also working on a number of other land-development projects, including industrial lots in Dawson City, the member's own riding. We are working on 49 single-family lots, three family lots in Haines Junction, residential lots in Destruction Bay, and of course we just released a number of other rural residential lots in Grizzly Valley, just north of the City of Whitehorse.

We're working with the municipal and First Nation governments on additional land development projects in Dawson, Mayo and Carmacks. So we are very serious about land development, making land affordable based on the costs of land development and all the costs that go toward it, inclusive of the infrastructure. So, again let me be very clear: we are on track and we look forward to the outcome of more additional lots in collaboration with the City of Whitehorse.

Question re: Housing for seniors

Ms. White: The United Nations *Convention on the Rights of Persons with Disabilities* was approved by Canada in March of 2010. It was set up to promote, protect, and ensure full and equal human rights by all persons with disabilities and to promote respect for their inherent dignity. This includes seniors.

Is the minister aware of Yukon Housing Corporation units for seniors that do not meet this standard?

Hon. Mr. Kent: I know there are a number of seniors units that have been built by this government over the past

number of years, including units in Faro, Teslin, and a 30-unit Whitehorse seniors facility as well. Although I haven't had the opportunity yet to visit these facilities, I look forward to doing so in the new year, whether it's the facilities in Whitehorse or the facilities that are in the communities.

Ms. White: Well, when the minister gets a chance to go out and do some visits, I think he will be surprised. At 600 College Drive, units were originally used by athletes at the Canada Winter Games, but they were intended to be used by seniors after the games. There is a vast difference between the competitive athletes and the elderly. The molded, one-piece bathroom suites are too high for seniors to get in and out of. The newly constructed waterfront residence also has similar accessibility problems.

Is it the policy of the corporation to simply place seniors in housing, without taking into account the limitations of aging?

Hon. Mr. Kent: I will note that there has been significant investment in seniors housing by the Yukon Party government. Of course, we look forward to making similar investments going forward. As I mentioned earlier, I haven't had the opportunity yet to visit either the new seniors facility in downtown Whitehorse — Waterfront Place — or on College Drive or the facilities in the communities, but I look forward to getting out there and looking at the seniors facilities the Yukon Housing Corporation has constructed outside of Whitehorse, as well as the ones that have been constructed inside Whitehorse, and the existing ones.

Ms. White: We appreciate the investments that have gone into the construction of the seniors housing, but we have concerns around the designing and the retrofitting of such housing. It is imperative to consult the future tenants and the groups representing them. There are several organizations that are well-informed and ready to advise the Housing Corporation. It should not have to be pointed out that seniors have special requirements for housing, safety and for their peace of mind.

It appears that the Housing Corporation would rather spend money after the construction than during the initial planning phase. Will the minister commit to resolving these issues immediately?

Hon. Mr. Kent: As I mentioned earlier, the Yukon Housing Corporation and the Yukon government have greatly increased the inventory of affordable housing for seniors and elders in the territory. The buildings, of course, promote independent living and the opportunity for seniors to reside in a barrier-free environment and help seniors to remain in their community.

As mentioned earlier, we do have a nine-unit senior facility in Haines Junction, 12 units in Watson Lake, eight units in Teslin, six in Faro, and then, of course, the 48-unit athletes village residence in Whitehorse that the member opposite spoke about. So I think that the professionals at the Yukon Housing Corporation are doing a good job of constructing and designing these units, and again, I look forward to having the opportunity early in the new year to visit the seniors residence in Watson Lake — which will be my first stop — as well as other communities throughout the territory.

Question re: Christ the King Elementary School mouse infestation

Ms. Stick: I would like to start off by quoting from a famous seasonal poem — “‘Twas the night before Christmas, and all through the house, not a creature was stirring — not even a mouse.” Unfortunately, that is not the case at Christ the King Elementary School, where there is an infestation of mice. Some poison measures were taken but were unsuccessful. They’re still stirring.

It was reported to me by a parent and a constituent that mice are running across the carpeted classrooms, across desks, and keyboards during the time the children are in the class.

Can the minister tell us what actions will be taken to remediate this situation?

Hon. Mr. Kent: Actually, I just heard about this issue this morning when I was accompanying the member opposite’s colleague, the Member for Mayo-Tatchun, and I did instruct my executive assistant to get in touch with the department to look into this particular issue. So, begging the House’s indulgence, I will report back on this as soon as possible.

Ms. Stick: The parents at the school council meeting were told by them that all schools have mice and not to worry. While the school break is approaching quickly, this would be an ideal time to fumigate this school and perhaps review whether other schools are experiencing the same problems.

Can the minister assure us that students will be returning to a clean and mouse-free environment at Christ the King Elementary School in the new year and whether an assessment of other schools can be done?

Hon. Mr. Kent: What I can assure members opposite and all members of the House is that I did hear about this this morning from the member’s colleague, and I’m looking into it. That’s something that I’m expecting to hear back on very soon. Once I hear back from the department on the particulars of Christ the King Elementary School, and perhaps the particulars of other schools, then I’ll be able to properly inform members of the House on what actions we plan to take.

Question re: Pipeline preparedness

Mr. Tredger: The Yukon Party made an election promise to be pipeline-ready way back in 2002, but we have some questions on whether we are really pipeline-ready. Recent media reports suggest that YESAB will not be involved in assessing this pipeline project.

What is the Yukon government’s opinion? Do we need an updated environmental assessment of the project and of the right-of-way?

Hon. Mr. Cathers: First of all, what I have to point out to the member is that the member and his colleagues appear to be misunderstanding the provisions of the *Yukon Environmental and Socio-economic Assessment Act*, which is informally known as YESAA. That legislation provides the federal government the opportunity to review projects and processes.

In the case of the pipeline, the *Northern Pipeline Act*, which has been in place for quite some time, and the National Energy Board are the bodies that have jurisdiction in this case.

Mr. Tredger: The pipeline project was surveyed almost 40 years ago, Mr. Speaker, and an environmental assess-

ment done at that time is quite some time ago. Times have changed in the last 40 years. I have heard from many Yukoners who feel that we need an updated environmental assessment on the pipeline. Does the Yukon government agree with that? Will there be an assessment done prior to a pipeline being built?

Hon. Mr. Cathers: Again, what I must identify for the member is that he is misunderstanding the structure that is in place. In fact, there are regulatory bodies in place that will deal with issues related to permitting of a potential project and those include those environmental issues. The pipeline easement has been protected for some time, but there is approval work that must be done. Again, as I indicated to the member, in fact the *Yukon Environmental and Socio-Economic Assessment Act* specifically provides for and contemplates the ability for the federal government to refer projects that might otherwise be covered by the YESA Board to agencies that are better-suited to do that review.

In this case, the *Northern Pipeline Act* and the National Energy Board would be the bodies with jurisdiction.

Mr. Tredger: I’m sure Yukoners will be reassured by that answer. I know there are concerns along the right-of-way in Kluane, Whitehorse, Wolf Creek, Marsh Lake and in many First Nation lands. What about a heritage and cultural assessment? Just recently, White River First Nation discovered a site — one of the oldest sites ever found in Beringia — uncovering artifacts dating back some 14,000 years. It’s within the right-of-way. I know, as I’ll repeat myself, many Yukoners expect a new assessment. How is this Yukon government working to be pipeline-ready, to limit environmental and heritage implications, and to create jobs for Yukoners?

Hon. Mr. Cathers: What I would point out to the NDP member is that the Yukon government has been proceeding, including support for the aboriginal highway pipeline coalition, including through our pipeline strategy, which identifies key interests, including fiscal advantage, social investment, environmental stewardship, community and First Nation interest, a clear and efficient regulatory process, connecting Yukon’s natural gas and access to energy from the pipeline. Those are key interests that we identified some time ago under our pipeline strategy.

We have an interdepartmental pipeline committee coordinating interdepartmental work related to this. We, of course, are working with First Nations, working with the proponent, and working with the federal government to ensure that we are doing our part to be pipeline-ready. Again, as I have pointed out to the NDP member, these issues and the review, the permitting structure, including environmental reviews, will be done through the process that has been set up for quite some time — that being the *Northern Pipeline Act* and the National Energy Board process.

Speaker: The time for Question Period has now elapsed.

Notice of opposition private members’ business

Mr. Tredger: Pursuant to Standing Order 14.2(3), I would like to identify the items standing in the name of the Official Opposition to be called on Wednesday, December 14,

2011. They are Motion No. 11, standing in the name of the Member for Takhini-Kopper King; and Motion No. 65, standing in the name of the Member for Whitehorse Centre.

Mr. Silver: Mr. Speaker, pursuant to Standing Order 14.2(3), I would like to identify the items standing in the name of the Third Party that will be called on Wednesday, December 14, 2011. They are Motion No. 22, standing in the name of the Member for Klondike and Motion No. 19, standing in the name of the Member for Klondike.

Speaker: We will proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT MOTIONS

Motion No. 46

Clerk: Motion No. 46, standing in the name of the Hon. Mr. Cathers.

Speaker: It is moved by the Government House Leader

THAT the Standing Orders of the Yukon Legislative Assembly be amended by adding the following Standing Order:

76(7) The provisions of this Standing Order shall apply to an interim supply appropriation bill on the final sitting day prior to the end of the fiscal year in which the bill is introduced.

Hon. Mr. Cathers: It gives me pleasure to rise today to speak to this motion. This motion is one I tabled last week and have discussed with the House leaders. We recognize, as the House leaders raised and the leader and acting leader respectively have raised with the Premier, there are a number of issues related to the Standing Orders that members of this House would like to discuss. We've heard the proposals from opposition members and are committed to discussing matters related to the Standing Orders through the Standing Committee on Rules, Elections and Privileges.

Some of these matters, as members will recognize, do require some time and some consideration. In light of the experience gained in this fall sitting, I think some members of the opposition are probably aware that their understanding of the Standing Orders is improving at this point in time and that there are some areas where a little experience would benefit them in understanding what the current rules are.

That being said, this Yukon Party did, in a previous mandate, accept the request made by the Official Opposition and the Third Party to equalize the membership on SCREP, to engage in discussions of the Standing Orders, and we will continue to engage in discussion of the Standing Orders in the future.

This change that we are proposing here, in simple terms for those who may be listening on the radio to — this change does one thing very simply: it is aimed at reducing the use of special warrants. There are times when governments need to use special warrants and one time that has occurred in the past is the need to use a special warrant in the spring to avoid the risk that an interim supply bill may be filibustered by the opposition.

Now, to speak to that risk specifically, there was a time in the past when an interim supply bill was filibustered by the opposition that deprived the government of spending authority and that is no minor matter. What I would point to members is that that's a risk no government can responsibly afford to take, because being deprived of spending authority means not only can you not afford or have the legal authority to play employees, but it deprives you of the ability to pay for things that quite literally can be a matter of life or death, including paying for medevac services, paying the hospital its contribution agreement and other very critical matters. Without this change that we are proposing today, the status quo is that government has no other choice but to avoid the risk that an opposition member or members may choose to play politics with an interim supply bill in the spring, and filibuster it, thus depriving government of spending authority.

If this change is approved by the Assembly, this clause will only be relevant and only be triggered if an opposition member were trying to talk out an interim supply bill beyond the last sitting day in a fiscal year — in layman's terms, the last sitting day of March.

This change is about reducing the use of special warrants without the risk of imperiling public programs and critical services. If approved, at 5:00 p.m. on the last sitting day of a fiscal year, debate on an interim supply bill would end and all remaining votes on that legislation would occur. As members will know, that is identical to the procedure that occurs at the end of every sitting with other government bills. Again, I have to emphasize for those listening and reading *Hansard*, that the only way this clause would ever be triggered is if an opposition member or members were attempting to talk out an interim supply bill beyond the end of the fiscal year and deprive the government of spending authority, including the ability to pay for very critical services.

In concluding, I want to emphasize that this is a very simple change. It is one that is about giving this House more opportunity to review spending and to vote on it prior to that spending authority being granted. A vote against this motion is a vote in favour of using special warrants instead of doing, as we would prefer, and that is having the House vote on an interim supply bill prior to that spending authority being granted by the Commissioner. So, with that, I would wrap up.

I would encourage all members of this House to support this legislation. I understand the message is very clear, certainly from House Leaders. There are other changes they would like to talk about. Again, as I emphasized, the government is certainly willing to talk about potential changes to the Standing Orders and other potential changes through the Standing Committee on Rules, Elections and Privileges. As those members will recognize, due to the time constraints during this sitting, there was simply not time in anyone's schedule to convene a Standing Committee on Rules, Elections and Privileges meeting. At least that was the indication that was given to me by House Leaders and that is certainly the case on this side of the floor. Again, we recognize the proposals coming from opposition members related to other possible changes, and while they should not take our willingness to discuss them as an indication

that we are in agreement with all of them, we are committed to that discussion. I would remind the members that in fact the Yukon Party has been more collaborative in working with the opposition than previous governments.

Select committees holding public tours and public hearings to hear from the public on issues of importance is something that is largely a creation of us and of this government. We began this, of course, with the Select Committee on Anti-smoking Legislation, have continued it with the Select Committee on the Safe Operation and Use of Off-road Vehicles, the Select Committee on the *Landlord and Tenant Act*, and a number of others. That is compared to all other Legislative Assemblies combined, where only one select committee ever toured the Yukon to hear from Yukon citizens.

So again this is part of our commitment to improving the democratic engagement in trying to work with all members of the House and in this specific case — again to emphasize this proposal to amend the Standing Order which does one thing and one thing only. It is all about reducing the use of special warrants; giving government the ability to have the assurance that Public Services will not be deprived of spending authority at the end of a fiscal year. This clause will only ever be triggered if an opposition member attempts to talk out an interim supply bill beyond the last sitting day in a fiscal year. Of course, with this change passed, it does preserve the ability of the House to have a vote on that piece of legislation and for members to vote in favour of it or against it as they see fit.

Ms. Moorcroft: The Official Opposition stands opposed to this motion. This motion would add another guillotine clause to the Standing Orders of this House. I would like to respond to what the member has just said and point out that the only time that I am aware of in which an opposition party talked out the clock to prevent an interim supply bill being passed was when it was filibustered by the Yukon Party in opposition.

Section 76 of the Standing Orders, Procedures at the Conclusion of a Sitting, was agreed to in 2001 and it became part of the Standing Orders in the spring of 2002. No other legislature in this country has a similar rule in its Standing Orders where the government can close debate on all of the bills it has called for debate on the last day of a sitting. Other parliaments use closure or time-allocation motions to bring debate to a conclusion.

As we have said in this House, the Official Opposition would like to see the Legislative Assembly work better. The guillotine clause found in Standing Order 76 has been used to close debate in previous sittings. Because the government determines the order of business in the Legislature, it chooses the order in which it will debate departmental budgets.

It can choose not to call some departments until the last day of a sitting. In the past, this has meant that the entire budget for one or more departments has been passed without any public scrutiny, and this was certainly the case in the 2011-12 spring main estimates.

The government is spending the public's money. Management Board establishes specific controls on certain expendi-

tures, establishes the budgeting and control process and promotes internal control and accountability. Management Board directives, policies and procedures specify control procedures for approval of new programs, expenditure authorizations, increases or decreases to approve budgets and transfers of budgeted funds between program and allotments.

Ministers are responsible for the management of the financial affairs of their departments under the general direction of Management Board and the Minister of Finance. In turn, the Legislature debates and passes or rejects legislation containing the estimates of expenditures. Members of the Yukon Legislative Assembly have a duty to conduct a thorough debate on the budget. It is our responsibility to be accountable to the public.

We in the Official Opposition believe that the members of this House should make good government and democratic reform a priority. In fact, the Leader of the Official Opposition, tabled a motion calling on the House to work collaboratively within the Standing Committee on Rules, Elections and Privileges to improve the legislative process. I am pleased to hear that the Government House Leader said he was committed to having that Standing Committee meet, and to address a number of the issues that we have brought forward, as well as issues that other parties would like to see us discuss.

The Standing Committee on Rules, Elections and Privileges should have a chance to meet and to consider ways to improve procedures in this Legislature. Mr. Speaker, we think the public deserves to know how the public funds will be spent. We think that all departments should be debated during a sitting in the House and the debate should not be closed on the last day of the sitting without several departmental budgets having been debated. The Yukon Legislative Assembly needs to ensure that budgets are discharged through the authority of the *Financial Administration Act*.

A meeting of the Standing Committee on Rules, Elections and Privileges would give the members appointed to that committee time to consider how we can improve the legislative process. All members of the Assembly need to have adequate time to debate budget bills in this House.

The Government House Leader said that this motion was necessary to reduce the risk of an opposition filibustering an interim supply bill and then that being a risk that the government couldn't afford to take.

As I said earlier, the only time that I am aware of that that in fact occurred was when the Yukon Party opposition talked out an interim supply measure. This motion is, in fact, about applying a guillotine clause to interim supply. If the interim supply bill is called early enough in a legislative session, it can be concluded and debate can close before March 31, before the end of a fiscal year.

Amendment proposed

Ms. Moorcroft: Accordingly, I move an amendment to Motion No. 46. I move

THAT Motion No. 46 be amended by striking all of the words following "THAT", and substituting the following:

"(1) the matter of the application of the provisions of Standing Order 76 to an interim supply appropriation bill be

referred to the Standing Committee on Rules, Elections and Privileges; and

“THAT the Standing Committee on Rules, Elections and Privileges meet within 60 days of the final sitting day of the 2011 fall sitting to consider this matter.”

Speaker: If we can get the members’ attention here, the amendment is in order. We’ll just wait while we obtain copies for every member.

Order please. It has been moved by the Member for Copperbelt South

THAT Motion No. 46 be amended by striking all of the words following THAT, and substituting the following:

(1) the matter of the application of the provisions of Standing Order 76 to an interim supply appropriation bill be referred to the Standing Committee on Rules, Elections and Privileges; and

(2) the Standing Committee on Rules, Elections, and Privileges meet within 60 days of the final sitting day of the 2011 fall sitting to consider this matter.

Ms. Moorcroft: Mr. Speaker, I have moved this motion in a spirit of collaboration of having the members of this House delegate to the Standing Committee on Rules, Elections and Privileges a matter that certainly does fall within its purview. I believe that this is a reasonable approach. As I said in speaking to the main motion, I think it is vitally important that we acknowledge our fundamental responsibility to be accountable to the public, understanding that we are spending the public’s money, and that we have time for adequate debate of the expenditures.

I would encourage members of the House to support this amendment to the motion that we put the question of whether in fact a guillotine clause is suitable to how we conduct business in this House, and specifically, is suitable to an interim supply bill, referred to the Standing Committee on Rules, Elections and Privileges. As far as the arguments that the Government House Leader made in saying there was a possibility of opposition parties filibustering an interim supply bill in the Legislature, I don’t think that’s something that has been a problem in the past. As I stated, the only occurrence of that was when the Yukon Party opposition at one time did filibuster an interim supply measure beyond March 31. While there was discussion of the orderly shut down of government, that’s not a risk that led to any great problems at that time.

The government could bring in a special warrant in the absence of the interim supply bill being approved or, in fact, the interim supply bill could come forward again on the next sitting day and be approved.

What I would like to see in this Assembly is that we appropriately debate the expenditures that are the public funds, that we have the time to have a debate on all the departments in the main estimates. The debate on the interim supply bill is not frequently very lengthy. It generally goes through before the end of the fiscal year. The government has the control of the timing of the Legislative Assembly and can bring forward their

interim supply bill early enough in March so there would be time for it to pass.

I can assure him that we in the Official Opposition would not filibuster an interim supply measure, unlike the Yukon Party, which has done so in the past. I would ask members to support this amendment, that we put the matter of the provisions of Standing Order 76 and whether they should apply to an interim supply appropriation bill over to consideration of the Standing Committee on Rules, Elections and Privileges.

The Standing Committee on Rules, Elections and Privileges does need to meet to consider a number of other items that have been identified both by the government and opposition members, and I encourage members to support this amendment.

Hon. Mr. Cathers: First of all, one thing I need to emphasize to the Member for Copperbelt South is that the member should be aware, considering her past time in government, that government cannot use a special warrant when the Legislature is in session, as the member suggested the government could do if an interim supply bill was set. Let me again remind members, for those who haven’t read this, or who are somewhat confused by the Standing Orders, the only reason this clause would ever be triggered, as they can confirm by consulting with the Clerk of this Assembly or other impartial members, is if the Opposition wanted to talk out an interim supply bill beyond the last sitting day in a fiscal year; in layman’s terms, the last day of March. So the assurance from the Member for Copperbelt South that, of course, this Official Opposition would never, never, never dream of talking out an interim supply bill to deprive the government of spending authority rings quite hollow.

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Member for Copperbelt South, on a point of order.

Ms. Moorcroft: The member opposite is imputing a motive to me and to the Official Opposition that we would talk out the clock to prevent the government from passing an interim supply measure. He has no basis on which to impute that motive.

Some Hon. Member: (Inaudible)

Speaker: The Government House Leader, on the point of order.

Hon. Mr. Cathers: On the point of order, I believe this is merely a dispute between members. I simply indicated that I don’t accept the member’s assurance.

Speaker’s ruling

Speaker: The Chair is ready to issue a ruling. This is a dispute between members and, as such, is not a point of order. The Government House Leader has the floor.

Hon. Mr. Cathers: What I want to emphasize to members is that, if they are not familiar with this proposed change, it does one thing and one thing only. The only reason this clause would ever be triggered is if an opposition member

was trying to talk an interim supply bill out beyond the last sitting day of a fiscal year.

As I pointed out to the Member for Copperbelt South, her understanding is simply incorrect in her proposal that government, if an interim supply bill were filibustered beyond the end of a fiscal year, could simply approach the Commissioner for a special warrant. Considering her past time in government, the member ought to know that is not something that can occur. When the House is in session, government cannot approach the Commissioner for a special warrant.

What should be understood about the proposal by the member opposite is that if the amendment proposed by the Member for Copperbelt South passed, it would put the government in the situation of needing to use a special warrant in the spring of 2012. The reason government presented this one change to the Standing Orders at this point in time is that we would rather the House have the opportunity to review an interim supply bill and vote on it, instead of using a special warrant in the spring of 2012, if at all possible.

Again, there will be times government may have no choice but to use a special warrant, but our intent and our desire is to reduce that use as much as possible and, instead, have those appropriations approved by the Legislative Assembly prior to that spending approval being granted by the Commissioner.

What members opposite should understand is that a vote for the amendment proposed by the Member for Copperbelt South is a vote in favour of using a special warrant in the spring of 2012. They should be clear about that. The Member for Copperbelt South tried to get into other matters related to the guillotine and again got into the common opposition position that places all blame on the government for any perceived issues in delays in the review of budgetary matters and the length of time of a sitting. The opposition is involved equally in debate in this Assembly and the opposition chooses how to manage their time, how many questions to ask, when to ask them and how much repetitive debate and rhetoric they wish to engage in themselves.

Again, what I need to emphasize to members is that the only reason for members to oppose the change presented by the government, the only reason for members to support the amendment put forward by the MLA for Copperbelt South, is if the opposition wants to engage in political games and have the government be in a situation of either having to do special warrants and them then being able to criticize the government for doing what they themselves would do, or if they actually do want to filibuster an interim supply bill as a political move.

This is a timely motion. That is why we brought it forward today — for one very simple reason. We are bringing this proposed change to the Standing Orders forward — aside from the others that will take more time to discuss at the Standing Committee on Rules, Elections and Privileges — namely, the government wants to reduce the use of special warrants whenever possible and instead use interim supply bills in the spring to allow this House to vote on that appropriation prior to the Commissioner approving the spending.

The government will be opposing the amendment put forward by the Member for Copperbelt South and I would encour-

age members of the opposition to very seriously consider doing the same, and if not, to be prepared to explain to the public, to their constituents, why they are in favour of using a special warrant in the spring of 2012 rather than passing a very simple amendment which the government expects, barring some very significant unforeseen circumstance, would allow the government to present an interim supply appropriation bill and avoid the use of a special warrant in the spring of 2012.

Ms. Hanson: Well, I guess I have to express for the record my disappointment that, at the first opportunity, the Official Opposition House leader would choose this as — rather, the Government House Leader. He acts like something else. Anyway, the Government House Leader chooses again to tell Yukoners what they should do, what the Official Opposition should do, when, in fact, we are elected by the public to represent them and to hold this government to account. As the member opposite has made clear, this government has a lot of experience with the exercise and use of special warrants, time after time after time again. So why should we be surprised that they might want to use them again? No surprise to us.

The Official Opposition is well aware of the number of inches of print that *Hansard* contains during what is called budget debate, Mr. Speaker. In fact, it is not a debate. We have seen, and we saw it again this week, and we are going to see it again this afternoon, where the members opposite — the ministers responsible for various departments, in response to questions — I go back to the comments that were made by the Commissioner on the very first day of this Legislative Assembly. He cautioned us. He said, “Young and old will look to you for leadership, inspiration, and most importantly, assurance — assurance that your first care is to the well-being of our citizens. While putting much effort into crafting clever questions designed to embarrass, and evading answers to that same end, may seem like the smart thing to do, putting effort into eliciting reasonable and useful information on both sides is perhaps the courageous thing to do.”

What we’ve seen demonstrated here in response to repeated requests from the Official Opposition and from the Third Party to work in a collaborative and cooperative way is to put out a motion that impugns suspicion, suggests that what this opposition would do is something beneath the dignity of every elected member. I suggest to you, Mr. Speaker, that it is really disappointing to see this as the first motion coming from the Government House Leader.

Some Hon. Member: (Inaudible)

Point of order

Speaker: Government House Leader, on a point of order.

Hon. Mr. Cathers: I believe the Leader of the Official Opposition is in contravention of Standing Order 19(g) in suggesting that the government’s reason, and my reason, for putting forward this motion was to impugn motive, in some way, on to them. The member herself is impugning motive. I made very clear the intention of this motion, which is to improve the structure of our Standing Orders and improve the House’s ability to scrutinize spending.

Speaker: Leader of the Official Opposition, on the point of order.

Ms. Hanson: There is no point of order. The member opposite clearly has a difference of opinion — simply that.

Speaker: I remind the member that telling the Chair there is no point of order — that's my ruling, my decision to make. Thank you.

Speaker's ruling

Speaker: Order please. To the Leader of the Official Opposition, your quote from *Hansard* — you said it was from the Commissioner; it was actually from my speech. I'm just correcting that for the record, but I appreciate you using it.

On the question of the point of order, there is no point of order.

Is there any further debate on the motion as amended?

Amendment to Motion No. 46 negatived

Speaker: We will now resume debate on the original motion.

Are there any other members who wish to speak on the original motion?

Mr. Elias: I would like to take this opportunity to speak on the original motion presented by the Member for Lake Laberge. We, too, in the Liberal caucus, oppose this motion put forward to the House today.

Since I have been in this Legislative Assembly, looking at my notes here from 2007, I believe our caucus has put forward more than — it looks like about 27 items for the Standing Committee on Rules, Elections and Privileges to deal with. Going by memory here — and I'm sure somebody in this House will correct me if I'm wrong — the SCREP committee hasn't met in a couple of years to deal with these items. So it is unfortunate that the Yukon Party government only changes or amends the Standing Orders when it suits their agenda. I think it would be in the public's best interest to conduct a broader review of the rules of this House and not just the one-off that, I might add, both the New Democratic Party and Yukon Party are suggesting on the floor of the House today, and convene the Standing Committee on Rules, Elections and Privileges to deal with the items that everyone is concerned about and talk it out.

We in the Liberal caucus were also not allowed to filibuster on an interim supply measures bill. There are a lot of items that are important to discuss in SCREP. I listened to the arguments coming from the Member for Lake Laberge about his definition of working collaboratively in SCREP, but again, they haven't called a meeting in years. He talks about time and consideration and asking to address areas in the Standing Orders. We've put forward a number of letters, a number of ideas submitted to this Legislature, that have fallen on deaf ears. We in the Liberal caucus don't support the motion on those grounds. I think it's in the best interest to look at all the issues that all parties have and deal with all the issues through the proper channels. This 33rd Legislative Assembly has the opportunity to do that.

I was going to go through the multitude of excellent innovative ideas the Liberal caucus has put forward in the past to

the Standing Committee on Rules, Elections and Privileges, but I'll save that for a better time. We have an opportunity here to work together and not just do a one-off, which both the New Democratic Party and the Yukon Party are suggesting here today.

I would like to do a broader public review of all the issues that have been put on the table in the past and deal with them all, not just on an individual basis. Those are the comments I have for now. Thank you for your indulgence, Mr. Speaker.

Speaker: I remind the member, if he now chooses to speak, he will close debate. Are there any other members who wish to be heard?

Mr. Tredger: I was a little concerned when the member opposite partook in some fearmongering, suggesting that the New Democrats — a vote against this — the New Democratic caucus would conduct itself in a way like the Yukon Party did and hold up —

Some Hon. Member: (Inaudible)

Unparliamentary language

Speaker: Government House Leader, on a point of order.

Hon. Mr. Cathers: I believe the term "fearmongering" has been ruled out of order in the past.

Speaker: Member for Copperbelt South, on the point of order.

Withdrawal of remark

Mr. Tredger: Creating anxiety — I'll withdraw the comment "fearmongering" and change it to "creating anxiety."

Speaker: Withdrawn. Thank you.

The Member for Mayo-Tatchun has the floor.

Mr. Tredger: Where was I? Sorry about that — concerned that that implication would be there. I have made a commitment to my constituency, as many people here have, that we would refrain from that kind of name-calling, that kind of implication that brings down everybody here. We have an opportunity, Mr. Speaker — maybe the only opportunity. I am concerned with the way things are going right now. I really think we should, as the Copperbelt South member stated — we the Official Opposition want SCREP to consider these discussions.

Speaker: If the member speaks now, he will close debate. Are there any other members wishing to speak? Government House Leader.

Hon. Mr. Cathers: Mr. Speaker, again what I would point out to the Official Opposition House Leader — I would encourage him to review the Blues and point out that, in fact, in beginning my introductory remarks on this motion, I did not, as the member suggested I did, point any fingers at the opposition.

I encouraged them to support the proposed motion and pointed out to all members and to anyone listening that the only good reason a member would actually have for opposing this

change to the Standing Orders is if they didn't want to see that change and wanted the government put in the situation of either bringing special warrants forward, which the opposition could then engage in political games and criticize them for, or if they actually wanted to filibuster an interim supply bill as a political move.

I did not suggest the opposition had that intention. I did point out my view, and that is my view, that the only reasons for any member of this Assembly to vote against this motion are not good ones. They are about politics rather than about having this Legislative Assembly have the opportunity to review appropriations.

The member has referred to other areas. As I pointed out to members, the government remains willing to engage in discussions at SCREP about other proposed changes to the Standing Orders. What I do have to remind the interim Liberal leader is that in the last term, I was a member of SCREP. I can't recall whether the member was at that time, but the reason SCREP's consideration of potential changes to the Standing Orders broke down was because of the position put forward by the then Liberal House Leader, the former Member for Kluane, who was insistent that the Standing Committee on Rules, Elections and Privileges direct the Clerk to do a review of the entire Commonwealth and all new and emerging ways of considering conducting business in the Legislative Assembly.

The government's position was then that we were prepared to consider possible specific changes proposed by anyone, but we were not prepared to spend significant amounts of time and money mired in an exercise that amounted to little more than navel-gazing, in our view, about potential new systems.

So again, Mr. Speaker, that is, in fact, the context of this. In referring to this motion, I would encourage members of the opposition who may not have made up their minds on this proposed change to the Standing Orders, or who might wish to reconsider their positions, that in fact, again, the only thing that this proposed change does is create a situation where if an interim supply bill is on the Order Paper and has not received the final votes on the very last sitting day of the fiscal year, that debate ends and the remaining votes are taken without further delay.

The only thing this does — the only time this would come into effect and the only reason the clause would ever be triggered is if an opposition member or opposition caucuses wanted to talk an interim supply bill out beyond the last sitting day in a fiscal year. Again, this motion, this amendment, does one thing and one thing only. It is about moving away from using special warrants any more than we have to — reducing the use of special warrants, increasing the ability of this House to review interim supply bills without taking the risk of having an opposition member play a political game that reduces the government's ability to pay its bills, to pay for critical services, including medevacs and hospital services and others. Again, as I had to —

Some Hon. Member: (Inaudible)

Point of order

Ms. Hanson: I believe that the member opposite is engaging in — I believe it is 19(c), a needless repetition. We

have heard exactly the same phrasing and phraseology used at least four times during the course of this repetition of his arguments to make his case about this motion. I think we have heard it once, twice, three times. I would suggest it is time for question.

Hon. Mr. Cathers: On the point of order, I am summarizing the effect of this. I believe there is no point of order. I think the member is simply again misinterpreting the Standing Orders.

Some Hon. Member: (Inaudible)

Speaker's ruling

Speaker: Order please. I will remind the member not to direct the Chair.

On the point of order, I agree with the member of the Official Opposition that there is a point of order.

We will go to the question.

Motion No. 46 agreed to

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. McLeod): Order please. Committee of the Whole will now come to order.

Motion re appearance of witnesses

Committee of the Whole Motion No. 1

Hon. Mr. Cathers: I move

THAT Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole from 3:30 p.m. to 5:30 p.m. on Tuesday, December 13, 2011, to discuss matters relating to the Yukon Workers' Compensation Health and Safety Board.

Chair: It has been moved by Mr. Cathers

THAT Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole from 3:30 p.m. to 5:30 p.m. on Tuesday, December 13, 2011, to discuss matters relating to the Yukon Workers' Compensation Health and Safety Board.

Ms. Hanson: The Official Opposition is encouraged and happy to be receiving the representatives of the Workers' Compensation Health and Safety Board. We would only note, again keeping in mind the intention of this House to work in cooperation and collaboration, that it would be appreciated to receive this motion, and have this motion made as normal practice, as I understand it, the day prior or several days prior, as opposed to an hour prior.

Hon. Mr. Cathers: Madam Chair, I would encourage the Leader of the Official Opposition to consult with her House Leader. In fact, I did inform both House Leaders last week that we would be bringing these witnesses forward this week, and in fact, if the member would look back, she will see that while on some occasions notice has been given in the House and a motion discussed when the House is itself in session; in fact, it has been the practice, for many years on many occasions, that the motion to call witnesses before Committee is done at the very start of Committee on the day that those witnesses are called. That is exactly what is occurring. Again, last week, I did provide notice to both House Leaders that witnesses would be occurring today.

Ms. Hanson: Madam Chair, I am not trying to be argumentative or belabour the point. I'm just simply saying that it would be nice as a courtesy to provide that notice to the House. I appreciate that there are changes made.

It was suggested to our House Leader it would be Monday or Tuesday, then the date confirmed as Tuesday at 3:30. So I'm comfortable. I'm simply saying that let's try to work and give each other advance notice so that we can all receive guests to this Legislature in a civil way and be well-prepared.

Chair: Thank you. Is there any further debate?

Motion agreed to

Chair: Before we move on to our next order of business, I'm going to ask if members wish a brief recess.

All Hon. Members: Agreed.

Chair: We'll recess for 15 minutes.

Recess

Chair: Committee of the Whole will now come to order. The matter before the Committee is Bill No. 3, *Second Appropriation Act, 2011-12*.

We'll proceed with Vote 54, Tourism and Culture.

Bill No. 3 — Second Appropriation Act, 2011-12 — continued

Department of Tourism and Culture

Hon. Mr. Nixon: It's an honour for me to be the Minister of Tourism and Culture and to be part of a team that does much to promote Yukon as a destination of choice on the national and international scenes. Thus far, I've had the opportunity to meet some of the hard-working staff of the department. I've learned that they are dedicated and very passionate about what they do to serve Yukoners and the public good.

I have visited the paleontology and archeology units, and I had the pleasure of meeting staff with the historic sites unit and at the Yukon Archives. I have also had the opportunity to meet with some of the arts community and to see first-hand the wonderful relationship they have working with the arts section.

Just last night I spoke at an event for the All-City Band Society. I can tell you that I was extremely impressed by the young, up-and-coming musicians who performed at "Music For a Winter's Eve" at the Yukon Arts Centre. These budding musicians clearly practiced countless hours to put on a show of excellence. I was honoured to have been invited.

I look forward to meeting other members of this hard-working department, who are dedicated individuals and committed to doing their very best.

At this time I would also like to wish my constituents in Porter Creek South, and all Yukoners alike, a Merry Christmas and a Happy New Year.

It's my pleasure to introduce the Supplementary Budget, No. 1, for the Department of Tourism and Culture for the 2011-12 fiscal year. The department is seeking a total of approximately \$3.561 million, with \$1.852 million attributed to the O&M area and \$1.125 million to the capital component. As well, we are expecting recoveries to increase by \$584,000.

I'll begin with operation and maintenance expenditures, with its increase of just over \$1.852 million. This breaks down to an increase of \$665,000 for the Cultural Services branch and an increase of \$1.187 million for the Tourism branch.

With regard to the Cultural Services branch, revotes and supplemental funding is requested as follows: \$8,000 revote for the Stay Another Day program in support of the Yukon Historical and Museums Association contribution agreement for the Yukon Heritage Fair and to complete work on the Whitehorse Art Walk brochures, which generated public support for, and awareness of, Yukon's heritage; \$17,000 revote for historic sites maintenance to cover outstanding commitments under the historic properties assistance program, which supports heritage preservation by providing funding to eligible projects that are privately owned, historic properties deemed historically significant; \$71,000 revote for maintenance projects with the Klane Museum provided through the museum contribution program and building upgrades program to assist with building renovations; \$128,000 revote for ongoing museum training through the heritage and cultural capacity development initiative, working in partnership with Vuntut Gwitchin First Nation and Yukon College. The certificate program provides training to qualified First Nation citizens who have an interest in learning more about heritage and cultural resources as a career option; \$44,000 revote in support of the community development trust and the heritage and culture essential skills program, administered in partnership with Yukon College, providing training to First Nation citizens interested in gaining essential knowledge and competency skills to work in Yukon's heritage sector.

There is a \$21,000 revote in support of community museums through the museums assistance program. The funding is provided to the Keno City Mining Museum — \$2,000 for their heritage attraction site support — and three museums for their special projects capital assistance program projects, or SPCAP. They are the Teslin Tlingit Heritage Centre — \$10,000; the MacBride Museum — \$4,000; and the Teslin Historical and Museum Society — \$5,000.

The special projects capital assistance program was first launched in 2006 and supports specialized and small capital projects that can include joint marketing initiatives, artifact inventory and cataloguing, exhibit planning and development, collections management and revenue generation.

We have a \$296,000 revote in support of the arts fund to facilitate approved projects started in 2010-11 and not completed by that year-end. They will be completed this fiscal year.

A \$16,000 revote is in support of the touring artist fund to facilitate approved projects started in 2010-11 and not completed by that year-end. They will be completed this fiscal year.

We also have a \$44,000 revote for the Artist in the School program to cover the agreement with the Yukon Art Society, which administers the program. As many of us know, funding programs help individual artists and art collectives and organizations share their expertise, knowledge and skills through community involvement, which engages audiences and fosters artistic expression and engagement.

In addition to the above, we have \$25,000 supplemental funding in support of the federal-territorial-provincial ministers responsible for cultural and heritage conference hosted by Yukon in Whitehorse this past summer. The ministers came together to discuss the importance of working in collaboration to ensure that a central role for arts, culture and heritage remain strong in all the jurisdictions across Canada.

There is also \$23,000 supplemental funding, additional support, for a total of \$28,000 for the use of workspace at 133 Industrial Road. The full \$28,000 is transferable to Highways and Public Works to cover the annual lease agreement. The additional space was required to accommodate a historic sites, restoration and reproduction specialist whose work is key to the conservation of Yukon's historic buildings. The workshop area has been relocated from Environment's parks building to 133 Industrial Road, where the position is now adjacent to other units within the Cultural Services branch. The total amount in O&M requests for the Cultural Services branch is \$665,000.

With regard to Tourism branch, revotes and supplemental funding is requested as follows: \$104,000 revote for Destination: Yukon, a focused marketing campaign targeting Canadians who leverage the awareness and media coverage of the Scotiabank Hockey Day in Canada event hosted in Whitehorse.

This one-time opportunity was marketed in April and May and enhanced awareness and inquiries about travel to Yukon in the summer of 2011. A \$30,000 revote for product development and research to facilitate approved projects started in 2010-11 and not completed by that year-end. They will be completed this fiscal year. The projects help to grow year-round tourism products and services that meet market demand and reflect Yukon value. We also have a \$250,000 revote in support of the tourism cooperative marketing fund for approved projects started in 2010-11 and not completed by that year-end. They will be completed this fiscal year. This important fund is designed as a 50:50 cost-share program with industry operators that supports marketing initiatives, partnerships and attendance at trade and consumer shows. With regard to marketing, we have \$219,000 supplemental funding in support of the overseas travel destination awareness project funded by CanNor.

The revote supports projects that were approved in the previous fiscal year but were not able to commence until the CanNor funding agreement was approved, which took place in February.

A further \$584,000 supplementary funding is in support of the overseas travel destination awareness project, funded by CanNor and being deployed this fiscal year. The funding is 100-percent recoverable from Canada. The total amount in O&M requests for the Tourism branch is \$1.187 million.

With regard to the total capital expenditures for the department, we have an increase of \$1.125 million, which consists of revotes and supplementary funding.

For the Corporate Services branch, we have \$41,000 — a \$36,000 revote and \$5,000 IRMC approval for IT system development, replacements and upgrades. We also have \$20,000 supplementary funding for air-quality improvements to the Tourism Business Centre building. The total amount in capital requests for the Corporate Services branch is \$61,000.

The Cultural Services branch revotes and supplemental funding is requested as follows: \$135,000 in supplemental funding in support of workspace improvements at 133 Industrial Road to meet Occupational Health and Safety requirements under the *Workers' Compensation Act* for staff working in the facility.

We also have \$43,000 in supplemental funding for carpet replacement in the Yukon Beringia Interpretive Centre theatre and offices. Each year the centre receives in the neighbourhood of about 20,000 visitors.

There is \$16,000 in supplemental funding to complete improvements at the Yukon Arts Centre. Their work in the development and presentation of fine arts helps not only individual artists, but groups and collectives to share their artistic vision with audiences far and wide.

\$80,000 in supplemental funding is to complete renovations on the Guild Hall, which is also home to the Northern Lights School of Dance and other community groups who use the facility for rehearsals and performances.

A further \$378,000 in supplemental funding is to continue the work at the Yukon Archives to address humidity and air-handling quality control started in 2010.

The total amount in capital requests for the Cultural Services branch is \$652,000.

The Tourism branch revotes and supplemental funding is requested as follows: \$83,000 revote to complete capital projects and upgrades to the visitor information centre portion of the new Champagne and Aishihik First Nations Cultural Centre due to open next year; the Carcross White Pass & Yukon Route depot and the Beaver Creek visitor information centre.

As we know, visitor services are paramount in providing exceptional service and information to visitors and residents when travelling throughout Yukon.

We also have \$200,000 supplemental funding in support of the Whitehorse airport enhancement project with all funds recoverable from Canada. The enhancement project is an important investment providing visitors a glimpse of Yukon's business, culture and heritage sectors through an array of artwork and photography, offering a welcoming environment to those arriving or departing at the airport.

With regard to consumer and client website support, we have \$114,000 in supplemental funding toward the development and deployment of social media tools on the

www.travel yukon.com website, creating a tool for Yukon operators to upload their travel packages and market them.

In addition, the funding has provided Yukon tourism operators with a one-stop shop to access a marketing calendar, marketing intelligence, photography and other tools used to enhance the marketing and sales of Yukon experiences on the Internet.

We also have \$15,000 in supplementary funding toward the ongoing support of Yukon scenic drives, which promote driving itineraries to all regions of Yukon on the www.travel yukon.com website. More than 80 percent of Yukon visitors report they have visited the www.travel yukon.com and operator websites to assist them in planning their trip to Yukon.

The total amount in capital requests for the Tourism branch is \$412,000. With regard to recoveries under the department's O&M budget, we have \$584,000 that is sought through CanNor — Canadian Northern Economic Development Agency — and strategic investments in the northern economic development fund for the overseas travel destination awareness project. This funding is 100-percent recoverable from Canada.

Thank you, Madam Chair. I look forward to questions from the members opposite.

Mr. Barr: I would like to congratulate the Hon. Member for Porter Creek South on his appointment to Minister of Tourism and Culture and the other portfolio. I share, I think, in his excitement over the tourism and culture in Yukon and the projects that have been going on for the past while and that I look forward to seeing in the future, and working with him and talking about some of these things.

I just have a couple of questions actually. One of them is — as we look in the House here, if members would take notice of these plaques — one on the right and one on the left, I believe — this is a Calvin Morberg plaque and this is a Jared Kane plaque, and the iron work was done by Mike Morrow of Tagish.

The carvers are from the Northern Cultural Expression Society. I am aware that the honourable member and the past Tourism and Culture minister were at a dugout canoe showing of the film. It was a great testament to the work that goes on in that program. Tourists, from my experience, show up in there to buy the carvings. We do have schools that have raised totems as a result of this program. It is one of the programs that now allows members of the House to give dignitaries masks. The opportunities for culture and tourism not only enable these folks to move forward in their lives in a holistic way — mentally, physically, spiritually, emotionally — it is something that has been great for a number of years. I understand that maybe the doors are closing March 31 in the journey part of that program.

So I would ask the member if he would consider funding this program past March 31. I would be happy to meet with him and sit down with him and explore this further. On another question, I noticed a significant increase of \$378,000 for Archives' preservation projects. Is this amount for funding projects specifically, and what projects, if possible?

Hon. Mr. Nixon: I thank the member opposite for his question. I don't know if I've had the opportunity to congratulate him on his big win also. I appreciate the comments.

I did have the opportunity to attend the Yukon Arts Centre to see *Dugout* and I was happy to see I knew quite a few of the youth who were portrayed in that film. It was one of the first hugs I've received from the member opposite and the member over here that he referred to earlier, late last week.

The deputy ministers of Tourism and Culture, Justice, Health and Social Services, and Education will be meeting with the Northern Cultural Expressions Society, tomorrow, Wednesday, December 14, to discuss the society's future funding needs and to review the society's business plan. The deputies will brief the government on the meeting and present options for government's consideration. It would be premature to outline a position on the society's funding request before this briefing. We do feel the society deserves a timely response from the government and we are committed to providing a response in the very near future.

Mr. Barr: I would just like to state that my second question was answered in the minister's first address, so I don't need to go there. Thank you.

Mr. Silver: I would like to, as well, congratulate the minister on his appointment and on his election win. We were gossiping about you today in the Liberal caucus and it was mentioned from the community that you were an elegant speaker in the community, and we look forward to working with you in the House in that capacity. Also, welcome to Deputy Minister Ms. Waters, as well.

The message that I would like to start with for the new minister is to work with what we have and don't try to create a market where there is little development on the ground floor. Instead, rely on the strengths of our history and, therefore, our people. In particular, focus on developing and building First Nation performing arts and traditional artifacts that would build on the momentum that Council of Yukon First Nations' cultural contingent at the Olympics started. It would play well for a wide range of demographics.

We are presenting a budget today and I would like to go over a few numbers that the Klondike Institute of Art and Culture put forward in a fiscal report. This is a summary — *Annual Economic Footprint of the Visual and Performing Arts in Dawson City*. The total direct and ancillary Dawson City arts spending is \$3,202,428;

the total direct impact on Yukon's GDP: \$1,769,044; total direct and indirect impact on Yukon jobs full-time equivalent: 49.5 jobs; total direct and indirect and induced impact on Dawson City's GDP: \$2,383,666; and finally, total impact on Dawson City property taxes is just under \$40,000.

Arts and culture allow the Yukon to differentiate itself. Lots of places in the world are beautiful and remote, but the wellspring of traditional arts is strong here. Government involvement in this industry should focus primarily on strengthening the staffing infrastructure in existing cultural institutions rather than creating new projects. Existing cultural institutions are already embedded in the local communities. Strong cultural institutions retain citizens. This is particularly important in iso-

lated local communities like mine. This will lead to a better approach in the tourism inclusion. Cultural tourism happens because of successful cultural institutions.

My question would be: is there funding to be allocated in cultural tourism? Could he speak a little bit to that?

Hon. Mr. Nixon: I thank the member opposite for his question. I know he's very dedicated to looking out for the best interests of people in his riding.

We do have to explore the options of cultural tourism. We have been working with Adäka, and I was fortunate enough to attend the one morning of that conference. It's important to state the importance of that component to Yukon.

So those are options that we are exploring, working with the First Nations on cultural tourism. I look forward to continuing future workshops with Adäka and exploring other options.

Hon. Mr. Cathers: As per standard practice, I move that we take a break, a brief recess, to allow time for witnesses for Workers' Compensation Health and Safety Board to appear.

Chair: Are you agreed?

All Hon. Members: Agreed.

Hon. Mr. Cathers: Thank you, Madam Chair, I move that you report on progress on Bill No. 3, *Second Appropriation Act, 2011-12*.

Chair: It has been moved by Mr. Cathers that the Chair report progress.

Motion agreed to

Chair: Pursuant to section 102 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 1, the Committee will receive witnesses from the Yukon Workers' Compensation Health and Safety Board. In order to allow the witnesses to take their places in the Chamber, the Committee will now recess and reconvene at 3:30 p.m.

Recess

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

Appearance of witnesses

Chair: Pursuant to section 102 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 1 adopted on this day, Committee of the Whole will now receive witnesses from the Yukon Workers' Compensation Health and Safety Board. I would ask all members to remember to refer their remarks through the Chair when addressing the witnesses and I would also ask the witnesses to refer their answers through the Chair when they are responding to the members of the Committee.

Mr. Graham, I believe you will introduce the witnesses.

Witnesses introduced

Hon. Mr. Graham: It is my pleasure to introduce the witnesses appearing before Committee of the Whole today. They are Mark Pike, the chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board.

Chair: Would the witnesses like to make opening remarks?

Mr. Pike: I will start. As Minister Graham mentioned, my name is Mark Pike and I'm the chair of the Yukon Workers' Compensation Health and Safety Board. For us, it has been a year of accomplishments. We've developed a five-year strategic plan in consultation with a significant number of stakeholders and have come up with a vision of zero. Our vision is zero disabilities, zero deaths and zero injuries. People will argue that's not possible, but we say, "Well, why not?"

We've continued a program where our assessment rates are decreasing. Our return-to-work outcomes for workers are second to none and, in fact, we are leading the country in the latest stats we have available to us. Our stakeholder partners are intimately involved with us and are onside with all our decisions. I believe in any consultation you have with them, they would commend us for the amount of time and effort we put into making sure those relationships work.

That's really all I have to say in the opening remarks.

Ms. Royle: I think Mr. Pike has said it all.

Ms. Hanson: I also join the minister in welcoming Mr. Pike and Ms. Royle to the Legislative Assembly. It's a great opportunity to be able to meet with you and talk about some of the challenges and opportunities that the Workers' Compensation Health and Safety Board has effaced and, from all the information we've seen and had the opportunity to review since your last appearance before this Legislative Assembly last year, the story has changed and, in many ways, changed in a positive way, in terms of meeting those challenges.

I was pleased to have the opportunity to see Ms. Royle do a presentation at the Yukon Chamber of Commerce's Opportunities North conference. You outlined both in that presentation, as well as in the Workers' Compensation Health and Safety Board's strategic plan and the annual report.

There are a number of these challenges and opportunities and that is what I hope we could focus on this afternoon. Just with respect, in terms of general questions and then I hope that you will bear with me as I would like to go into some detail into the actual comments and some questions that arise from the annual report, but I had a couple of general questions — and they are really simple ones, I suppose — in terms of the environmental scan. I made note of the opportunity that arises with First Nations government structures and development corporations and the possibility that Workers' Compensation Health and Safety Board can assist developing employers to ensure assessment and return-to-work programs and others with these development corporations. My question: are you currently working as a Workers' Compensation Health and Safety Board with any of the First Nations development corporations, and, if so, which ones would they be?

Ms. Royle: Thank you for the question. Madam Chair, we are currently working with the Council of Yukon First Nations and they have representation on our stakeholder committees. Right now that is vacant, unfortunately.

We had a wonderful representative, Brenda Jackson, who we thank for her commitment and her input. We are looking for

a replacement on that, and then we need to meet with Council of Yukon First Nations to look at targeting some of the development corporations. That work has not yet begun, but that's our plan for 2012.

Ms. Hanson: I also note in the strategic plan's environmental scan mention is made that the — just as you had at the Opportunities North — we have this boom economy that we are currently experiencing right now. The challenges there in terms of growth in mining and construction camps can mean an increased number of camps where, and I quote, “captive workers” are covered basically 24/7. They are there for long stretches of time. That means that Workers' Compensation Health and Safety Board must manage resources, programs and services in this commodity-based boom economy, but has to be able to adapt quickly to a bust economy. I am wondering, what are the implications — or have you seen implications with respect to increased staff for the Workers' Compensation Health and Safety Board in response to these pressures which, on the one hand are very welcome because it does mean increased economic activity but, on the other hand, can put pressures on organizations such as yours?

Ms. Royle: In 2011, we certainly saw that boom in mining and mining-related construction, and in response to that mid-year — which is very unusual for our board — the board adjusted the budget and we had approval for three additional health and safety officers to address the concerns, particularly in those sectors. Camp workers — “captive workers”, in the workers' compensation language — certainly have more challenges with respect to health and safety, because they are covered 24/7, generally — there are exceptions. But they're generally covered 24/7, and a lot of employers are unaware of the implications of that and how to effectively manage those types of things within their employment situation.

So we have increased our number of health and safety officers. We stationed an officer full-time in Dawson City over the last summer, and that is planned again for 2012. In fact, we are looking at creating an office in Dawson in the short term to be able to continue that work. So we've seen a lot of progress, particularly in the mining industry and exploration industry, around health and safety. But it needed the additional resources and the board has approved those. We've also approved an additional assessment auditor. We currently have one. Starting in January, we will have a second auditor because our number of employers has grown significantly with the increasing economy. So those additional resources are on a temporary basis for three years because, again, we're not committing to full-time, permanent resources until we're in a new, full-time — this is a new future for us, so we're doing that piece.

On our return-to-work, we are creatively trying to find new programs to deal with workers who are fly-in, fly-out, and that's typically what many of these workers are in the exploration industry. They are not living in Yukon; they're flying into Yukon; they're working here for three weeks and then they're going home for a week or two weeks or whatever their schedule is. So that brings challenges as well, and we are looking to our colleagues across the country. I think we're probably going to be doing some creative problem-solving around those issues,

but we certainly have the staffing to address the economy as it stands today.

Ms. Hanson: Thank you for that response. With respect to the fly-in, fly-out workers in your presentation at Opportunities North, you talked about 600 net new employers and I can't recall offhand the number of — there was definitely an increase in the number of the employees who are registered. I'm wondering if you could speak to the number of the new employees who are covered by the 600 net new employers that the Workers' Compensation Health and Safety Board would assess as being in that category of fly-in, fly-out. Then, I guess, the second part of that question: what is the difference, in terms of follow-up or follow-through, with a worker who is injured, and return-to-work provisions and planning that is required if somebody is not in this jurisdiction?

Ms. Royle: So to the first part of your question, the 600 net new employers, we don't track numbers of workers. We track payroll. With those 600 employers, we are looking at probably an additional \$4 million to \$5 million in assessments. Those are significant. We don't know the numbers of workers, and we won't know their final payroll until February 28, 2012, when they report on 2011 on their actuals — similar to how we file taxes. Once we know that, we'll have a better handle on the real payroll of those new employers.

How many workers are out of territory? Again, until those workers file their income tax returns and we know where they are actually living, we won't know for sure. But anecdotally, our claims staff are indicating a significant number of those injuries in those industries are workers whose home address is not Yukon.

So the challenges around that — because we are very much focused on return to work — it has done significant good for our system, for workers, for our cost of claims, and residually our assessment rates for employers. That's really important.

We're about instant return-to-work, if we can. In fact, our strategic plan for 2012-16 starts to talk about staying at work — so not losing any time beyond the day of injury. What happens when we have fly-in, fly-out workers is, when they're injured, they tend to leave the territory and go home, particularly if they're injured near the end of their shift. So, at the end of their three weeks or the end of the time, they go home. That's fair enough, because oftentimes you want to recover with your own health care provider in your own home and that's their pattern of employment. But what it means is that when they go home, they're not available for returning to work in Yukon with their Yukon employer. The consequence of that is we have seen our claims cost increase slightly for the short term. However, our results at 90 days post-injury are still the same as they were in 2010 and 2009. So we're challenged early on, but we're still getting the workers back to work. It's just taking longer. Our long-term liability is not necessarily being affected by this, but our short-term cash costs are. It's not millions of dollars, but it's definitely in the range of hundreds of thousands of dollars on a cash basis. Workers are going to be on for those two weeks longer because they're not here to re-

turn to work. If they were in the territory, we would be able to get them back to work earlier.

Chair: If I can just remind everyone to address their questions through the Chair, I'd appreciate that. Thank you.

Ms. Hanson: Picking up on that last point with respect to — in the short term, WCB is not necessarily affected. I am wondering if the witness could speak to the planning. The witness mentioned earlier that the planning horizon right now in terms of additional staff and related activity is for a three-year planning horizon just in case we are in this bubble and it bursts. Is there a risk-management plan with respect to a longer term horizon should we see a sustained level of activity should one of these mines or more of these mines actually carry through with the projected plans for a life of 10, 15 or 20 years?

Ms. Royle: We do all of our budgeting and staffing allocations, our planning — we do a five-year strategic plan, but we monitor quarterly at the board of directors level. We also monitor weekly, daily, monthly internally, as well, to monitor those trends. Should an adjustment be needed, our board of directors has been very good at dealing with issues when we bring them forward, even if they are not in the normal cycle of review.

That enables us to bring forward issues when we see, okay, this is a long-term situation. The 600 net new employers in 2011 have carried over to 2012 and are continuing. Those are the types of statistics we bring back to our board of directors so we can make decisions — these three-year positions may become permanent; they may be extended to five; they may end up being shortened to two, depending on where things are going.

We're constantly monitoring that and trying to keep abreast of where things are. We're very fortunate in the territory. We have a number of employers who are on actual payroll, which means every month they let us know how much their actual payroll is. That gives us a really good indicator of what's happening.

Many of the smaller employers estimate once a year and then they give us their actuals the next year, but the larger employers are on actual, and that gives us a good sense of what's happening.

Ms. Hanson: I appreciate the response to that question. With the witnesses' indulgence, I'd like to move through the annual report. I have a number of questions and I want to refer to this report. Some questions were raised that link to the report. They were raised when the witnesses appeared before this Legislature last year in November — November 8 actually, just to sort of round the circle in terms of bringing closure to come questions that were posed by my predecessor, the late Mr. Cardiff, in this Legislature to the witnesses.

I used the word "advisedly" when I said earlier about begging the witnesses' indulgence, because this is a new area for me. It wasn't an area that, as a critic, I had spent much time on. So I'm learning rapidly, and I'm fascinated by the material and the information and the scope of the work of the Yukon Workers' Compensation Health and Safety Board. If I ask questions that seem like I'm going into — I'll try not to ask for needless

details, but I am asking it because I am curious, and I think they are questions that interested citizens — interested people — would raise.

In the report — and recognizing that this is an annual report from 2010. Some ideas were put out in this report and I will be asking the witnesses to speak to the experience to date because we're almost at the end of this calendar year, which I'm presuming is your reporting year — calendar year — speaking to you and them at the same time.

In the report, the board indicated that starting next year, i.e. in 2011, employers who provided specified safety and/or return-to-work training for the workers would be eligible to receive credit rebates on their assessment premium accounts, ranging from four to six percent of their annual assessment premiums.

Madam Chair, I would ask the witnesses if they could tell us how many in 2011 so far have received those kinds of rebates?

Mr. Pike: I'll go first. I believe the program you are referring to is the CHOICES program. The board was concerned that the program maybe was not accomplishing its total objective, and so we, in consultation with the management, came up with a simplified form for the CHOICES program to be applied for. I am talking at the board level now. I do not know the exact numbers of people who took advantage of that in 2011, and I will defer that to Ms. Royle, if we happen to have the stats of how many people have used that program.

Ms. Royle: On December 1, 2010, we announced the new program.

So employers had one month to qualify for 2011 — so I'll preface that. We could have delayed it another year, but we felt that there were employers who would qualify, even though there was only a month. So for 2011, under the new program, we have 135 employers, who have received \$506,000 in rebates, particularly employers who are certificate of recognition-approved — COR, C-COR and other COR programs. There are 128 of those employers who met that requirement. So there are significant monies going to the employers who are certified in those programs.

We do have a CHOICES coordinator, who is full-time out talking to employers, making sure they are able to meet the requirements of the program for 2011, which they report on in 2012. So on February 28, all employers in the territory are required to report to the board their estimate for 2012 and their actual payroll for 2011, and on that form is where employers will indicate that they qualify for the CHOICES program. So they're either COR-certified, small employer COR, owner-operator COR or they've met the training hours requirement.

Once that is finalized, we'll know the final numbers for 2011 under the new program. We're actively out there, talking to employers. Our slogan on that is "Tick the Box". It truly is a box on the form that, if you're COR-certified and you tick it, you get 10 percent back in assessment rebates. If you have your training hours done, you tick the box. We think a lot of employers don't realize they have the training done, so small employers who do first aid training, anybody who is doing confined-space injury and all the types of training that happens in

our workplaces can use those to qualify for CHOICES. A lot of people just didn't know that was the case, so we're putting a full push on and, by the February 28 reporting deadline — so next March — we will know our final numbers for 2011 for the CHOICES program.

We're hopeful that more employers can take advantage of it. We did budget \$750,000 for the CHOICES program. The large employers have taken advantage of it, by the fact that we've distributed \$506,000. Our volume is in small employers, and they're the ones we need to target so they can get some advantages from this program. The total amount per employer will not be large but, for a small employer, that could be significant and it might help to fund another initiative or whatever that small employer decides to do with the money.

That's our target right now: tick the box for CHOICES. We're hoping to see a lot more uptake from our employers.

Ms. Hanson: Thank you to the witnesses for that response. I think that it makes sense that that kind of incentive should produce responses and results. I would be interested if the witnesses could speak to the question that I have about whether or not there is a correlation between those employers who have ticked the box and are recognized in terms of being rewarded in terms of work safety and improvements. Is there a direct correlation that you can see for those ones who have completed the COR or the COR programming and also who received the CHOICES incentive rebate?

Ms. Royle: That's a great question. Obviously there may be other things at play, but to give you an example, one of our industries that has much risk is the bridge construction and road construction industry. That industry is our heaviest concentration of COR employers. In fact, Yukon Contractors Association started the Northern Safety Network Yukon and brought the COR program to the territory, so they have been heavily involved in COR since the beginning.

In 2009, their assessment rate was over \$9 per \$100. That rate is dropping dramatically, down to just over \$3 for 2012.

They have seen, last year, a 47-percent decrease and they will see another 22-percent decrease in 2012. As an example of the power that we believe the COR program has — I mean, this is about management safety systems, so it's changing the culture in the workplace around safety and how people think of safety. I know personally, in my six years in the territory, I have seen a distinct difference, visibly, in the construction industry with respect to personal protective equipment, use of fall arrest equipment and so on. We still have a way to go, but that industry, in particular has been the forerunner of COR, so they have had it the longest. It is not an overnight fix. An industry that participates in COR and gets certified in 2011 is not going to see results overnight. For that particular industry, it took five years before they really saw the changes and that's because we used 10 years' of claims history to set our assessment rates. It takes a long time to turn that particular boat around, and a 47-percent decrease for 2011 and 22 percent in 2012 is a testimony to the COR program and the CHOICES program.

Ms. Hanson: Thank you very much for that answer. As the witness was speaking, I was looking quickly, and remembered that when she made her presentation she had used

those figures. It is quite striking when you look at the rapid downward trajectory of the rates for certain industries.

Coming back to the annual report, I have a number of questions with respect to comments made, both in your strategic plan that increasing numbers of foreign workers, particularly temporary foreign workers, represent a challenge in ensuring that they understand their Occupational Health and Safety rights and responsibilities and that they are trained in identifying and mitigating the hazards of their jobs and workplaces in a manner that they can understand. That's repeated in the annual report, Madam Chair — the board noted that the board has been prompted to be proactive in assisting these new workers to understand their rights and responsibilities. I'm curious and I would be interested in hearing from the witnesses — there is mention made of a partnership with WorkSafeBC whereby the workers' compensation has made available free, over-the-phone interpretive services for employers and foreign workers.

I'm just curious — it strikes me as difficult enough when you're in a foreign country, probably not that comfortable with expressing any concerns about anything — so how effective is the telephone contact and what's the range of services that are provided to somebody over the telephone? How long has that been in place? How do workers know about this service and how it works? Are there any concerns or questions with respect to the accessibility of this service by temporary foreign workers who, just by nature of their being here, are temporary, foreign and unfamiliar?

Ms. Royle: Temporary foreign workers are certainly a challenge, and they're a challenge for every board across the country. So we were very fortunate to partner with WorkSafeBC around their language line. A key word in that service is interpretive services. So it's not a translation service. These are interpreters who can spend the time to explain concepts to foreign workers. So a concept such as unsafe work or dangerous work — dangerous work, in some of the places our foreign workers come from looks very different than it does in Yukon. Things that they would think are acceptable in their culture which would be dangerous work here — that's a cultural paradigm that needs to be shifted. So an interpreter can help explain those concepts.

We often find in our use of the service that we might say something and it takes 10 minutes to explain what we have said; that is the interpretation piece, so that is important. We did do a launch of that language line when we introduced it, and certainly got good pickup from the local media, and we are very appreciative of that around the services available. We do have it out in workplaces where there are foreign workers.

We also have a representative sitting on the Department of Education's Advanced Education group, who are working on the annex with the federal government around foreign workers to try to address some of these issues proactively in the work-permitting process to provide some assurances up front around protection of rights to refuse unsafe work, right to file compensation, and what happens in those situations so that people are not afraid to file a claim for compensation because they are afraid that something will happen with their work permit. It is

really important that the work permit address those issues and we are working with the Department of Education on that part.

So far the language line is quite accessible. We have over 179 languages available. It is very cost effective for us because, as noted, we partner with WorkSafeBC, so we are not the main contracting body. We use it on a permanent basis, as needed. It can be accessible whenever our staff notes that we have a worker who is an English language learner or English is their second language; then we make that available. We can access it anywhere.

Our staff members have the card, where they have an access code. If we're out of the workplace — we have a safety officer who is out there and who wants to be able to explain a concept to a worker, then we can hook in right there. We can bring in the language line interpreter on the phone and be able to talk to that person in the language of their choice. So that's very, very helpful.

The cultural issues are something that is going to take awhile to work on. Our belief is that it really stems back to that work permit and having the legal document that gives assurance to a worker that it's okay in Canada and Yukon, in particular, to question the safety of your work; to request training; that you have the right to know; you have the right to participate — things that workers from places like the Philippines are totally unfamiliar with because, quite frankly, they don't exist in their cultures. So that's really important.

Our safety officers are working with employers on issues around language of the workplace so that when you have a large group of workers who are speaking a foreign language, that becomes the language of the workplace, which means supervision needs to take place in that language and all the materials need to be provided in that language, and a lot of employers don't realize that those are the cases. So those are some of the types of issues that we're dealing with.

So we're trying to be proactive, working with the Department of Education on the work permitting process and then trying to deal with the situations as they arise. Our OH&S officers are one of the targets that we have. When we have a large number of foreign workers, those are workplaces that we're interested in and that we frequent more often than not.

Ms. Hanson: I don't want to go too far on this one. I just want to ask to clarify — so the Occupation Health and Safety officer would be at certain work sites on a regular basis. Of the 179 languages, could the witnesses identify which would be the sort of key language groupings that are accessing or have accessed the service in Yukon? If it's not through an Occupational Health and Safety officer that they make this link or connection for this interpretive service, is it a 1-800 number, or how does it work?

Ms. Royle: It is a 1-800 number, but it's accessed through our staff. So, for example, we've had physicians who have called and have an injured worker in their office, who doesn't understand. So we can make that link to get the language line service available. If it's something technical, like a medical consultation, usually the language line people like to have a heads-up to say, "Okay, in half an hour, we'll have someone available," because they want to get somebody who

has medical terminology, et cetera. But for most concepts, we can get somebody on the line within 30 seconds to make that connection. So our safety officers may use it. When our case managers or our adjudicators are dealing with a worker who doesn't seem to understand because English is not their first language, then we can access the language line as well.

I don't have the figures on which languages have been accessed, but I know anecdotally that Tagalog would be used, which is the Filipino language, and Spanish would be another one. We generally don't need German or French because we do have staff who are bilingual in those languages. But if we didn't, German would be used as well.

Ms. Hanson: I would be interested in also exploring further the reference — we have used the language here about "temporary foreign workers". I would ask the witnesses if they would distinguish between the temporary foreign workers that I'm hearing described, or those that I would call under the Yukon nominee program, who are here on a fixed term, with a view that they hopefully, potentially, will become citizens of this country, having completed the requirements of the Yukon nominee program. There is a broader category of temporary foreign workers, and I am wondering if the Workers' Compensation Health and Safety Board, considering its strategic plan refers to temporary foreign workers representing a challenge, if that distinction is made and, if so, how the Workers' Compensation Health and Safety Board would treat the two groups differently?

Ms. Royle: We haven't to date really made a huge distinction between the two groups. What we are looking at are workers who, number one, would have language problems in understanding what's happening in their workplace or their rights, et cetera, and number two, have cultural problems in understanding those issues. Whether they are under the temporary foreign worker nominee program or they are in the country under other things awaiting citizenship, they would be able to access the same types of services. For the temporary foreign workers, particularly with the nominee program, we feel we have an ability to address some of their concerns through the work permitting process. That would be a distinction for that group. But generally any worker or employer who struggles with language or cultural differences would fall under the category of someone who needs our assistance with either the language line or with other services or special attention. Those types of people have always been here. What we are finding now, and why we address it in our strategic plan, is that the numbers have certainly increased and the need for those services is even more apparent than it had been.

Ms. Hanson: I think there is a point worth some discussion here with respect to temporary foreign workers because we are probably all aware that the federal government made some changes and, as we understand the territorial government is in the process of working with the federal government to negotiate, through Advanced Education, some changes that would allow particularly industrial sectors to engage — the classic use of the phrase — temporary foreign workers, workers who will come here for a fixed period of time and, unlike the nominee program, will not become citizens or not have the

ability to do that. So there is experience elsewhere in Canada, and I guess I would cite the example of Fort McMurray tar sands where there had been numbers of years of experience of temporary foreign workers who were flown in from all around the world, depending on which parts of the world — where there are different things going on — it has been South America, Venezuela, you name it — or, more recently, China, where, with the increased investment in the tar sands area, with the Chinese bringing in large numbers of temporary — emphasis, temporary — foreign workers. I guess the question I would have is, do we currently have in the Yukon any large — by Yukon standards — I'm not talking about hundreds, yet — though we do have projections of mines that will be employing 600 or more workers over the course of the next few years.

Do we have any large number of temporary foreign workers at particular mine sites or other workplaces — going back to my question in terms of our ability or the ability of the Yukon Workers' Compensation Health and Safety Board to effectively engage with those workers to address real serious issues of health and safety. We've seen past experience in Alberta where there have been deaths because of the inability to speak the language, understand health and safety basic rules. So it's one thing when we have some sense that somebody is going to be here for a period of time and we can work with them, but when somebody is a fly-in, fly-out — and coming perhaps under duress or fear that if they speak out at all, will be going back to the country that has a particularly sad history with safety records in certain industries.

So I guess the two-part question is this: do we have any temporary foreign — in the use of the words I'm using here, "temporary foreign workers", those who are not eligible under the nominee program for continued residence in the Yukon — at mine sites or other workplaces and how does the Yukon Workers' Compensation Health and Safety Board anticipate addressing that, given that's the pattern of industrial activity elsewhere in Canada and around the world?

Ms. Royle: To the first part of your question, I am not aware of any that have a significant number of these truly temporary foreign workers who will not live or reside in Yukon, who will fly out. However, we are anticipating that that will happen. I mean the changes that the federal government has announced are to facilitate that so that we are anticipating that that will happen. We will have to deal with those differently, for sure; they are a very different group. Our strategy is to remain on top of it, to work with those individual employers, and there may be particular requirements for those employers that are different because of the workforce that they employ. I think we are going to have to look at that on a case-by-case basis, employer by employer with respect to safety, personnel, the numbers that are going to be available there, what language they are going to be speaking and how they do that. We know it's an issue; we certainly are planning for it, and I think we are going to be dealing with those employers individually to make sure that workers are aware of their rights and that safety is paramount. We are certainly aware of the experiences our colleagues have had in other jurisdictions, particularly Alberta, with respect to the Chinese workers in Fort McMurray and the issues around safety, around

McMurray and the issues around safety, around compensation, the whole gamut. It is quite serious. That is our plan right now — case by case. As we get more then perhaps we can develop policy that is more broadly approached, but we are looking at individual response at the moment.

Ms. Hanson: Madam Chair, I would ask a question on the last area on this subject. Earlier in the discussion, the witnesses described some of the challenges with respect to return to work. We pride ourselves, and I again congratulate Workers' Compensation Health and Safety Board on the improving statistics on return to work. I would ask them to speak to what challenges and potential mitigation there will be with respect to workers injured in the workplace or killed in the workplace, who come from not just another jurisdiction within this country, but another country altogether and who may not, as was said most eloquently earlier, have no such thing as workers' compensation or any rights for workers. How will we ensure that these workers will receive the compensation that is their due should there be an injury that is no fault of their own?

Ms. Royle: Thank you, Madam Chair. We are part of the National Association of Workers' Compensation Boards of Canada so some of our colleagues have a lot more experience with these things than we do. I actually am the executive sponsor for our National Compensation and Benefits Committee and one of the areas that we look at in every meeting is foreign workers.

So we're always sharing experiences. We're certainly aware of the challenges of paying compensation outside of the country when we have to do that now. But for some countries, their culture is quite different with respect to who would be a dependant, for example. Under our legislation, it's very clear who a dependant would be, but in China, their culture is very different. We know that they have experienced problems and have developed solutions, so we're not going to reinvent the wheel where we don't have to. We will certainly work with them to make those things known.

One of the great features of our act in the Yukon is the fact that medical practitioners in this territory are required by law to report work-related injuries or anything that may be a work-related injury. I know sometimes people say, "Oh, you know, my doctor asked me if this is work-related." Well, your doctor has to ask if it's work-related. So because we have that provision of what is work-related and what may be, physicians in this territory are very good at reporting through to us. In fact, one of our best areas of reporting is our health care providers and our hospitals. So for anybody who needs medical attention outside the workplace, we are very confident that we will get the report very quickly on those so that we can action with respect to compensation payments.

We are concerned about how we get those payments if the worker needs to go back to China, to Venezuela, et cetera. We'll have to determine how we do that. As I said, we can draw on the experience of other jurisdictions and perhaps use some of their mechanisms to be able to get the money into the proper hands in those countries.

It is extremely difficult to case manage outside of Canada, even in the United States, which is very similar to us, but their

health care system is not similar. As soon as we have any worker who is outside our country, it becomes much more difficult. We have workers now who choose, for whatever reason, to leave Yukon and move to France or wherever. We are paying benefits outside of the country, but active case management and return to work becomes extremely difficult.

In many cases, we are going to be looking at when the Yukon employer can offer suitable employment and a worker has chosen to return to their country of residence; there are implications around that in respect to mitigating loss. The Yukon employers have a responsibility here, but they do not have that same responsibility in China, as an example.

We do know that those are going to be very, very challenging and we are definitely relying on our relationships with other jurisdictions that have already had this experience with Guatemalan workers. British Columbia has extensive experience with the agricultural industry with Mexican workers, Colombian, et cetera — from Central America. We will be drawing on their expertise wherever we can. As we get more experienced ourselves and, as I said earlier, once we see where these employers are and what industry they are in, if we have a number of them then, perhaps, we will develop our own policy around a group of employers or an industry to deal with these issues.

It's definitely going to be challenging; there are just no two ways about it. We have our jurisdiction in Yukon Territory. We can extend across Canada through agreements with other boards, but once we get outside our borders, then everything becomes a different ballgame.

Ms. Hanson: I thank the witness for that reply and perhaps what we could do is suggest to the Minister of Economic Development when he's next in China working with investors here that he adds that to his agenda as well.

I would like to turn now to some of the policy areas that were identified in the annual report. One of the main policy areas for development that the annual report references is section 41 of the *Workers' Compensation Act*, which for those who would be reading this in *Hansard*, I'll just read what it says. It was proclaimed in 2010 and this section provides re-employment protection to injured workers once they're medically able to return to their jobs. It says also that only employers with 20 or more workers are subject to this section and it applies only to workers injured on or after this January 1, 2011.

So I was interested in a number of the sections that are highlighted.

One of the areas is that workplace parties — the employer and workers — are responsible for determining whether the alternative employment — sorry, I should have referenced it. It is the section that talks about alternative employment that is comparable to pre-injury employment. It says that the workplace parties are responsible for determining whether the alternative employment is comparable in nature and in earnings to the pre-injury employment. If the workplace parties can't agree, then the Workers' Compensation Health and Safety Board makes the final determination. I'd be interested if the witnesses could speak to how often this occurs and if there is a numerical value in terms of the number of — it sounds like mediated solutions have occurred over the past year — and if

there is a quantitative aspect to it, in terms of the value of the earnings.

Mr. Pike: I just wanted to first say that, in developing those programs, employers were extensively involved and agreed that these programs were acceptable — in fact, were good. Our stats prove that the employers are buying in — and I'll turn the exact numbers over to Val in a second — with respect to voluntarily trying to make sure that every injured worker has a chance to come back to the workplace and find either similar employment or other employment that is within their capabilities.

I'm speaking now from the board level where, almost across the board, are groups of stakeholders that have said, "Yes, we're in for that and it's not an issue for us to do that." With respect to the exact numbers, I'll have to ask Val to address that.

Ms. Royle: To put this in context, if I may, there are two big sections of the act that affect return to work. One is section 40, which came into effect July 1, 2008, and that's the duty to cooperate during recovery, and that the employer and the worker work together so the worker goes back to work while they're recovering. So that has been in effect since July 1, 2008.

Section 41, the re-employment obligation, came into effect on January 1, 2011. So all of the return-to-work results that you seen in this annual report were gained under section 40, which is a cooperative piece. When the legislation was proposed, we had sections 40 and 41 — we had wanted them to come in together. That was the experience of other jurisdictions. They brought them in together, because they felt — there is cooperation, but then you need this stick at the end to say, "You have to re-employ, employer." Because the implementation of section 41 was delayed, we went ahead and implemented section 40. It works extremely well, and it has worked extremely well, even without section 41.

In fact, I am unaware of any situations where we have had to go and mediate alternative work. Workers are going back to work under section 40, which is the happy, cooperative piece of the legislation. Both sides are required to cooperate, but it has been working extremely well. So we have issued no penalties under section 41, and we have had no issues, to my knowledge, under section 41. In fact, in most cases, when employers are made aware, it seems to work very, very well. Our return-to-work outcomes have been based on section 40, and section 41 is a good protection for workers. It makes sure their job is there for up to two years after their injury. It just seems to flow from section 40.

So, not by design, but by reality, we implemented section 40 before section 41. No other jurisdiction in Canada did that. I don't think anyone realizes the real power of the legislation was section 40. Everyone assumed it was the "stick" in section 41. It's interesting that Yukon has proved that that wasn't the case — that the working cooperatively has gotten us the best results in Canada, not the hammer of section 41.

We've had no issues with it, to my knowledge, and are extremely happy with the policies rolled out.

As Mr. Pike said, everything was agreed to, and we haven't had any issues because the majority of workers are going back to work under section 40, Early and Safe Return to Work.

Ms. Hanson: That's encouraging to hear. I'm encouraged also to hear that cooperation — that's clearly the preferred option of this side, for cooperation on all things. So that's great. I'm curious — under section 7 with respect to the compliance with re-employment obligations — whether there are any sectors — and it has to do with the issue of when a worker is medically able to perform the essential duties and there's an obligation to offer re-employment to a worker who has been injured and now is deemed medically able to perform jobs. Are there any employment sectors that this section doesn't apply to? Or is it universal in application?

Ms. Royle: In Yukon, there are no industries or sectors excluded from section 41. The section applies in two circumstances — two things have to be met. First, the employer, regardless of their industry, must regularly employ 20 or more workers. So that's the first criteria. The second criterion is that the injured worker must have had an employment relationship with that employer for at least 12 months prior to their injury. Employment relationship doesn't mean full-time employed. It could be a seasonal worker who was hired one year, laid off in accordance with the season, and rehired the next season. They have an employment relationship. Those are the criteria for section 41. There is no industry inclusion around this, other than the size of the workplace.

Some other jurisdictions, when they brought this section in, excluded construction, for example. We did not do that in this territory. All industries were in agreement with this and everybody was in as long as you were a relatively large Yukon employer with 20 or more workers.

Ms. Hanson: I would like to raise some questions with respect to the section dealing with safety compliance. The annual report noted that there has been a history of employers not complying with Occupational Health and Safety's written orders to correct unsafe conditions or workplace hazards. In response to that, it is my understanding that there was implementation of an immediate penalty of \$250 that could be levied immediately, as of June 1, 2010, and that it was determined by the Workers' Compensation Health and Safety Board that this was successful and that employers were found to comply with written orders and no penalties were issued between June 1 and December 31, 2010. My question: is this still working and have we seen a continued success or is the shock impact waning?

Ms. Royle: We definitely had an impact when we brought it in. Certainly there are more reminders required over time and we're looking at a strategy for 2012 to try to renew that piece. But compliance has improved dramatically with the introduction of this. We always have a couple of employers who slip, but the penalty seems to be quite effective in helping them to realize their compliance requirements. This is just making sure they notify us that they've complied with the order. We go out and follow up and make sure they actually did what they said that they were supposed to do. So there are other penalties that have been levied against employers; this is the one around — once they have an order, did they fulfill it, in time,

based on the order that was written? We'll be looking at another campaign around making this awareness in 2012. So it has worked, it continues to work and we would like to make sure it's 100 percent again in 2012.

Ms. Hanson: The report also speaks to the adoption of a zero-tolerance policy with immediate penalties for safety violation involving machine guards and equipment maintenance beginning June 1, 2010, and notes that there were a number of serious injuries in these two areas. There was also a note that four employers and one supervisor were issued administrative penalties for those kinds of infractions. I was curious as to how many of those during that period of time were with respect to young workers. Also, for this period in 2011, what is the zero-tolerance impact of this policy with respect to safety violations involving machine guards and equipment maintenance?

Ms. Royle: I do not have the numbers with respect to those four employers and one supervisor, and whether there were young workers involved in those situations, but I can certainly get that information and bring it back to the Committee, as well as the numbers for 2011. We continue our zero tolerance. Once we introduce it, it stays in effect and the penalties are issued as we move along, but I would have to find out with respect to young workers. I don't have that information as to how many.

We also, just to be clear, have another zero-tolerance policy that we introduced in 2009 around personal protective equipment. That remains in effect, as well. Then we added machine guard and machine maintenance in 2010. Those zero-tolerance policies continue in effect and I will get that information and bring it back with respect to the young worker component.

Ms. Hanson: The report also talks about information about penalties issued each month for Occupational Health and Safety infractions, which were posted on the Yukon Workers' Compensation Health and Safety Board's website starting in June 2010. Publicly releasing this information provides all employers with the opportunity to look at their workplaces and work habits to see if they have similar existing infractions. My question is, is this actually publicly naming them or are we giving illustrative examples of the kinds of infractions so that you shouldn't do this? Which is deemed more effective, the public naming and shaming or just simply talking about "these are not good things to do"?

Ms. Royle: This practice was actually in response to questions raised in this Assembly around this practice; in fact, people wanted names named. The board of directors had decided not to do that. We had taken the approach around talking about issues, et cetera, but the pressure was on around naming names.

So when the Yukon Workers' Compensation Health and Safety Board fell under ATIPP at the beginning of 2010, the legal opinion around ATIPP was that we could, in fact, share the names. So, yes, names are named. Workers' names are not. It will say "a worker". But the employer is listed and what type of infraction they got and the amount of the penalty.

When we started this, the media was very interested, and, in fact, would cover it. Each month, they waited for the names to come out. Of course, as that practice continued, it seems to be less and less of that occurring. But they are available publicly on our website. We do name the employer. So it's the name of the — if it's a limited company, et cetera, it is named, and then the individuals are not. The individual workers are not named. It will just say "a worker" and it will say the industry, the type of infraction and the dollar value.

Ms. Hanson: Just one other question in this area: with respect to consultations and the amendments made on minimum first aid regulations, there's a note that the proposed regulations will provide employers the flexibility to design their own emergency response in accordance with their situations, while still meeting compliance standards. My question: was this designed specifically to deal with large employers — for example, large mining interests?

Ms. Royle: The minimum first aid regulations deal with every workplace and every size. In fact, the issues were for all-size employers; large, small. In fact these have been in place for a long time. As an example of one of the outdated things: an employer of a certain number of workers needs to have an ambulance on-site under our current first aid regulations. In fact, that would have applied to the building of the residence on Hospital Road, a few feet from the hospital. So, that is an example of the outdatedness.

It's not just for large mining interests, it is for all employers, and employers have had to request variances, because these first aid regulations haven't really kept up with the territory's evolving health care system, EMS availability, et cetera. It will cut across all industries; all sizes of employers will be able to have a better sense of their first aid requirements under these new regulations. Obviously, we haven't met our implementation date in 2011. We had an election in 2011, as you are all aware, so we are moving those forward again. The consultation is done; we have full agreement from all sectors on these first aid regulations and we will put them through the process and hopefully have a 2012 implementation date.

Ms. Hanson: I'd like to move now to the area of young and new worker initiatives. I just wanted to refer back to the *Hansard* of last year because a few questions that were raised by Mr. Cardiff indicated there would be some follow-up. In reading the annual report, it seems to me that some of the same issues are still at play, and I wanted to come back to those if we could, Madam Chair.

So in November of last year, when there was the opportunity to meet or discuss with the representatives of the Yukon Workers' Compensation Health and Safety Board, the question came up about the progress being made on commitments to draft minimum age restrictions and changes that were supposed to come forward in 2011 to the *Employment Standards Act*. I don't see it in here, but what progress has been made in those areas? As we see in the statistics — and I'll ask the witnesses to respond to that. You know, we talk about the importance of young worker safety and, in 2009, the statistics indicated that over 130 young workers actually had claims accepted — these are people who are younger than 25 years old.

In 2010, that had gone up to 2,004. So there's clearly a whole series of related issues with respect to young workers and young workers' safety. So what progress has been made on the work that was to be done with the options with the Employment Standards Board on the development of minimum age restrictions? I'm aware that this has been in discussion, I think, going back — well, four years maybe. So what progress has been made there? We've got 204 young people under 25 having claims in 2010. How many do we have so far in 2011?

Ms. Royle: So, a number of points raised there. One, we've been working on particular young worker regulations since 2008, when Bill 109, the *Young Worker Protection Act*, was tabled in this Legislature. From that, we had a motion from the Legislative Assembly to go out and consult, which we have done.

We've consulted with parents, young workers, employers of young workers, industry representatives, and labour representatives to develop a consultation. From that, we have separated out some of the issues. First, for the Workers' Compensation Health and Safety Board, we are legislatively responsible for the *Occupational Health and Safety Act*. There are some pieces of this issue that need to be addressed under the *Employment Standards Act*. We have had to carve out those pieces and we're looking specifically at what we can do under the *Occupational Health and Safety Act*. We've engaged our prevention and safety advisory group, which consists of 26 industry and worker organizations around the territory on this issue, and that group directed us to write a letter to the Employment Standards Board requesting them to review the issues that we could not deal with legislatively in our purview. So that has been sent to that group. To date, we have not received a response on what they plan to do or not do with respect to things like a general minimum age in the territory and some of the things that would come under employment standards.

What does come under the *Occupational Health and Safety Act* and regulations is safety requirements for particular industries. From our perspective, we have worked with our stakeholder advisory committee — that prevention group — to develop recommendations around a minimum age for the safety issues in various industries. Those range from 14 years of age in retail to much older in construction and mining. We currently do have some legislation in mining, but very limited with respect to the age working at a working face of a mine, working with X-rays. That is currently in existence, but none of the others are. We have started to draft regulations that look at those types of things.

We have also had to address the issue of children of parents, where the parent is the employer. That was an area that was not agreed upon in the consultation. In fact, we had significant agreement, but that was one area where people were very diametrically opposed. Parents were feeling very strongly that it should be the parent — if they are a parent and an employer, they should determine. Others felt it doesn't matter if you are a child of the employer, it should still be. So we are dealing with that issue as well. While we work through those regulations — and we are ready to make a proposal to government with respect to where to go on these regulations — we

have introduced a code of practice for the supervision of young and new workers aimed at supervisors so that they understand the challenges of young and new workers bringing an enthusiasm to their work — sometimes an enthusiasm that is probably greater than their knowledge and ability to do the work, but how to deal with young workers and the orientation, the hazard assessment that goes along with this particular group of workers.

That has been in effect since January 1, 2010, and our feedback from the employer community has been greatly appreciated because now they have more guidelines on what to do to address these issues. Our safety advisory group, our Board of Directors, and our organization would like to make that a regulation as well — to make it stronger than a code of practice, to actually make it law. That is a proposal that will be moving forward to government as well.

That is where we are. We have the regulations drafted by industry with minimum ages by industry. We have a code of practice that has been in effect for almost two years now that we would like to make regulation. The reason that we would like to make it regulation is because one of the recommendations is that parents be able to be exempted for employing their own children under the ages, but that they would still have to follow the code of practice, which we would like to make regulation. That is where we are. We are dealing with an issue of the Government of Canada asking about our compliance with the International Labour Organization standard on young worker minimum ages. We are working through that piece with government and we are hoping to move the agenda forward. Where the Employment Standards Board is on this issue, I could not answer.

Ms. Hanson: Thank you, Madam Chair, and thank you to the witnesses for that response. It was helpful and set a context.

So if I understand correctly — if I could ask the witnesses — if the Employment Standards Board were to finally move forward and establish a general minimum working age in the territory, and if there were a determination by the Employment Standards Board about whether or not school-age children should be limited in the number of hours that they work in a given week, once that is determined, would the regulations of workers' compensation then apply to those children in their workplaces?

Ms. Royle: What we are proposing under the *Occupational Health and Safety Act* and regulations would be minimum ages in various industries. If the Employment Standards Board were to adopt a territory-wide minimum, then that would apply. But if that minimum were 14 and we say that it needs to be 18 for construction, then 18 would apply in construction. The part that is a bit tricky around some of this is that, under the *Occupational Health and Safety Act*, we only are responsible for territorially regulated employers. Employers who are federally regulated, such as banks, interjurisdictional trucking and telecommunications, don't fall under our act at all.

So even if we made the changes under the *Occupational Health and Safety Act* — which we can do, regardless of whether Employment Standards makes their decision — we

don't cover anybody who is in any federally regulated industry under the OH&S regulations. They're all covered for workers' compensation purposes, but they're not covered under the *Occupational Health and Safety Act*, so that leaves a gap in those industries.

In fact, our consultation doesn't cover every industry in the territory, even the ones that are under the *Occupational Health and Safety Act*. We were asked to consult on Bill 109 and Motion 542 and the confines of that. So there are still some industries where there's not a safety requirement for minimum age. That's what our purview is — if there is a bona fide safety requirement for a certain age in a certain industry, then we can make regulations or propose regulations to government. We can't propose regulations around school-age children and the number of hours they should be in school versus working, or impose a minimum age for the territory. That's an Employment Standards Board issue and that has been directed to them.

Ms. Hanson: I thank the witness for the clarification. I just want to make sure I have it clear. The witness spoke earlier about the minimum age for certain sectors, like retail being 14 years of age and an older age limit for, for example, the mining industry, which makes sense.

I believe, and I would just like the witness to clarify that there was some statement about parental employers being exempted. I am wondering if that also applies to mining. I am referring to placer mining, where it's a family-based industry. Are children deemed to be employees in those situations and how are workplace injuries dealt with?

Ms. Royle: At present, in the mining industry, you need to be 18 to work at the working face of a mine. That would include placer mining, for example. What these proposed regulations would do is keep that age 18 in place. However, if you are a parent of a child who is working at that working face — you are in a work relationship and you are getting paid to do your work, then you could be exempted from that. In fact, this proposed regulation would actually enable those types of employers who are also parents to have their children under the age of 18 at the face of the mine with them working, to get the experience and learn the family business for whatever reason they would like to do that. They still have to comply with all of the regulations of the *Occupational Health and Safety Act* with respect to training, orientation and supervision of those children.

But they could do it if they're the parent or legal guardian — but, you know, not the grandparent or the auntie or the uncle. The provision is around parents. So this is what our consultation resulted in. This is what our stakeholders think is reasonable. So that's what the proposal is moving forward on on that piece. That would apply to all industries — that the parental exemption is for all industries under the *Occupational Health and Safety Act* and regulations, including mining.

Ms. Hanson: In terms of the kinds of claims that are accepted — in terms of the description of what led to the claim — I just sort of observed that there were a number of — on page 8 of the annual report, it sort of has a chart there that speaks to the number of claims that were as a result of assaults, violent acts and harassment. The statistics here are just for the

year 2010, so I guess — and I couldn't read the chart up top because it's really tiny — in terms of whether, you know, we're seeing a change in that. There has been some anecdotal suggestion to me from several sectors that there is an increase in the number of stress-related disabilities and we hear about this from various work sectors, medical professionals and others.

So I'm wondering how the Workers' Compensation Health and Safety Board breaks out the number of accepted claims that are related to stress and whether or not these stress-related disabilities are on the rise statistically. Is there any difference with respect to how they're dealt with, in terms of supports in the return-to-work scenarios that were outlined prior? It's easy enough to see if your leg is fixed when it has been broken, but not quite so simple when they're talking about stress and other matters.

Ms. Royle: So a couple of points to make: one is that these accepted claim categories are part of the national work injury statistics program so the classification — assaults, violent acts and harassment — that terminology comes from that program, because in Yukon, our *Workers' Compensation Act* does not cover stress. So stress is not an injury in our jurisdiction. We do cover post-traumatic stress. Our policy will also consider cumulative stress that could lead to post-traumatic stress.

We don't only cover the one-traumatic-event type of PTSD, but we would cover PTSD that is a cumulative effect post-traumatic stress disorder. Our policy will cover that. But we do not cover stress; it is not a diagnosis under the diagnostic and statistical manual. It would have to be a diagnosis done by a clinical psychiatrist or clinical psychologist and it would have to meet the DSM-IV Test for PTSD, either cumulative or traumatic, in order to be accepted. We do not cover employment-related things like dismissal and stress arising from those types of labour relations issues. Our act is pretty specific in the Yukon that we don't cover stress. Other than post-traumatic stress, there would be no stress claims in these numbers.

Ms. Hanson: To confirm then, an EMS worker who through the course of their work, had accumulated stress that resulted in post-traumatic stress disorder would be eligible for this kind of accepted claim. Does that apply as well to harassment because assault, violent acts and harassment are all categorized the same?

Ms. Royle: To the question, yes, accumulated post-traumatic stress that has been diagnosed as such, if it were considered work-related compensable, would be a compensable situation, but the harassment piece, no. Again, the terminology that we use here is just part of that national work injury statistic program. So that's their classification. For harassment — unless it was an extremely exceptional circumstance — and I can't think of one, because otherwise I guess it wouldn't be that exceptional — would not be covered under our legislation.

Ms. Hanson: So then the statistics are even more kind of sad and shocking, in a way. We're suggesting, then, in 2010, there were 27 accepted claims because of assaults and violent acts against a worker on a workplace. Is that decreasing or in-

creasing over the past year? What are the trends or the trajectory for this calendar year?

Ms. Royle: I just looked at 2009. We had 15 in that category, so certainly, a huge increase this year. We're still talking small numbers though. In Yukon, one incident at one workplace can drive the numbers — not that that's not important, but it needs to be taken into consideration. So it's obviously worrying around those things. Our Occupational Health and Safety officers have attended at a number of those workplaces where we've had assaults on workers.

I'm sure that we could probably identify amongst ourselves what these types of workplaces tend to be, where there are violent individuals, who would take action against a worker. It is generally not worker against worker. It is not a worker fighting with another worker in a violent assault. It is generally a client, a patient, a resident who is perpetrating those types of assaults.

Ms. Hanson: Yes, I think that it is important to recognize the collateral damage that occurs in a workplace when there is this kind of incident. I thank the witness for her response and ask her only if she could clarify if this trajectory is continued. If it is 15 in 2009, and we have 27 reported for 2010, what would be the sense of the numbers for 2011? If this trajectory is still increasing, does it speak to the need for greater engagement with the employers on workplace safety training?

Ms. Royle: I do not have the number for 2011 today, but I can certainly get that for you to see where we are with that and check back with our Occupational Health and Safety folks to see, on the ground, what they are finding. I think there is a new facility soon that will address some of the issues in the sector, but I would have to get the 2011 numbers for you.

Ms. Hanson: I'd like to thank the witnesses for their patience this afternoon. They have been very helpful in helping me, and hopefully others, understand some of the complexities of the work and the challenges they're facing. I look forward to continued work with them over the course of the next years, as they face and identify the challenges that we as elected members need to be taking into consideration, as we think about the kinds of legislation that need to be brought into place, whether it's encouraging the Employment Standards Board to move on the young workers' issues and, in particular, making sure that as we move forward with our broad plans in this territory to expand industrially and economically, that we do look after and take great care with respect to the most important aspect of that, which is worker safety. It's a sound economic investment for us all, and we look forward to a return visit from the representatives of the Yukon Workers' Compensation Health and Safety Board and thank them very much for their presence this afternoon.

Mr. Silver: I would like to thank the president and the chair for appearing today. I would also like to thank the Member for Whitehorse Centre for her thorough review. It only leaves me with one particular question, and I would like to start with a comment. Spending over 15 years in the education system here in the Yukon, I have seen a lot of government programs come and go in the school system, and I just want to

comment on the Work Shouldn't Hurt program that is provided by Workers' Compensation Health and Safety Board. It's an excellent program, and it's one that I hope you continue to implement in the school system. I would like to also comment on the excellent implementation from — and I've known her for many years, but I still can't pronounce her last name: Natalie Thivierge. She does excellent work and a lot of times a government program will come into the schools, and it will be okay, but it's just a matter of how it is implemented. They have an excellent resource there in the implementation of that excellent program.

I just have the one question left. Where do we currently rank in Canada in terms of the assessment rates? We were once at the top of the list and the annual report says that we will no longer have the highest average rates in Canada. We just want to know exactly where we are rated at this point.

Mr. Pike: I'll start with that. Our rates have been dropping. They have dropped consistently for the last three years. We are ahead of the curve in terms of when we report our average rates, and so a lot of the other provinces and territories haven't gotten there yet with respect to the most current rates. Our consultation, when we're talking to the other boards, would indicate that we are now just about in the middle — maybe just slightly below the middle. They have been dropping. I've mentioned this when I talk to people, that that average rate is kind of a — I don't want to say it's a misnomer, but it's a statistic that's easily manipulated. What's happening in the territory is we have a significant growth in all our high-rate categories. So our average rate can in fact appear to be going up and look bad, while every employer is actually getting a decrease. Even saying that, we are now steadily skipping above provinces and I believe we're almost exactly in line with Ontario, if I believe what was verbally passed along to me. So we're getting there.

Ms. Royle: We just heard from Ontario. We will be one cent lower than Ontario in 2012. We were really excited about that. As Mr. Pike said, just to give you a sense of the 2012 rates, every employer in the territory will have a rate decrease in 2012.

They range from five percent to 22 percent. In fact, our hotel industry will have a 47-percent decrease in 2012. So even though our average rate went from 249 to 239 — which doesn't seem like a huge decrease — every industry will be decreasing again, some up to 22 percent and that one at 47 percent. So the math doesn't work for us on the average, even though we will take it that we're lower than Ontario, Newfoundland and Nova Scotia. So we're actually fourth. But until everybody else reports, we won't know where we'll land for 2012. But the employers are quite happy to receive their rate decreases for 2012, and we look forward to that.

Mr. Tredger: Thank you — truly a success story that the Workers' Compensation Board has brought to the Yukon, and thank you for your efforts in that.

I just have a couple of questions around a couple of different areas. I'm not quite sure how it works. The witness alluded to the 24-hour workers in camps. What about in our farming or our agricultural field? Do we have people who would be work-

ing on a farm and they would be on the farm, because often they're hosted there and work from there. Does that come up? Are you aware of it and how do we deal with that?

Ms. Royle: In fact, it is a good question. We recently had a representative of our organization speak to the agricultural association's annual general meeting and conference, and that was one of the issues that was raised. There are situations in agriculture where you will have somebody who can potentially be 24/7 worker, if they're living on the farm in exchange for work, for example. Those are issues that we'll be working with the industry on, as to what exactly is covered and what isn't covered and what employers in that industry can do to create a safe environment for all their workers. It is a great question — very topical. It was just last month that that was raised with our representative.

Mr. Tredger: Thank you very much for that answer. The other question is around the field of education. I know that a number of violent incidents happen in schools where children attack the adults taking care of them and, in daycares, that's typically under reported because educators are embarrassed that it happens — that kids shouldn't be violent for whatever reason. Have you been addressing that, and have the number of incidents been rising? Or, with awareness, have they been dropping?

Ms. Royle: Just to be clear, when we get an injury report, it's because the worker had to seek medical attention outside of the workplace or lost time beyond the day of injury, so that is what constitutes a claim or a report to us. We have been working very hard to help people understand that that is when to file a claim. With respect to claims, oftentimes those things don't result in a medical visit outside of the workplace, so I think that there are more incidences of that than we are seeing in our injury reporting, and it's not because of under reporting, but because it hasn't been serious enough — I know that *Hansard* did not get my air-quotes — but that seems to be the perception.

So they are quite serious. We have had some schools approach our Occupational Health and Safety branch and have been referred to training programs in non-violent restraint, for example, so that the teachers can learn to handle small children in restraining them and keeping them safe. They are not a violence offender, right? They are a child, so there is a special training program for non-violent restraint that we have been referring people to who are dealing with children who have behavioral types of issues. So from a complaints perspective, we are not seeing a large increase, but that doesn't mean that there isn't a lot of this stuff happening. It is just that the outcome isn't serious enough to require medical attention outside the workplace. I do know our Occupational Health and Safety branch has had calls around this issue and referred people to these training programs.

Ms. Moorcroft: I too would like to thank the Workers' Compensation Health and Safety Board representatives. It has been a very helpful discussion and I have enjoyed it this afternoon.

In looking at worker injuries — there are a number of different ways for reporting worker injuries — the numbers of

injuries reported, the numbers of claims that were accepted, and there's a chart of the time-loss rate per 100 covered workers. I note that you report for 2010 that there were fewer reported injuries in 2010. Do you know the total number of injuries reported to date in 2011 as we approach the end of the year? I drive by and I look at the numbers and try to roughly calculate how many per month are occurring and whether that rate might be going up or decreasing.

Ms. Royle: The last time I looked at the sign, it was 1,649, but that wasn't today. It was yesterday. So I don't know the number for today. I usually do, so I'm very annoyed that I don't know the number. Yes, so it is — we think it's slightly higher than last year. This is not surprising, because we have 600 more employers. So we're expecting that the actual number will be slightly higher, but right now we're projecting the incident rate per 100 covered workers will either be the same or less.

So the workforce has certainly grown. We don't get the final numbers on those until Yukon Statistics gives us the workforce numbers and they're behind. So we can get day-to-day on the number of injuries reported, but we don't get the workforce until about a month later; they lag behind us. So we're expecting by year-end we'll be at a lower incident rate, but probably a higher number of reported injuries. So what you see on the sign in front of the building on Strickland Street is the number of reported injuries. So these are people who would need medical attention outside the workplace or for whom the injury caused them to have lost time beyond the day of injury. They're not accepted claims; those are claims filed and that's why you'll see the various numbers. You know, there are injuries reported; then there are the actual ones that are accepted and of the accepted, how many are lost time and how many are health care-only claims, so that's how it breaks down.

Chair: Are there any further questions for our guests?

Hon. Mr. Graham: On behalf of Committee, I want to extend our appreciation to Mr. Pike and Ms. Royle for appearing here before the Committee today. I know that with all of those wonderful answers that you've provided to the members opposite, there won't be any further questions this session regarding Workers' Compensation Health and Safety Board. Thank you very much again. I appreciate it. We all appreciate them being here.

Chair: Thank you, Mr. Graham. The witnesses are now excused.

Witnesses excused

Chair: The Committee will adjourn for five minutes. We'll reconvene at 5:10.

Recess

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

Do we wish to resume the business of the day, being debate on Vote 54, Tourism and Culture?

Hon. Mr. Nixon: Staff have gone over to Tourism and Culture to find the Deputy Minister. We're just waiting to hear if she has left for the day or not.

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

Chair: It has been moved by Mr. Cathers that the Speaker resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 3, entitled *Second Appropriation Act, 2011-12*, and directed me to report progress. Also, pursuant to section 102 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 1, Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board and Valerie Royle, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board appeared as witnesses before Committee of the Whole from 3:30 to 5:10 p.m.

Speaker: You have heard the report from the Chair of Committee of the Whole. Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the motion carried.

Hon. Mr. Cathers: I move the House do now adjourn.

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

Motion agreed to

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

The House adjourned at 5:15 p.m.